



**Rutherford Electric  
Membership Corporation**

186 Hudlow Road • Post Office Box 1569  
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Telephone: (828) 245-1621 • Toll Free 1-800-521-0920  
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August 16, 2011

Renné Vance, Chief Clerk  
North Carolina Utilities Commission  
430 N. Salisbury Street  
Dobbs Building  
Raleigh, North Carolina 27603-5918

**FILED**

**AUG 17 2011**

Clerk's Office  
N.C. Utilities Commission

**OFFICIAL COPY**

*E-100, Sub 128*

Re: Renewable Energy Portfolio Standard

Dear Ms. Vance:

North Carolina Session Law 2007-397, otherwise known as Senate Bill 3, requires that municipal, cooperative, and investor-owned utilities make a filing with the North Carolina Utilities Commission (NCUC) to state their plans for meeting the renewable energy portfolio standard (REPS) requirements as set forth in the legislation. These filing requirements are defined in NCUC Rule R8-67, Renewable Energy and Energy Efficiency Portfolio Standard (REPS). Also, NCUC Rule R8-60, Integrated Resource Planning (IRP) and Filings require that each utility file a copy of their REPS compliance plan as a part of the IRP filing. This letter serves as the response of Rutherford Electric Membership Corporation in meeting the filing requirements of both Rule R8-60 and Rule R8-67 with respect to the REPS requirements.

Rutherford Electric Membership Corporation entered into a long term power supply agreement with Duke Energy Carolinas, LLC ("Duke") that commenced on September 1, 2006. As part of its portfolio of resources, Duke plans to provide services including delivery of renewable energy resources to certain wholesale customers to meet the REPS requirements. These wholesale customers – including electric membership corporations ("EMCs") and municipalities – may rely on Duke to provide this renewable energy delivery service in accordance with N.C. Gen. Stat. § 62-133.8(c)(2)e. As part of the long term agreement with Rutherford EMC, Duke has agreed to provide information and timely file any reports applicable to Rutherford EMC which are required to comply with the REPS or any rules and regulations promulgated thereunder.

*Full  
Dist.*

In discussions with Duke and following the same process as utilized in the 2008, 2009, and 2010 filings, it is our understanding that the utility will include Rutherford's load in Duke's filing for reporting purposes when filing their 2011 Integrated Resource Plan, pursuant to Rule R8-60, in accordance with the filing schedule approved by the NCUC. Duke Energy Carolinas will also reflect Rutherford EMC REPS obligation in Duke's



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2011 REPS compliance plan filed with the NCUC, pursuant to Rule R8-67. Enclosed is a letter dated August 12, 2011 from Joseph E. Harwood, Vice President of Duke Energy Carolinas, which affirms their intent to include Rutherford's load in Duke's Integrated Resource Plans and to reflect Rutherford's REPS obligation in Duke's REPS compliance plans.

Based on the above, we submit that Rutherford EMC is in compliance with the REPS reporting requirements of NCUC Rule R8-60, Integrated Resource Planning and Filings and NCUC Rule R8-67, Renewable Energy and Energy Efficiency Portfolio Standard.

If you have any questions about this matter, please contact me at 828.245.1621.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph H. Joplin".

Joseph H. Joplin  
General Manager

cc: Alan Merck, Duke Energy Carolinas



JOSEPH E. HARWOOD  
Vice President  
Wholesale Customer Relations

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Charlotte, NC 28202

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August 12, 2011

Mr. Joseph H. Joplin  
General Manager  
Rutherford EMC  
186 Hudlow Road  
Forest City, NC 28043-1569

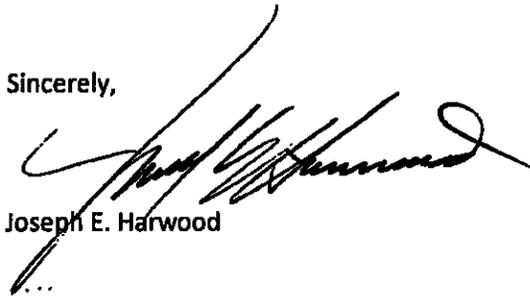
Dear Mr. Joplin,

This letter reflects Duke Energy Carolinas, LLC's (Duke) agreement that Duke will include Rutherford EMC's load in Duke's filing for reporting purposes when filing its Integrated Resource Plan with the North Carolina Utilities Commission (NCUC) pursuant to Rule R8-60, until Duke gives written notice to the contrary.

For the duration of the parties' long term power supply agreement, Duke will also reflect Rutherford EMC's North Carolina Renewable Energy & Energy Efficiency Portfolio Standard (REPS) obligation in Duke's REPS Compliance Plan filed with the NCUC pursuant to Rule R8-67, unless Duke later gives written notice to the contrary. As part of the long term agreement, Duke agrees to provide information and timely file any reports applicable to Rutherford EMC which are required to comply with the REPS or any rules and regulations promulgated thereunder.

Please let me know if you need additional information.

Sincerely,



Joseph E. Harwood

C: M. Svrcek  
D. Johnson  
J. Mc Maneus  
P. Kinny  
E. Tucker  
A. Merck