

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 113
DOCKET NO. M-100, SUB 158

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 113)	
)	
In the Matter of)	
Rulemaking Proceeding to Implement)	
Session Law 2007-397)	ORDER AMENDING
)	RULE R8-65
DOCKET NO. M-100, Sub 158)	
)	
In the Matter of)	
Investigation of Necessary and Appropriate)	
Responses to the Novel Coronavirus)	
COVID-19)	

BY THE COMMISSION: Commission Rule R8-65 provides for the filing of a report of proposed construction (RPC) by persons not required to obtain a certificate of public convenience and necessity (CPCN) before beginning construction of an electric generating facility, including most facilities with a capacity of less than two megawatts.

Due to the ongoing COVID-19 State of Emergency, and in order to improve the efficiency of the RPC filing process, the Commission finds good cause to implement the following changes to the Rule R8-65 filing requirements:

- (1) Those persons who file hard copies of RPCs shall no longer provide the original and six copies. Instead they shall provide one original, verified copy. (The Commission made this change on a temporary basis in Docket No. M-100, Sub 158. With this order that change is now permanent.)
- (2) RPCs for solar photovoltaic systems wherein solar panels are mounted on the roof of a residential or commercial building shall no longer be required to include a color map or aerial photo.

These changes to Commission Rule R8-65 and the revised filing form are shown in Appendix A and are effective immediately. Clean copies of the amended rule and filing form are attached as Appendix B.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 26th day of August, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "Janice H. Fulmore". The signature is written in a cursive style with a large initial "J" and "F".

Janice H. Fulmore, Deputy Clerk

Rule R8-65. REPORT BY PERSONS CONSTRUCTING ELECTRIC GENERATING FACILITIES EXEMPT FROM CERTIFICATION REQUIREMENT.

(a) All persons exempt from certification under G.S. 62-110.1(g) shall file with the Commission a report of the proposed construction of an electric generating facility before beginning construction of the facility. The report shall be in the form adopted by the Commission, shall include the information prescribed in subsection (g) below, and shall be signed and verified by the owner of the electric generating facility or by an individual duly authorized to act on behalf of the owner for the purpose of the filing. The facility owner shall also be required to report to the Commission the completion of each such facility by giving notice of the completion of construction to the Commission in accordance with section (i) of this Rule. Reports of proposed construction and notices of completion of construction shall be for informational purposes only, and shall not require action by the Commission or the Public Staff.

(b) Reports filed on behalf of a corporation are not subject to the provision of Rule R1-5(d) that requires corporate pleadings to be filed by a member of the Bar of the State of North Carolina. Should a public hearing be required, the requirements of G.S. 84-4 and G.S. 84-4.1 shall be applicable.

(c) The owner of the electric generating facility shall provide a copy of the report to the electric public utility, electric membership corporation, or municipality to which the generating facility is or will be interconnected. This requirement shall not apply to an offering utility, as defined in G.S. 62-126.3(10), with regard to an electric generating facility that is intended to be a community solar energy facility, as defined in G.S. 62-126.3(3).

(d) The owner of the electric generating facility shall file the report electronically or file an original ~~and 6 copies~~ of the report of proposed construction with the Chief Clerk of the Utilities Commission. The report shall be accompanied by the fee required by G.S. 62-300.

(e) Upon the filing of a report of proposed construction, the Chief Clerk will assign a new docket or sub-docket number to the filing.

(f) The Commission may order a hearing on the report of proposed construction upon its own motion or upon receipt of a complaint specifying the basis thereof. Otherwise, no acknowledgment of receipt of the report of proposed construction will be issued nor will any other further action be taken by the Commission.

(g) The Report.

- (1) The report shall be comprised of the following four exhibits:
 - (i) Exhibit 1 shall contain:

- a. The full and correct name, business address, business telephone number, and electronic mailing address of the facility owner;
 - b. A statement of whether the facility owner is an individual, a partnership, or a corporation and, if a partnership, the name and business address of each general partner and, if a corporation, the state and date of incorporation and the name, business address, business telephone number, and electronic mailing address of an individual duly authorized to act as corporate agent for the purpose of the report and, if a foreign corporation, whether domesticated in North Carolina; and
 - c. The full and correct name of the site owner and, if the owner is other than the facility owner, the facility owner's interest in the site.
- (ii) Exhibit 2 shall contain:
- a. A color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks, except such map or photo shall not be required for solar photovoltaic systems wherein solar panels are mounted on the roof of a residential or commercial building; and
 - b. The E911 street address, county in which the proposed facility will be physically located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree.
- (iii) Exhibit 3 shall contain:
- a. The nature of the generating facility, including the type and source of its power or fuel;
 - b. A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation;
 - c. The gross and net generating capacity of each unit and the entire facility in alternating current (AC);
 - d. The projected date on which the facility will come on line;
 - e. The facility owner's general plan for sale of the electricity to be generated, including the utility to which the facility owner plans to sell the electricity;
 - f. the service life of the project;
 - g. the projected annual sales in kilowatt-hours; and

