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SEP 22 2008
Clerk's Office
N.C. Utilities Commission

September 22, 2008

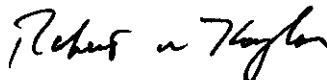
Ms. Renné C. Vance, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4325

RE: Docket No. E-100, Sub121

Dear Ms. Vance:

Enclosed please find the original and thirty (30) copies of the Joint Comments on Proposed Requirements Document of Duke Energy Carolinas, LLC; Dominion North Carolina Power; Progress Energy Carolinas, Inc. and GreenCo Solution, Inc. in the above referenced docket.

Sincerely,



Robert W. Kaylor

Enclosures

cc: Parties of Record

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Bennink
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Watson
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Clerk's Office
N.C. Utilities Commission

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 121

In the Matter of)	DUKE ENERGY CAROLINAS,
Implementing a Tracking System for)	DOMINION NORTH CAROLINA POWER
Renewable Energy Certificates)	PROGRESS ENERGY CAROLINAS'
Pursuant to Session Law 2007-397)	AND
)	GREENCO SOLUTIONS, INC.
)	JOINT COMMENTS ON
)	PROPOSED REQUIREMENTS DOCUMENT

INTRODUCTION

Duke Energy Carolinas, LLC ("Duke Energy Carolinas"), Virginia Electric & Power Company d/b/a Dominion North Carolina Power ("Dominion"), Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc. ("PEC"), and GreenCo Solutions, Inc. (collectively "Companies") submit the following Joint Comments as part of the process for defining requirements for a North Carolina Renewable Energy Certificates ("RECs") Tracking System and its Administrator in response to the North Carolina Utility Commission's ("Commission") *Order Establishing Process for Defining REC Tracking System Requirements and Selecting a Provider* issued in this Docket on September 4, 2008.

The Companies continue to participate in the development of renewable energy resources in support of the four broad goals of Session Law 2007-397 ("Senate Bill 3"): 1) diversify resources; 2) provide greater energy security; 3) encourage investment in renewable energy and energy efficiency; and 4) provide air quality and other benefits. On September 26, 2008, the Companies will provide comments addressing the questions regarding how to interpret the Renewable Energy and Energy Efficiency Portfolio Standard ("REPS") raised in the Commission's *Order Requesting Comments*, also issued on September 4, 2008, in Docket No. E-100, Sub 113. Dominion and Progress Energy Carolinas submitted their initial REPS compliance plans on August 29, 2008, and September 2, 2008, respectively and by November 3, 2008, Duke Energy Carolinas will submit its REPS compliance plan.

The Companies support the framework and the intent of creating a comprehensive and transparent tracking system for renewable energy certificates that will satisfy the REPS requirements. However, the Companies note that the Commission has established an aggressive schedule in order to select a provider for the North Carolina Renewable Energy Certificate Tracking System ("NC-RETS") by the first quarter of 2009. As a result, the Companies have had a limited amount of time to review the draft Requirements Document and discuss it with the various operational and technical personnel with the necessary expertise to provide input on the document.

Based upon the Companies' experience in developing information technology, defining the business requirements for each of the system functions is a detailed and time consuming process. Further, the Companies will also be required to gather, aggregate and track operational, transactional and financial information in order to provide the data needed

by NC-RETS, which may require significant information technology resources to develop internal systems that interface with NC-RETS. Therefore, the Companies suggest that the Commission take the necessary time to clarify all of these details in order to produce a thorough Requirements Document and ultimately to develop a tracking system that meets the needs of all the users.

Based upon their review to date, the Companies believe several changes and additions are necessary to the first draft of the System Requirements in order to provide sufficient detail to potential applicants regarding the system requirements and to develop the most effective tracking system possible. The Companies submit the following substantive comments with the intent of clarifying the System Requirements further. The Companies expect to have additional comments as the definition of the proposed NC-RETS continues. Further, the Companies look forward to participating in the stakeholder group and providing input regarding the selection of a vendor and detailed design of the system.

These Comments are organized according to the Requirements Document sections to which they apply.

