

**NORTH CAROLINA UTILITIES COMMISSION**  
**MINUTES OF REGULAR COMMISSION STAFF CONFERENCE**  
**April 1, 2024**

The Regular Commission Staff Conference of the North Carolina Utilities Commission was held on Monday, April 1, 2024, at 10:00 a.m., with Chair Mitchell presiding.

The following were present:

**COMMISSIONERS:**

- Commissioner Duffley
- Commissioner Hughes
- Commissioner McKissick
- Commissioner Kemerait
- Commissioner Brawley
- Commissioner Tucker

**COMMISSION STAFF:** Mr. Watson, Ms. Fennell, Ms. Myers, Ms. Jarvis, Ms. Webb-Shackleford, Ms. Walker, Ms. Hilburn, Ms. Jayasheela, Mr. McCoy

**PUBLIC STAFF:** Mr. Ayers, Ms. Edmondson, Ms. Holt, Ms. Jost, Mr. Creech, Mr. Josey, Ms. Keyworth, Mr. Akpom, Mr. McLawhorn, Mr. Lucas, Mr. Lawrence, Mr. Thomas, Mr. Junis, Ms. Darden, Ms. Bhatta

**ATTORNEY GENERAL:**

**COURT REPORTER:** Ms. Clayton

**ELECTRIC***CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY***Duke Energy Carolinas, LLC**

1. Docket No. E-7, Sub 1309 and SP-8135, Sub 1 – Request to transfer CPCN for a 30 MW solar photovoltaic facility in Davie County, North Carolina, from Quail Holdings, LLC (Birdseye Renewable Energy, LLC), to Duke Energy Carolinas, LLC and Accepting Registration (*Thomas/Keyworth*)

On February 23, 2024, DEC and Birdseye, on behalf of and as the upstream owner of Quail Holdings, filed a Verified Joint Notice and Request for Approval to Transfer CPCN (Joint Transfer Request) in the above-captioned dockets, notifying the Commission of Birdseye's intent to transfer the CPCN and associated rights and assets of the Solar Facility to DEC and requesting that: (1) the Commission approve the planned transfer of the CPCN and the associated rights and assets of the Solar Facility to DEC; (2) the Commission reissue the CPCN issued to Quail Holdings for the Solar Facility to DEC contingent on the closing of the Asset Purchase Agreement executed by Birdseye and DEC on October 31, 2023; (3) the registration statement as a new renewable energy facility accepted in Docket No. SP-8135, Sub 0, be cancelled upon approval of the transfer; and (4) the Commission accept the registration a new renewable facility filed by DEC.

The Public Staff stated that it had reviewed the Joint Transfer Request.

The Public Staff recommended approval.

It was moved and passed that the Public Staff's recommendation be adopted.

**Duke Energy Progress, LLC**

2. Docket No. SP-33890, Sub 1 – Application of Oxbow Solar, LLC, for a certificate of public convenience and necessity and registration statement to construct an 80 MW solar photovoltaic facility in Wayne County, North Carolina (*Lawrence/Keyworth*)

On September 29, 2023, Oxbow Solar, LLC (Applicant), filed an application in the above-captioned docket seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) for construction of an 80 MW<sub>AC</sub> solar photovoltaic generating facility to be located west of Arrington Bridge Road, east of Emmaus Church Road, north and south of Sleepy Creek Road, near Goldsboro, Wayne County, North Carolina. The Applicant plans to sell the electricity to Duke Energy Progress, LLC.

Contemporaneously with the application, the Applicant filed a registration statement for a new renewable energy facility.

The Public Staff stated that it had reviewed the application and determined it to be in compliance with the requirements of N.C.G.S. § 62-110.1(a) and Commission Rule R8-64. The Public Staff further stated that the registration statement contains the certified attestations required by Commission Rule R8-66(b).

The Public Staff recommended approval of the certificate and acceptance of the registration for the facility.

It was moved and passed that the Public Staff's recommendations be adopted.

3. Docket No. SP-49098, Sub 0 – Application of Sasser Solar, LLC, for a certificate of public convenience and necessity and registration statement to construct an 80 MW solar photovoltaic facility in Wayne County, North Carolina (Lucas/ Keyworth)

On October 31, 2022, Sasser Solar, LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) for construction of an 80 MW<sub>AC</sub> solar photovoltaic generating facility to be located south of the Neuse River, to the west of NC Highway 111, and bordered to the south by Indian Springs Road and Greenfield Cemetery Road, in Wayne County, North Carolina. The Applicant plans to sell the electricity generated by this facility to Duke Energy Progress, LLC.

