



434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
Tel (919) 755-8700 Fax (919) 755-8800
www.foxrothschild.com

BRADLEY M. RISINGER
Direct No: 919.755.8848
Email: BRisinger@foxrothschild.com

December 9, 2020

Ms. Kimberley A. Campbell
Chief Clerk
North Carolina Utilities Commission
Room 5063
430 N. Salisbury Street
Raleigh, NC 27603-5918

Re: In the Matter of Request for Declaratory Ruling by Sunstone Energy Development LLC that the Jurisdiction of the North Carolina Utilities Commission does not extend to the Federal Enclave within Fort Bragg NCUC Docket No. SP-100, Sub 35
CORRECTED, CLEAN COPY

Dear Ms. Campbell:

Pursuant to NC Utilities Commission Rules of Practice and Procedure R1-4 and R1-5 and N.C.G.S. §§ 1-253 and 62-60, Sunstone Energy Development LLC filed with the Commission a Request for Declaratory Ruling in the above referenced docket on December 8, 2020.

After the filing was made with the Commission, we realized that during the OCR conversion process to searchable text, unintelligible symbols were inadvertently inserted in limited areas of our cover letter and on page 17, the verification page, in place of intended text. While these conversion issues did not impact the substantive text of the Request in any way, we are supplying a clean version of the filing to avoid any confusion to the Commission or the public.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota Nevada
New Jersey New York North Carolina Pennsylvania South Carolina Texas Virginia Washington



Fox Rothschild ^{LLP}
ATTORNEYS AT LAW

Ms. Kimberley A. Campbell
December 9, 2020
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Attached for filing is a corrected, clean copy of the Request for Declaratory Ruling in the above referenced docket. Please let me know if you should have any questions concerning this filing.

Very truly yours,

Bradley M. Risinger

pbb

Enclosures

Copy: C. Ayers, Esq. – Executive Director, NC Public Staff
T. Dodge, Esq. – NC Public Staff - Legal

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. SP-100, SUB 35

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:)
Request for Declaratory Ruling by) REQUEST FOR
Sunstone Energy Development LLC that the Jurisdiction) DECLARATORY RULING
of the North Carolina Utilities Commission does not)
extend to the Federal Enclave within Fort Bragg)

Pursuant to North Carolina Utilities Commission (“Commission”) Rules R1-4 and R1-5 and N.C. Gen. Stat. §§ 1-253 and 62-60, Sunstone Energy Development LLC (“Sunstone” or “Applicant”), through its undersigned counsel, hereby requests that the Commission issue a declaratory ruling that:

- (1) Fort Bragg is not subject to the North Carolina Public Utilities Act (“Public Utilities Act”) because it is a federal enclave;
- (2) Sunstone’s provision of solar energy and energy efficiency services within the federal enclave of Fort Bragg does not subject it or its assignees, nor their work, to the Public Utilities Act; and
- (3) Sunstone’s proposed activities will not cause it to be considered a public utility under N.C. Gen. Stat. § 62-3(23).

1. Sunstone is a Delaware limited liability company with its principal place of business in New York, New York, and is authorized to conduct business in North Carolina. Correspondence in connection with this request should be sent as follows:

Sunstone Energy Development LLC
c/o Onyx Development Group LLC
230 Park Avenue, Suite 845
New York, NY 10169
212-217-0713
dswayze@onyxrenewables.com

with a copy to Counsel for the Applicant as follows:

Bradley M. Risinger
FOX ROTHSCHILD LLP
434 Fayetteville Street, Suite 2800
Raleigh, NC 27601
(919) 755-8848
brisinger@foxrothschild.com

The Applicant and Counsel agree to electronic service.

BACKGROUND

2. Sunstone is a limited liability company jointly owned by Corvias Solar Solutions, LLC and Onyx Development Group LLC. Sunstone is seeking to enter into an energy services agreement with Bragg Communities, LLC (“BCL”) to provide solar energy and energy efficiency services exclusively to on-base, privatized military housing at Fort Bragg that is owned and managed by BCL.