COMMENTS

III. Requirements for Electric Public Utilities

Existing Text: “(e) Purchasing RECs from new renewable energy facilities. For Duke Energy Carolinas and Progress Energy Carolinas, RECs from out-of-state facilities shall not be used to meet more than 25% of the REPS requirement. An electric public utility may not purchase RECs delivered from energy efficiency to meet its REPS requirement.”

Discussion: Although N.C. Gen. Stat. §§ 62-133.8(b)(2)e and includes a 25% limitation on the purchase of RECs from outside of North Carolina, the Companies note that Section 62-133.8(b)(2)d indicates electricity that is *delivered to a public utility that provides electric power to retail customers in North Carolina* falls outside of this out-of-state limitation. Therefore, regardless of whether the contract under which the RECs are purchased is bundled with the power purchase or not, as long as the electric power is delivered to a public utility serving retail customers in the state of North Carolina, any and all associated RECs should be treated as in-state RECs, which do not count against the 25% out-of-state limitation.

For example, a new renewable energy facility generates RECs from a renewable energy resource, hydroelectric for example, in South Carolina. The renewable energy facility delivers power to the Progress Energy Carolinas’ system as a qualifying facility under a PURPA contract and therefore meets the delivered power requirement of N.C. Gen. Stat. § 62-133.8(b)(2)d¹. RECs generated by the owner of the facility may be sold to Progress Energy Carolinas, and will count as in-state RECs because the power is delivered to Progress Energy Carolinas, a public utility serving retail customers in North Carolina.

¹ N.C. Gen. Stat. § 62-133.8(b)(2)d states: “Electric power purchased from a new renewable energy facility that is located outside of the geographic boundaries of the State, shall meet the requirements of this section if the electric power is delivered to a public utility that provides electric power to retail electric customers in the state”)

Recommendation: The Companies recommend the following addition to clarify the meaning of the requirement:

(e) Purchasing RECs from new renewable energy facilities. For Duke Energy Carolinas and Progress Energy Carolinas, RECs from out-of-state facilities shall not be used to meet more than 25% of the REPS requirement provided, however, that RECs associated with electric power delivered to a public utility that provides electric power to retail customers in North Carolina shall not be subject to this restriction. An electric public utility may not purchase RECs delivered from energy efficiency to meet its REPS requirement.

IV. Requirements for Electric Membership Corporations (EMCs) and Municipalities (Munis)

Existing Text: “EMCs and Munis may meet the REPS Requirement by: (d) Purchasing RECs from renewable energy facilities. RECs from out-of-state renewable energy facilities can be used to meet no more than 25% of the REPS requirement.”

Discussion: Although N.C. Gen. Stat. §§ 62-133.8(b)(2)e and 133.8(c)(2)d includes a 25% limitation on the purchase of RECs from outside of North Carolina, the Companies note that Section 67-133.8(b)(2)d indicates electricity that is *delivered to a public utility that provides electric power to retail electric customers in North Carolina* falls outside of this out-of-state limitation. Likewise, the Companies believe that where electric power is delivered to the state of North Carolina, any and all associated RECs should be treated as in-state RECs and do not count against the 25% out of state limitation.

Where a public utility enters into a wholesale purchase power agreement for the delivery of renewable energy resources, the Companies believe that electric power derived from renewable energy facilities or new renewable energy facilities should likewise be considered in-state resources if the power is deliverable to the public utility. Therefore, any RECs generated from this renewable resource delivered to the State shall be considered in-state RECs, and therefore does not count against the 25% out-of-state limit for the purchase of RECs.

For example, Duke Energy Carolinas enters into a contract to supply all of the renewable energy requirements of REPS for Rutherford EMC. If Duke Energy Carolinas incorporates the renewable energy requirements of REPS into its resource acquisition planning, the Company may use renewable energy resources that are deliverable to its service territory to satisfy the REPS requirements for the wholesale customer(s) without counting against the wholesale customer(s)’ 25% out of state limit for the purchase of RECs.

Recommendation:

(d) Purchasing RECs from renewable energy facilities. RECs from out-of-state renewable energy facilities can be used to meet no more than 25% of the REPS requirement provided,

however, that RECs associated with electric power delivered to the electric power supplier shall not be subject to this restriction.

