



434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
☎ 919.755.8700 📠 919.755.8800
www.foxrothschild.com

DAVID T. DROOZ
Direct No: 919.719.1258
Email: DDrooz@FoxRothschild.com

May 20, 2024

Ms. A. Shonta Dunston
Chief Clerk
NC Utilities Commission
430 N. Salisbury Street
Room 5063
Raleigh, NC

Re: In the Matter of Biennial Determination of Avoided Cost Rates for Electric
Utility Purchases from Qualifying Facilities – 2023
NCUC Docket E-100 Sub 194
***Statement and Partial Proposed Order Related to Western Carolina University
and Appalachian State University d/b/a New River Light & Power***

Dear Ms. Dunston:

In accordance with the Commission’s Order of April 10, 2024, in the above referenced docket, and subsequent Order of May 7, 2024, attached hereto for filing in the docket on behalf of Western Carolina University, Appalachian State University d/b/a New River Light & Power, and NC Public Staff, is the Statement and Partial Proposed Order Related to Western Carolina University and New River Light & Power (“Proposed Order”).

This Proposed Order is also being filed with NCUCExhibits@ncuc.net in native format.

If you have any questions concerning this filing, please do not hesitate to contact me.

Sincerely,

/s/ David T. Drooz

David T. Drooz



Ms. A. Shonta Dunston
Page Two
May 20, 2024

pbb

Enclosure

cc: Parties and Counsel of Record
NC Public Staff
Commission Staff - Legal

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-100, SUB 194

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	STATEMENT AND PARTIAL PROPOSED ORDER RELATED TO WESTERN CAROLINA UNIVERSITY AND NEW RIVER LIGHT & POWER
Biennial Determination of Avoided)	
Cost Rates for Electric Utility)	
Purchases from Qualifying)	
Facilities – 2023)	

NOW COME the Public Staff – North Carolina Utilities Commission (Public Staff), Western Carolina University (WCU) and Appalachian State University d/b/a New River Light & Power (NRLP), to jointly submit the following statement and partial proposed order pursuant to the North Carolina Utilities Commission’s April 10, 2024, Order Requiring the Filing of Proposed Orders and Briefs.¹

1. Procedural History relevant to WCU and NRLP.

- a. On August 7, 2023, the North Carolina Utilities Commission (Commission) initiated the above-captioned proceeding with its Order Establishing Biennial Proceeding, Requiring Data, and Scheduling Public Hearing.
- b. On November 1, 2023, counsel for WCU and NRLP filed the Joint Comments and Proposed Rates of Western Carolina University and

¹ The Public Staff will address its position regarding other utilities in a separate filing.

Appalachian State University d/b/a New River Light & Power (Joint Comments).

- c. On January 18, 2024, the Affidavit of Publication of Public Notice was filed for WCU.
- d. On January 19, 2024, the Affidavit of Publication of Public Notice was filed for NRLP.
- e. On February 21, 2024, the Public Staff – North Carolina Utilities Commission (Public Staff) filed its initial statement. With respect to WCU and NRLP, that statement said: “The Public Staff does not object to WCU’s and NRLP’s proposed rate formulas in this proceeding.”
- f. No other parties have filed comments specific to the proposed rates of WCU or NRLP.

2. Issues relevant to the WCU and NRLP proposed rates and contracts.

There are no disputed issues with the WCU or NRLP proposed rates and contracts. No party has opposed the WCU or NRLP proposals.

3. Proposed Order wording specific to WCU and NRLP.

The Public Staff, WCU, and NRLP propose that the Commission’s order on avoided cost rates in this proceeding include the following wording specific to WCU and NRLP.

FINDING OF FACT NO. XX

It is appropriate to require WCU and NRLP to offer variable rates to all QFs contracting to sell 1 MW or less based upon their wholesale cost of power that reflect the wholesale rates paid to Carolina Power Partners (CPP), as proposed by NRLP and WCU in their joint filing on November 1, 2023, in this docket.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. XX

The evidence supporting this finding of fact is found in the verified Joint Comments and Proposed Rates of WCU and NRLP, the Initial Comments of the Public Staff, and the entire record herein.

In their Joint Comments, WCU and NRLP note that they both take power supplies from CPP. WCU and NRLP propose to offer variable rates based upon their wholesale cost of power that reflects the wholesale rates paid to CPP. WCU and NRLP propose three avoided cost rates as follows: (1) small power producers or co-generators that desire to receive the demand credit (Rate SPP Demand); (2) small power producers or co-generators where the customer foregoes the demand credit (Rate SPP No Demand); and (3) where the small power producer desires a long-term avoided cost rate (SPP-Fixed).

Because they have the same power supplier, and avoided costs are tied to the wholesale power supply cost, WCU and NRLP followed the same format for the development of avoided cost rates in this filing. However, NRLP has a new avoided cost rate option, Schedule PPR for sellers of solar photovoltaic (PV) generation, which was approved by Order of the Commission issued on October 16, 2023, in the most recent NRLP general rate case, Docket No. E-34, Subs 54 and Sub 55.

Schedule PPR was developed as part of NRLP's cost of service analysis as filed in those sub-dockets. NRLP's net billing rider, Schedule NBR, was also approved by Order of the Commission in the same dockets. Schedule NBR was developed through the cost-of-service analysis, thereby ensuring those customers who provide solar PV generation and participate in the net billing rider would pay their share of NRLP's fixed costs not avoided. Customers supplying solar PV generation to NRLP may be compensated under Schedule PPR or Schedule NBR. The NRLP cost-of-service analysis in its rate case identified some avoided transmission costs that were incorporated into Schedules PPR and NBR rate designs specific to solar PV generation. Any other renewable power provided to NRLP would be compensated under one of NRLP's SPP schedules included in its November 1, 2023, proposal in the present docket.

The Public Staff expressly does not object to the proposed rate formulas of WCU and NRLP in this proceeding, and no other party has stated concerns or objections about the WCU or NRLP proposals.

The Commission concludes, based upon the foregoing and the entire record herein, that WCU's and NRLP's proposed rates should be approved.

4. Conclusion.

THEREFORE, the Public Staff, WCU, and NRLP respectfully request that the Commission approve the WCU and NRLP filing of November 1, 2023, including the formula rates and purchased power agreement forms therein.

This the 20th day of May, 2024.

By: /s/ David T. Drooz
David T. Drooz
N.C. State Bar No. 10310
434 Fayetteville Street, Suite 2800
Raleigh, North Carolina 27601
Telephone: (919) 719-1258
Email: ddrooz@foxrothschild.com

*Attorney for Western Carolina University and
New River Light & Power*

By: /s/ Thomas J. Felling
Thomas J. Felling
Staff Attorney
/s/ Anne M. Keyworth
Anne M. Keyworth
Staff Attorney
Public Staff – North Carolina Utilities
Commission

*Attorneys for the Public Staff – North Carolina
Utilities Commission*

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Statement and Partial Proposed Order Related to Western Carolina University and New River Light & Power has been served upon NC Public Staff and all parties and counsel of record in the above referenced dockets either by electronic delivery to the e-mails on the Commission's Service List for the dockets, or by mailing a true and exact copy of same and placing in a depository of the United States Postal Service, first-class postage prepaid, to the mailing address as listed on the Commission's Service List for the dockets.

This the 20th day of May, 2024.

FOX ROTHSCHILD LLP

BY: /s/ David T. Drooz
David T. Drooz