CHAPTER 8.

ELECTRIC LIGHT AND POWER.

ARTICLE 1.
General Provisions.

Rule R8-1. Application of rules.
Rule R8-2. Definitions.
Rule R8-3. Records.
Rule R8-4. Reports to Commission.

ARTICLE 2.
General Service Provisions.

Rule R8-5. Inspection of plant and equipment.
Rule R8-6. Complaints.
Rule R8-7. Information for consumers.
Rule R8-8. Meter readings and bill forms.

ARTICLE 3.
Meters, Meter Tests and Records.

Rule R8-9. Location.
Rule R8-10. Testing facilities.
Rule R8-11. Method of determining average error of meters.
Rule R8-12. Meter accuracy.
Rule R8-13. Periodic tests of meters.
Rule R8-14. Meter testing at request of consumers.
Rule R8-15. [Repealed.]

ARTICLE 4.
Operation.

Rule R8-16. Standard frequency.
Rule R8-17. Standard voltage.
Rule R8-18. Voltage surveys and records.
Rule R8-19. [Rescinded.]
Rule R8-20. Discontinuance of service for violation of rules or nonpayment of bills.
Rule R8-21. Replacement of meters and changes in location of service.
Rule R8-22. Utility may withhold service until customer complies with rules and regulations.
Rule R8-23. Extent of system on which utility must maintain service.
Rule R8-24. Extensions.
Rule R8-25. Rate schedule; rules and regulations.
Rule R8-26. Safety rules and regulations.
Rule R8-27. Uniform system of accounts.
Rule R8-28. Retention of records.

ARTICLE 5.
Assignment of Areas.

Rule R8-29. Application for service area by electric supplier; publication of notice.
Rule R8-30. Petition to intervene by other suppliers; consolidation of applications for same service area.
Rule R8-31. Hearing at least sixty days after publication.
Rule R8-32. Assignment of service areas on Commission's motion.

ARTICLE 6.
Electric Membership Corporations.

Rule R8-33. Rate schedules, rules and regulations; underground wiring; promotional payments.
Rule R8-34. Title and docket assignments for rates and regulations of electric membership corporations.
Rule R8-35. Requirements as to size and form of rate filings.
Rule R8-36. Filings to reflect effective date, changes and previous filings superseded.
Rule R8-37. Copies required.
Rule R8-38. Time requirements for filings.
Rule R8-39. Transmission of filings.

ARTICLE 7.
Power Reliability.

Rule R8-40. Report of impending emergencies, load reductions and service interruptions in bulk electric power supply and related power supply facilities.
Rule R8-40A. Service Reliability Index Reporting.
Rule R8-41. Filing of Emergency Load Reduction Plans and Emergency Procedures.

ARTICLE 8.
Electric Energy Supply Planning.

Rule R8-42. [Rescinded.]
Rule R8-43. [Rescinded.]

ARTICLE 9.
Overcharges and Undercharges.

Rule R8-44. Method of adjustment for rates varying from schedule or for other billing errors.

ARTICLE 10.
Fuel Based Rate Changes.

Rule R8-45. [Rescinded.]
Rule R8-46. [Rescinded.]
Rule R8-47. Requirements of minimum standard offerings of lighting luminaries.
Rule R8-48. Information to be provided to new consumers.
Rule R8-49. Notification to consumers of tariff changes.
Rule R8-50. Notification of available rate schedules and breakdown of company operating expenses.
Rule R8-51. Provision of past billing history upon consumer request.
Rule R8-52. Monthly fuel report.
Rule R8-53. Monthly power plant performance report.
Rule R8-54. [Repealed.]
Rule R8-55. Annual hearings to review changes in the cost of fuel and fuel-related costs.

ARTICLE 11.
Resource Planning and Certification.

Rules R8-56. through R8-59. [Repealed]
Rule R8-60. Integrated Resource Planning and Filings.
Rule R8-60.1. Smart Grid Technology Plans and Filings.
Rule R8-60A. Biennial Integrated Resource Planning and Carbon Plan Filings.
Rule R8-61. Preliminary Plans and Certificates of Public Convenience and Necessity for Construction of Electric Generation and Related Transmission Facilities in North Carolina; Construction of Out-of-State Electric Generating Facilities; Progress Reports and Ongoing Reviews of Construction; Project Development Cost Reviews for Nuclear Generating Facilities.

Rule R8-62. Certificates of environmental compatibility and public convenience and necessity for the construction of electric transmission lines in North Carolina.
Rule R8-63. Application for Certificate of Public Convenience and Necessity for Merchant Plant; Progress Reports.
Rule R8-64. Application for Certificate of Public Convenience and Necessity by CPRE Program Participant, Qualifying Cogenerator, or Small Power Producer; Progress Reports.
Rule R8-65. Report by Persons Constructing Electric Generating Facilities Exempt from Certification Requirement.
Rule R8-66. Registration of Clean Energy Facilities; Annual Reporting Requirements.
Rule R8-67. Clean Energy and Energy Efficiency Portfolio Standard (CEPS).
Rule R8-68. Incentive Programs for Electric Public Utilities and Electric Membership Corporations, Including Energy Efficiency and Demand-Side Management Programs.
Rule R8-69. Cost Recovery for Demand-Side Management and Energy Efficiency Measures of Electric Public Utilities.
Rule R8-70. Cost Recovery for Costs Incurred by an Electric Public Utility to Acquire, Operate and Maintain interest in Electric Generating Facilities Purchased from a Joint Municipal Power Agency.
Rule R8-71. Competitive Procurement of Renewable Energy.
Rule R8-72. Community Solar Program.
Rule R8-73. Applications for Certificate of Authority to Engage in Business as an Electric Generator Lessor; Transfers; and Notice.
Rule R8-74. [Rescinded.]
Rule R8-75. Financing for Certain Storm and Coal Plant Retirement Recovery Costs.

Chapter 8. Appendix.

CHAPTER 8.

ELECTRIC LIGHT AND POWER.

ARTICLE 1.

GENERAL PROVISIONS.

Rule R8-1. APPLICATION OF RULES.

(a) These rules shall apply to any person, firm, or corporation (except municipalities, or agents thereof) which is now or may hereafter become engaged as a public utility in the business of furnishing electric current for domestic, commercial or industrial consumers within the State of North Carolina.

(b) The rules are intended to define good practice which can normally be expected. They are intended to insure adequate service and to protect the public from unfair practices and the utilities from unreasonable demands. The cooperation of the utilities with the Commission and the Public Staff is expected.

(c) In any case where compliance with any of these rules introduces unusual difficulty, such rule may be temporarily waived by the Commission upon application of the utility. If in such case compliance with the rule would cost more than the results of such compliance are worth to the public and consumers of electric current, it may be permanently set aside by the Commission.

(NCUC Docket No. M-100, Sub 75, 10/27/77.)

Rule R8-2. DEFINITIONS.

In the interpretation of these rules the word "utility" shall be taken to mean any person, firm or corporation engaged in the business of supplying electric current to domestic, commercial, or industrial users within this State except a municipality or electric membership corporation organized under G.S. 117-6 et seq. and the word "consumer" shall be taken to mean any person, firm, corporation, municipality, or other political subdivision of the State supplied by any such utility. Unless specifically stated otherwise, capacity of generation facilities is provided in alternating current (AC) delivered at the point of interconnection to the distribution or transmission facilities.

(NCUC Docket No. E-100, Sub 134, 3/18/2015.)

Rule R8-3. RECORDS.

(a) A complete record shall be kept of all tests and inspections required under these rules as to the quality or condition of service which is rendered.

(b) All records of tests shall contain complete information concerning the test, including the date, hour, and place where the test was made; the name of the person making the test, and the result.

(c) All records required by these rules shall be preserved by the utility for at least one year after they are made. Such records shall be kept within the State at the office or offices of the utility, and shall be open for examination by the Commission or its representatives or the Public Staff at all reasonable hours.

(NCUC Docket No. M-100, Sub 75, 10/27/77.)

Rule R8-4. REPORTS TO COMMISSION.

Each utility shall, at such times and in such form as the Commission shall prescribe, report to the Commission and the Public Staff the results of all tests required to be made or the information contained in any records required to be kept by the utility.

(NCUC Docket No. M-100, Sub 75, 10/27/77.)

Rule R8-4A. CUSTOMER SATISFACTION METRICS AND AVERAGE RESPONSE TIME PERFORMANCE.

(a) Purpose. – The purpose of this rule is to establish standards for measuring and reporting customer call center performance by electric utilities that own and operate electric power systems in North Carolina.

(b) Applicability. – This rule applies to Duke Energy Carolinas, LLC, Duke Energy Progress, Inc., and Virginia Electric and Power Company, d/b/a Dominion North Carolina Power.

(c) Quarterly Reports.

(1) Each electric utility in this State shall file a report on its call center performance on a quarterly basis. The data reported shall be submitted within 30 days of the end of each quarter.

(2) Call center performance reports shall include:
- (a) Customer satisfaction with the automated response system and customer service representatives.
  - (i) Customer satisfaction metrics shall be transaction-based.
  - (ii) Customer satisfaction metrics shall be based on customers rating their satisfaction with the automated response system and the customer service representatives.
  - (iii) Results from customers rating their satisfaction with the automated response system and the customer service representatives shall be reported to the Commission for each quarter and the preceding quarters, if any, of a calendar year.
- (b) Answer Rate for live voice-handled calls
  - (i) Total calls answered by a customer service representative as a percentage of total calls received minus technology-handled calls shall be reported on a 12-month rolling average basis.
- (c) Average Speed of Answer for live voice- and technology-handled calls.
  - (i) Average Speed of Answer in seconds shall be reported on a 12-month rolling average basis.

(NCUC Docket No. E-100, Sub 138, 3/9/15.)

Rule R8-4B. NEW RESIDENTIAL SERVICE INSTALLATION INDICES.

(a) Purpose. – The purpose of this rule is to establish standards for measuring and reporting new residential service installations and the average number of days in construction per installation for both underground and overhead installations by electric utilities that own and operate electric power systems in North Carolina.

(b) Applicability. – This rule applies to Duke Energy Carolinas, LLC, Duke Energy Progress, Inc., and Virginia Electric and Power Company, d/b/a Dominion North Carolina Power.

(c) Annual Reports.

(1) Each electric utility in this State shall file a report on its new residential service installations on an annual basis. The data reported shall be submitted within 60 days of the end of each calendar year.

(2) Service installation reports shall include:
   (a) The number of new residential service installations for both underground and overhead installations for the preceding calendar year.
   (b) The average number of days in construction per installation for both underground and overhead installations for the preceding calendar year.

(3) The beginning point for measuring the number of days in construction for both underground and overhead installations shall be the date the builder or customer acknowledges that the building site is ready for the installation work to begin. This occurs after the meter base and load wires have been installed, the site is to final grade, no obstacles impede construction, and any other construction prerequisites have been satisfied.

(4) The ending point for measuring the number of days in construction for both underground and overhead installations shall be the date when new service is energized to the meter base.

(NCUC Docket No. E-100, Sub 138, 3/9/15.)

ARTICLE 2.

GENERAL SERVICE PROVISIONS.

Rule R8-5. INSPECTION OF PLANT AND EQUIPMENT.

(a) Each utility shall maintain its plant, distribution system and facilities at all times in proper condition for use in rendering safe and adequate service.

(b) Each utility shall, upon request of the Commission or the Public Staff, file with it a statement regarding the condition and adequacy of its plant, equipment, facilities and service in such form as may be required by the Commission.

(NCUC Docket No. M-100, Sub 75, 10/27/77.)

Rule R8-6. COMPLAINTS.

Each utility shall make a full and prompt investigation of all service complaints made to it by its consumers, either directly or through the Commission or the Public Staff. It shall keep a record of all such complaints received which record shall show the name and address of the complainant, the date and character of the complaint and the adjustment or disposal made thereof. Such record shall be kept for a period of one year.

(NCUC Docket No. M-100, Sub 75, 10/27/77.)

Rule R8-7. INFORMATION FOR CONSUMERS.

Each utility shall upon request inform its consumers as to the method of reading meters. It is recommended that an exhibition meter be kept on display in each office maintained by a utility.

Rule R8-8. METER READINGS AND BILL FORMS.

(a) Bills shall be rendered for metered service periodically, and shall show the readings of the meter at the beginning and end of the period for which the bill is rendered, the number and kinds of units of service supplied, and the date of the last meter reading.

(b) Each bill shall bear upon its face the date when the bill was mailed, or left at the premises of the consumer, or the latest date on which it may be paid without loss of discount or incurring of penalty.

ARTICLE 3.

METERS, METER TESTS AND RECORDS.

Note: Throughout this Article 3, cited standards of the American National Standards Institute (ANSI) means the most recent approved ANSI standard as amended from time to time.

Rule R8-9. LOCATION AND CONTROL OF METERS.

(a) No consumer's meter shall be installed in any location where it may be unreasonably exposed to heat, cold, dampness or other cause of damage, or in any unduly dirty or inaccessible location.

(b) Unless otherwise authorized by the Commission, each electric utility shall provide, install, and continue to own and maintain all meters necessary for the measurement of electric energy consumed by its customers.

(c) All meters shall be of a standard type that meets applicable industry standards for the type and application of electric utility service.

(d) Meters shall be placed on stable and unobstructed supports sufficient for the purpose of maintaining the integrity of the meter, meter base, and any other appurtenant equipment necessary for metered utility service.

(e) Meters shall be easily accessible and acceptable clearances shall be maintained on all sides of enclosures for installing, removing, reading, testing, communicating, and making necessary adjustments and repairs. Such clearances must allow for any hinged doors or panels to be opened a minimum of 90 degrees. When two or more meter enclosures are placed on one meter board, each meter enclosure shall be tagged to indicate the circuit metered.

(f) Each customer shall provide and maintain a suitable and convenient place for the location of meters, where they will be readily accessible at any reasonable hour for the purpose of reading, testing, repairing, removing etc., and such other appliances owned by the utility and placed on the premises of the customer shall be so placed as to be readily accessible at such times as are necessary, and the authorized agent of the utility shall have authority to visit such meters and appurtenances at such times as are necessary in the conduct of the business of the utility.

(NCUC Docket No. E-100, Sub 153, 11/27/2019.)

Rule R8-10. TESTING FACILITIES.

(a) Each utility furnishing metered electric service shall, unless specifically excused by the Commission, provide and have available such meter laboratory, standard meters, instruments, and facilities as may be necessary to make the tests required by these rules, together with such portable indicating electrical testing instruments, watt hour meters, and facilities of suitable type and range for testing service watt hour meters, voltmeters and other electrical equipment, used in its operations, as may be deemed necessary and satisfactory to the Commission.

(b) All portable indicating electrical testing instruments, when in regular use for testing purposes, shall be checked against suitable reference standards periodically, and with such frequency as to insure their accuracy whenever used in testing service meters of the utility.

NCUC Docket No. E-100, Sub 153, 11/27/19.)

Rule R8-11. METHOD OF DETERMINING AVERAGE ERROR OF METERS.

(a) The average percent registration of a watt hour meter shall be determined using one of the following methods prescribed by the American National Standards Institute (ANSI) Standard C12.1 – Code for Electricity Metering, where “FL” means the percent registration at full load test amps and unity power factor, “LL” means the percent registration at light load test amps and unity power factor, and “PF” means the percent registration at full load test amps and 50% power factor:

(1) Method 1: Average percent registration = (4FL + LL)/5

(2) Method 2: Average percent registration = (FL + LL)/2

(3) Method 3: Average percent registration = registration at a single load point when this single load point represents the registration within the range

(4) Method 4: Average percent registration = (4FL + 2LL + PF)/7

(NCUC Docket No. T-100, Sub 49, 01/09/04; NCUC Docket No. E-100, Sub 153, 11/27/2019.)

Rule R8-12. METER ACCURACY.

(a) No watt hour meter that registers on "no load" as defined by ANSI C12.1 (voltage circuits energized and zero current), shall be placed in service or allowed to remain in service.

(b) No watt hour meter shall be placed in service that is in any way defective or has incorrect constants, nor shall any watt hour meter be maintained in service that does not meet the following performance requirements: Average percent registration not less than 98% or more than 102%.

(c) All meters shall be accuracy tested by the manufacturer. Test results shall be provided to the utility and stored by the utility for the life of the meter and at least three years after the retirement of the meter.

(d) Acceptance testing shall be performed on a statistically valid sample of each shipment of new meters. The statistical sampling plan used shall conform to the accepted principles of statistical sampling as set forth in ANSI Z1.4 – Sampling Procedures and Tables for Inspection by Attributes, ANSI Z1.9 – Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming, or other generally accepted statistical methodology. If the total number of failures exceeds the level allowed under the sample plan, the entire shipment will be rejected and returned to the manufacturer or corrected on site.

(e) Whenever a test made by the utility or Commission on a service watt hour meter connected in its permanent position in place of service shows an average percent registration less than 98% or more than 102%, the meter shall be replaced.

(f) A service watt hour meter having an average percent registration not less than 98% or more than 102% may be considered as correct, and no adjustment of charges shall be entailed by such an error.

(NCUC Docket No. E-100, Sub 29, 11/29/77; NCUC Docket No. E-100, Sub 153, 11/27/2019.)

Rule R8-13. IN-SERVICE METER TESTING.

(a) Meter Testing Required -- Each in-service watt hour billing meter shall be included in either a periodic or sampling testing plan as prescribed by ANSI C12.1 – Code for Electricity Metering. Average meter registration accuracy that is less than 98% or more than 102% will be counted as a failure.

(b) Statistical Sampling Plan – The statistical sampling plan provides for the division of meters into homogenous groups such as manufacturer and manufacturer type and may be further subdivided based on other factors such as age or vintage of meter. The selection process is random where each meter within each group has an equal chance of being selected. Selected meters in each group are tested for energy registration accuracy. The statistical sampling plan used shall conform to the accepted principles of statistical sampling as found in ANSI Z1.4 – Sampling Procedures and Tables for Inspection by Attributes, ANSI Z1.9 – Sampling Procedures and Tables for Inspection by Variables for Percent Nonconforming, or other statistically valid programs that have been evaluated by qualified independent mathematical statisticians.

(c) Periodic Interval Plan – Every meter included in a periodic interval plan shall be tested for energy registration accuracy at a minimum of once every sixteen years. The utility may elect to test more frequently based on factors such as complexity of the metering system, class of customer, or size of service.

(d) Corrective Action -- If testing pursuant to subsection (a) or (b) shows that a meter or group of meters does not meet the performance criteria, then an established program of corrective action shall be followed. Corrective action shall consist of one or more of the following methods listed in ANSI C12.1 section 5.0.3.4.4: a) an accelerated test program, b) splitting a group into two or more subgroups, c) a time-specific retirement program, or d) a sample-driven retirement program. The accelerated test program should provide for testing at rates that vary in accordance with the calculated percentage of meters in the group outside the acceptable limits of accuracy but not less than 20% of the group tested per year. Meters so tested and placed into service shall be sampled as a separate group from the remainder of the original group not tested. When the sample results of the remainder of the original group indicate that the group has come up to acceptable limits the two components of the group may be consolidated for sampling.

(e) Utility to Retain Test Results -- Accuracy test results shall be stored by the utility for the life of the meter and at least three years after the retirement of the meter.