V. Statewide Requirements

Existing Text:

Years	Solar Energy Resource Requirement	Swine Waste Resource Requirement (Aggregated)	Poultry Waste Resource Requirement (Aggregated)
2010 2011	.02% of retail sales in that year (about 28,000 MWh)	N/A	N/A
2012	.07% of retail sales in that year (about 100,400 MWh)	.07% of statewide retail sales in that year (about 100,400 MWh)	170,000 MWh
2013	.07% of retail sales in that year (about 102,000 MWh)	.07% of statewide retail sales in that year (about 102,000 MWh)	700,000 MWh
2014	.07% of retail sales in that year (about 103,600 MWh)	.07% of statewide retail sales in that year (about 103,600 MWh)	900,000 MWh
2015 2016 2017	.14% of retail sales in that year (about 210,600 to 217,300 MWh)	.14% of statewide retail sales in that year (about 210,600 to 217,300 MWh)	900,000 MWh
2018 etc.	.20% of retail sales in that year (about 315,500 MWh in 2018)	.20% of statewide retail sales in that year (about 315,500 MWh in 2018)	900,000 MWh

Discussion: As will be discussed more fully in comments submitted in Docket No. E-100, Sub 113, the use of “in that year” is not the appropriate interpretation of section 62-133.8(d), (e) and (f) the statute for determining the carve-out requirements for solar, poultry waste and swine waste resources. Such an interpretation is inconsistent with the method for determining overall REPS requirements specified in Senate Bill 3 and would require that compliance be based upon forecasted retail sales. Rather, the Companies submit that electric service providers use a baseline of weather-normalized 2009 North Carolina retail sales for meeting 2010 and 2011 requirements; a baseline of weather-normalized 2011 retail sales be used for 2012, 2013, 2014, a baseline of weather-normalized 2014 retail sales be used for 2015, 2016, 2017; a baseline of weather-normalized 2017 retail sales for 2018, 2019, 2020, and a baseline of weather-normalized 2020 retail sales should be used for the year 2021 and thereafter. Also, Munis and EMCs should follow a similar baseline progression where the baseline of weather-normalized 2017 retail sales should be used for 2018 and thereafter. Using historic weather normalized data for these years also comports with the provisions of N.C. Gen. Stat. §62-133.8(b)(1), which calculates overall REPS requirements for each year listed as a percentage of the prior year’s North Carolina retail sales. Allowing the use of the prior year’s weather normalized data for all REPS requirements, including the carve-outs,

will help entities that must meet REPS requirements streamline their calculation and compliance processes.

Recommendation: The existing text should be revised to be consistent with the baseline lines discussed above.

VII. Banking of RECs, Expiration of RECs, Retirements of RECs

Discussion: The Companies recognize that this section accurately reflects the requirements for RECs contained in Senate Bill 3 and the Commission Rule R8-67. Because (1) the qualifications for RECs differ as between utilities and EMCs and Munis, and (2) other jurisdictions may have different qualifications for RECs, however, RECs that no longer qualify for compliance by North Carolina utilities could be sold to EMCs, Munis or parties outside of North Carolina.

Recommendation:

- The NC-RETS system should include the functionality for utilities to sell RECs, either before or after cost recovery, at any point up to retirement for a specific compliance year.
- Even if RECs have expired under North Carolina law, the generator should retain the functionality to sell such RECs to parties in another jurisdiction that does not contain such limitations.

VIII. Registration of Generators

Recommendation: The Companies respectfully request that the Commission develop a simple form for the registration of renewable energy facilities based on Commission Rule R8-66 in order to provide consistency and streamline the process for all interested generators. Ease of registration will also eliminate any potential barriers to generator participation in the North Carolina market for renewable energy. Further, the Companies recommend that the Commission establish an initial registration deadline, such as the date of the electric power suppliers' first compliance reports.

IX. Technical Requirements

The Companies have reviewed the draft of the System Requirements for the proposed NC-RETS and support the framework of the proposed architectural solution that is described. The Companies emphasize that interoperability, transactional transparency, flexibility, security, and reliability are essential requirements that must be captured in the draft system requirements as well as the final operating rules developed through this process.

Currently one REC is defined as one MWh. The Companies recommend that the NC-RETS system should have the flexibility to adjust this ratio should it change in the future similar to the Federal SO₂ emissions allowance trading program.