3. BCL is the private entity responsible for renovation, construction, operation, and asset management for privatized, on-base military housing facilities on Fort Bragg pursuant to the Department of the Army’s Residential Communities Initiative (“RCI”). The RCI is the Army’s implementation of the Military Housing Privatization Initiative (“MHPI”) contained in the National Defense Authorization Act for Fiscal Year 1996.

4. Under the RCI program, military personnel (“Service Members”) receive a Basic Allowance for Housing (“BAH”) that is intended to approximate the cost of

adequate housing for Service Members wherever the Service Member chooses to live. If a Service Member or a Service Member and his or her family choose to reside in BCL's privatized military housing on base at Fort Bragg, the Service Member's BAH is allocated directly to BCL (the housing provider) to cover one hundred percent (100%) of the Service Member's basic rent obligations. If the Service Member chooses to live off base in private housing, the BAH is paid directly to the Service Member to contribute to the Service Member's housing expenses.

5. As a tenant in a BCL-owned and managed on-base residence, a Service Member does not receive a separate bill for electricity or any other utilities. There is no correlation between a Service Member's electricity or other utility usage on the one hand, and his or her BAH on the other. That allowance, then, does not change based on how much, or how many, utility services a Service Member, or his or her family, use.

6. Pursuant to 10 U.S.C. § 2872a, the Army may furnish utilities and services, including electric power, to military housing located on a military installation. To provide these services for military housing at Fort Bragg, the Army has a Municipal Services Agreement ("MSA") with BCL. Pursuant to the MSA, the Army is obligated to provide BCL all utility services BCL requires, including electric power. The MSA does not require BCL to rely on the Army as the exclusive service provider of utility service for the on-base residences it owns and manages. BCL may seek alternative sources for the MSA utility services, and the MSA permits BCL to negotiate directly with private providers for such services.

7. Under the proposed energy services agreement, the service provider (Sunstone, or its assignee; hereafter, "Sunstone") would furnish energy and energy

efficiency services to BCL (customer) entirely within the cantonment area of Fort Bragg. These services would include production of solar energy on base, and delivery exclusively to on-base military housing. The operation of, and business relationships between, these private entities would follow prudent industry practice for providing energy and energy efficiency services to private infrastructure and housing owners and managers.

8. Upon information and belief, and based on information from the Army, Duke Energy Progress, LLC (“DEP”) is the primary supplier of electricity to a wholly on-base distribution network at Fort Bragg that is one hundred percent (100%) owned, operated and maintained by Sandhills Utility Services, LLC (“Sandhills Utility”), a North Carolina company whose operations are based at Fort Bragg. The Army receives electricity from DEP at specified substations at the border of Fort Bragg.

9. Neither BCL, nor any Service Member living in on-base housing at Fort Bragg, is a customer of DEP.

10. Approximately twenty-five percent (25%) of total energy consumption for Fort Bragg is attributed to on-base military housing, according to the Army. Sunstone’s proposed solar energy and energy efficiency program is designed to impact only the military housing segment of energy consumption at Fort Bragg.

11. Sunstone forecasts that the proposed solar energy and energy efficiency program will result in a reduction of electric demand from the privatized military housing component of Fort Bragg of approximately thirty-five percent (35%). The privatized military housing component of Fort Bragg would continue to receive the balance of its electricity from the Army pursuant to the MSA.

12. Because the privatized military housing component of Fort Bragg accounts for approximately 25% of the electricity consumed by Fort Bragg, upon implementation of the BCL-Sunstone energy services agreement the projected demand for electricity to Fort Bragg will be reduced by approximately 8.75% (i.e., 35% of 25%), as illustrated below in Figure A:

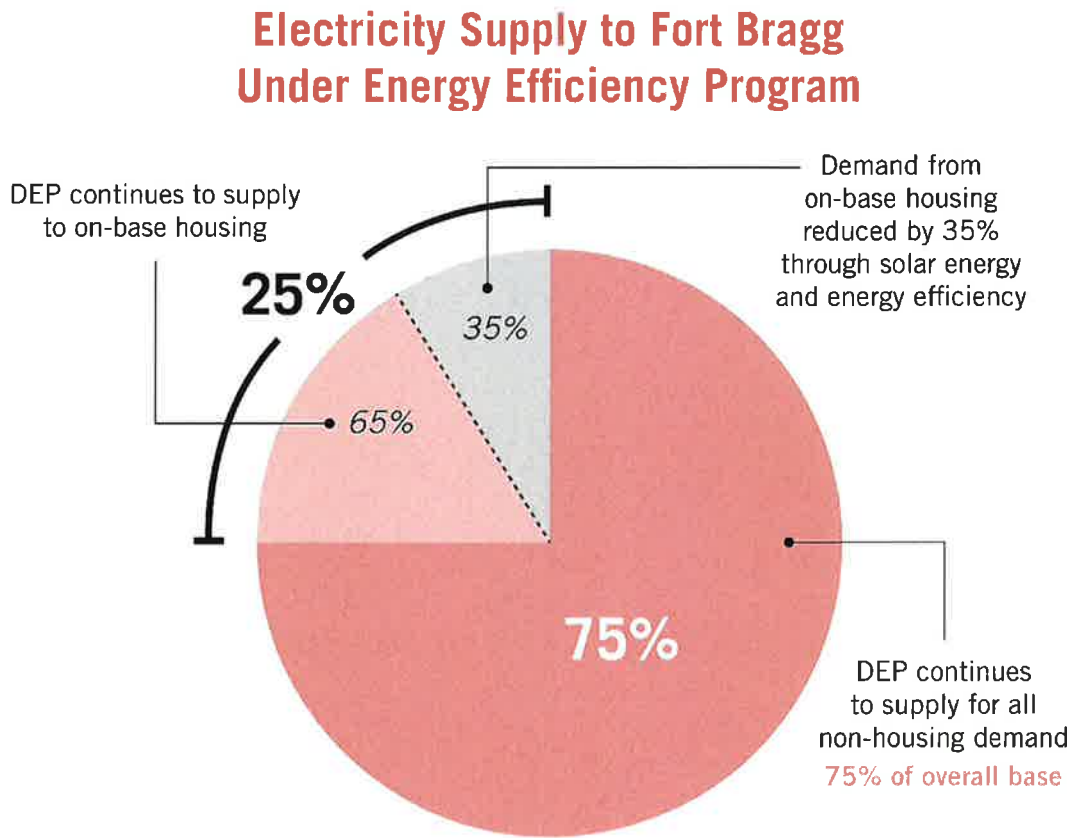


Figure A

13. All of the solar energy and energy efficiency benefits to BCL would occur “behind the meter,” and there would be no back feed beyond the Fort Bragg-exclusive distribution network that is owned and operated by Sandhills Utility. Thus, DEP will not

be asked to purchase or handle on the grid any power generated on base at Fort Bragg by the Sunstone solar project.

14. In 2015, the Army approved Corvias to develop and execute a renewable energy portfolio solar project (“Portfolio Solar Project”) to provide solar electricity to Army installations across the United States, including bases such as Fort Bragg. This renewable energy Portfolio Solar Project is consistent with the energy policy of the United States Department of Defense (“DOD”):

“to produce or procure not less than 25 percent of the total quantity of facility energy it consumes within its facilities during fiscal year 2025 and each fiscal year thereafter from renewable energy sources[.]”

10 U.S.C. 2911(g)(1)(A).

15. In pursuit of Congress’ directive to “ensure the readiness of the armed forces for their military missions by pursuing energy security and energy resilience,” DOD may give “favorable consideration” to renewable energy “projects that provide power directly to a military facility or into the installation electrical distribution network.” 10 U.S.C. 2911(a), (b)(5).

16. The Army’s implementation of this energy strategy focuses on a commitment to an Army-wide goal of developing 1 gigawatt (“GW”) of renewable energy by 2025¹. The Office of the Assistant Secretary of the Army for Installations, Energy & Environment reports that this renewable energy initiative will strengthen energy security, support DOD energy goals, and optimize available resources while

¹ Office of the Assistant Secretary of the Army for Installations, Energy & Environment, *Energy Initiatives*, <https://www.asaie.army.mil/Public/ArmyPowerEnergy/EnergyInitiatives.html#>.

leveraging private-sector financing. The Army reports that in furtherance of these objectives there are more than 165 renewable energy projects on its installations - including solar arrays and wind turbines - and that such measures are not only operationally necessary and financially prudent, but also mission critical².