(f) Utility Reporting -- No later than April 1 of each year, a utility shall report to the Commission on its in-service meter program. For tests performed pursuant to subsection (b), the report shall indicate the number of meters in each homogeneous group in service at the beginning of each year, the number of meters making up the sample for each such group, the test results for each group, and any corrective action taken. In addition, the report shall describe the results from meters tested under a periodic interval plan pursuant to subsection (c), including the number of meters in each homogeneous group in service

at the beginning of each year, the number of meters tested, the test results, and any corrective action taken. The report shall also identify any classes of meters for which the utility tests on a more frequent basis than prescribed in ANSI C12.1, and the basis for the more frequent testing. The report shall also outline the current year's testing plan.

(g) Inspections -- When metering installations are tested or inspected, instrument transformers and wiring associated with the installation shall be visually inspected for correctness of connections and evidence of damage. Nameplate or stenciled ratios shall be verified against ratios used by the utility for billing. These inspections are not required if performing them cannot be done safely.

(NCUC Docket No. M-100, Sub 5, 7/15/65; NCUC Docket No. E-100, Sub 4, 6/8/66; NCUC Docket No. M-100, Sub 140, 12/03/13; NCUC Docket No. E-100, Sub 153, 11/27/2019.)

Rule R8-14. METER TESTING AT REQUEST OF CONSUMERS.

(a) Upon reasonable notice, when requested in writing by the customer, each utility shall test the accuracy of the meter in use by the customer.

(b) No deposit or payment shall be required from the customer for a meter test, except when the customer has requested, within the previous twelve months, that the same meter be tested, in which case the customer shall be required by the utility to deposit with it an amount as determined by the Commission to cover the reasonable cost of such test.

(c) A schedule of deposits or fees for testing various classifications of meters shall be filed with, and approved by, the Commission.

(d) The amount so deposited with the utility shall be refunded or credited to the customer (as a part of the settlement in the case of a disputed account) if the meter is found, when tested, to register more than two percent (2%) fast; otherwise the deposit shall be retained by the utility.

(e) The customer may, if customer so requests, be present when the utility conducts the test on customer's meter, or if the customer desires, may provide (at customer's expense) an expert, or other representative appointed by customer, to be present at the time of the meter test.

(f) A report of the results of the meter test shall be made within a reasonable time after the completion of the test. This report shall give the name of the customer requesting the test, the date of the request, the location of the premises where the meter is installed, the type, make, size, and serial number of the meter, the date of removal, the date tested, and the results of the test, a copy of which shall be supplied to the customer upon request. The utility shall inform the customer that the customer has a right to request such written copy of the report of the meter test.

(g) Any meter tested pursuant to this rule that fails the following performance requirements shall be removed from service and remain out of service until it is determined to be in compliance: Average percent registration not less than 98% or more than 102%.

(NCUC Docket No. E-100, Sub 29, 11/29/77; NCUC Docket No. E-100, Sub 72, 6/22/94; NCUC Docket No. E-100, Sub 153, 11/27/2019.)

Rule R8-15. Repealed by NCUC Docket No. E-100, Sub 29, 11/29/77.

ARTICLE 4.

OPERATION.

Note: Throughout this Article 4, cited standards of the American National Standards Institute (ANSI) means the most recent approved ANSI standard as amended from time to time.

Rule R8-16. STANDARD FREQUENCY.

[Repealed.]

NCUC Docket No. E-100, Sub 153, 11/27/2019.)

Rule R8-17. STANDARD VOLTAGE.

(a) Each electric supplier shall adopt and file with the Commission standard average service voltages available from its distribution class facilities. The filing shall contain the nominal voltage, base voltage, lower limit, and upper limit. The voltage maintained at the point of delivery shall be reasonably constant and variations therein should not normally exceed the limits set forth in this rule.

(1) The standard nominal voltage adopted by the electric supplier shall be a voltage indicated by the version of ANSI Standard C84.1, Electric Power Systems and Equipment-Voltage Ratings (60 Hz), or equivalent ANSI standard as later amended, in effect at the time of adoption of nominal voltages. The following standard nominal service voltages are hereby adopted by the Commission as the preferred standard nominal service voltages:

NOMINAL SYSTEM VOLTAGE****		
Two-wire	Three-wire	Four-wire
Single-Phase Systems		
120*	**120/240***	
Three-Phase Systems		
		208Y/120***
		240/120
	240	
		480Y/277
	480	
	600**	
	2400	
	4160	4160Y/2400
	4800	
	6900	
		8320Y/4800
		12000Y/6930
		12470Y/7200
		13200Y/7620
	13800	**13800Y/7970**
		20780Y/12000
	23000	22860Y/13200
		24940Y/14400
	34500	**34500Y/19920**

*see (a)(2) below

**This classification covers the range of nominal voltages from 550 to 600 volts.

***A modification of this three-phase, four-wire system is available as a 120/208YV service for single-phase, three-wire, open-wye applications.

****Preferred system voltages are in bold-face type.

(2) An electric supplier may adopt different nominal voltages to serve specific customers if such action does not compromise prudent transmission and distribution system operation.

(b) In order to promote harmony between the service of electric suppliers and the utilization of voltage requirements of presently manufactured equipment, the following service voltage variations are permitted:

(1) For service rendered for individual residential use or specifically for lighting purposes, the voltage variations shall not exceed five percent (5%) above or below the standard base voltage.

(2) For other service the voltage variations shall not exceed ten percent (10%) above or below the standard base voltage.

(c) An electric supplier may elect to deliver service at a nominal voltage that is not standard on its system. The variation in the nonstandard voltage shall not exceed the limits set forth above for the type of service being rendered.

(d) Upon approval of the Commission and proper notification to its customers a utility may cease to deliver a particular voltage.

(e) Variations in voltage in excess of those specified that are caused by the following shall not be construed a violation of this rule:

(1) Addition of customer equipment without proper notification to the electric supplier.

(2) Operation of customer’s equipment.

(3) The action of the elements.

(4) Infrequent and unavoidable fluctuations of short duration due to system operations.

(5) Conditions that are part of practical operations and are of limited extent, frequency, and duration.

(6) Emergency operations.

(f) Customers shall select, install, maintain and operate their electrical equipment so as to cause the least interference with the regulation of the electric supply system. Three phase motors in excess of 20 horsepower, single phase motors in excess of five horsepower and other apparatus with high starting or fluctuating currents must be installed in accordance with the supplier's filed tariffs and rules and regulations.

(g) Greater variations in voltage for service to installations that permit greater variations than those required above may be allowed upon specific authorization by the Commission.

(NCUC Docket No. E-100, Sub 9, 4/25/72; NCUC Docket No. E-100, Sub 153, 11/27/2019.)

Rule R8-18. VOLTAGE SURVEYS AND RECORDS.

Each utility shall provide itself with suitable indicating or recording voltmeters, and shall make a sufficient number of voltage tests periodically so as to insure compliance with the voltage requirements cited above. These tests shall be made at appropriate points upon the utility's distribution lines.

Rule R8-19. Rescinded by NCUC Docket Nos. M-100, Sub 86; M-100, Sub 28; M-100, Sub 61, 10/1/80.

Rule R8-20. DISCONTINUANCE OF SERVICE FOR VIOLATION OF RULES OR NONPAYMENT OF BILLS.

(a) No utility shall discontinue the service to any consumer for violation of its rules or regulations, or for nonpayment of bills without having first tried to induce the consumer to comply with its rules and regulations or to pay his bills.

(b) Service shall actually be discontinued only after at least 24 hours' written notice of such intention shall have been given to the consumer by the utility; provided, however, that where fraudulent use of current is detected, or where a dangerous condition is found to exist on the consumer's premises, the service may be shut off without notice in advance.

(c) Said notice herein prescribed may be given by leaving a copy thereof with such consumer at the premises where such service is rendered, or by mailing same through the United States mail to the consumer's last known post office address.

(d) Consumer shall have the privilege of paying delinquent bill at any time prior to actual disconnection of service lines supplying him; provided, that where the utility dispatches an employee to the premises of any consumer for the purpose of disconnecting service lines, a fee not to exceed one dollar may be added to consumer's delinquent bill to cover cost to utility of dispatching such employee to consumer's premises, which fee must be paid as a part of consumer's delinquent account.

(e) Whenever the service is turned off for violation of rules or regulations, or fraudulent use of current, the utility may make a reasonable charge for the cost of renewing it.

(f) Where a consumer has been required to make a guarantee deposit this shall not relieve consumer of the obligation to pay the service bills when due, but where such deposit has been made and service has been discontinued on account of nonpayment of bill, then in such event unless consumer shall, within forty eight hours after service has been discontinued, apply for reconnection of service and pay the account, then in such event the utility shall apply the deposit of such consumer toward the discharge of such account and shall as soon thereafter as practicable, refund the consumer any excess of the deposit.

Rule R8-21. INSTALLATION OR REPLACEMENT OF METERS AND CHANGES IN LOCATION OF SERVICE.

(a) A customer's request for electric utility service grants the utility permission to install any metering device that meets the requirements of Rules R8-8, -9, -11, and -12, as deemed appropriate by the utility and in compliance with Commission orders.

(b) Whenever a customer requests the replacement of the service meter on the customer's premises, such request shall be treated as a request for the test of such meter, and as such, shall fall under the provisions of Rule R8-14.

(c) Whenever a customer moves from the location where electric service is used by the customer, and thereby requires the disconnecting and/or connecting at a new location of the electric supplier, or information is required from the metering infrastructure to complete the transfer of service, and the same work has been done for the customer within one year preceding, the utility may make a charge, subject to such charge having been approved by the Commission.

NCUC Docket No. E-100, Sub 153, 11/27/2019.)

Rule R8-22. UTILITY MAY WITHHOLD SERVICE UNTIL CUSTOMER COMPLIES WITH RULES AND REGULATIONS.

Any utility may decline to serve a customer or prospective customer until he has complied with the State and municipal regulations on electric service, and the rules and regulations of the utility furnishing the service, provided such rules and regulations have been approved by the Commission.

Rule R8-23. EXTENT OF SYSTEM ON WHICH UTILITY MUST MAINTAIN SERVICE.

Each electric utility, unless specifically relieved in any case by the Commission from such obligation, shall operate and maintain in safe, efficient and proper condition, all the facilities and instrumentalities used in connection with the regulation, measurement and delivery of electric current to any consumer up to and including the point of delivery into the wiring owned by the consumer.

Rule R8-24. EXTENSIONS.

Each utility shall adopt rules, subject to the approval of the Commission, under which it will, upon written request for service by a prospective consumer or a group of prospective consumers, located in the same neighborhood, make the extension necessary to give service and furnish service connection or connections.

Rule R8-25. RATE SCHEDULE; RULES AND REGULATIONS.

(a) Copies of all schedules of rates for service, forms of contracts, charges for service connections and extensions of circuits, and of all rules and regulations covering the relations of consumer and utility, shall be filed by each utility in the office of the Commission. Copies of such rates, rules and regulations shall be furnished consumers or prospective consumers upon request.

(b) Consumers applying for more than one class of service on the same premises shall so arrange their wiring that each class of service can be metered separately (unless utility has schedules on file covering service to a combination of classes on one meter), and consumers purchasing any particular class of service shall confine the use of current supplied thereunder to the purposes set forth in the rate scheduled for such class. Separate meters will be required for each building on the same premises except outhouses and for each separate class of service in the same building except when a commercial lighting consumer occupies the same building in part for residential purposes the utility may supply both the commercial and residential lighting through one meter at the commercial lighting rate, or on rural lines at the rural rate.

(c) Consumers desiring service in excess of 25 HP may be required to enter into term contracts with the utility supplying service, for the period established in the schedule of rates filed with the Commission. Failure to enter into contract for the period specified in the rate schedule will entitle the utility to impose a surcharge of five percent on all bills rendered to such consumers. The utility shall not be required to supply service for a period of less than one year except under rate schedules designed expressly for short term service. In case of initial contracts for service where the investment required of the utility is large, the Commission may require contracts of sufficiently long term to justify the investment, regardless of the provisions of the rate schedule filed for such service.

(NCUC Docket No. E-100, Sub 16, 2/9/73.)

Rule R8-26. SAFETY RULES AND REGULATIONS.

The current rules and regulations of the American National Standards Institute (ANSI) entitled “National Electrical Safety Code” are hereby adopted by reference as the electric safety rules of this Commission and shall apply to all electric utilities which operate in North Carolina under the jurisdiction of the Commission.

(NCUC Docket No. M-100, Sub 5, 7/15/65; NCUC Docket No. M-100, Sub 6, 11/4/68; NCUC Docket No. M-100, Sub 89, 12/8/81; 4/9/84; 6/23/87; 12/5/89; 12/8/92; 1/7/97; 04/02/02.)

Rule R8-27. UNIFORM SYSTEM OF ACCOUNTS.

(a) For utilities with annual accounting and reporting periods based on the calendar year, effective January 1, 2002, and for utilities with fiscal year accounting and reporting periods, effective with fiscal years beginning in 2002, the Uniform System of Accounts Prescribed for Public Utilities and Licensees Subject to the Provisions of the Federal Power Act, as currently embodied in the United States Code of Federal Regulations, Title 18, Part 101, and as revised periodically, is hereby adopted by this Commission as its accounting rules for electric utilities and is prescribed for the use of all electric utilities under the jurisdiction of the North Carolina Utilities Commission, subject to the following exceptions and conditions unless otherwise ordered by the Commission:

(1) All orders and practices of the Commission in effect as of the effective date of this Rule with any accounting impacts that conflict with provisions of the Uniform System of Accounts shall remain in effect, and future such orders and practices with such impacts shall supersede the provisions of the Uniform System of Accounts for North Carolina retail jurisdictional purposes.

(2) The electric utilities under the jurisdiction of the Commission must apply to the Commission for any North Carolina retail jurisdictional use of the following accounts:

a. Account 182.1 - Extraordinary Property Losses.
b. Account 182.2 - Unrecovered Plant and Regulatory Study Costs.
c. Account 182.3 - Other Regulatory Assets.
d. Account 254 - Other Regulatory Liabilities.
e. Account 407 - Amortization of Property Losses, Unrecovered Plant and Regulatory Study Costs.
f. Account 407.3 - Regulatory Debits.
g. Account 407.4 - Regulatory Credits.

(b) Each electric utility subject to this Rule shall file the following with the Commission:

(1) In the case of utility filings and other correspondence with the FERC or its staff, on and after the effective date of this Rule, regarding the utility's accounting practices or the Uniform System of Accounts, including but not limited to requests for accounting guidance and or approval of accounting entries, the portion of the initial filing or correspondence by the utility relating to said accounting practices or the Uniform System of Accounts, and the final disposition of the matter.

(2) In the case of other changes in the utility's accounting practices prompted by FERC orders, directives, or correspondence, a written explanation of the change in practice, along with relevant supporting documentation.

(3) In the case of the regular periodic or any special compliance audits performed on and after the effective date of this Rule by the FERC or its staff, notification of the commencement of the audit and a copy of the final audit report.

(c) The accounting treatment to be used for contributions in aid of construction is as follows:

(1) Contributions in aid of construction received before the effective date of this Rule are to be accounted for in the manner prescribed by the Commission in Docket No. E-100, Sub 18.

(2) Contributions in aid of construction received on and after the effective date of this Rule are to be accounted for in the manner prescribed by the Uniform System of Accounts adopted herein.

(d) The following classification system is hereby adopted:

Class A: Electric utilities having annual electric operating revenues of $2,500,000 or more.

Class B: Electric utilities having annual electric operating revenues of $1,000,000 or more but less than $2,500,000.

Class C: Electric utilities having annual electric operating revenues of $150,000 or more but less than $1,000,000.

Class D: Electric utilities having annual electric operating revenues of $25,000 or more but less than $150,000.

(e) Electric utilities with annual gross operating revenues of less than $25,000 shall be exempt from the provisions of this Rule until the average of their annual gross revenues, for a period of three consecutive years, shall exceed $25,000. Electric utilities exceeding the $25,000 threshold but falling below the minimum threshold of 10,000 megawatthours of annual sales included in the FERC Uniform System of Accounts shall nevertheless utilize the FERC Uniform System of Accounts as specified for Nonmajor utilities.

(Source: Administrative Order issued in Docket E-100, February 22, 1960; NCUC Docket No. E-100, Sub 18, 5/24/74; NCUC Docket No. E-100, Sub 91, 9/6/01.)

Rule R8-28. RETENTION OF RECORDS.

Unless otherwise specified by the Commission, all records required by these rules shall be preserved for the period of time specified in the current edition of the National Association of Regulatory Utility Commissioners' publication "Regulations to Govern the Preservation of Records of Electric, Gas and Water Utilities."

(NCUC Docket No. M-100, Sub 128, 10/27/99.)

ARTICLE 5.

ASSIGNMENT OF AREAS.

Rule R8-29. APPLICATION FOR SERVICE AREA BY ELECTRIC SUPPLIER; PUBLICATION OF NOTICE.

Whenever there is filed with the Commission an application by an electric supplier for the assignment of a service area, as provided in G.S. 62 110.2(c), the applicant will publish a notice thereof in form approved by the Commission once a week for four successive weeks in a newspaper of general circulation in the county or counties where such area is situated.

(NCUC Docket No. E-100, Sub 3, 1/28/66; NCUC Docket No. M-100, Sub 22, 9/15/69.)

Rule R8-30. PETITION TO INTERVENE BY OTHER SUPPLIERS; CONSOLIDATION OF APPLICATIONS FOR SAME SERVICE AREA.

A petition for intervention by another electric supplier may contain an application for assignment to the intervenor of the same area applied for by the applicant or any portion thereof, but may not contain application for any area not applied for by the applicant. The Commission may, however, in its discretion, consolidate two or more applications for hearing.

(NCUC Docket No. E-100, Sub 3, 1/28/66.)

Rule R8-31. HEARING AT LEAST SIXTY DAYS AFTER PUBLICATION.

A hearing upon any application will not be commenced before the expiration of at least sixty days after the last day of publication of notice by the applicant.

(NCUC Docket No. E-100, Sub 3, 1/28/66.)

Rule R8-32. ASSIGNMENT OF SERVICE AREAS ON COMMISSION'S MOTION.

The Commission may on its own motion set for hearing the assignment of any service area which the Commission deems should be assigned pursuant to G.S. 62-110.2(c) notwithstanding there is no application to have such area assigned by any electrical supplier, and any hearing set on the Commission's own motion shall be subject to the provisions of this article relating to the notice to electrical suppliers in the adjoining territory and to the time for hearing.

(NCUC Docket No. E-100, Sub 3, 1/28/66.)

ARTICLE 6.

ELECTRIC MEMBERSHIP CORPORATIONS.

Rule R8-33. RATE SCHEDULES, RULES AND REGUATIONS; UNDERGROUND WIRING; PROMOTIONAL PAYMENTS.

(a) Copies of all schedules of rates, charges, service regulations and forms of service contracts used or to be used within the State by any electric membership corporation doing business in North Carolina shall be filed with the Utilities Commission for information purposes and each such electric membership corporation shall keep a copy of such schedule, rates, charges, service regulations and contracts open to public inspection, which shall be furnished to members or prospective members upon request, as provided in G.S. 62-138(f).

(b) For the purposes of this article, the rates, charges and service regulations of electric membership corporations shall be deemed to include the provisions of G.S. 62-3(24) defining "rate" to mean every compensation, charge, fare, tariff, schedule, toll, rental and classification or any of them demanded, observed, charged, or collected by any electric membership corporation for any service, product or commodity offered by it to their members and any rules, regulations, practices or contracts affecting any such compensation, charge, fare, tariff, schedule, toll, rental or classification.

(c) The schedule of rates, charges and service regulations under this article shall specifically include any provisions of rates, charges or service regulations or any other source relating to underground wiring to members' premises.