- h. whether the facility owner intends to earn renewable energy certificates that are eligible for compliance with the State's renewable energy and energy efficiency portfolio standard, and, if the facility to be constructed is a community solar energy facility, as defined in G.S. 62-126.3(3), a statement that the renewable energy certificates will be offered to subscribers in a manner consistent with G.S. 62-126.8(e)(8) and the electric public utility's consumer solar energy facility program approved by the Commission.
- (iv) Exhibit 4 shall contain the expected cost of the proposed facility.
- (2) All reports shall be signed and verified by the facility owner or by an individual duly authorized to act on behalf of the facility owner for the purpose of the report.
- (3) Falsification of or failure to disclose any required information in the report may be grounds for rejecting the report.
- (4) Both before the time construction is completed and after, each facility owner shall advise both the Commission and the utility to which the generating facility is or will be interconnected of any plans to sell, transfer, or assign the generating facility or of any significant changes in the information set forth in subsection (g) of this Rule.
- (i) Notice of completion of construction of facility. Within thirty (30) days of the completion of construction of the facility, each facility owner shall notify the Commission that the construction of the facility is complete. This notice shall be made by filing a short, plain statement that construction of the facility is complete and the date on which the construction was completed.

DOCKET NO. _____ - _____, SUB _____

Filing Fee Tendered \$ _____

Report of Proposed Construction (RPC) – Commission Rule R8-65

Pursuant to G.S. 62-110.1(g), any person who seeks to construct an electric generating facility in North Carolina, and is exempt from the requirement to obtain a certificate of public convenience and necessity, is required to file this form and a notice of completion of the construction of the facility. This form may be accompanied by any exhibits or additional responses incorporated by reference thereto and attached to this form. This form must be accompanied by the required filing fee of \$50.00.

This form may be electronically filed. Please see www.ncuc.net for instructions.

If this form is filed by hard copy, the original ~~plus 6 copies~~ must be presented at or transmitted to the office of the Chief Clerk. Regardless of the method of delivery, this form is not deemed filed until it is received by the Chief Clerk, along with the required filing fee.

The mailing address is:

Chief Clerk
NC Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-432500

Exhibits required by Rule R8-64(b)		Applicant's Response
(1)(i)	Full and correct name of the owner of the facility	
	Facility name	
	Business address	
	E-mail address	
	Telephone number	
(ii)	The owner is (check one)	<input type="checkbox"/> Individual <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation
	If a partnership, the name and business address of each general partner	
	If a corporation, the state and date of incorporation	
	If a partnership, the name and address of each general partner (add additional sheets if necessary)	

	Owner's agent for purposes of this report, if applicable:	
	Agent's business address	
	Agent's e-mail address	
	Agent's telephone number	
(iii)	The full and correct name of the site owner and, if the site owner is other than the applicant, the applicant's legal interest in the site	
(2)(i)	Attach a color map or aerial photo showing the location of the generating facility site in relation to local highways, streets, rivers, streams, and other generally known local landmarks with the proposed location of major equipment indicated on the map or photo, including: the generator, fuel handling equipment, plant distribution system, startup equipment, the site boundary, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities. A U.S. Geological Survey map or an aerial photo map prepared via the State's geographic information system (found at www.gis.ncdcr.gov/hpoweb/) is preferred. <u>Rooftop solar installations are not required to file a map or photo.</u>	
(ii)	E911 street address of the proposed facility	
	County in which the proposed facility will be physically located	
	GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree	
(3)(i)	The nature of the facility, including its technology, and the source of its power and fuel(s)	
(ii)	A description of the buildings, structures and equipment comprising the generating facility and the manner of its operation	
(iii)	The gross and net projected maximum dependable capacity of the facility in megawatts – Alternating Current	

	The facility's nameplate capacity in megawatts – Alternating Current	
(iv)	The projected date on which the facility will come on line	
(v)	The applicant's general plan for sale of the electricity to be generated, including the name of utility to which the applicant plans to sell the electricity	
(vi)	Any provisions for wheeling of the electricity, if applicable	
(vii)	Arrangements for firm, non-firm, or emergency generation, if applicable	
(viii)	The service life of the project	
(ix)	The projected annual sales in kilowatt-hours	
(x)	Whether the applicant intends to produce renewable energy certificates that are eligible for compliance with the State's renewable energy and energy efficiency portfolio standard <input type="checkbox"/> Yes <input type="checkbox"/> No	
(4)	The expected cost of the proposed facility	\$

Confidentiality

If an applicant considers certain of the required information above to be confidential and entitled to protection from public disclosure, it may designate said information as confidential and file it under seal. Documents marked as confidential will be treated pursuant to applicable Commission rules, procedures, and orders dealing with filings made under seal and with nondisclosure agreements.

Verification

All reports shall be signed and verified (notarized) by the applicant or by an individual duly authorized to act on behalf of the applicant for the purpose of the report. A blank verification page is attached below.

VERIFICATION

STATE OF _____ COUNTY OF _____

Signature of Owner's Representative or Agent

Title of Representative or Agent

Typed or Printed Name of Representative or Agent

The above named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing report and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this _____ day of _____, 20 _____

My Commission Expires: _____

Signature of Notary Public

Name of Notary Public – Typed or Printed

~~This original verification must be affixed to the original report, and a copy of this verification must be affixed to each of the copies that are also submitted to the Commission.~~

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 - f. the service life of the project;
 - g. the projected annual sales in kilowatt-hours; and

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VERIFICATION

STATE OF _____ COUNTY OF _____

Signature of Owner's Representative or Agent

Title of Representative or Agent

Typed or Printed Name of Representative or Agent

The above named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing report and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this _____ day of _____, 20 ____

My Commission Expires: _____

Signature of Notary Public

Name of Notary Public – Typed or Printed