17. The proposed energy services agreement between BCL and Sunstone addresses these Army interests and DOD's policy to "[d]iversify and expand energy supplies and sources, including renewable energy sources" that is reflected in an August 2018 Energy Policy directive.³ The Sunstone project also would address publicly-stated Army concerns arising from energy procurement on military installations: resiliency and cost. Indeed, the Army's Installation Energy and Water Resilience Policy reflected in Army Directive 2020-03⁴ confirms that installation resilience is advanced by reducing demand for energy through "on-site energy generation" and "conservation efforts."

18. The proposed Sunstone solar energy and energy efficiency services project is not the only step being taken at federal military bases in eastern North Carolina to address these DOD and Army objectives. The Army has contracted with DEP to construct a floating solar energy facility at Camp Mackall, a Special Forces training site near to, and closely affiliated with, Fort Bragg.⁵ In partnership with an alternative energy

² *Id.*

³ Department of Defense Directive Number 4180-01 (August 31, 2018), <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodd/418001.pdf?ver=2018-11-07-112520-837>.

⁴ Secretary of the Army, *Army Directive 2020-03 (Installation Energy and Water Resilience Policy)* (March 31, 2020), https://armypubs.army.mil/epubs/DR_pubs/DR_a/pdf/web/ARN21689_AD2020_03_FIN_AL_Revised.pdf.

⁵ *Largest floating solar power plant in the Southeast coming to Fort Bragg* (September 30, 2020), <https://news.duke-energy.com/releases/largest-floating-solar-power-plant-in-the-southeast-coming-to-fort-bragg>.

developer – Ameresco – DEP will deploy a 1.1 megawatt solar system on Big Muddy Lake to supplement power supplied from the grid and provide backup during service outages.⁶ Upon information and belief, the Army will own and operate the solar facility upon completion and it is projected to reduce Camp Mackall’s energy demand by seven percent (7%) and reduce site water use by twenty percent (20%).

19. Further, the Sunstone solar energy and energy efficiency program aims to assist BCL in stabilizing its energy expenditures over time as costs from off-base providers increase. Upon information and belief, any savings generated by reduced energy costs will directly increase the funds available to BCL for the improvement of its military housing project pursuant to the terms of its RCI agreement with the Army.

LEGAL ANALYSIS

20. The United States Constitution reserves to Congress exclusive authority to legislate over all areas purchased by the federal government with the consent of a state. U.S. Const. art. I, § 8, cl. 17. These areas are commonly referred to as “federal enclaves.” Generally, federal enclaves are not subject to regulation by any state.⁷ There are three exceptions to this general principle: (1) the State law was in effect at the time the property was acquired by the federal government and does not conflict with a federal purpose;⁸ (2) the State has expressly retained jurisdiction over particular areas of law,

⁶ *U.S. Army Awards Duke Energy and Ameresco Contract to Enhance Resiliency and Readiness at Fort Bragg* (September 3, 2020), <https://www.ameresco.com/u-s-army-awards-duke-energy-and-ameresco-contract-to-enhance-resiliency-and-readiness-at-fort-bragg/>.

⁷ *Hancock v. Train*, 426 U.S. 167, 178 (1976).

⁸ *Tetra Tech Tesoro, Inc. v. JAAAT Tech. Servs., LLC*, 794 S.E.2d 535, 541 (2016) (“Federal enclave law incorporates state law in effect at the time the land becomes part of the federal enclave but not ‘future statutes of the state’ enacted afterward.”) (citing *James Stewart & Co. v. Sadrakula*, 309 U.S. 94, 100 (1940)).

such as criminal law;⁹ or (3) the federal government has made a “clear and unambiguous” authorization that the enclave be subject to state law.¹⁰ The rule, and its limited exceptions, are commonly referred to as the “Federal Enclave Doctrine.”