(d) In addition to filing such schedules of rates, charges and service regulations under this article, any electric membership corporation proposing to pay any compensation or consideration or to furnish any equipment to secure the installation or adoption of electric service shall first file with the Commission a schedule of such compensation or consideration or equipment to be furnished and received approval thereof by the Commission as provided by G.S. 62-140(c) as amended in 1965.

(NCUC Docket No. E-100, Sub 5, 6/16/66.)

Rule R8-34. TITLE AND DOCKET ASSIGNMENTS FOR RATES AND REGULATIONS OF ELECTRIC MEMBERSHIP CORPORATIONS.

Electric membership corporations (including electric "cooperatives" domesticated in North Carolina, both hereafter called "EMCs") will carry the designation "EC" in all of their filings with the Commission, whether under G.S. 62-138(f) or otherwise, together with their respective number designations by the United States Rural Electrification Administration. (Out of state EMCs domesticated in North Carolina will also carry immediately following their REA number designation, the letter (s) denoting their respective states, since in several instances the numbers are the same as assigned to North Carolina EMCs.) For example, Randolph Electric Membership Corporation, Asheboro, North Carolina, was originally assigned the REA number 36; Randolph's filings will therefore carry the designation "EC 36"; in like manner, each of the other EMCs will be designated and permanently identified.

(NCUC Docket No. E-100, Sub 5, 6/16/66.)

Rule R8-35. REQUIREMENTS AS TO SIZE AND FORM OF RATE FILINGS.

Information filed pursuant to G.S. 62-138(f) will ordinarily be on 8-1/2" by 11" bond paper.

(NCUC Docket No. E-100, Sub 5, 6/16/66.)

Rule R8-36. FILINGS TO REFLECT EFFECTIVE DATE, CHANGES AND PREVIOUS FILINGS SUPERSEDED.

Each filing pursuant to G.S. 62-138(f) will reflect (a) the original date of the matter filed and the effective date thereof, (b) the subject number thereof (EMC filing of all kinds to begin with Sub 1 and to continue as Sub 2, Sub 3, etc., as is the Commission's present practice), and (c) any other information appropriate in clearly identifying the filing, i.e., what it is superseding that has been previously filed, if anything.

(NCUC Docket No. E-100, Sub 5, 6/16/66.)

Rule R8-37. COPIES REQUIRED.

At least one copy of each filing will be forwarded to the Commission.

(NCUC Docket No. E-100, Sub 5, 6/16/66; NCUC Docket No. M-100, Sub 147, 9/15/2023.)

Rule R8-38. TIME REQUIREMENTS FOR FILINGS.

Matter will be filed within at least thirty (30) days after its effective date, and may be filed earlier or in advance of the effective date.

(NCUC Docket No. E-100, Sub 5, 6/16/66.)

Rule R8-39. TRANSMISSION OF FILINGS.

Filings may be effectuated by transmission of the matter filed via covering letter, addressed to the Chief Clerk of the Commission.

(NCUC Docket No. E-100, Sub 5, 6/16/66; NCUC Docket No. M-100, Sub 140, 12/03/13.)

ARTICLE 7.

POWER RELIABILITY.

Rule R8-40. REPORT OF IMPENDING EMERGENCIES, LOAD REDUCTIONS AND SERVICE INTERRUPTIONS IN BULK ELECTRIC POWER SUPPLY AND RELATED POWER SUPPLY FACILITIES.

(a) Definitions. — For the purpose of this rule, a bulk electric power supply interruption shall be any interruption or loss of service to customers of any public electric utility, or electric membership corporation engaged in the generation or transmission of electric energy caused by or involving an outage of any generating unit or of electric facilities operating at a nominal voltage of 69 kV or higher. In determining the aggregate of loads which are interrupted, any load which is interrupted in accordance with the provisions of contracts permitting interruptions in service shall not be included.

(b) Telephonic Reports. — Every public electric utility and electric membership corporation engaged in the generation or transmission of electric energy shall report promptly (Monday -- Friday, during regular work hours) to the Operations Division of the Commission Staff and the Electric Division of the Public Staff of the North Carolina Utilities Commission by telephone any event as described below:

(1) Any decision to issue a public request for reduction in use of electricity.
(2) Any action to reduce firm customer loads by reduction of voltage for reasons of maintaining adequacy of bulk electric power supply.
(3) Any action to reduce firm customer loads by manual switching, operation of automatic loadshedding devices, or any other means for reasons of maintaining adequacy of bulk electric power supply.
(4) Any loss in service for 15 minutes or more of bulk electric power supply to aggregate loads in excess of 200,000 kW.
(5) Any outage in bulk power supply facilities, accident to system facilities, delays in construction, or substantial delays in making repairs following unscheduled outages that are of consequence on a subregional or State basis, or which may constitute an unusual hazard to the reliability of electric service.

(c) Telegraphic or Telephonic Reports. — Every public electric utility and electric membership corporation engaged in the generation or transmission of electric energy shall report any event as described below to the Operations Division of the Commission Staff and Electric Division of the Public Staff of the North Carolina Utilities Commission by telephone or telegram.

These reports are to be made no later than the beginning of the Commission's next regular work day (Monday - Friday) after the interruption occurred. Events requiring a report are as follows:

Any loss in service for 15 minutes or more of bulk electric power supply to aggregate loads exceeding the lesser of 100,000 kW or half of the current annual system peak load, and not required to be reported under subsection (b). See subsection (d) for information to be reported.

(d) Information to Be Reported. — The information supplied in the initial report should include at least the approximate territory affected by the interruption, the time of occurrence, the duration, or an appraisal of the likely duration, if service is still interrupted, an estimate of the number of customers and amount of load involved, and whether any known critical services, such as hospitals, pumping stations, traffic control systems, etc., were interrupted. To the extent known or suspected, the report desirably will include a description of the initial incident resulting in the interruption. The Commission or its representative may require further reports during or after the period of interruption and restoration of service, such reports to be made by telephone, telegraph or letter, as required.

(e) Special Investigations and Reports.

(1) If so directed by the Commission, an entity experiencing a condition, as described in subsections (b) and (c), shall submit a full report of the circumstances surrounding such occurrence and the conclusions the entity has drawn therefrom. The report shall be filed at such time subsequent to the submittal of the initial report by telephone or telegraph as may be directed by the Commission.

(2) The report shall be prepared in such detail as may be appropriate to the severity and complexity of the incident experienced and should include an account understandable to the informed layman in addition to the following technical and other information:

(i) The cause or causes of the incident clearly described, including the manner in which it was initiated.

(ii) A description of any operating conditions of an unusual nature preceding the initiation of the incident.

(iii) If the incident was an interruption and geographically widespread, an enumeration of the sequence of events contributing to its spread.

(iv) An account of the measures taken which prevented further spreading in the loss of service, e.g., manual or automatic load shedding, unit isolation, or system sectionalization. These actions and all chronicled events should be keyed to a record of the coincident frequencies which occurred.

(v) A description of the measures taken to restore service with particular evaluation of the availability of start up power and the ease or difficulty of restoration.

(vi) A statement of the capacity of the transmission lines into the area of load interruption, the generating capacity in operation in the area at the beginning of the disturbance, and the actual loading on the generating units and, where available, the loading on the lines at that time. When actual loadings are not available, estimate the line loadings at the time to the extent possible.

(vii) A summary description of any equipment damage and the status of its repair.

(viii) A description of the impact of any load reduction or interruption on people and industries in the affected area, including a copy of materials in the printed news media indicative of the impact.

(ix) Information on the steps taken, being taken, or planned by the utility, to prevent recurrence of conditions of a similar nature, to ease problems of service restoration, and to minimize impacts on the public and the customers of any future conditions of a similar nature.

(NCUC Docket No. E-100, Sub 8, 12/30/70; NCUC Docket No. M-100, Sub 75, 10/27/77; NCUC Docket No. M-100, Sub 140, 12/03/13.)

R8-40A. SERVICE RELIABILITY INDEX REPORTING.

(a) Purpose. The purpose of this Rule is to establish standards for measuring and reporting distribution service reliability by electric public utilities that own and operate electric power distribution systems in North Carolina.

(b) Applicability. This Rule applies to Duke Energy Carolinas, LLC; Duke Energy Progress, Inc.; and Dominion North Carolina Power.

(c) Definitions. Unless otherwise provided for in this Rule, all terms used are as defined by the Institute of Electrical and Electronics Engineers (IEEE) in the most current IEEE Guide for Electric Power Distribution Reliability Indices 1366 (IEEE Standard 1366).

(d) Quarterly Reports.

(1) Each electric public utility shall report service reliability data to the Commission on a quarterly basis. The data reported shall be submitted within 30 days of the end of each quarter and shall reflect SAIDI and SAIFI results for the preceding 12 months.

(2) SAIDI and SAIFI shall be calculated in accordance with IEEE Standard 1366.

(3) The reports shall include: SAIDI, with and without Major Event Days, and SAIFI, with and without Major Event Days.

(4) Interruptions reported shall include all sustained interruptions, except those for Major Event Days.

(NCUC Docket No. E-100, Sub 138, 11/25/13)

Rule R8-41. FILING OF EMERGENCY LOAD REDUCTION PLANS AND EMERGENCY PROCEDURES.

(a) All certificated public electric utility companies, electric membership corporations and municipal corporations engaged in the generation, transmission or distribution of electric energy, shall design and adopt a set of load-reducing plans and emergency procedures that will provide judicious treatment to all affected customers in the event that emergency load reduction is required, provided that compliance with the requirements of this subsection by any municipal corporation shall be voluntary. Furthermore, the plans and procedures of each such electric supplier or participating municipal corporation shall be coordinated with the plans and procedures of its natural gas suppliers, natural gas distribution utilities, gas pipelines, wholesale suppliers and/or wholesale-for-resale customers to the extent reasonably practicable.

(b) A detailed copy of emergency load reduction plans and emergency procedures in effect shall be filed by each electric supplier or municipal corporation in the office of the Commission in Docket No. E-100, Sub 10A and shall be updated annually not later than May 15. Each filing shall contain a certification that such plans and procedures have been coordinated with the electric utilities' natural gas suppliers, natural gas distribution utilities, and gas pipelines, as well as wholesale power suppliers or wholesale-for-resale customers as applicable.

(c) In its annual filing, each electric public utility and electric membership corporation shall include a verified statement by an officer stating that: (1) the utility had identified all the gas-electric dependencies and inter-dependencies that could threaten electric operations or customer service during extreme cold weather or other emergencies; (2) the electric utility had discussed those dependencies and inter-dependencies with the appropriate gas utility(ies) and pipeline(s); (3) the electric utility had, in cooperation with the gas utility(ies) and/or pipeline(s), established a plan for managing the dependencies and inter-dependencies during extreme cold weather events and other emergencies; and (4) the electric utility had within the last 12 months demonstrated its ability to start its black start generators from a cold shutdown state during cold weather.

(NCUC Docket No. E-100, Sub 10, 3/3/72; NCUC Docket No. M-100, Sub 135, 9/10/13.)

ARTICLE 8.

ELECTRIC ENERGY SUPPLY PLANNING.

Rule R8-42. Rescinded by NCUC Docket No. E-100, Sub 54, 12/8/88.

Rule R8-43. Rescinded by NCUC Docket No. E-100, Sub 54, 12/8/88.

ARTICLE 9.

OVERCHARGES AND UNDERCHARGES.

Rule R8-44. METHOD OF ADJUSTMENT FOR RATES VARYING FROM SCHEDULE OR FOR OTHER BILLING ERRORS.

If it is found that a utility has directly or indirectly, by any device whatsoever, charged, demanded, collected or received from any consumer a greater or less compensation for any service rendered or to be rendered by such utility than that prescribed in the schedules of such utility applicable thereto then filed in the manner provided in Chapter 62 of the North Carolina General Statutes; or if it is found that any consumer has received or accepted any service from a utility for a compensation greater or less than that prescribed in such schedules; or if, for any reason, billing error has resulted in a greater or lesser charge than that incurred by the consumer for the actual service rendered, then the method of adjustment for such overcharge or undercharge shall be as provided by the following:

(1) If the utility has willfully overcharged any consumer, then the method of adjustment shall be as provided in G.S. 62-139(b).

(2) If the utility has inadvertently overcharged a consumer as a result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any other human, machine, or meter error, the utility shall at the customer's option, refund the excess amount paid by that consumer or credit the amount billed as provided by the following:

a. If the interval during which the consumer was overcharged can be determined, then the utility shall credit or refund the excess amount charged during that entire interval provided that the applicable statute of limitations shall not be exceeded.

b. If the interval during which the consumer was overcharged cannot be determined, then the utility shall credit or refund the excess amount charged during the 12 month period preceding the date when the billing error was discovered.

c. If the exact usage and/or demand incurred by that consumer during the billing periods subject to adjustment cannot be determined, then the refund shall be based on an appropriate estimated usage and/or demand.

d. If an overcharged consumer owes a past due electric balance for the same type of service on which an overcharge occurred, the utility may deduct the past due amount from any refund or credit.

(3) If the utility has undercharged any consumer as the consequence of a fraudulent or willfully misleading action on that consumer's part, or any such action by any person other than the employees or agents of the company, such as tampering with, or bypassing the meter where it is evident that such tampering or bypassing occurred during the residency of that consumer, or if it is evident that a consumer has knowledge of being

undercharged without notifying the utility as such the utility shall recover the deficient amount as provided by the following:

a. If the interval during which the consumer was undercharged can be determined, then the utility shall collect the deficient amount incurred during that entire interval, provided that the applicable statute of limitations is not exceeded.

b. If the interval during which the consumer was undercharged cannot be determined, then the utility shall collect the deficient amount incurred during the 12 month period preceding the date when the billing error was discovered by the utility.

c. If the usage and/or demand incurred by that consumer during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand.

(4) If the utility has undercharged any consumer as the result of a misapplied schedule, an error in reading the meter, a skipped meter reading, or any other human, machine, or meter error, except as provided in (3) above, then the utility shall recover the deficient amount as provided by the following:

a. If the interval during which a consumer having a demand of less than 50 kW was undercharged can be determined, then the utility may collect the deficient amount incurred during that entire interval up to a maximum period of 150 days. For a consumer having a demand of 50 kW or greater, the maximum period shall be 12 months.

b. If the interval during which a consumer was undercharged cannot be determined, then the utility may collect the deficient amount incurred during the 150 day period preceding the date when the billing error was discovered by the utility. For a consumer having a demand of 50 kW or greater, the maximum period shall be 12 months.

c. If the usage and/or demand incurred by that person during the billing periods subject to adjustment cannot be determined, then the adjustment shall be based on an appropriate estimated usage and/or demand.

d. The consumer shall be allowed to pay the deficient amount, in equal installments added to the regular monthly bills, over the same number of billing periods which occurred during the interval the customer was subject to pay the deficient amount.

(5) This rule shall not be construed as to prohibit equal payment plans, wherein the charge for each billing period is the estimated total annual bill divided by the number of billing periods prescribed by the plan, and the difference between the actual and estimated annual bill is settled by one payment at the end of the year. However, incorrect billing under equal payment plans shall be subject to this rule.

(6) This rule shall not be construed as to prohibit the estimation of a consumer's usage for billing purposes when it is not feasible to read the consumer's meter on a particular occasion.

(7) If the meter error is found upon test to be not more than 2% fast or slow, the utility shall not be required to make a billing adjustment under (2) above or allowed to make a billing adjustment under (4) above.

(NCUC Docket No. E-100, Sub 17, 5/10/74; NCUC Docket No. E-100, Sub 29, 11/29/77; NCUC Docket No. M-100, Sub 140, 12/03/13.)

ARTICLE 10.

FUEL BASED RATE CHANGES.

RULE R8-45. **RESCINDED BY NCUC DOCKET NO. E-100, SUB 47, 5/1/84.**

Rule R8-46. **RESCINDED BY NCUC DOCKET NO. E-100, SUB 47, 5/1/84.**

Rule R8-47. REQUIREMENTS OF MINIMUM STANDARD OFFERINGS OF LIGHTING LUMINARIES.

(a) Utilities are urged to investigate new, more efficient lighting systems as they are developed and, where such systems are efficient and economical to the consumer, to request approval of newer systems as standard tariff items.

(b) Luminaires with less than 33,000 lamp lumens

(1) When new lighting systems of less than 33,000 lamp lumens are offered, at least one unit must be offered in each of the following standard lumen ranges before offerings may be made in other ranges.

STANDARD RANGES	
(Nominal Lamp Lumen Ratings)	
Area Lighting	Street Lighting
6,000 - 8,700	6,000 - 8,700
20,000 - 30,000	10,000 - 14,500
	19,000 - 25,000

(2) If a standard unit of the new type is not available in a lumen output range required in R8-47(b)(1), the standard unit most closely meeting the lumen requirements of that range may be substituted.

(3) The lumen ranges required for street lighting by R8-47(b)(1) are based upon the light distributions on roadway and sidewalk areas resulting from the refractive characteristics of standard mercury vapor and high pressure sodium vapor point source luminaires. In order to qualify as meeting Rule R8-47(b)(1), luminaire systems with other light distributions will require a corresponding adjustment of lamp lumen levels in order to equal the roadway and sidewalk illumination from these standard luminaires.

(c) Luminaires with 33,000 or more lamp lumens — New lighting systems may be offered in 33,000 lumen or larger size without being offered in the standard ranges required by Rule R8-47(b).

(d) As newer, more efficient types of lighting sources become available and in substantial or predominant use, utilities will not be required to continue to offer the older, less efficient types of lighting for new service. Upon approval of the Commission, one or more sizes of the older types may be removed at one time from the schedule of offerings.

(NCUC Docket No. E-100, Sub 30, 12/20/79; NCUC Docket No. E-100, Sub 30, 12/28/79.)

Rule R8-48. INFORMATION TO BE PROVIDED TO NEW CONSUMERS.

(a) Each utility shall provide to each of its new consumers within sixty (60) days after commencement of service a clear and concise explanation of the rate schedule(s) applicable to such consumer. This can be accomplished in one of the following manners at the option of the utility:

(1) A description of the rate schedules, special clauses, and riders which are reasonably available to the consumer with respect to the customer's particular rate classification or usage pattern (e.g., residential, small commercial, general service, large power).

(2) A copy of applicable rate schedules or similar documents on file with the Commission which contain such information.

(3) A combination of items (1) and (2) above to inform the customer of rate schedules available to that particular service.

(4) The information stated in (1) and (2) above may also be provided to a new consumer prior to commencement of service at the utility's option if such is normally provided in the course of routine service negotiation.

(5) In addition to the above, each new consumer is to be furnished either a summary description of the current procedures whereby the utility, pursuant to provisions of G.S. 62-134(e), is permitted to increase or decrease its rates based solely upon the cost of fuel used in generation or production of power, *or* a copy of the Commission rule setting forth such procedures.

(b) Each utility is encouraged, but is not required, to furnish the following information to each new consumer at the time that it provides the information required to be provided by subparagraph (a) of this rule:

(1) an explanation of its policies and rules with respect to consumer credit;

(2) an explanation of its policies and practices with respect to meter reading and billing cycles;

(3) an explanation of its service termination and reconnect procedures;

(4) general company information concerning reporting power failures, billing information, requests for service changes, and the like; and

(5) energy conservation tips and load management information.

(c) Nothing in this rule shall be construed to conflict with the provisions of Rule R8-25(a) or to negate the duty of the utility to supply any information to a consumer upon request as provided in that rule.