Paragraph 6. User Interface

Recommendations:

- Inadvertent errors may occur when initiating transfers, such as entering an incorrect vintage year, incorrect amount of RECs or incorrect counterparty. Account Holders should have the ability to recall or cancel a pending transaction before it is accepted by the counterparty.
- The Applicant must ensure that the NC-RETS system does not allow for duplicate transactions to be entered into the system.

Paragraph 6(d).

Existing Text: Designate the year in which cost recovery for each REC is to occur or has occurred.

Discussion: Under Senate Bill 3 and Rule R8-67 it is unclear how the costs of utility-owned renewable resources will be recovered. Additionally, the billing period during which REC costs will be recovered may span more than one calendar year. Therefore the system needs the flexibility to show cost recovery over a range of years.

Recommendation: Designate the year or years in which cost recovery for each REC is expected to occur or has occurred.

Paragraph 7. Generator Accounts

Existing Text: “. . . Each Generator Account shall be able to be frozen in the event the Commission informs the NC-RETS Administrator that the Commission has revoked the generating unit’s registration.”

Discussion: The Companies cannot anticipate all of the situations in which a revocation may occur. The Companies anticipate, however, that there may be some occasions in which a revocation may occur due to technical or administrative problems. Revocation may result from events out of the control of a RECs purchaser. In other circumstances, an electric power supplier may have a long-term power purchase agreement that mandates the purchase of RECs continuously. Given that users of NC-RETS cannot anticipate the distinctions of minor deficiencies from significant ones that may occur from generators actions in or outside of North Carolina, the Companies recommend that a 30-day cure period be instituted before revocation goes into effect. If the renewable energy generator does not complete the registration requirements within this 30-day period, the Administrator shall freeze the Generator Account. Notice of a deficiency in a registration and the cure period shall be made to the holder of the Generator Account and any related Account Holder within 24 hours of the revocation by the Commission. Upon curing this deficiency, notice of the cure shall be issued within 24 hours by the Commission to the Generator and any related Account Holder.

Recommendation: “. . . Each Generator Account shall be able to be frozen in the event the Commission informs the NC-RETS Administrator that the Commission has revoked the

generating unit's registration." In the event of a revocation of a registration, the generator shall have 30 days to cure the deficiency during which time RECs shall continue to accrue uninterrupted in a separate subaccount. If the revocation is not cured within 30 days, the Generator Account shall be frozen and the RECs generated in the 30-day period will be forfeited. However, if the deficiency in the registration is cured within the 30 day time period, the RECs accruing in the separate subaccount shall be returned to the Generator Account. In the event of a revocation of a generator's registration or subsequent renewal of registration, the Administrator must provide 24-hour notice to the public utility for any change in registration status of the REC Generator and any related Account Holder.

Paragraph 7(c)(i).

Existing Text: "Account holders must be able to view and sort the RECs in each account by information fields, including vintage and fuels, generate reports about RECs in their Retirement Subaccount(s), and export RECs from Generator Accounts and Energy Efficiency/Demand-Side Management Accounts into their Retirement Subaccount(s). . . ."

Discussion: The Companies recommend including a unique record transaction number for each transaction involving RECs between two parties. The Administrator should allow for the ability to search by record transaction number.

Recommendation: "Account holders must be able to view and sort the RECs in each account by information fields, including vintage, and fuels and transaction record number, generate reports about RECs in their Retirement Subaccount(s), and export RECs from Generator Accounts and Energy Efficiency/Demand-Side Management Accounts into their Retirement Subaccounts. . . ."

Paragraph 8. Data Interfaces for Generation Information

Existing Text: "The owner of the generating facility, or its designated representative, will direct the balancing area operator to release its generation data to the NC-RETS Administrator within 62 days of the end of the generation month. . . . The Administrator will not issue the related RECs for generators that fail to submit data within 62 days of the end of the generation month."

Discussion: As with Paragraph 7 above, the Companies anticipate, however, that there may be some occasions in which a balancing area operator or generator may fail to submit generation data within 62 days due to technical or administrative problems. Failure to report may result from events out of the control of a RECs purchaser. Therefore, notification of a failure to report generation information and a cure period is also needed for here.