21. Fort Bragg is a federal enclave¹¹ and is not subject to the Public Utilities Act because none of the three exceptions to the Federal Enclave Doctrine apply: (1) Fort Bragg was ceded to the federal government prior to the enactment of the Public Utilities Act; (2) North Carolina (the “State”) did not retain or reserve any jurisdiction over the regulation of utilities, the purchase and/or sale of electricity, or energy efficiency services on federal property; and (3) there is no “clear and unambiguous”¹² authorization from Congress to subject federal enclaves to state regulation over the generation, purchase and/or sale of electricity by or among private entities located wholly within a federal enclave. Therefore, the Public Utilities Act neither applies to Sunstone and its proposed activities under the energy services agreement, nor exposes it to regulation as a public utility.

**The federal government acquired exclusive jurisdiction
over Fort Bragg prior to enactment of the Public Utilities Act**

22. The U.S. Constitution grants Congress exclusive legislative jurisdiction over areas ceded to the federal government with the consent of the applicable state. U.S.

⁹ *State v. DeBerry*, 224 N.C. 834, 836 (1945).

¹⁰ *Hancock*, 426 U.S. at 179.

¹¹ See *United States v. White*, 628 F. App'x 848, 849 (4th Cir. 2015) (unpublished) (“...on a federal enclave, like Fort Bragg[.]”); *Tetra Tech Tesoro*, 794 S.E.2d at 537. (“But in a federal enclave, such as Fort Bragg...”).

¹² *Hancock*, 426 U.S. at 179.

Const. art. I, § 8, cl. 17. North Carolina consented generally to this jurisdiction as early as 1905, and again in 1907, in N.C. Gen. Stat. §§ 104-1 and 104-7.

23. Although one of the North Carolina Utilities Commission's predecessor entities, the Railroad Commission, dates its regulation of railroad, steamboat and telegraph companies to 1891, the current regulatory paradigm for electricity regulation was not established until the passage of the Public Utilities Act in 1963 and its codification in Chapter 62 of the North Carolina General Statutes. *See* 1963 N.C. Sess. Laws c. 1165, s.1. (codified as N.C. Gen. Stat. § 62-1). Thus, the Public Utilities Act's regulatory scheme was not in effect when the federal government obtained exclusive jurisdiction over Fort Bragg from the State.¹³

North Carolina did not retain jurisdiction to regulate electricity

24. North Carolina has acted to reserve jurisdiction over certain subject matters in federal enclaves, but not over the generation, purchase and/or sale of electricity pursuant to the Public Utilities Act. In 1905 and 1907, N.C. Gen. Stat. §§ 104-1 and 104-7 reserved state jurisdiction over civil and criminal process. In 2005, the General Assembly amended § 104-7 to retain state jurisdiction over criminal law, public health and the environment, and marriage and probate matters. There is no state legislation reserving or retaining jurisdiction over the generation, purchase and/or sale of electricity, or with respect to the regulation of utilities or utilities services, in federal enclaves.

¹³ *See Tetra Tech Tesoro*, 794 S.E.2d at 537 (“in a federal enclave, such as Fort Bragg, courts apply a special form of federal law that incorporates only the North Carolina law in existence when the federal enclave is created.”).

25. The federal government has exclusive jurisdiction over the areas of Fort Bragg that are subject to, and implicated by, the proposed energy services agreement.

**Congress has not given a “clear and unambiguous” authorization
for state regulation over the generation, purchase and/or sale
of electricity in federal enclaves among private entities**

26. The Public Utilities Act does not apply to the proposed energy services agreement between BCL and Sunstone because there is no “clear and unambiguous” authorization for state regulation over the generation, purchase and/or sale of electricity between private entities within federal enclaves. The U.S. Supreme Court has held that “[b]ecause of the fundamental importance of the principles shielding federal installations and activities from regulation by the States, an authorization of state regulation is found only when and to the extent there is a clear congressional mandate, specific congressional action that makes this authorization of state regulation clear and unambiguous.”¹⁴

27. The degree of this protection for federal enclaves is such that, in *Hancock*, even when Congress required a federal agency to comply with certain State environmental *rules* it was insufficient to establish that it also intended to expose federal *installations* to state regulation.¹⁵ It is a higher bar that requires specific delineation by Congress to expose federal lands and facilities to state regulation and control that is barred under the Federal Enclave Doctrine.