(NCUC Docket No. E-100, Sub 36, 1/5/81; NCUC Docket No. M-100, Sub 140, 12/03/13.)

Rule R8-49. NOTIFICATION TO CONSUMERS OF TARIFF CHANGES.

(a) Unless otherwise ordered by the Commission, each utility that files an application with the Commission seeking to change its rate tariffs, excluding adjustments of base rates for fuel costs, shall publish notice of such application in the local news media within thirty (30) days of the date of the Commission's order requiring such notice to be filed relative to the subject application. In addition, each utility will provide a bill insert notifying its consumers of such application within sixty (60) days of the Commission's order. The form of such notices will be supplied to the utility by the Commission and will normally contain the following information:

(1) a description of the overall amount of the increase applied for in terms of dollars and in terms of percentage increase over current levels, and any proposed changes in tariff designs or tariff availability clauses;

(2) a brief comparison of present versus proposed billings for the major rate categories for specified usage levels;

(3) a schedule of times, dates, and locations of public hearings to be held with respect to the application;

(4) a schedule of filing deadlines for persons interested in intervening in the case and a reference to Commission rules specifying the procedures for intervening;

(5) a specification of a location where interested parties can review the documentation filed in support of the rate application and where copies of the proposed rate tariffs and pleadings filed in the case can be obtained by the general public; and

(6) any other information deemed appropriate by the Commission with regard to the utility's application.

(NCUC Docket No. E-100, Sub 36, 1/5/81.)

Rule R8-50. NOTIFICATION OF AVAILABLE RATE SCHEDULES AND BREAKDOWN OF COMPANY OPERATING EXPENSES.

(a) At least once each calendar year, each electric utility shall notify its consumers of the rate schedules that are available within the rate classification in which such consumer falls. Such notice should contain brief summaries of all rate schedules within a consumer's rate classification. In addition, the notice shall contain a statement that "Complete Rate Schedules are available upon request." Each utility shall annually notify the Commission of the completion date of this notification.

(b) Each electric utility shall annually provide to each of its consumers a breakdown of its operating expenses for the most recent available twelve (12) month period expressed as a percent of each dollar of revenue. This information may be communicated graphically as part of a regular bill insert, or if the utility does not include inserts with its bills, in a special mailing.

(NCUC Docket No. E-100, Sub 36, 1/5/81.)

Rule R8-51. PROVISION OF PAST BILLING HISTORY UPON CONSUMER REQUEST.

Each utility, upon the request of one of its consumers, shall provide the past billing information of such consumer as provided in this rule. The minimum information which shall be provided shall include the following in an easily understood format: the name of the rate schedule under which such consumer is served; a clear specification of the months and years of data supplied (twelve month minimum); and a clear itemization of the demand billing units, basic facilities charge, kilowatt-hour usage, and dollar amount of bills for each bill rendered during the period to which the data relates. The utility may charge up to $5.00 for all subsequent requests for a past billing history made by the same consumer for the same service location within a twelve (12) month period.

(NCUC Docket No. E-100, Sub 36, 1/5/81; NCUC Docket No. M-100, Sub 140, 12/03/13.)

Rule R8-52. MONTHLY FUEL REPORT.

(a) On or before the 15th day of each month, each electric public utility which uses fossil and/or nuclear fuel in the generation of electric power for providing North Carolina retail electric service shall file a Fuel Report for the second preceding month (i.e., up to 45 days after the end of the month being reported) for review by the Commission, the Public Staff, and any other interested party. The Monthly Fuel Report shall be filed in such formats as shall from time to time be approved by the Commission, and shall include the following information:

(1) Details of power plant performance and generation;

(2) Details of cost of fuel burned;

(3) Details of cost of fuel transportation;

(4) Details of fuel consumption and inventories;

(5) Analysis of fossil fuel purchases;

(6) Details of cost and inventories of ammonia, limestone, urea, dibasic acid, sorbents, and catalysts consumed in reducing or treating emissions;

(7) Details of transactions for purchases, sales, and interchanges of power, including (i) total delivered noncapacity related costs of purchases that are subject to economic dispatch or economic curtailment and (ii) capacity costs associated with purchases from qualifying cogeneration facilities and qualifying small power production facilities, as defined in 16 U.S.C. 796, that are subject to economic dispatch;

(8) Details of the total delivered costs of purchases of power from renewable energy facilities and new renewable energy facilities pursuant to G.S. 62-133.8 and costs incurred to comply with any federal mandate that is similar to subsections (b), (d), (e), and (f) of G.S. 62-133.8;

(9) Details of the fuel cost component of other purchased power;

(10) Details of net gains or losses resulting from sales of fuel or other fuel-related costs components as defined in G.S. 62-133.2(a1);

(11) Details of net gains or losses resulting from sales of by-products produced in the generation process to the extent the costs of the inputs leading to that by-product are costs of fuel or fuel-related costs as defined in G.S. 62-133.2(a1); and

(12) Details of costs incurred to comply with the Swine Farm Methane Capture Pilot Program established in Section 4 of S.L. 2007-523.

Subdivisions (6) and (7)(ii) of this subsection do not apply to the Monthly Fuel Report of an electric public utility that is subject to G.S. 62-133.2(a3).

(b) Each electric public utility which uses fossil and/or nuclear fuel in the generation of electric power shall file a Fuel Procurement Practices Report for review by the Commission at least once every ten (10) years, plus each time the utility's fuel procurement practices change. The Fuel Procurement Practices Report shall detail:

(1) The process and/or methodology the utility uses to determine its fuel and fuel-related needs;

(2) The process the utility uses to determine from which vendor it shall buy fuel and fuel-related inventories; and
(3) The inventory management practices the utility follows to maintain its fuel and fuel-related inventories.

(NCUC Docket No. E-100, Sub 47, 5/1/84; NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08.)

Rule R8-53. MONTHLY POWER PLANT PERFORMANCE REPORT.

(a) On or before the last day of each month, every public utility providing North Carolina retail electric service shall file a Power Plant Performance Report for the preceding month for review by the Commission, the Public Staff, and any other interested party.

(b) Definitions and methodologies used shall be consistent with the latest revision of North American Electric Reliability Corporation (NERC) Generating Availability Data Systems (GADS) Data Reporting Instructions.

(1) For purposes of subsection (c) of this rule, the performance of generating units or power plants that meet both of the following two conditions (Performance Reporting Plants), shall be reported:

(i) Having a (A) 400 or greater megawatt (MW) Gross Maximum Capacity (GMC) rating for one unit or (B) 600 or greater MW GMC rating for the aggregate of multiple generating units of the same type at a single generation plant, and projected in the most recently filed integrated resource plan or integrated resource plan update (as applicable) to operate at 35% or greater annual Capacity Factor for the most recent 12-month period commencing January 1st of the next calendar year.

(ii) For purposes of this subsection (b)(1)(ii), the determination of the Capacity Factor shall occur on an annual basis after the filing of the integrated resource plan or integrated resource plan update (as applicable) and prior to January 1st of the next calendar year. Once established, the Performance Reporting Plants shall remain unchanged for the entire calendar year.

(2) For purposes of subsection (d) of this rule, the outage information shall be provided for each electric generating unit that is projected in the most recently filed integrated resource plan or integrated resource plan update (as applicable) to operate at 65% or greater annual Capacity Factor for the 12-month period commencing January 1st of the next calendar year (Outage Reporting Plants). For purposes of this subsection (b)(2), the determination of the Capacity Factor shall occur on an annual basis after the September 1st filing of the integrated resource plan or integrated resource plan update (as applicable) and prior to January 1st of the next calendar year. Once established, the Outage Reporting Plants shall remain unchanged for the entire calendar year.

(c) The monthly Power Plant Performance Report shall provide summaries of the generation by each generating unit of all Performance Reporting Plants, with one summary for the reporting month and another summary for the 12-month period ending with the reporting month. The generation summaries for each generating unit of all Performance Reporting Plants shall include the following:

(1) Gross Dependable Capacity (GDC) or Net Dependable Capacity (NDC) in megawatts (MW);
(2) Hours in period;
(3) Total net megawatt hours (MWh) possible in period;
(4) Net MWh generated during period;
(5) Capacity factor (as a % of GDC or NDC);

(6) Equivalent availability (net MWh generation possible in period, less net MWh generation not available in period) divided by net MWh generation possible in period); and
(7) Heat rate (in BTU per net kWh).

(d) The monthly Power Plant Performance Report shall list each outage during the period for each generating unit of the Outage Reporting Plants. The outage information shall include the following:

(1) Generating unit affected by outage;
(2) Date(s) of each outage;
(3) Duration of each outage;
(4) Cause of each outage;
(5) Explanation for cause of outage, if known;
(6) Remedial action to prevent recurrence of outage, if any; and
(7) Whether the outage is forced or scheduled, and if scheduled, the classification of the outage.

(NCUC Docket No. E-100, Sub 47, 5/1/84; NCUC Docket No. M-100, Sub 128, 10/27/99; NCUC Docket No. M-100, Sub 140, 12/03/13; NCUC Docket No. E-100, Sub 172, 5/6/2022.)

Rule R8-54. REPEALED BY NCUC DOCKET NO. E-100, SUB 47, 8/14/86.

Rule R8-55. ANNUAL HEARINGS TO REVIEW CHANGES IN THE COST OF FUEL AND FUEL-RELATED COSTS.

(a) As used in this rule, "cost of fuel and fuel-related costs" means all of the following:

(1) The cost of fuel burned.

(2) The cost of fuel transportation.

(3) The cost of ammonia, lime, limestone, urea, dibasic acid, sorbents, and catalysts consumed in reducing or treating emissions.

(4) The total delivered noncapacity related costs, including all related transmission charges, of all purchases of electric power by the electric public utility that are subject to economic dispatch or economic curtailment.

(5) The capacity costs associated with all purchases of electric power from qualifying cogeneration facilities and qualifying small power production facilities, as defined in 16 U.S.C. 796, that are subject to economic dispatch by the electric public utility.

(6) Except for those costs recovered pursuant to G.S. 62-133.8(h), the total delivered costs of all purchases of power from renewable energy facilities and new renewable energy facilities pursuant to G.S. 62-133.8 or to comply with any federal mandate that is similar to the requirements of subsections (b), (d), (e) and (f) of G.S. 62-133.8.

(7) All costs incurred to comply with the Swine Farm Methane Capture Pilot Program established in Section 4 of S.L. 2007-523.

(8) The fuel cost component of other purchased power.

Cost of fuel and fuel-related costs shall be adjusted for (a) any net gains or losses resulting from any sales by the electric public utility of fuel and other fuel-related costs components and (b) any net gains or losses resulting from any sales by the electric public utility of by-products produced in the generation process to the extent the costs of the inputs leading to that by-product are costs of fuel or fuel-related costs.

(b) For each electric public utility generating electric power by means of fossil and/or nuclear fuel for the purpose of furnishing North Carolina retail electric service, the Commission shall schedule an annual public hearing pursuant to G.S. 62-133.2(b) in order to review changes in the electric public utility's cost of fuel and fuel-related costs. The annual cost of fuel and fuel-related cost adjustment hearing for Duke Energy Carolinas, LLC, will be scheduled for the first Tuesday of June each year; for Duke Energy Progress, LLC., the annual hearing will be scheduled for the third Tuesday of September each year; and for Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina, the annual hearing will be scheduled for the third Tuesday of November each year.

(c) The test periods for the hearings to be held pursuant to paragraph (b) above will be uniform over time. The test period for Duke Energy Carolinas, LLC will be the calendar year; for Duke Energy Progress, Inc., the test period will be the 12-month period ending March 31; and for Dominion North Carolina Power, the test period will be the 12-month period ending June 30.

(d) The Commission shall permit each electric public utility to charge an increment or decrement as a rider to its rates for changes in the cost of fuel and fuel-related costs used in providing its North Carolina customers with electricity from the cost of fuel and fuel-related costs established in the electric public utility's previous general rate case on the basis of cost per kilowatt-hour. The increment or decrement may be different among customer classes. The general methodology and procedures to be used in establishing the cost of fuel and fuel-related costs shall be as follows:

(1) Cost of fuel and fuel-related costs will be preliminarily established utilizing the methods and procedures approved in the utility's last general rate case, except that capacity factors for nuclear production facilities will be normalized based generally on the national average for nuclear production facilities as reflected in the most recent North American Electric Reliability Corporation's Generating Availability Report, adjusted to reflect unique, inherent characteristics of the utility, including, but not limited to, plants 2 years or less in age and unusual events. The national average capacity factor for nuclear production facilities shall be based on the most recent 5-year period available and shall be weighted, if appropriate, for both pressurized water reactors and boiling water reactors. The costs shall be allocated among customer classes in accordance with G.S. 62-133.2(a2), as applicable. A cost of fuel and fuel-related cost rider will then be determined based upon the difference between the cost of fuel and fuel-related costs thus established and the base cost of fuel and fuel-related cost component of the rates established in the utility's most recent general rate case. The foregoing normalization requirement assumes that the Commission finds that an abnormality having a probable impact on the utility's revenues and expenses existed during the test period.

(2) Cost of fuel and fuel-related costs will be modified as provided in G.S. 62-133.2(a3).

(3) The cost of fuel and fuel-related costs as described above will be further modified through use of an experience modification factor (EMF) rider, which may be different among customer classes. The EMF rider will reflect the difference between reasonable and prudently incurred cost of fuel and fuel-related costs and the fuel-related revenues that were actually realized during the test period under the cost of fuel and fuel-related cost components of rates then in effect. Upon request of the electric public utility, the Commission shall also incorporate in this determination the experienced over-recovery or under-recovery of the cost of fuel and fuel-related costs up to thirty (30) days prior to the date of the hearing, provided that the reasonableness and prudence of these costs shall be subject to review in the utility's next annual fuel and fuel-related costs adjustment hearing.

(4) The cost of fuel and fuel-related cost rider and the EMF rider as described hereinabove will be charged as an increment or decrement to the base fuel cost component of rates established in the electric public utility's previous general rate case.

(5) The EMF rider will remain in effect for a fixed 12-month period following establishment and will carry through as a rider to rates established in any intervening general rate case proceedings; provided, however, that such carry-through provision will not relieve the Commission of its responsibility to determine the reasonableness of the cost of fuel and fuel-related costs, other than that being collected through operation of the EMF rider, in any intervening general rate case proceeding.

(6) Pursuant to G.S. 62-130(e), any over-collection of reasonable and prudently incurred cost of fuel and fuel-related costs to be refunded to a utility's customers through operation of the EMF rider shall include an amount of interest, at such rate as the Commission determines to be just and reasonable, not to exceed the maximum statutory rate.

(e) Each electric public utility, at a minimum, shall submit to the Commission for purposes of investigation and hearing the information and data in the form and detail as set forth below:

(1) Actual test period kWh sales, peak demand by customer class, fuel-related revenues, and fuel-related expenses for the utility's total system and for its North Carolina retail operations.

(2) Test period kWh sales normalized for weather, customer growth and usage. Said normalized kWh sales shall be for the utility's total system and for its North Carolina retail operations. The methodology used for such normalization shall be the same methodology adopted by the Commission, if any, in the utility's last general rate case.

(3) Adjusted test period kWh generation corresponding to normalized test period kWh usage. The methodology for such adjustment shall be the same methodology adopted by the Commission in the utility's last general rate case, including adjustment by type of generation; i.e., nuclear, fossil, hydro, pumped storage, purchased power, etc. In the event that said methodology is inconsistent with the normalization methodology set forth in paragraph (d)(1) above, additional pro forma calculations shall be presented incorporating the normalization methodology reflected in paragraph (d)(1).

(4) Cost of fuel and applicable fuel-related costs corresponding to the adjusted test period kWh generation, including a detailed explanation showing how such cost of fuel and fuel-related costs were derived. The cost of fuel shall be based on end-of-period unit fuel prices incurred during the test period, although the Commission may consider other fuel prices if test period fuel prices are demonstrated to be nonrepresentative on an on-going basis. Unit fuel prices shall include delivered fuel prices and burned fuel expense rates as appropriate.

(5) Procurement practices and inventories for fuel burned and for ammonia, lime, limestone, urea, dibasic acid, sorbents, and catalysts consumed in reducing or treating emissions.

(6) The cost of fuel burned and of ammonia, lime, limestone, urea, dibasic acid, sorbents, and catalysts consumed in reducing or treating emissions at each generating facility.

(7) Any net gains or losses resulting from any sales by the electric public utility of fuel or other fuel-related costs components.

(8) Any net gains or losses resulting from any sales by the electric public utility of by-products produced in the generation process to the extent the costs of the inputs leading to that by-product are costs of fuel or fuel-related costs.

(9) All costs incurred to comply with the Swine Farm Methane Capture Pilot Program established in Section 4 of S.L. 2007-523.

(10) The monthly fuel report and the monthly base load power plant performance report for the last month in the test period and any information required by Rules R8-52 and R8-53 for the test period which has not already been filed with the Commission. Further, such information for the complete 12-month test period shall be provided by the electric public utility to any intervenor upon request.

(11) All workpapers supporting the calculations, adjustments and normalizations described above.

(12) The nuclear capacity rating(s) in the last rate case and the rating(s) proposed in this proceeding. If they differ, supporting justification for the change in nuclear capacity rating(s) since the last rate case.

(13) The proposed rate design to recover the electric public utility's cost of fuel and fuel-related costs.

An electric public utility that is subject to G.S. 62-133.2(a3) is required to provide only the applicable information prescribed by subdivisions (5), (6) and (8) of this subsection.

(f) The electric public utility shall file the information required under this rule, accompanied by workpapers and direct testimony and exhibits of expert witnesses supporting the information filed herein, and any changes in rates proposed by the electric public utility (if any), not less than 98 days prior to the hearing. Nothing in this rule shall be construed to require the electric public utility to propose a change in rates or to utilize any particular methodology to calculate any change in rates proposed by the utility in this proceeding.

(g) The electric public utility shall publish a notice for two (2) successive weeks in a newspaper or newspapers having general circulation in its service area, normally beginning at least 30 days prior to the hearing, notifying the public of the hearing before the Commission pursuant to G.S. 62-133.2(b) and setting forth the time and place of the hearing.

(h) Persons having an interest in said hearing may file a petition to intervene setting forth such interest at least 21 days prior to the date of the hearing. Petitions to intervene filed less than 21 days prior to the date of the hearing may be allowed in the discretion of the Commission for good cause shown.

(i) The Public Staff and other intervenors shall file direct testimony and exhibits of expert witnesses at least 21 days prior to the hearing date. If a petition to intervene is filed less than 21 days prior to the hearing date, it shall be accompanied by any direct testimony and exhibits of expert witnesses the intervenor intends to offer at the hearing.

(j) The electric public utility may file rebuttal testimony and exhibits of expert witnesses no later than 12 days prior to the hearing date.

(k) The burden of proof as to the correctness and reasonableness of any charge and as to whether the test year cost of fuel and fuel-related costs were reasonable and prudently incurred shall be on the utility. For purposes of determining the EMF rider, a utility must achieve either (a) an actual system-wide nuclear capacity factor in the test year that is at least equal to the national average capacity factor for nuclear production facilities based on the most recent 5-year period available as reflected in the most recent North American Electric Reliability Corporation's Generating Availability Report, appropriately weighted for size and type of plant or (b) an average system-wide nuclear capacity factor, based upon a two-year simple average of the system-wide capacity factors actually experienced in the test year and the preceding year, that is at least equal to the national average capacity factor for nuclear production facilities based on the most recent 5-year period available as reflected in the most recent North American Electric Reliability Corporation's Generating Availability Report, appropriately weighted for size and type of plant, or a presumption will be created that the utility incurred the increased cost of fuel and fuel-related costs resulting therefrom imprudently and that disallowance thereof is appropriate. The utility shall have the opportunity to rebut this presumption at the hearing and to prove that its test year cost of fuel and fuel-related costs were reasonable and prudently incurred. To the extent that the utility rebuts the presumption by the preponderance of the evidence, no disallowance will result.