Recommendation: NC-RETS should incorporate features for (1) notification to the generator and any associated Account Holder of a failure to report generation data, (2) a cure period, and (3) protections for RECs purchasers to prevent the transfers of RECs that are later deemed void.

Paragraph 8(b).

Discussion: Paragraph 8 and 8(b) discuss the metering data files to be electronically transmitted to NC-RETS, including monthly MWh for each meter ID and the associated meter ID(s) for each generating facility, revenue-quality meters, and meter data acquisition systems. The Companies note that metering technology involves multiple devices and channels that change over time. The data produced by this technology must be aggregated and organized. It is not clear from the Requirements Document which parties are responsible for performing these functions

Recommendation: NC-RETS should include the flexibility to accommodate changes in metering devices, such as meter IDs. The Requirements Documents should clarify the responsibilities of the generators, balancing area operators and Administrator for aggregating and organizing metering data.

Paragraph 9. Fuel Source Information

Discussion: Paragraph 9 discusses the requirements for managing fuel source information and issuing appropriate RECs for qualifying generation from multi-fuel generating facilities where one or more of the fuel sources does not qualify for RECs. The Companies note that fuel source data may vary by hour and by month. Further, it is unclear which parties are responsible for providing this data and how this data will be verified.

Recommendation: The Requirements Document should either specify or require that the Applicants' responses to the RFA address (1) how the system will handle fuel source time-series data, (2) which parties are responsible for providing the data necessary for calculating eligible RECs from multi-fuel generation, and (3) how this data will be verified.

Paragraph 16(d). Data Interface Requirements

Existing Text: "Accept and process certification and eligibility information concerning generating facilities registered with the Commission. The Applicant shall describe its proposal for developing, implementing and operating a user interface that will allow the Commission to submit registration information to NC-RETS."

Discussion: The Companies suggest that the registration information should reflect whether the RECs generated by the facility are considered out-of-state or in-state RECs.

Recommendation: "Accept and process certification and eligibility information concerning generating facilities registered with the Commission. The Applicant shall describe its proposal for developing, implementing and operating a user interface that will allow the Commission to submit registration information to NC-RETS including information to determine whether the RECs generated by facility are subject to the 25% limitation on out-of-state RECs purchases."

X. Functional Requirements

The most effective RECs tracking system will be flexible, transparent, and help support the efficient purchase, sale and accounting of RECs in a user-friendly manner. To this end, the Companies submit that it is essential that the NC-RETS have the functional ability to export data in a usable format to programs such as Excel including:

- all transactional information;
- transaction by commodity;
- transaction by vintage;
- transaction by company;
- RECs that have been retired by the company;
- transactions by unique transaction number;
- history of transfer by facility; and
- history of transfer by vintage and company.

Additionally, all reports, data, screens, and other information should have export capabilities.

The Companies also recommend that an automatic email confirmation is generated and sent to both parties (all Account Holders and traders involved with the transaction) containing details of transfer: transaction number, serial numbers, both party's legal names, account numbers and other pertinent information.

The Companies' comments are designed to help develop an effective REC tracking system that will help facilitate the compliance with REPS and therefore the emergence of renewable energy resources in North Carolina.

Paragraph 2. Account Holders

Recommendation: Each Account Holder should be permitted to designate two representatives as Account Holder administrators (one for backup) for use of NC-RETS. These administrators should have the control to set up and grant, delete or change permissions for the Account Holder.

Paragraph 5. Prior Period Adjustments

Discussion: Prior period adjustments will impact the utilities' and generators' accounting systems and processes. The Companies note that this section does not contain details regarding the prior period adjustment process that must be understood and accepted by the stakeholders, such as timing, frequency and dispute resolution.

Recommendation: The Requirements Document should either specify greater detail or require that the Applicants' responses to the RFA address this process in detail so that users can properly assess impacts to their accounting systems.

Paragraph 6. REC Serial Numbers

Existing Text: “The Applicant shall propose a system for assigning each REC a unique serial number which shall contain embedded codes that indicate the generating unit, its location in the State, the month and year of the generation, etc.”

Recommendation: This language suggests the use of “smart keys”. Duke Energy Carolinas’ information technology personnel advise that from a design perspective smart keys are restrictive and inflexible and should not be used in the design of NC-RETS.