28. For instance, when the Supreme Court has found Congress expressed a sufficiently “clear and unambiguous” intent to subject federal enclaves to state regulation

¹⁴ *Hancock*, 426 U.S. at 179 (internal citations and quotations omitted).

¹⁵ *Id.* at 184.

it looked for explicit reference to federal lands and the intent to apply a state's laws as if the state had exclusive jurisdiction. The measure of this specificity was on display in *Goodyear Atomic Corp. v. Miller*¹⁶, where a federal workers' compensation statute included language that a state authority charged with enforcing workers' compensation laws:

“shall have the power and authority to apply such laws to all lands and premises owned or held by the United States of America by deed or act of cession, by purchase or otherwise

...

in the same way and to the same extent as if said premises were under the exclusive jurisdiction of the State within whose exterior boundaries such place may be.”

Id. at 182 (quoting 40 U.S.C. § 290).

29. Unlike the allowance in federal workmen's compensation laws for application of state regulations to “all lands and premises owned or held by the United States,” there is no such clear and unambiguous language in federal law authorizing state regulation over the purchase and/or sale of electricity between private parties and contractors in federal enclaves.

Congressional regulation of electricity
purchased by federal entities with federal funds

30. There is a federal appropriations statute that requires a *federal agency* to follow applicable state laws when purchasing electricity with congressionally appropriated funds. Section 8093 of the Continuing Authorization Act of 1988 (commonly known as

¹⁶ 486 U.S. 174 (1988).

“Section 8093,” and codified as 40 U.S.C. § 591) requires a federal agency purchasing electricity with appropriated funds to comply with relevant state laws on the purchase of electric power as a commodity. Section 8093 (a) provides:

(a) General limitation on use of amounts. -- A department, agency, or instrumentality of the Federal Government may not use amounts appropriated or made available by any law to purchase electricity in a manner inconsistent with state law governing the provision of electric utility service, including--

- (1) state utility commission rulings; and
- (2) electric utility franchises or service territories established under state statute, state regulation, or state-approved territorial agreements.

40 U.S.C. § 591 (2006).

31. Section 8093 provides a limited and specific waiver of the Army’s sovereign immunity to the extent it purchases electricity with federal funds. It is not an all-purpose waiver of federal enclave protection over Fort Bragg, or activities undertaken on the base. Under the proposed energy services agreement, where the Army is not “purchas[ing] electricity” with federally appropriated funds, the Section 8093 waiver is not at issue.

32. Section 8093 is a procurement statute “intended to protect against utility abandonment by [] federal customers.”¹⁷ Indeed, in regulating the purchase of electricity as a commodity, the statute is designed to protect local utility customers from significant rate increases occasioned by dramatic changes in a state-regulated utility’s demand profile.

¹⁷ *West River Elec. V. Black Hills Power and Light Co.*, 918 F.2d 713, 719 (8th Cir. 1990).

But, as the *West River* court observed, “Section 8903 contains no [] specific reference to federal land or area, but instead is a general directive that federal agencies and installations follow state law in the procurement of their electric service.” *Id.*

33. Section 8093 applies only to (a) federal departments, agencies or instrumentalities and (b) to circumstances when the federal government purchases electricity with appropriated funds. Neither of these situations is applicable to the circumstances presented by this request for declaratory relief.

34. BCL is not a federal department, agency or instrumentality. Instead, by federal statute BCL is an “eligible entity” under 10 U.S.C. § 2871(5), defined as:

“any private person, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government that is prepared to enter into a contract as a partner with the Secretary concerned for the construction of housing units and ancillary supporting facilities.”

Sunstone is a private entity that would operate the proposed solar project, and provide solar energy and energy efficiency services, entirely within the Fort Bragg federal enclave, serving only the military housing units operated by BCL on Fort Bragg. Like BCL, Sunstone is not a department, agency or instrumentality of the federal government.

35. Further, Sunstone’s provision of solar energy and energy efficiency services would result in no “abandonment” of a local electricity provider by a federal customer. Indeed, as described herein, the Sunstone project is comprised of an array of “behind the meter” steps to control costs by slimming the demand profile of on-base military housing. These on-base generation and conservation efforts are consistent with DOD and Army policy, and would cause no meaningful change in the Army’s relationship with DEP. As

Figure A demonstrates, DEP would continue a longstanding relationship with the Army and Fort Bragg that does not give rise to the type of Congressional concerns about “in front of the meter” harm to consumers that animate Section 8093.