(l) The hearing will generally be held in the Hearing Room of the Commission at its offices in Raleigh, North Carolina.

(m) Each electric public utility shall follow deferred accounting with respect to the difference between actual reasonable and prudently incurred cost of fuel and fuel-related costs and cost of fuel and fuel-related costs recovered under rates in effect.

(n) If the Commission has not issued an order pursuant to G.S. 62-133.2 within 180 days after the date the electric public utility has filed any proposed changes in its rates and charges in this proceeding based solely on the cost of fuel and fuel-related costs, then the utility may place such proposed changes into effect. If such changes in the rates and charges are finally determined to be excessive, the electric public utility shall refund any excess plus interest to its customers in a manner directed by the Commission.

(NCUC Docket No. E-100, Sub 47, 5/1/84; NCUC Docket No. E-100, Sub 47, 8/14/86; NCUC Docket No. E-100, Sub 55, 4/27/88; 6/22/88; 1/25/90; 12/11/90; NCUC Docket No. M-100, Sub 128, 10/27/99; NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. M-100, Sub 140, 12/03/13; NCUC Docket No. E-100, Sub 160, 10/11/18.)

ARTICLE 11.

RESOURCE PLANNING AND CERTIFICATION.

RULE R8-56. REPEALED BY NCUC DOCKET NO. E-100, SUB 78A, 4/29/98.

Rule R8-57. REPEALED BY NCUC DOCKET NO. E-100, SUB 78A, 4/29/98.

Rule R8-58. REPEALED BY NCUC DOCKET NO. E-100, SUB 78A, 4/29/98.

Rule R8-59. REPEALED BY NCUC DOCKET NO. E-100, SUB 78A, 4/29/98.

Rule R8-60. INTEGRATED RESOURCE PLANNING AND FILINGS.

(a) Purpose. — The purpose of this rule is to implement the provisions of G.S. 62-2(3a) and G.S. 62-110.1 with respect to least cost integrated resource planning by a public utility furnishing electric service in North Carolina that is not designed as an "electric public utility" under G.S. 62-110.9.

(b) Applicability. — This rule is applicable to Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina.

(c) Integrated Resource Plan. — Each utility shall develop and keep current an integrated resource plan, which incorporates, at a minimum, the following:

(1) a 15-year forecast of native load requirements (including any off-system obligations approved for native load treatment by the Commission) and other system capacity or firm energy obligations extending through at least one summer or winter peak (other system obligations); supply-side (including owned/leased generation capacity and firm purchased power arrangements) and demand-side resources expected to satisfy those loads; and the reserve margin thus produced; and

(2) a comprehensive analysis of all resource options (supply-and demand-side) considered by the utility for satisfaction of native load requirements and other system obligations over the planning period, including those resources chosen by the utility to provide reliable electric utility service at least cost over the planning period.

Each utility shall include an assessment of demand-side management and energy efficiency in its integrated resource plan. G.S. 62-133.9(c). In addition, each utility's consideration of supply-side and demand-side resources, including alternative supply-side energy resources, and the provision of reliable electric utility service at least cost shall appropriately consider and incorporate the utility's obligation to comply with the Renewable Energy and Energy Efficiency Portfolio Standard (REPS). G.S. 62-133.8.

(d) Purchased Power. — As part of its integrated resource planning process, each utility shall assess on an on-going basis the potential benefits of soliciting proposals from wholesale power suppliers and power marketers to supply it with needed capacity.

(e) Alternative Supply-Side Energy Resources. — As part of its integrated resource planning process, each utility shall assess on an on-going basis the potential benefits of reasonably available alternative supply-side energy resource options. Alternative supply-side energy resources include, but are not limited to, hydro, wind, geothermal, solar thermal, solar photovoltaic, municipal solid waste, fuel cells, and biomass.

(f) Demand-Side Management. — As part of its integrated resource planning process, each utility shall assess on an on-going basis programs to promote demand-side management, including costs, benefits, risks, uncertainties, reliability and customer acceptance, where appropriate. For purposes of this rule, demand-side management consists of demand response programs and energy efficiency and conservation programs.

(g) Evaluation of Resource Options. — As part of its integrated resource planning process, each utility shall consider and compare a comprehensive set of potential resource options, including both demand-side and supply-side options, to determine an integrated resource plan that offers the least cost combination (on a long-term basis) of reliable resource options for meeting the anticipated needs of its system. The utility shall analyze potential resource options and combinations of resource options to serve its system needs, taking into account the sensitivity of its analysis to variations in future estimates of peak load, energy requirements, and other significant assumptions, including, but not limited to, the risks associated with wholesale markets, fuel costs, construction/implementation costs, transmission and distribution costs, and costs of complying with environmental regulation. Additionally, the utility's analysis should take into account, as applicable, system operations, environmental impacts, and other qualitative factors.

(h) Filings.

(1) By October 15, 2024, and every two years thereafter, each utility subject to this rule shall file with the Commission its then current integrated resource plan, together with all information required by subsection (i) of this rule. This biennial report shall cover the next succeeding two-year period.

(2) By October 15 of each year in which a biennial report is not required to be filed, an update report shall be filed with the Commission containing an updated 15-year forecast of the items described in subparagraph (c)(1), as well as a summary of any significant amendments or revisions to the most recently filed biennial report, including amendments or revisions to the type and size of resources identified, as applicable.

(3) Each biennial and update report filed shall be accompanied by a short-term action plan that discusses those specific actions currently being taken by the utility to implement the activities chosen as appropriate per the applicable biennial and update reports.

(4) If a utility considers certain information in its biennial or update report to be proprietary, confidential, and within the scope of G.S. 132-1.2, the utility may designate the information as "confidential" and file it under seal.

(i) Contents of Biennial Reports. — Each utility shall include in each biennial report the following:

(1) Forecasts of Load, Supply-Side Resources, and Demand-Side Resources. The forecasts filed by each utility as part of its biennial report shall include descriptions of the methods, models, and assumptions used by the utility to prepare its peak load (MW) and energy sales (MWh) forecasts and the variables used in the models. In the biennial reports, the forecasts filed by each utility shall include, at a minimum, the following:

(i) The most recent ten-year history and a forecast of customers by each customer class, the most recent ten-year history and a forecast of energy sales (MWh) by each customer class, and the most recent ten-year history and a forecast of the utility's summer and winter peak load (MW);

(ii) A tabulation of the utility's forecast for at least a 15-year period, including peak loads for summer and winter seasons of each year, annual energy forecasts, reserve margins, and load duration curves, with and without projected supply or demand-side resource additions. The tabulation shall also indicate the projected effects of demand response and energy efficiency programs and activities on the forecasted annual energy and peak loads on an annual basis for a 15-year period, and these effects also may be reported as an equivalent generation capacity impact; and

(iii) Where future supply-side resources are required, a description of the type of capacity/resource (MW rating, fuel source, base, intermediate, or peaking) that the utility proposes to use to address the forecasted need.

(2) Generating Facilities. — Each utility shall provide the following data for its existing and planned electric generating facilities (including planned additions and retirements, but excluding cogeneration and small power production):

(i) Existing Generation. — The utility shall provide a list of existing units in service, with the information specified below for each listed unit. The information shall be provided for a 15-year period beginning with the year of filing:

a. Type of fuel(s) used;

b. Type of unit (e.g., base, intermediate, or peaking);

c. Location of each existing unit;

d. A list of units to be retired from service with location, capacity and expected date of retirement from the system;

e. A list of units for which there are specific plans for life extension, refurbishment or upgrading. The reporting utility shall also provide the expected (or actual) date removed from service, general location, capacity rating upon return to service, expected return to service date, and a general description of work to be performed; and

f. Other changes to existing generating units that are expected to increase or decrease generation capability of the unit in question by an amount that is plus or minus 10%, or 10 MW, whichever is greater.

(ii) Planned Generation Additions. — Each utility shall provide a list of planned generation additions, the rationale as to why each listed generation addition was selected, and a 15-year projection of the following for each listed addition:

a. Type of fuel(s) used;
b. Type of unit (e.g. MW rating, baseload, intermediate, peaking);
c. Location of each planned unit to the extent such location has been determined; and
d. Summaries of the analyses supporting any new generation additions included in its 15-year forecast, including its designation as base, intermediate, or peaking capacity.

(iii) Non-Utility Generation. — Each utility shall provide a separate and updated list of all non-utility electric generating facilities in its service areas, including customer-owned and stand-by generating facilities. This list shall include the facility name, location, primary fuel type, and capacity (including its designation as base, intermediate, or peaking capacity). The utility shall also indicate which facilities are included in its total supply of resources. If any of this information is readily accessible in documents already filed with the Commission, the utility may incorporate by reference the document or documents in its report, so long as the utility provides the docket number and the date of filing.

(3) Reserve Margins. — The utility shall provide a calculation and analysis of its winter and summer peak reserve margins over the projected 15-year period. To the extent the margins produced in a given year differ from target reserve margins by plus or minus 3%, the utility shall explain the reasons for the difference.

(4) Wholesale Contracts for the Purchase and Sale of Power.

(i) The utility shall provide a list of firm wholesale purchased power contracts reflected in the biennial report, including the primary fuel type, capacity (including its designation as base, intermediate, or peaking capacity), location, expiration date, and volume of purchases actually made since the last biennial report for each contract.

(ii) The utility shall discuss the results of any Request for Proposals (RFP) for purchased power it has issued since its last biennial report. This discussion shall include a description of each RFP, the number of entities responding to the RFP, the number of proposals received, the terms of the proposals, and an explanation of why the proposals were accepted or rejected.

(iii) The utility shall include a list of the wholesale power sales contracts for the sale of capacity or firm energy for which the utility has committed to sell power during the planning horizon, the identity of each wholesale entity to which the utility has committed itself to sell power during the planning horizon, the number of megawatts (MW) on an annual basis for each contract, the length of each contract, and the type of each contract (e.g., native load priority, firm, etc.).

(5) Transmission Facilities. — Each utility shall include a list of transmission lines and other associated facilities (161 kV or over) which are under construction or for which there are specific plans to be constructed during the planning horizon, including the capacity and voltage levels, location, and schedules for completion and operation. The utility shall also include a discussion of the adequacy of its transmission system (161 kV and above).

(6) Demand-Side Management. — Each utility shall provide the results of its overall assessment of existing and potential demand-side management programs, including a descriptive summary of each analysis performed or used by the utility in the assessment. The utility also shall provide general information on any changes to the methods and assumptions used in the assessment since its last biennial report.

(i) For demand-side programs available at the time of the report, the utility shall provide the following information for each resource: the type of resource (demand response or energy efficiency); the capacity and energy available in the program; number of customers enrolled in each program; the number of times the utility has called upon the resource; and, where applicable, the capacity reduction realized each time since the previous biennial report. The utility shall also list any demand-side resource it has discontinued since its previous biennial report and the reasons for that discontinuance.

(ii) For demand-side management programs it proposes to implement within the biennium for which the report is filed, the utility shall provide the following information for each resource: the type of resource (demand response and energy efficiency); a description of the new program and the target customer segment; the capacity and energy expected to be available from the program; projected customer acceptance; the date the program will be launched; and the rationale as to why the program was selected.

(iii) For programs evaluated but rejected the utility shall provide the following information for each resource considered: the type of resource (demand response or energy efficiency); a description of the program and the target customer segment; the capacity and energy available from the program; projected customer acceptance; and reasons for the program's rejection.

(iv) For consumer education programs the utility shall provide a comprehensive list of all such programs the utility currently provides to its customers, or proposes to implement within the biennium for which the report is filed, including a description of the program, the target customer segment, and the utility's promotion of the education program. The utility shall also provide a list of any educational program it has discontinued since its last biennial report and the reasons for discontinuance.

(7) Assessment of Alternative Supply-Side Energy Resources. — The utility shall include its current overall assessment of existing and potential alternative supply-side energy resources, including a descriptive summary of each analysis performed or used by the utility in the assessment. The utility shall also provide general information on any changes to the methods and assumptions used in the assessment since its most recent biennial or update report.

(i) For the currently operational or potential future alternative supply-side energy resources included in each utility's plan, the utility shall provide information on the capacity and energy actually available or projected to be available, as applicable, from the resource. The utility shall also provide this information for any actual or potential alternative supply-side energy resources that have been discontinued from its plan since its last biennial report and the reasons for that discontinuance.

(ii) For alternative supply-side energy resources evaluated but rejected, the utility shall provide the following information for each resource considered: a description of the resource; the potential capacity and energy associated with the resource; and the reasons for the rejection of the resource.

(8) Evaluation of Resource Options. — Each utility shall provide a description and a summary of the results of its analyses of potential resource options and combinations of resource options performed by it pursuant to subsection (g) of this rule to determine its integrated resource plan.

(9) Levelized Busbar Costs. — Each utility shall provide information on levelized busbar costs for various generation technologies.

(j) Contents of Update Reports. — In addition to the information required by sections (h)(2)-(4) of this rule, each utility shall include in its update report data and tables that provide the following data for the planning horizon: (1) the information required by sections (i)(1) and (2) of this rule, including the utility's load forecast adjusted for the impacts of any new energy efficiency programs, existing generating capacity with planned additions, uprates, derates, and retirements, planned purchase contracts, undesignated future resources identified by type of generation and MW rating, renewable capacity, demand-side management capacity, and any resource gap; (2) cumulative resource additions necessary to meet load obligation and reserve margins; and (3) projections of load, capacity, and reserves for both the summer and winter periods. A total system IRP may be filed in lieu of an update report for purposes of compliance with this section.

(k) Review of Biennial Reports. — Within 150 days after the later of either October 15 or the filing of each utility's biennial report, the Public Staff or any other intervenor may file an integrated resource plan or report of its own as to any utility or may file an evaluation of or comments on the reports filed by the utilities, or both. The

Public Staff or any intervenor may identify any issue that it believes should be the subject of an evidentiary hearing. Within 60 days after the filing of initial comments, the parties may file reply comments addressing any substantive or procedural issue raised by any other party. A hearing to address issues raised by the Public Staff or other intervenors may be scheduled at the discretion of the Commission. The scope of any such hearing shall be limited to such issues as identified by the Commission. One or more hearings to receive testimony from the public, as required by law, shall be set at a time and place designated by the Commission.

(l) Review of Update Reports. — Within 60 days after the later of either October 15 or the filing of each utility's update report required by section (j) of this rule, the Public Staff or any other intervenor may file an update report of its own as to any utility. Further, within the same time period the Public Staff shall report to the Commission whether each utility's update report meets the requirements of this rule. Intervenors may request leave from the Commission to file comments. Comments will be received or expert witness hearings held on the update reports only if the Commission deems it necessary. The scope of any comments or expert witness hearing shall be limited to issues identified by the Commission. One or more hearings to receive testimony from the public, as required by law, shall be set at a time and place designated by the Commission.

(m) By January 15 of each year, each utility individually or jointly shall hold a meeting to review its biennial or update report with interested parties.

(NCUC Docket No. E-100, Sub 54, 12/8/88; NCUC Docket No. E-100, Sub 78A, 04/29/98; 08/11/98; NCUC Docket No. M-100, Sub 128, 10/27/99; NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. E-100, Sub 126, 4/11/2012; NCUC Docket No. M-100, Sub 140, 12/03/13; NCUC Docket No.E-100, Sub 111, 7/20/2015; NCUC Docket No. E-100, Sub 126, 6/13/2016; NCUC Docket Nos. E-100, Subs 126 & 157; 11/13/2019; NCUC Docket No. E-100, Sub 191; 11/21/2023; NCUC Docket No. E-100, Sub 196; 2/8/2024.)

Rule R8-60A. BIENNIAL INTEGRATED RESOURCE PLANNING AND CARBON PLAN FILINGS.

(a) Purpose. — The purpose of this rule is to implement the provisions of G.S. 62-2(a)(3a), 62-110.1 and G.S. 62-110.9. The Carbon Plan constitutes the least cost integrated resource planning process for electric public utilities subject to G.S. 62-110.9 and the process for assessing and updating the integrated resource plan and the Carbon Plan for those utilities are therefore consolidated. The consolidated integrated resource plan and Carbon Plan (CPIRP) shall be reviewed every two years and may be adjusted as necessary in the determination of the Commission and the electric public utilities.

(b) Applicability. — This rule is applicable to Duke Energy Progress, LLC, and Duke Energy Carolinas, LLC, each of which is an “electric public utility” as defined in G.S. 62-110.9.

(c) Definitions. — As used in this rule, the following definitions shall apply:

(1) “Base Planning Period” shall mean the 15-year period from the start of the year following the date the CPIRP is filed.

(2) “Carbon Neutrality Planning Horizon” shall mean the period beyond the Base Planning Horizon that is designed to ensure that the electric public utilities remain on the least cost path towards achieving carbon neutrality (as defined by G.S. 62-110.9(ii)) consistent with the requirements of G.S. 62-110.9.

(d) Consolidated Carbon Plan and Integrated Resource Plan. — An electric public utility shall develop and keep current a proposed CPIRP to determine the planned generation and resource mix that complies with the requirements set forth in G.S. 62-110.9. The CPIRP shall incorporate, at a minimum, the following:

(1) Base Planning for Native Load Requirements and Firm Planning Obligations. — The CPIRP shall include a forecast of native load requirements for the Base Planning Period (including known and quantified load reduction measures taken by wholesale customers pursuant to their FERC-jurisdictional wholesale power contracts) and other system capacity or firm energy obligations extending through at least one summer and one winter peak; supply-side resources (including owned or leased generation capacity and firm purchased power arrangements) and grid edge resources (including demand-side management programs, rate designs, voltage control, customer-sited generation and storage, and energy efficiency) expected to satisfy those loads; and the reserve margin thus produced.

(2) Long-Term Planning for Carbon Neutrality. — The CPIRP shall include a longer-term planning forecast beyond the Base Planning Period that is designed to ensure that the electric public utilities remain on a path that complies with the provisions set forth in G.S. 62-110.9. For purposes of analyzing resource needs to achieve carbon neutrality beyond the Base Planning Period, the electric public utilities may use simplifying assumptions and analytical approaches recognizing the inherent uncertainty in long-range planning and the ability to make planning adjustments in future updates to the CPIRP.

(3) Modeling Resource Needs Over Base Planning Period and Carbon Neutrality Planning Horizon. — The CPIRP shall include, at a minimum, a comprehensive analysis of all resource options (demand-side and supply-side) considered by the electric public utilities to serve native load requirements and firm planning obligations during the Base Planning Period and the Carbon Neutrality Planning Horizon in a manner that maintains or improves upon the adequacy and reliability of the existing grid as required by G.S. 62-110.9(3). The electric public utilities shall analyze potential resource options and combinations of resource options to serve its system needs, taking into account the sensitivity of their analysis to variations in future estimates of peak load, energy requirements, and other significant assumptions, including, but not limited to, the risks associated with extreme weather conditions, fuel costs, construction/implementation costs, and the costs of complying with environmental regulations. Additionally, this analysis should account for, as applicable, system operations, compliance with state and federal regulations, and other qualitative factors.