Existing Text: “. . . The system must be able to track generation-related RECs based on the facility’s location (in-state or out-of-state), the date they were created, and whether they were created at a “renewable energy facility” or a “new renewable energy facility.”

Discussion: The Companies suggest inserting language to ensure that energy that is deliverable to North Carolina is deemed to be in-state renewable energy resources. See Discussion and Recommendation in Section III of System Requirements for further discussion.

Recommendation: “. . . The system must be able to track generation-related RECs based on the facility’s location (in-state or out-of-state based on deliverability to the state), the date they were created, and whether they were created at a “renewable energy facility” or a “new renewable energy facility.”

Paragraph 7. EE/DSM Accounts

Existing Text: “. . . NC-RETS shall establish an EE/DSM Account for each utility and generate RECs based on data provided by an independent third party as approved by the Commission.”

Discussion: Utilities should have the responsibility for entering the data regarding energy savings from utility sponsored programs. Commission Rule R8-68 requires that electric utilities proposing energy efficiency and demand side management programs provide the measurement and verification (M&V) plan to be used to measure, verify and validate the energy savings. Thus the claimed savings are subject to the M&V processes associated with the EE/DSM programs, which may include third party verification.

Recommendation: “NC-RETS shall establish an EE/DSM Account for each utility and generate RECs based upon data provided by the utility.”

Paragraph 8. Compliance Reports

Recommendation: Reporting is a critical component of the NC-RETS system and must reflect the business processes, which are not yet fully defined. Therefore, the Companies recommend that the reporting functionality be flexible and customizable. Additionally, the

Account Holders should be able to export data in a usable format for use in their internal systems.

Paragraph 11. Issuance of RECs

Existing Text: “. . . RECs for reduced energy consumption shall be issued annually or as otherwise verified by an independent third party.”

Discussion: Commission Rule R8-67 allows for the use of projected EE reductions for REPS compliance because M&V processes can take several years to complete. The language above omits the possible use of projected EE reduction. The Companies suggest the following change to reflect this Rule.

Recommendation: “. . . RECs for reduced energy consumption shall be issued annually based upon the utility’s projected EE reductions and trued up based upon M&V results.”

Paragraph 12. Data Validation

Discussion: It is unclear who will perform the validation function, whether the engineering estimates will vary over time, and the role generators and utilities will have in the definitions, maintenance of parameters and review of results for the validation process.

Recommendation: The Requirements Document should either specify greater detail or require that the Applicants’ responses to the RFA address these questions regarding the validation process.

Paragraph 13. Public Portion of the Website

The Companies request that the public portion of the NC-RETS website include Account Holder information such as company names, contact person (at least one primary and one back-up), email address, phone number and address.

XIII. Testing and Acceptance Phases

Recommendation: The Companies each request access to at least one of the ten user accounts per company to determine if the NC-RETS meets the RFA Requirements.

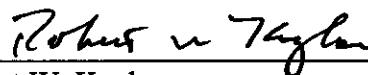
Respectfully submitted this 22nd day of September, 2008.



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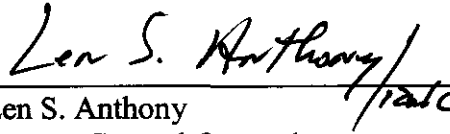
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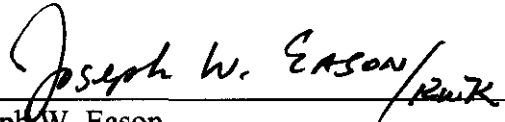
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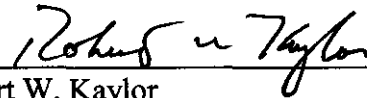
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CERTIFICATE OF SERVICE

I certify that a copy of the Joint Comments on Proposed Requirements Document of Duke Energy Carolinas, LLC; Dominion North Carolina Power; Progress Energy Carolinas, Inc. and GreenCo Solution, Inc. in Docket No. E-100, Sub 121, has been served by electronic mail (e-mail), hand delivery or by depositing a copy in the United States Mail, first class postage prepaid, properly addressed to parties of record.

This the 22nd day of September, 2008.

A handwritten signature in cursive script, appearing to read "Robert W. Kaylor", is written over a horizontal line.

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