36. Moreover, the Army’s on-base solar project at Camp Mackall with DEP and Ameresco provides a useful data point for consideration of the Sunstone-BCL collaboration within the Fort Bragg enclave. The Army’s on-base solar project at Camp Mackall is expected to promote efficiencies and cost savings by reducing the Army’s use of energy and water. As with the proposed Sunstone project at Fort Bragg, the Army-owned and operated, on-base solar-generating capacity would reduce Camp Mackall’s demand for electricity, but not displace the Army’s continuing relationship with DEP to purchase electricity to meet base demands.

37. Both the Sunstone project at Fort Bragg and the Camp Mackall solar projects advance explicit *objectives* of federal policy to boost resilience at military bases through use of the primary components of the Sunstone project: on-base energy generation and conservation efforts. Moreover, federal statutes and policy encourage on-base generation as part of the federal government’s effort to reach 25% use of renewable sources to meet DOD’s energy needs by 2025. Both the proposed Sunstone and Camp Mackall projects would advance this interest.

CONCLUSION

38. The Public Utilities Act does not apply to Sunstone and BCL, private entities operating entirely within the federal enclave of Fort Bragg, because: (1) the Public Utilities Act was enacted *after* the federal government acquired exclusive jurisdiction over

Fort Bragg; (2) North Carolina did not retain jurisdiction over the generation, purchase and/or sale of electricity in federal enclaves; and (3) there is no Congressional action to subject private entities operating entirely within a federal enclave to state regulation of the generation, purchase and/or sale of electricity.

WHEREFORE, Sunstone respectfully requests that the Commission find that: (1) Fort Bragg is not subject to the Public Utilities Act because it is a federal enclave; (2) Sunstone's provision of solar energy and energy efficiency services within the federal enclave of Fort Bragg does not subject it or its assignees, nor their work, to the Public Utilities Act; and (3) Sunstone's proposed activities will not cause it to be considered a public utility under N.C. Gen. Stat. §62-3(23).

Respectfully submitted this the 8th day of December, 2020.

FOX ROTHSCHILD LLP



By:

Bradley M. Risinger
FOX ROTHSCHILD LLP
434 Fayetteville Street, Suite 2800
Raleigh, NC 27601
(919) 755-8848
brisinger@foxrothschild.com

*Attorneys for Sunstone Energy
Development LLC*


STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. SP-100, SUB 35

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:)
Request for Declaratory Ruling by) VERIFICATION
Sunstone Energy Development LLC that the Jurisdiction)
of the North Carolina Utilities Commission does not)
extend to the Federal Enclave within Fort Bragg)

I, Daniel Swayze, being first duly sworn, depose and say that I am the Manager of Sunstone Energy Development LLC, and in such capacity, I have read the foregoing Request for Declaratory Ruling and know the contents thereof, and by my signature below verify that the contents are true and correct to the best of my knowledge.




Daniel Swayze, Manager

STATE OF NEW JERSEY

COUNTY OF Morris

On the 7th day of December in the year 2020 before me personally came Daniel Swayze to me known, who, being by me duly sworn, did depose and say that he resides in Randolph New Jersey ; that he is the Manager of Sunstone Energy Development LLC, the company described in and which executed the above verification; and that he signed his name thereto by authority of the Management Committee of said company.



Notary Public

Printed Name: _____
My Commission Expires: _____

WAN YONG KIM
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 6/19/2022

The UPS Store
Roxbury Mail
275 Rt. 10 E, Suite 220
Succasunna, NJ 07876
Tel: 973-927-6090
Fax: 973-927-3484



CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing
REQUEST FOR DECLARATORY RULING upon all parties of record by electronic
mail as follows:

Christopher J. Ayers, Esq.
Executive Director, NC Public Staff

Tim R. Dodge, Esq.
NC Public Staff – Legal

NC Public Staff – Legal
4326 Mail Service Center
Raleigh, NC 27699

This the 8th day of December, 2020.



Bradley M. Risinger