(4) Resource Portfolios. — Each updated CPIRP shall include several resource portfolios developed with the purpose of fairly evaluating the range of demand-side, supply-side, energy storage, and other technologies available to meet the electric public utilities' service obligations during the Base Planning Period and the Carbon Neutrality Planning Horizon. For each resource portfolio, the electric public utilities shall identify planned resource additions and retirements, projected carbon emission reductions, present value revenue requirements over the Base Planning Period and the Carbon Neutrality Planning Horizon and explain whether, and if so to what extent, the electric public utilities plan to use offsets as allowed by G.S. 62-110.9 as part of the least cost path to achieving carbon neutrality. In addition, each CPIRP filed prior to 2030 shall include at least one resource portfolio that achieves the 70% reduction in carbon dioxide emissions by 2030.

(5) Evaluation of Resource Options. — As part of its CPIRP process, each electric public utility shall consider and compare a comprehensive set of potential resource options, including both demand-side and supply-side

options, to determine the least cost combination (on a long-term basis) of resource options for reliably meeting the anticipated needs of its system in achieving the State's authorized carbon reduction goals. The CPIRP should include an assessment of power generation, transmission and distribution, grid modernization, energy storage, energy efficiency measures, demand-side management, and the latest technological breakthroughs to achieve the least cost path consistent with the requirements of G.S. 62-110.9.

(6) Ensuring Resource Adequacy and Reliability. — Each updated CPIRP shall describe how the proposed CPIRP ensures that generation and resource changes presented in the plan maintain or improve upon the adequacy and reliability of the existing grid. This analysis should address the electric public utilities' assessment of and plans to maintain appropriate planning reserve margins and maintain or improve the resource adequacy of their systems.

(7) Resource Selection. — Each updated CPIRP shall identify the generation facilities and other resources proposed to be selected by the Commission pursuant to and subject to the requirements of G.S. 62-110.9(2). To the extent resources are selected based upon resource diversity, the electric public utilities shall provide additional support for their decisions based on the costs and benefits of alternatives to achieve the authorized carbon reduction goals and meet the requirements of G.S. 62-110.9.

(8) Execution. — Each updated CPIRP shall include a near-term action plan that the electric public utilities propose to execute over the near term, identifying specific demand-side and supply-side development, procurement, and retirement activities, including upgrades to the transmission system necessary to interconnect new supply-side resources. The proposed near-term action plan should identify whether it is sufficient to support all of the resource portfolios identified pursuant subsection (d)(4). If the proposed near-term action is not sufficient to support any of the identified resource portfolios, the CPIRP shall identify any additional activities that would be necessary. The CPIRP should also identify longer-term resource planning risks, strategies, or other considerations that the electric public utilities are monitoring that could impact achieving the State's carbon reduction goals in a manner that complies with the requirements set forth in G.S. 62-110.9.

(e) Filings.

(1) By September 1, 2023, and every two years thereafter, the electric public utilities shall file with the Commission their proposed CPIRP, together with all information required by subsection (f) of this rule. This

CPIRP shall propose resources to be selected and a near-term action plan to be approved by the Commission for execution prior to Commission approval of the next succeeding CPIRP. Contemporaneous with filing the CPIRP, the electric public utilities make available complete CPIRP modeling input and output data files, as well as their method underlying the use of all modeling software and process steps utilized in the CPIRP, to the Public Staff and intervenors, subject to appropriate confidentiality protections.

(2) Each CPIRP shall include an update on the progress the electric public utilities have made to advance the near-term action plan in the most recently approved CPIRP.

(3) If an electric public utility considers certain information in its biennial comprehensive CPIRP to be proprietary, confidential, and within the scope of G.S. 132-1.2, the electric public utility may designate the information as "confidential" and file it under seal.

(f) Contents of Biennial CPIRP. — The electric public utilities shall include in each updated CPIRP the following:

(1) Forecasts of Load, and Demand-Side and Supply-Side Resources. — The forecasts filed as part of the CPIRP shall include descriptions of the methods, models, and assumptions used by the electric public utilities to prepare their gross and net peak load in megawatts (MW) and energy sales (MWh) forecasts and the variables used in the models. The forecasts filed by the electric public utilities shall include, at a minimum, the following:

(i) The most recent ten-year history and a forecast of customers by each customer class, the most recent ten-year history and a forecast of energy sales (MWh) by each customer class, and the most recent ten-year history and a forecast of the electric public utility's summer and winter peak load (MW);

(ii) A detailed calculation of the impact of grid edge resources on gross load, including comparably quantified and verified information provided by wholesale customers within the electric public utility's balancing area, and an explanation of why those resources are treated as load modifying or as a resource modeled on the supply side;

(iii) The electric public utility's forecast for at least the Base Planning Period, including peak loads for summer and winter seasons of each year, annual energy forecasts, reserve margins, and load duration curves, with and without projected demand-side or supply-side

resource additions. The forecast shall also indicate the projected effects of grid edge resources on the forecasted annual energy and peak loads on an annual basis for the Base Planning Period, and these effects also may be reported as an equivalent generation capacity impact; and

(iv) For new technologies that may have significant impacts on the electric public utility's net load forecast, such as sector or process electrification or load modifying technologies, the electric public utility should provide a description of the forecast methodology and projections.

(2) Generating Facilities and Energy Storage. — The electric public utilities shall provide the following data for their owned existing and planned electric generating facilities (including planned additions and retirements, but excluding cogeneration and small power production) and energy storage systems:

(i) Existing Generation. — The electric public utilities shall include a list of existing generation resources in service, with the information specified below for each listed resource. The information shall be provided for the Base Planning Period:

a. Type of fuel(s) used by each generating unit;

b. Generating unit characteristics (type of unit, *i.e.,* CT, nuclear, etc., summer and winter capacity ratings, in-service date, and planned retirement date, if applicable);

c. Location of each existing generating unit;

d. A list of generating units for which there are specific plans for life extension, refurbishment, or upgrading. The reporting electric public utility shall also provide the expected (or actual) date the unit is, or is expected to be, removed from service, the general location, the capacity rating upon return to service, the expected return to service date, and a general description of the work to be performed on the unit; and

e. Other changes to existing generating units that are expected to increase or decrease generation capacity of the unit in question by an amount that is plus or minus 10%, or 10 MW, whichever is greater.

(ii) Existing Energy Storage. — The electric public utilities shall include a summary of their existing energy storage in service, with the

information specified below for each technology. The information shall be provided for the Base Planning Period:

a. Storage technology (pumped storage hydro, battery, etc.); and

b. Aggregate power capacity and designed storage duration.

(iii) Planned Generation. — The electric public utilities shall include a list of planned generation resource additions, the rationale as to why each listed resource addition was selected, and the following for each listed addition:

a. Type of fuel(s) used by each generating unit;

b. Generating unit characteristics (type of unit, i.e., CT, battery, etc., summer and winter capacity ratings, in-service date, and planned retirement date, if applicable);

c. Location of each planned generating unit to the extent such location has been determined; and

d. Summaries of the analyses supporting any new generation additions included in the forecast for the Base Planning Period, including its designation as baseload capacity, if applicable.

(iv) Planned Energy Storage Additions. — The electric public utilities shall include a list of planned energy storage additions, the rationale as to why each listed resource addition was selected, and the following for each listed addition:

a. Storage technology (pumped storage hydro, battery, etc.); and

b. Aggregate power capacity and designed storage durations.

(3) Non-Utility Generation. — The electric public utilities shall provide a summary of all non-utility electric generating facilities and energy storage in their service areas, including customer-owned and stand-by generating facilities. This summary shall aggregate capacities by generation type (solar, hydro, biomass, etc.).

(4) Wholesale Contracts for the Purchase and Sale of Power. —

(i) The electric public utilities shall include a list of firm wholesale purchased power contracts currently in effect, including the primary fuel type, capacity (including the designation as base, intermediate, or peaking capacity), location, expiration date, treatment of the wholesale resource in CPIRP modeling after expiration, and volume of purchases actually made since the last CPIRP for each contract.

(ii) The electric public utilities shall discuss the results of any Request for Proposals (RFP) that the electric public utilities have issued for purchases of solar generation from third parties and for acquisition for utility ownership and, as applicable, RFPs for acquisition, transfer, or engineering, procurement and construction of other selected generation or storage resources since the last CPIRP. This discussion shall include a description of each RFP, the number of entities responding to the RFP, the number of proposals received, the terms of the proposals, and an explanation of why the proposals were accepted or rejected. The discussion shall also address how the results of the most recent RFP completed during the biennial CPIRP period are incorporated into the electric public utilities' analysis of their long-range energy and capacity needs. If any of this information is readily accessible in documents already filed with the Commission, the electric public utilities may incorporate by reference the document or documents in the CPIRP, so long as the electric public utilities provide the docket number and the date of filing.

(iii) The electric public utilities shall include a list of the wholesale power sales contracts for the sale of capacity or firm energy for which the electric public utilities have committed to sell power during the Base Planning Period, the identity of each wholesale entity to which the electric public utilities have committed itself to sell power during the planning horizon, the number of MWs on an annual basis for each contract, the length of each contract, and the type of each contract (e.g., native load priority, firm, etc.).

(5) Demand-Side Management and Energy Efficiency. — The electric public utilities shall include an assessment of the portfolio of existing and future grid edge resources including demand-side management and energy efficiency programs consistent with the most recently filed DSM/EE cost recovery rider filed by the electric public utilities pursuant to Rule R8-69 and G.S. 62-133.9(c). The electric public utilities shall appropriately reflect grid edge resources as either load modifiers or as a resource considered on the supply side based upon the operating characteristics of the resource. For purposes of utility planning, the electric public utilities shall model energy efficiency as a load modifying resource, ensuring its priority in utility planning. The electric public

utilities' modeling of the load modification associated with energy efficiency shall include low, base, and high cases.

(6) Transmission System Planning and Facilities. —

(i) Transmission System Planning - The electric public utilities shall discuss the adequacy of the transmission system and identified future transmission needs (100 kV and above). With respect to future needs, the electric public utilities shall include an overview of the electric public utilities' local and regional transmission planning process, a discussion of how the most recently approved CPIRP was incorporated into the electric public utilities' transmission planning processes, and discussion of the identified needs, as well as planned transmission lines and facilities, appearing in the most recent local transmission planning report that, as identified in that report, could reasonably be placed into service during the Base Planning Period.

(ii) Planned Improvements - The electric public utilities shall include a list of planned, new or to be upgraded, transmission lines (100 kV or over) and transformers (low side voltage 100 kV or over) which are under construction or for which there are specific plans to be constructed during the Base Planning Period, including the capacity and voltage levels, location, and schedules for completion and operation.

a. The electric public utilities shall describe how applicable planned improvements may enable specific siting of new resources or provide expected and planned impacts to other resource interconnection constraints or operations of the systems.

(iii) Non-wires alternatives — The electric public utilities shall provide an overall assessment methodology for non-wires alternatives, including a descriptive summary of analysis performed or used by the electric public utilities in the assessment of alternative solutions to transmission constraints that may be more cost-effective, such as locating generation in less constrained areas or strategically locating energy storage resources or the dispatch of distributed energy resources of the wholesale customers located within the electric public utilities' balancing area to the extent the electric public utilities have rights to dispatch, operate, and control such resources in the same manner as the electric public utilities' own resources.

(7) Modeling of System Operations. — The electric public utilities shall provide a discussion of or applicable study addressing how electric public utility relationships and system interconnections are modeled in

the CPIRP including how relevant planning and operation functions influence modeling, such as modeled balancing areas and interconnections, joint dispatch agreements, energy exchange markets, and other future operating efficiencies planned by the electric public utilities during the Base Planning Period.

(i) The electric public utilities shall also include, as applicable, a discussion of other planning factors influencing CPIRP modeling, such as corporate emission reduction goals or generation resource restrictions, legal or regulatory requirements from other authorities or jurisdictions that materially impact the resource plan, and the impact of these factors on the electric public utilities' long-range resource plans over the Base Planning Period and Carbon Neutrality Planning Horizon, as applicable.

(ii) The electric public utilities shall discuss the results that are expected from integrated (generation, transmission and/or distribution) systems planning processes, how integrated systems planning is used in the CPIRP process, and the impact of it and their wholesale customers' distributed energy resources and non-traditional solutions on resource planning and load forecasting.

(8) Modeling of Generating and Energy Storage Resources. — The electric public utilities shall include an overall modeling framework and methodology for existing and potential generating and storage resources, including a descriptive summary of material assumptions and analysis performed or used by the electric public utilities in the assessment. The electric public utilities shall also provide general information on any changes to the methods and assumptions used in the assessment since the most recently approved CPIRP, including supportive studies impacting assessment and selection of resources.

(i) To the extent that an updated unit retirement analysis is conducted as a part of the CPIRP, the electric public utilities shall include a descriptive summary of material assumptions and analysis performed that may impact the retirement date modeled such as transmission requirements or replacement resource needs to enable executable retirement of resources.

(9) Maintaining or Improving Upon the Adequacy and Reliability of the Existing Grid. — The electric public utilities shall provide a description of, and justification for, the methodology by which the CPIRP will demonstrate that adequacy and reliability of the system will be maintained or improved throughout the Base Planning Period and Carbon Neutrality Planning Horizon. To the extent that the electric public utilities' standards for quantifying that the reliability of the system

has been maintained has changed, the electric public utilities shall discuss the reasons for the changes to these standards, including impacts to resource adequacy studies, effective load carry capability studies, or other applicable reliability studies. The electric public utilities shall also describe coordination efforts with their wholesale customers to utilize their resources to maintain or improve reliability.

(10) Load, Capacity, and Reserve Tables. — The electric public utilities shall provide a table for a reference portfolio that shows, for both winter and summer peaks, the available capacity, wholesale purchases and sales, capacity from non-utility generation, load (gross and net of grid edge resources), retirements, new capacity additions, and estimated reserve margin for each year of the Base Planning Period.

(i) The electric public utilities shall calculate and provide a description of, and justification for, the methodology by which the electric public utilities determine a first year of avoidable capacity need (First Year of Avoidable Capacity).

(11) Evaluation of Resource Portfolios and Selection of Resources. — The electric public utilities shall provide a description and a summary of the results of their analyses of potential resource options and combinations of resource options (demand-side and supply-side), including relevant information pertaining to portfolio costs (present value of revenue requirements and average retail customer bill impact analyses), operability and reliability, and CO2 emissions. Taking into account the resource portfolios presented in the proposed CPIRP, the electric public utilities shall designate resources for selection by the Commission as the proposed near-term action plan for implementation by the electric public utilities following the Commission's final order on the proposed CPIRP. The near-term action plan required by this Rule should discuss the specific actions the electric public utilities propose to take over the near-term to progress carbon emissions reductions in a least-cost manner, while maintaining or improving reliability of the grid and continue executing least cost planning, including actions to preserve optionality for future potential resources that could help achieve these objectives in future updates to the CPIRP.

(12) Stakeholder Engagement Report – The electric public utilities shall provide a summary of its stakeholder engagement conducted pursuant to the plan described in section (h).

(g) Procedure for Review.

(1) At the time the electric public utilities file their proposed CPIRP with the Commission pursuant to subsection (e), the electric public utilities shall

also file with the Commission testimony and exhibits of expert witnesses supporting the proposed CPIRP.

(2) No later than 180 days after the later of either September 1 or the filing of the electric public utilities' CPIRP, the Public Staff and intervenors may file testimony and exhibits of expert witnesses commenting on, critiquing, or giving alternatives to the electric public utilities' proposed CPIRP.

(3) No later than 45 days after the filing of intervenor testimony and exhibits, the electric public utilities may file rebuttal testimony and exhibits of its expert witnesses.

(4) The Commission shall schedule an expert witness hearing to review the CPIRP proposals beginning on the second Tuesday in May following the electric public utilities' proposed CPIRP filing. The scope of any such hearing may be limited to issues as identified by the Commission. The Commission will also schedule one or more hearings to receive testimony from the public at a time and place of the Commission's designation.

(5) The Commission will issue an order adopting the next CPIRP by no later than December 31 of the year after the year in which the proposed CPIRP is filed with the Commission.

(h) The electric public utilities individually or jointly shall provide notice to the Commission of their plans for engaging with interested parties at least 200 days in advance of its planned biennial CPIRP. The notice to the Commission should provide, at a minimum, information on how the utilities:

(1) Determined the timing, frequency, and location of stakeholder meetings, as well as whether to hold meetings virtually;

(2) Selected facilitators for the meetings;

(3) Notified stakeholders about the meetings; and

(4) Planned the structure and content of the meetings.

(NCUC Docket No. E-100, Sub 191, 11/21/2023.)

Rule R8-60.1. SMART GRID TECHNOLOGY PLANS AND FILINGS.

(Repealed by NCUC Docket Nos. E-100, Sub 126 & E-100, Sub 157.)

Rule R8-61. PRELIMINARY PLANS AND CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR CONSTRUCTION OF ELECTRIC GENERATION AND RELATED TRANSMISSION FACILITIES IN NORTH CAROLINA; CONSTRUCTION OF OUT-OF-STATE ELECTRIC GENERATING FACILITIES; PROGRESS REPORTS AND ONGOING REVIEWS OF CONSTRUCTION; PROJECT DEVELOPMENT COST REVIEWS FOR NUCLEAR GENERATING FACILITIES.

(a) A public utility or other person that plans to build an electricity generating facility with a nameplate capacity of 300 megawatts (alternating current) or more shall file with the Commission and the Department of Environmental Quality its preliminary plans at least 120 days before filing an application for a certificate of public convenience and necessity. The preliminary plans shall include the following exhibits:

(1) Exhibit 1 shall contain the following site information:

(i) A color map or aerial photo (a U.S. Geological Survey map or an aerial photo map prepared via the State's geographic information system is preferred) showing the proposed site boundary and layout, with all major equipment, including the generator, fuel handling equipment, plant distribution system, startup equipment, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities;

(ii) The E911 street address, county in which the proposed facility would be located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree;

(iii) The full and correct name of the site owner and, if the owner is other than the applicant, the applicant's interest in the site;

(iv) Justification for the adoption of the site selected, and general information describing the other locations considered;

(v) Information concerning geological, aesthetic, ecological, meteorological, seismic, water supply, and local population;

(vi) A description of investigations completed, in progress, or proposed involving the subject site;

(vii) A statement of existing or proposed plans known to the applicant of federal, state, local governmental and private entities for other developments at or adjacent to the proposed site;

(viii) In the case of natural gas-fired facilities, a map showing the proximity of the facility to existing natural gas facilities; a description of dedicated gas facilities to be constructed to serve the facility; and any filed agreements, service contracts, or tariffs for interstate pipeline capacity;

(ix) A brief general description of practicable transmission line routes emanating from the site, including a color map showing their general location; and

(x) The gross, net, and nameplate generating capacity of each unit and the entire facility's total projected dependable capacity in alternating current (AC).

(2) Exhibit 2 shall contain the following permitting information:

(i) A list of all agencies from which approvals will be sought covering various aspects of any generation facility constructed on the site and the title and nature of such approvals; and

(ii) A statement of existing or proposed environmental evaluation programs to meet the applicable air and water quality standards.

(3) Exhibit 3 shall include a schedule showing the anticipated beginning dates for construction, testing, and commercial operation of the generating facility.