Also on October 31, 2022, the Applicant filed a registration statement for a new renewable energy facility.

The Public Staff stated that it had reviewed the application and determined it to be in compliance with the requirements of N.C.G.S. § 62-110.1(a) and Commission Rule R8-64. The Public Staff further stated that the registration statement contains the certified attestations required by Commission Rule R8-66(b).

The Public Staff recommended approval of the certificate and acceptance of the registration for the facility.

It was moved and passed that the Public Staff's recommendations be adopted.

**WATER AND WASTEWATER***ORDER GRANTING FRANCHISE AND APPROVING RATES***Aqua North Carolina, Inc.**

4. Docket No. W-218, Sub 553 – Application for a Certificate of Public Convenience and Necessity to Provide Water Utility Service for Gardner Farms Subdivision, in Wake County, North Carolina (*Darden/Akpom/Jost*)

On July 28, 2022, Aqua North Carolina, Inc. (Aqua), filed an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates to provide water utility service to Gardner Farms subdivision in Wake County, North Carolina, in accordance with N.C. Gen. Stat. § 62-110. On March 5, 2024, the Commission issued an Order Scheduling Hearing and Establishing Discovery Guidelines.

On March 15, 2024, a Joint Motion to Cancel Hearing was filed by Aqua and the Public Staff.

On March 18, 2024, the Commission issued an Order cancelling the requirement for prefiled testimony and cancelling the expert witness hearing.

The Public Staff recommended that the Commission issue an order granting the franchise and approving the requested rates.

It was moved and passed that the Public Staff's recommendations be adopted.

5. Docket No. W-218, Sub 595 – Application for a Certificate of Public Convenience and Necessity to Provide Water Utility Service for Choplin Farms Subdivision, in Nash County, North Carolina (*Darden/Akpom/Coxton*)

On May 19, 2023, Aqua North Carolina, Inc. (Aqua), filed an Application for a Certificate of Public Convenience and Necessity and for Approval of Rates to provide water utility service to Choplin Farms subdivision in Nash County, North Carolina in accordance with N.C. Gen. Stat. § 62-110. On February 29, 2024, the Commission issued an Order Scheduling Hearing and Establishing Discovery Guidelines.

On March 15, 2024, a Joint Motion to Cancel Hearing was filed by Aqua and the Public Staff.

On March 18, 2024, the Commission issued an Order cancelling the requirement for prefiled testimony and cancelling the expert witness hearing.

The Public Staff recommended that the Commission issue an order granting the franchise and approving the requested rates.

It was moved and passed that the Public Staff's recommendations be adopted.

*ORDER SCHEDULING HEARINGS, ESTABLISHING DISCOVERY GUIDELINES, AND REQUIRING CUSTOMER NOTICE*

**Fairfield Water Company**

6. Docket No. W-1226, Sub 4 – Application for Authority to Adjust and Increase Rates for Water Utility Service in Fairfield Water Service Area, in Henderson County, North Carolina (*Bhatta/Sun/Newell/Coxton*)

On January 16, 2024, Fairfield Water Company (Applicant or Fairfield Water), filed an application with the Commission seeking authority to increase its rates for providing water utility service in Fairfield Water's service area in Henderson County, North Carolina (Application). The Application states that Fairfield Water serves 12 customers (11 quadraplexes and one church) in the Fairfield Water service area in Henderson County, North Carolina.

The Public Staff recommended (1) that the matter be scheduled for a customer hearing for the sole purpose of receiving testimony from customers; (2) that the matter should also be scheduled for an expert witness hearing for the sole purpose of receiving expert witness testimony from Fairfield Water, the Public Staff, and other intervenors, if any; and (3) that Fairfield Water be required to provide all affected customers notice of the Application, including the applied for rates and the scheduled hearings.

It was moved and passed that the Public Staff's recommendations be adopted.

The Minutes of the Regular Commission Staff Conference of March 25, 2024, were approved.

Minutes prepared by Le Anne Ackerman.