(b) In filing an application for a certificate of public convenience and necessity pursuant to G.S. 62-110.1(a) in order to construct a generating facility in North Carolina, a public utility shall include the following exhibits supported by relevant testimony:

(1) Exhibit 1 shall contain the following resource planning information:

(i) The utility's most recent biennial report and the most recent annual report filed pursuant to Rule R8-60, plus any proposals by the utility to update said reports;

(ii) The extent to which the proposed facility would conform to the utility's most recent biennial report and the most recent annual report that was filed pursuant to Rule R8-60;

(iii) A statement of how the facility would contribute to resource and fuel diversity, whether the facility would have dual-fuel capability, and how much fuel would be stored at the site.

(iv) An explanation of the need for the facility, including information on energy and capacity forecasts; and

(v) An explanation of how the proposed facility meets the identified energy and capacity needs, including the anticipated facility capacity factor, heat rate, and service life.

(2) Exhibit 2 shall contain the siting and permitting information as listed in Rule R8-61(a), with updates as necessary for facilities that are 300 megawatts (alternating current) nameplate capacity or more, and for which this information had already been filed.

(3) Exhibit 3 shall contain the following cost information for the proposed facility, and for the final alternatives that the applicant considered:

(i) An estimate of the construction costs for the generating facility, including the costs for new substation(s) and transmission line(s), and upgrades to existing substations(s) and transmission lines(s). For nuclear plants, construction costs shall include the plant's first core fuel load;
(ii) Estimated construction costs expressed as dollars per megawatt of capacity;
(iii) Estimated annual operating expenses by category, including fuel costs;
(iv) Estimated annual operating expenses expressed as dollars per net megawatt-hour.
(v) The projected cost of each major component of the generating facility and the projected schedule for incurring those costs;
(vi) The projected effect of investment in the generating facility on the utility's overall revenue requirement for each year during the construction period;
(vii) The anticipated in-service expenses associated with the generating facility for the 12-month period of time following commencement of commercial operation of the facility; and
(viii) The anticipated impact the facility will have on customer rates.

(4) Exhibit 4 shall contain the following construction information:
(i) The anticipated construction schedule for the generating facility;
(ii) The specific type of units selected for the generating facility; the suppliers of the major components of the facility; the basis for selecting the type of units, major components, and suppliers; and arrangements made or planned to assure a dependable fuel supply;
(iii) The qualifications and selection process of principal contractors and suppliers for construction of the generating facility, other than those listed in Item (ii) above; and
(iv) Risk factors related to the construction and operation of the generating facility, including a verified statement as to whether the facility will be capable of operating during the lowest temperature that has been recorded in the area using information from the National Weather Service Automated Surface Observing System (ASOS) First Order Station in Asheville, Charlotte, Greensboro, Hatteras, Raleigh or Wilmington, depending upon the station that is located closest to where the plant will be located.

(5) If the facility is a coal or nuclear-fueled facility, the application shall include Exhibit 5, which shall contain information demonstrating that energy efficiency measures; demand-side management; renewable energy resource generation; combined heat and power generation; or any combination thereof, would not establish or maintain a more cost-effective and reliable generation system and that the construction and operation of the facility is in the public interest.

(c) The public utility shall submit a progress report and any revision in the construction cost estimate during each year of construction according to a schedule established by the Commission.

(d) Upon the request of the public utility or upon the Commission's own motion, the Commission may conduct an ongoing review of construction of the generating facility as the construction proceeds.

(e) A public utility requesting an ongoing review of construction of the generating facility pursuant to G.S. 62-110.1(f) shall file an application, supported by relevant testimony, for an ongoing review no later than 12 months after the date of issuance of a certificate of public convenience and necessity by the Commission; provided, however, that the public utility may, prior to the conclusion of such 12-month period, petition the Commission for a reasonable extension of time to file an application based on a showing of good cause. Upon the filing of a request for an ongoing review, the Commission shall establish a schedule of hearings. The hearings shall be held no more often than every 12 months. The Commission shall also establish the time period to be reviewed during each hearing. The purpose of each ongoing review hearing is to determine the reasonableness and prudence of the costs incurred by the public utility during the period under review and to determine whether the certificate should remain in effect or be modified or revoked. The public utility shall have the burden of proof to demonstrate that all costs incurred are reasonable and prudent.

(f) A public utility may file an application pursuant to G.S. 62-110.6 requesting the Commission to determine the need for an out-of-state electric generating facility that is intended to serve retail customers in North Carolina. If need for the generating facility is established, the Commission shall also approve an estimate of the construction costs and construction schedule for such facility. The application may be filed at any time after an application for a certificate of public convenience and necessity or license for construction of the generating facility has been filed in the state in which the facility will be sited. The application shall be supported by relevant testimony and shall include the information required by subsection (b) of this Rule to the extent such information is relevant to the showing of need for the generating facility and the estimated construction costs and proposed construction schedule for the generating facility. The public utility shall submit a progress report and any revision in the construction cost estimate for the out-of-state electric generating facility during each year of construction according to a schedule established by the Commission.

(g) If the Commission makes a determination of need pursuant to G.S. 62-110.6 and subsection (f) of this Rule, the provisions of subsections (d) and (e) of this Rule shall apply to a request by a public utility for an ongoing review of construction of a generating facility to be constructed in another state that is intended to serve retail customers in North Carolina. An electric public utility shall file an application, supported by relevant testimony, for an ongoing review no later than 12 months after the date of issuance of a certificate of public convenience and necessity or license by the state commission in which the out-of-state generating facility is to be constructed; provided, however, that the public utility may, prior to the conclusion of such 12-month period, petition the Commission for a reasonable extension of time to file an application based on a showing of good cause.

(h) A public utility may file an application pursuant to G.S. 62-110.7 requesting the Commission to review the public utility's decision to incur project development costs for a potential in-state or out-of-state nuclear generating facility that is intended to serve retail electric customers in North Carolina. The application, supported by relevant testimony, shall be filed prior to the filing of an application for a certificate to construct the facility.

(NCUC Docket No. E 100, Sub 54, 12/8/88; E-100, Sub 78A, 04/29/98; NCUC Docket No. E-100, Sub 113, 02/29/2008; NCUC Docket No. E-100, Sub 134, 07/30/2012; NCUC Docket No. M-100, Sub 135, 09/10/2013; NCUC Docket No. E-100, Sub 134, 11/04/2014; NCUC Docket No. M-100, Sub 196, 9/18/2023.)

Rule R8-62. CERTIFICATES OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF ELECTRIC TRANSMISSION LINES IN NORTH CAROLINA.

(a) Each public utility or person, prior to commencing construction of a new transmission line for which a certificate is required pursuant to G.S. 62-101, shall first obtain a certificate of environmental compatibility and public convenience and necessity from the Commission. The requirement for such certificate may be satisfied by an applicable certificate granted by the Commission under G.S. 62-110 and Commission Rule R8-61.

(b) The procedures for the filing of an application for a certificate shall be as specified in Commission Rule R1-5.

(c) The filing of an application for a certificate shall include the following:

(1) The reasons the transmission line is needed including when it is needed for the purpose described;

(2) A description of the proposed location of the transmission line including a U.S. Geological Survey map showing the proposed route and alternative routes evaluated in relation to appropriate geographic reference points;

(3) A description of the proposed transmission line including:

a. The facilities including structure type and their average height range (as determined by preliminary engineering), the right of way corridor including its width, the capacity and voltage level of the lines; and operation and maintenance considerations.

b. A showing of the projected cost of the line.

(4) An environmental report setting forth:

a. The environmental impact of the proposed action including, as appropriate, its effect on natural resources, cultural resources, land use, and aesthetics;

b. Any proposed mitigating measures that may minimize the environmental impact; and

c. Alternative routes for the proposed lines;

(5) A listing of residential, commercial, industrial and institutional development; other man-made features; natural features which influenced route selection and how they were considered in the selection process; and

(6) A complete list of all federal and state licenses, permits and exemptions required for construction and operation of the transmission line and a statement of whether each has been obtained or applied for. A copy of those that have been obtained should be filed with the application; a copy of those that have not been obtained at the time of the application should be filed with the Commission as soon as they are obtained.

(7) The application shall be accompanied by prefiled direct testimony incorporating and supporting the application. Provided, however, an applicant requesting a waiver of the notice and hearing requirements pursuant to Rule R8-62(k) and G.S. 62-101(d)(1) shall not be required to prefile direct testimony supporting the application unless the waiver request is subsequently denied by the Commission.

(d) The applicant shall file a written summary with the Commission explaining any proposed deviation from the approved certificate, unless the deviation is insignificant. The Commission will, within thirty (30) days, determine and notify the applicant if the deviation(s) will require the Company to file an application for an amended certificate. If the Commission determines that an amended certificate is necessary, the applicant shall, giving consideration to the circumstances that created the deviation, file the following:

(1) The reasons the amendment is needed;
(2) A brief description of the proposed amendment;
(3) An amended environmental report, or addendum to the report filed with the initial application, containing the following information:
    a. A U.S. Geological Survey Map showing the amended route in relation to all routes reviewed by the Commission in the initial application proceeding;
    b. The right of way width and structures (structure type, approximate average height range and approximate locations as determined by preliminary engineering) along the amended route;
    c. Revised project cost based on the proposed amended route;
    d. A description of any changes in environmental impacts (either additional or reduced) of the proposed amended route, including, as appropriate, its effect on natural and cultural resources, land use and aesthetics; and
    e. Any proposed mitigation measures specifically proposed to reduce environmental impacts of the amended segment of the line.
(4) Notice for amending a certificate must be given as provided in Rule R8-62(e).

(e) Within 10 days after the filing of the application or application for amendment, the applicant shall serve a copy of the application on the parties listed in G.S. 62-102(b) in the manner provided in G.S. 1A-1, Rule 4. The copy of the application served on each party shall be accompanied by a notice specifying the date on which the application was filed and giving information on procedural steps to take and time deadlines to follow for intervention.

(f) At the time of filing, the applicant shall file a summary of the application to be used to fulfill the notice requirements of this certificate. The summary shall contain, at a minimum the following:

(1) A summary of the proposed action;

(2) A description of the location of the proposed transmission line written in readable style and the location of the nearest business office to the proposed line where detailed maps (U.S. Geological Survey Map, or equal) may be examined. Said maps to also be available for review in the Commission's Office of the Chief Clerk;
(3) The date on which the application was filed; and
(4) The date by which persons with substantial interest in the certification proceeding must intervene.

The Commission shall, within 3 business days after the date of the filing, notify the applicant of its approval or of any required changes or additions to the summary.

(g) Within 10 days after the filing of the application, the applicant shall give public notice to persons residing in each county and municipality in which the proposed transmission line is to be located by publishing the approved summary of the application in newspapers of general circulation in the affected cities and counties so as to substantially inform those persons of the filing of the application. This notice shall thereafter be published in those newspapers a minimum of three additional times before the time for parties to intervene has expired. The summary shall also be sent to the North Carolina State Clearinghouse.

If the Commission orders public hearings on the application, the applicant shall send a revised summary to the North Carolina State Clearinghouse that states when and where the hearing will be held. In addition, the applicant shall similarly revise the newspaper notice so that all published notices following the first shall describe the schedule of public hearings.

(h) After the initial public notice and for the duration of the proceeding, the applicant shall make a copy of the application available for public review at its office(s) in proximity to the proposed transmission line.

(i) Persons desiring to intervene and having a substantial interest in this proceeding in accordance with G.S. 62-103(b) shall file a petition with the Commission to intervene setting forth interest and basis for intervention no later than 100 days after the date of the filing of the application. A county or municipality shall comply with the requirements of G.S. 62-106 with respect to filing with the Commission and serving on the applicant the provisions of an ordinance that may affect the construction, operation or maintenance of the proposed transmission line. Local ordinances brought forward by municipalities or counties shall be presumed to be in the public interest; however, the Commission may find that the greater public interest requires preemption of the local ordinance.

(j) Testimony and exhibits by expert witnesses shall be filed pursuant to Commission Rule R1-24(g). Absent substantial cause, the Public Staff and other intervenors shall file direct testimony and exhibits of expert witnesses no later than the deadline established for filing petitions to intervene. Non-expert witness testimony is not required to be reduced to writing or filed prior to the hearing.

(k) The applicant may request in writing, as a part of the application, that the Commission waive the notice and hearing requirements. A completed application and the waiver request shall be prefiled with the Public Staff's Electric Division at least twenty (20) days before the application is filed to allow for investigation of the request. At the same time the applicant shall file a letter of intent to file for a waiver with the Commission. When the application is subsequently filed, it shall be accompanied by a written request for the waiver and a statement that the request has been prefiled as required by this Rule. The applicant shall identify and describe any conditions of the proposed transmission line which meets the waiver requirements set forth in G.S. 62-101(d)(1). The Commission shall rule on this waiver within 30 days after the date of the filing. A request to waive notice and hearing requirements will automatically waive the notice requirements of G.S. 62-102(b) and (c). If the Commission denies the request for a waiver, the applicant shall serve notice within 10 days, as prescribed in Rule R8-62(e), from the date the Commission serves notice of its decision.

(l) Pursuant to G.S. 62-101(d)(2), the applicant may request that the Commission waive the notice and hearing requirements because the urgency of providing electric service requires the immediate construction of the transmission line. In making this decision the Commission shall determine whether failure to build the line could result in unreliable or insufficient electrical supply to the public. The Commission shall rule on this request within 10 days of the application. If the Commission concurs, it shall waive the notice and hearing requirements but shall give notice to those parties listed in G.S. 62-102(b) and (c) before issuing a certificate or approving an amendment.

(m) The procedures for seeking exemption pursuant to G.S. 62-101(c)(3) or (5) from the requirement of obtaining a certificate shall be as follows:

(1) A public utility or person is not required to obtain a certificate before beginning to construct a transmission line referred to in either G.S. 62-101(c)(3) or (5) if the Federal Energy Regulatory Commission (FERC) or the Rural Electrification Administration (REA), as appropriate, has conducted a proceeding on the line that is substantially equivalent to the proceeding required by Article 5A of G. S. Chapter 62.

(2) A public utility or person shall be exempt from the requirement of a public hearing to obtain a certificate before beginning to construct a transmission line referred to in either G.S. 62-101(c)(3) or (5), if the FERC or the REA, as appropriate, has conducted a proceeding on the line that is substantially equivalent to the proceeding required by Article 5A of G. S. Chapter 62.

(3) To apply for the exemption under section (1) above, the public utility or person shall file the following information with the Commission:

a. the location and transcript of each public hearing;

b. the notices of hearing and a description of how and to whom the notices were given;

c. a statement that the hearings were conducted in conformity with the FERC or REA laws, as appropriate, and a general description of what the applicable law requires; and

d. the final order of the FERC or the REA authorizing the construction of the line.

(4) To apply for the exemption under section (2) above, the public utility or person shall file the information required by sections (3)a., b., and c. above.

(5) The Commission shall within five (5) days of receipt of the application distribute copies of it to the Public Staff and any other party that has previously requested it. In addition the Commission shall promptly supply copies to any other parties who subsequently request them.

(6) Within thirty (30) days from receipt of the application, the Commission shall enter an order granting the applicable exemption if it finds that the FERC or the REA has conducted a proceeding on the line that is substantially equivalent to the hearing required by the Commission's certification procedure under Article 5A of G. S. Chapter 62, and with respect to the exemption provided under section (1) above, that the FERC or the REA has issued a final order authorizing construction of the line.

(n) When justified by the public convenience and necessity and a showing that circumstances require immediate action, the Commission may permit an applicant for a certificate to proceed with initial clearing, excavation, and construction before receiving the certificate required by G.S. 62-101. In so proceeding, however, the applicant acts at its own risk, and by granting such permission, the Commission does not commit to ultimately grant a certificate for the transmission line.

(o) If, after proper notice of the application has been given, no significant protests are filed with the Commission the applicant may request the Commission in writing, or the Commission on its own motion, may cancel the hearing and decide the case on the filed record.

(p) Plans for the construction of transmission lines in North Carolina (161 kV and above) shall be incorporated in filings made pursuant to Commission Rule R8-60. In addition, each public utility or person covered by this rule shall provide the following information on an annual basis no later than September 1:

(1) For existing lines, the information required on FERC Form 1, pages 422, 423, 424, and 425, except that the information reported on pages 422 and 423 may be reported every five years.

(2) For lines under construction, the following:

a. Commission docket number;
b. location of end point(s);
c. length;
d. range of right-of-way width;
e. range of tower heights;
f. number of circuits;
g. operating voltage;
h. design capacity;
i. date construction started; and

j. projected in-service date (if more than 6 month delay from last report, explain).

(3) For all other proposed lines, as the information becomes available, the following:

a. county location of end point(s);
b. approximate length;
c. typical right-of-way width for proposed type of line;
d. typical tower height for proposed type of line;
e. number of circuits;
f. operating voltage;
g. design capacity;
h. estimated date for starting construction (if more than 6 month delay from last report, explain); and
i. estimated in-service date (if more than 6 month delay from last report, explain).

(NCUC Docket No. E-100, Sub 62, 12/4/92; NCUC Docket No. E-100, Sub 78A, 04/29/98; NCUC Docket No. E-100, Sub 105, 02/27/06.)

Rule R8-63. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR MERCHANT PLANT; PROGRESS REPORTS.

(a) Scope of Rule.

(1) This rule applies to an application for a certificate of public convenience and necessity pursuant to G.S. 62-110.1(a) by any person seeking to construct a merchant plant in North Carolina.

(2) For purposes of this rule, the term "merchant plant" means an electric generating facility, other than one that qualifies for and seeks the benefits of 16 U.S.C.A. 824a-3 or G.S. 62-156, the output of which will be sold exclusively at wholesale and the construction cost of which does not qualify for inclusion in, and would not be considered in a future determination of, the rate base of a public utility pursuant to G.S. 62-133.

(3) Persons filing under this rule are not subject to the requirements of RuleR8-61 or R8-64.

(b) Application. The application shall contain the exhibits listed below, which shall contain the information hereinafter required, with each exhibit and item labeled as set out below. Any additional information may be included at the end of the application.

(1) Exhibit 1 shall contain the following information about the applicant:

(i) The full and correct name, business address, business telephone number and electronic mailing address of the applicant;

(ii) A description of the applicant, including the identities of its principal participant(s) and officers, and the name and business address of a person authorized to act as corporate agent or to whom correspondence should be directed;

(iii) A copy of the applicant’s most recent annual report to stockholders, which may be attached as an exhibit, or, if the applicant is not publicly traded, its most recent balance sheet and income statement. If the applicant is a newly formed entity with little history, this information should be provided for its parent company, equity partner, and/or the other participant(s) in the project; and

(iv) Information about generating facilities in the Southeastern Electric Reliability Council region which the applicant or an affiliate has any ownership interest in and/or the ability to control through leases, contracts, options, and/or other arrangements and information about certificates that have been granted for any such facilities not yet constructed.

(2) Exhibit 2 shall contain the following information about the proposed facility:

(i) The nature of the proposed generating facility, including its type, fuel, expected service life, and the gross, net, and nameplate generating capacity of each generating unit and the entire facility, as well as the facility's total projected dependable capacity, in megawatts (alternating current); the anticipated beginning date for construction; the expected commercial operation date; and estimated construction costs;

(ii) A color map or aerial photo (a U.S. Geological Survey map or aerial photo map prepared via the State's geographic information system is preferred) showing the proposed site boundary and layout, with all major equipment, including the generator, fuel handling equipment, plant distribution system, startup equipment, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities;

(iii) The E911 street address, county in which the proposed facility would be located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree.

(iv) In the case of natural gas-fired facilities, a map showing the proximity of the facility to existing natural gas facilities; a description of dedicated facilities to be constructed to serve the facility; and any filed agreements, service contracts, or tariffs for interstate pipeline capacity;

(v) A list of all needed federal, state, and local approvals related to the facility and site, identified by title and the nature of the needed approval; a copy of such approvals or a report of their status; and a copy of any application related to eligible facility and/or exempt wholesale generator status pursuant to Section 32 of the Public Utility Holding Company Act of 1935 (PUHCA), as amended by the Energy Policy Act of 1992, including attachments and subsequent amendments, if any; and

(vi) A description of the transmission facilities to which the facility will interconnect, and a color map showing their general location. If additional facilities are needed, a statement regarding whether the applicant would need to acquire rights-of-way for new facilities.

(3) Exhibit 3 shall provide a description of the need for the facility in the state and/or region, with supporting documentation.

(4) The application shall be signed and verified by the applicant or by an individual duly authorized to act on behalf of the applicant.

(5) The application shall be accompanied by pre-filed direct testimony incorporating and supporting the application.

(6) The Chief Clerk will deliver a copy of the application to the Clearinghouse Coordinator in the Department of Administration for distribution to State agencies having an interest in the proposed generating facility.

(7) Contemporaneous with the filing of the application with the Commission, all applicants proposing a generating facility that will use natural gas must provide written notice of the filing to the natural gas local distribution company or municipal gas system providing service or franchised to provide service at the location of the proposed generating facility.

(c) Confidential Information. If an applicant considers certain of the required information 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.

(d) Procedure upon Receipt of Application. No later than ten (10) business days after the application is filed with the Commission, the Public Staff shall, and any other party in interest may, file with the Commission and serve upon the applicant a notice regarding whether the application is complete and identifying any deficiencies. If the Commission determines that the application is not complete, the applicant will be required to file the missing information. Upon receipt of all required information, the Commission will promptly issue a procedural order setting the matter for hearing, requiring public notice, and dealing with other procedural matters.

(e) The Certificate.

(1) The certificate shall specify the name and address of the certificate holder; the type, capacity, and location of the facility; and the conditions, if any, upon which the certificate is granted.

(2) The certificate shall be subject to revocation if (a) any of the federal, state, or local licenses or permits required for construction and operation of the generating facility not obtained or, having been obtained, are revoked pursuant to a final, non-appealable order; (b) required reports or fees are not filed with or paid to the Commission; and/or (c) the Commission concludes that the certificate holder filed with the Commission information of a material nature that was inaccurate and/or misleading at the time it was filed; provided that, prior to revocation pursuant to any of the foregoing provisions, the certificate holder shall be given thirty (30) days' written notice and opportunity to cure.

(3) The certificate must be renewed if the applicant does not begin construction within three years after the date of the Commission order granting the certificate.

(4) A certificate holder must notify the Commission in writing of any plans to sell, transfer, or assign the certificate and the generating facility.

(f) Reporting. All applicants must submit annual progress reports and any revisions in cost estimates, as required by G.S. 62-110.1(f) until construction is completed.

(NCUC Docket No. E-100, Sub 85, 05/21/01; 07/27/01; 11/06/01; NCUC Docket No. E-100, Sub 134, 07/30/12; NCUC Docket No. E-100, Sub 134, 11/04/14.)

Rule R8-64. APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY BY CPRE PROGRAM PARTICIPANT, QUALIFYING COGENERATOR, OR SMALL POWER PRODUCER; PROGRESS REPORTS.

(a) Scope of Rule.

(1) This rule applies to applications for a certificate of public convenience and necessity pursuant to G.S. 62-110.1(a) filed by any person, other than an electric public utility, who is an owner of a clean energy facility that is participating in the Competitive Procurement of Renewable Energy Program established in G.S. 62-110.8, or by any person who is seeking the benefits of 16 U.S.C. 824a-3 or G.S. 62-156 as a qualifying cogenerator or a qualifying small power producer as defined in 16 U.S.C. 796(17) and (18), or as a small power producer as defined in G.S. 62-3(27a), except persons exempt from certification by the provisions of G.S. 62-110.1(g).

(2) For purposes of this rule, the term "person" shall include a municipality as defined in Rules R7-2(c) and R10-2(c), including a county of the State.

(3) The construction of a facility for the generation of electricity shall include not only the building of a new building, structure or generator, but also the renovation or reworking of an existing building, structure or generator in order to enable it to operate as a generating facility.

(4) This rule shall apply to any person within its scope who begins construction of an electric generating facility without first obtaining a certificate of public convenience and necessity. In such circumstances, the application shall include an explanation for the applicant's beginning of construction before the obtaining of the certificate.

(b) The Application. The application shall be comprised of the following five exhibits:

(1) Exhibit 1 shall contain:
   (i) The full and correct name, business address, business telephone number, and electronic mailing address of the facility owner;
   (ii) 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 application and, if a foreign corporation, whether domesticated in North Carolina; and
   (iii) The full and correct name of the site owner and, if the owner is other than the applicant, the applicant's interest in the site.

(2) Exhibit 2 shall contain:

(i) 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 is preferred; and

(ii) The E911 street address, county in which the proposed facility would be located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree.

(3) Exhibit 3 shall contain:

(i) The nature of the generating facility, including the type and source of its power or fuel;

(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 as well as the facility's nameplate capacity, expressed as 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 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; and

(x) Whether the applicant intends to produce renewable energy certificates that are eligible for compliance with the State's clean energy and energy efficiency portfolio standard.

(4) Exhibit 4 shall contain:

(i) A complete list of all federal and state licenses, permits and exemptions required for construction and operation of the generating facility and a statement of whether each has been obtained or applied for.

(ii) A copy of those that have been obtained should be filed with the application; a copy of those that have not been obtained at the time of the application should be filed with the Commission as soon as they are obtained.

(5) Exhibit 5 shall contain the expected cost of the proposed facility.

(6) An applicant who desires to enter into a contract for 5 years or more for the sale of electricity, whose facility will have a nameplate capacity of 5 megawatts alternating current or more, and whose facility is not a solar photovoltaic facility, shall include the three additional exhibits as described in R8-64(b)(6)(i), (ii), and (iii) below, except an applicant who desires to enter into a contract of 5 years or more for the sale of electricity from a solar photovoltaic facility of 25 megawatts alternating current or more shall also include the three additional exhibits referenced herein.

(i) Exhibit 6 shall contain:

a. A statement detailing the experience and expertise of the persons who will develop, design, construct and operate the project to the extent such persons are known at the time of the application;

b. Information specifically identifying the extent to which any regulated utility will be involved in the actual operation of the project; and

c. A statement obtained by the applicant from the electric utility to which the applicant plans to sell the electricity to be generated setting forth an assessment of the impact of such purchased power on the utility's capacity, reserves, generation mix, capacity expansion plan, and avoided costs.

(ii) Exhibit 7 shall contain:

a. The most current available balance sheet of the applicant;

b. The most current available income statement of the applicant;

c. An economic feasibility study of the project; and

d. A statement of the actual financing arrangements entered into in connection with the project to the extent known at the time of the application.

(iii) Exhibit 8 shall contain:

a. The projected annual hourly production profile for the first full year of operation of the clean energy facility in kilowatt-hours, including an explanation of potential factors influencing the shape of the production profile, including the following, if applicable: fixed tilt or tracking panel arrays, inverter loading ratio, over-paneling, clipped energy, or inverter AC output power limits;

b. A detailed explanation of all energy inputs and outputs, of whatever form, for the project, including the amount of energy and the form of energy to be sold to each purchaser; and

c. A detailed explanation of arrangements for fuel supply, including the length of time covered by the arrangements, to the extent known at the time of the application.

(7) All applications shall be signed and verified by the applicant or by an individual duly authorized to act on behalf of the applicant for the purpose of the application.

(8) Applications filed on behalf of a corporation are not subject to the provision of 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.

(9) Falsification of or failure to disclose any required information in the application may be grounds for denying or revoking any certificate.

(10) The application shall be in the form adopted by the Commission and accompanied by the filing fee required by G.S. 62-300. The application may be filed electronically or by transmission of an original to the Chief Clerk of the Utilities Commission.

(11) If an applicant considers certain of the required information 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.

(c) Procedure upon receipt of Application. — Upon the filing of an application appearing to meet the requirements set forth above, the Commission will process it as follows:

(1) The Commission will issue an order requiring the applicant to publish notice of the application once a week for four successive weeks in a newspaper of general circulation in the county where the generating facility is proposed to be constructed and requiring the applicant to mail a copy of the application and the notice, no later than the first date that such notice is published, to the electric utility to which the applicant plans to sell the electricity to be generated. Each electric utility shall provide on its website a mailing address to which the application and notice should be mailed. The applicant shall be responsible for filing with the Commission an affidavit of publication and a signed and verified certificate of service to the effect that the application and notice have been mailed to the electric utility to which the applicant plans to sell the electricity to be generated.

(2) If the applicant does not file the affidavit of publication and certificate of service within twelve months of the Commission’s publication order, the Commission will automatically dismiss the application.

(3) The Chief Clerk will provide a copy of the application and the notice to the State Environmental Review Clearinghouse for distribution by the Clearinghouse Coordinator to State agencies having an interest in the application.

(4) If a complaint is received within 10 days after the last date of the publication of the notice, the Commission will schedule a public hearing to determine whether a certificate should be awarded and will give reasonable notice of the time and place of the hearing to the applicant and to each complaining party and will require the applicant to publish notice of the hearing in the newspaper in which the notice of the application was published. If no complaint is received within the time specified, the Commission may, upon its own initiative, order and schedule a hearing to determine whether a certificate should be awarded and, if the Commission orders a hearing upon its own initiative, it will require notice of the hearing to be published by the applicant in the newspaper in which the notice of the application was published.

(5) If no complaint is received within the time specified and the Commission does not order a hearing upon its own initiative, the Commission will enter an order awarding the certificate.

(d) The Certificate.

(1) The certificate shall be subject to revocation if any of the other federal or state licenses, permits or exemptions required for construction and operation of the generating facility is not obtained and that fact is brought to the attention of the Commission and the Commission finds that as a result the public convenience and necessity no longer requires, or will require, construction of the facility.

(2) The certificate must be renewed by re-compliance with the requirements set forth in this Rule if the applicant does not begin construction within 5 years after issuance of the certificate.

(3) Both before the time construction is completed and after, all certificate holders must advise both the Commission and the utility involved of any plans to sell, transfer, or assign the certificate or the generating facility or of any significant changes in the information set forth in subsections (b)(1) thru (b)(5) of this Rule, and the Commission will order such proceedings as it deems appropriate to deal with such plans or changes. The following changes in information are exemplary of changes that require an amendment to the certificate issued for the facility: a transfer of the certificate or the facility, a change in the facility owner’s name, a change in the fuel source, or a change in the generating capacity of the facility. The following changes in information are exemplary of changes that require notice to the Commission, but do not require an amendment to the certificate: a change in facility

owner's contact information, or a change in the upstream ownership of the facility owner.

(e) In addition to complying with any other applicable filing requirements pursuant to this Rule or other Commission rules, the filing of an amendment to the certificate application, or the filing of a FERC Form No. 556 for the purpose of satisfying the notice requirements of 18 C.F.R. 292.207(c) or for the purpose of satisfying the requirements of subsection (d) of this Rule, shall be accompanied by a cover letter that identifies the facility, the facility owner, and the associated docket number assigned to the matter by the Chief Clerk, and includes a short, plain statement alerting the Commission to the changed information, if any.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 136, 6/26/12; NCUC Docket No. E-100, Sub 134, 07/30/12; NCUC Docket No. E-100, Sub 134, 11/04/14; NCUC Docket No. E-100, Sub 113, 12/31/14; NCUC Docket No. E-100, Sub 134, 3/18/2015, NCUC Docket No.E-100, Sub 134, 5/23/2016; NCUC Docket No. E-100, Sub 150, 11/06/2017; NCUC Docket Nos. E-100, Subs 113, 121, & 134, 03/29/2018; NCUC Docket No. E-100, Sub 166, 08/31/2020; NCUC Docket No. M-100, Sub 147, 9/15/2023; NCUC Docket No. M-100, Sub 196, 9/19/2023; NCUC Docket No. E-100, Sub 113. 6/21/24.)

DOCKET NO. SP-_____, SUB ___

Filing Fee Tendered $_____

Application for a Certificate of Public Convenience and Necessity – Rule R8-64

Pursuant to Commission Rule R8-64, this form is required for use in applying for a Certificate of Public Convenience and Necessity (CPCN) by a person, other than an electric public utility, who is an owner of a clean energy facility that is participating in the Competitive Procurement of Renewable Energy Program established in G.S. 62-110.8, or by a person who is seeking the benefits of 16 U.S.C. 624-3 or G.S. 62-156 as a qualifying co-generator or a qualifying small power producer as defined in 16 U.S.C. 796(17) and (18), or as a small power producer as defined in G.S. 62-3(27a), except persons exempt from certification pursuant to G.S. 62-110.1(g). 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 $25.00.

You may file this application electronically; please see www.ncuc.gov for instructions.

If this form is filed by hard copy, the original 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
27699-4325

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)	Individual Partnership 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 application, 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.	
(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 clean energy and energy efficiency portfolio standard Yes No	

(4)(i)	A complete list of all federal and state licenses, permits and exemptions required for construction and operation of the generating facility and a statement of whether each has been obtained or applied for	
(ii)	Attach a copy of those licenses, permits and exemptions that have been obtained; a copy of those that have not been obtained at the time of the application should be filed with the Commission as soon as they are obtained	
(5)	The expected cost of the proposed facility	**$**
(6) The following applicants shall complete this section with the information as described in R8-64(b)(6): 1) An applicant seeking to enter into a contract for the sale of electricity with a term of 5 years or more, and whose facility will have a projected generating capacity of 5 MW_{AC} or greater and is not a solar photovoltaic facility, and 2) An applicant seeking to enter into a contract for the sale of electricity with a term of 5 years or more, and whose facility is a solar photovoltaic facility with a generating capacity of 25 MW_{AC} or more.		
(i)a	A statement detailing the experience and expertise of the persons who will develop, design, construct, and operate the project to the extent such persons are known at the time of the application	
b	Information specifically identifying the extent to which any regulated utility will be involved in the actual operation of the project	
c	A statement obtained by the applicant from the electric utility to which the applicant plans to sell the electricity to be generated setting forth an assessment of the impact of such purchased power on the utility's capacity, reserves, generation mix, capacity expansion plan, and avoided costs	
(ii)a	The most current available balance sheet of the applicant	
b	The most current available income statement of the applicant	
c	An economic feasibility study of the project	
d	A statement of the actual financing arrangements entered into in connection with the project to the extent known at the time of the application	

(iii)a	A detailed explanation of the anticipated kilowatt and kilowatt-hour outputs, on-peak and off-peak, for each month of the year. The explanation shall include a statement of the specific on-peak and off-peak hours underlying the applicant's quantification of anticipated kilowatt and kilowatt-hour outputs
b	A detailed explanation of all energy inputs and outputs, of whatever form, for the project, including the amount of energy and the form of energy to be sold to each purchaser
c	A detailed explanation of arrangements for fuel supply, including the length of time covered by the arrangements, to the extent known at the time of the application

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.

Please read the "After You File" instructions on the last page of this document.

All applications 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 application. 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 application 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 application that is submitted to the Commission.

After You File

1. After you file an application for a CPCN, the Utilities Commission will automatically send a copy to the State Clearinghouse for a government agency review and will issue an Order Requiring Publication of Notice.

2. The State Clearinghouse will post the application on its website for a 30-day review by government agencies.

3. You must publish the Commission's Public Notice as required by the Order Requiring Publication of Notice.

4. You must send a copy of the application and the Commission's Public Notice to the interconnecting utility no later than the first date that publication begins in the newspaper. You must also file a notarized letter called a "certificate of service" that states you completed this requirement.

5. After the publication period, the publishing newspaper should send you a notarized affidavit of publication. You must file the affidavit of publication with the Chief Clerk of the Utilities Commission.

6. If a complaint is received within 10 days after the last date of the publication of the notice, the Commission will schedule a public hearing to determine whether a certificate should be awarded and will give reasonable notice of the time and place of the hearing to the applicant and to each complaining party and will require the applicant to publish notice of the hearing in the newspaper in which the notice of the application was published. If no complaint is received within the time specified, the Commission may, upon its own initiative, order and schedule a hearing to determine whether a certificate should be awarded and, if the Commission orders a hearing upon its own initiative, it will require notice of the hearing to be published by the applicant in the newspaper in which the notice of the application was published.

If no complaint is received within the time specified and the Commission does not order a hearing upon its own initiative, the Commission will enter an order issuing the certificate.

DOCKET NO. SP-_____, SUB ___

Filing Fee Tendered $_____

Application for a Certificate of Public Convenience and Necessity – Rule R8-64

Pursuant to Commission Rule R8-64, this form is required for use in applying for a Certificate of Public Convenience and Necessity (CPCN) by a person, other than an electric public utility, who is an owner of a clean energy facility that is participating in the Competitive Procurement of Renewable Energy Program established in G.S. 62-110.8, or by a person who is seeking the benefits of 16 U.S.C. 624-3 or G.S. 62-156 as a qualifying co-generator or a qualifying small power producer as defined in 16 U.S.C. 796(17) and (18), or as a small power producer as defined in G.S. 62-3(27a), except persons exempt from certification pursuant to G.S. 62-110.1(g). 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 $25.00.

You may file this application electronically; please see www.ncuc.gov for instructions.

If this form is filed by hard copy, the original 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
27699-4325

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)	Individual Partnership 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 application, 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.	
(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 clean energy and energy efficiency portfolio standard Yes No	

(4)(i)	A complete list of all federal and state licenses, permits and exemptions required for construction and operation of the generating facility and a statement of whether each has been obtained or applied for	
(ii)	Attach a copy of those licenses, permits and exemptions that have been obtained; a copy of those that have not been obtained at the time of the application should be filed with the Commission as soon as they are obtained	
(5)	The expected cost of the proposed facility	**$**

(6) The following applicants shall complete this section with the information as described in R8-64(b)(6): 1) An applicant seeking to enter into a contract for the sale of electricity with a term of 5 years or more, and whose facility will have a projected generating capacity of 5 MW_{AC} or greater and is not a solar photovoltaic facility, and
2) An applicant seeking to enter into a contract for the sale of electricity with a term of 5 years or more, and whose facility is a solar photovoltaic facility with a generating capacity of 25 MW_{AC} or more.

(i)a	A statement detailing the experience and expertise of the persons who will develop, design, construct, and operate the project to the extent such persons are known at the time of the application
b	Information specifically identifying the extent to which any regulated utility will be involved in the actual operation of the project
c	A statement obtained by the applicant from the electric utility to which the applicant plans to sell the electricity to be generated setting forth an assessment of the impact of such purchased power on the utility's capacity, reserves, generation mix, capacity expansion plan, and avoided costs
(ii)a	The most current available balance sheet of the applicant
b	The most current available income statement of the applicant
c	An economic feasibility study of the project
d	A statement of the actual financing arrangements entered into in connection with the project to the extent known at the time of the application

(iii)a	A detailed explanation of the anticipated kilowatt and kilowatt-hour outputs, on-peak and off-peak, for each month of the year. The explanation shall include a statement of the specific on-peak and off-peak hours underlying the applicant's quantification of anticipated kilowatt and kilowatt-hour outputs
b	A detailed explanation of all energy inputs and outputs, of whatever form, for the project, including the amount of energy and the form of energy to be sold to each purchaser
c	A detailed explanation of arrangements for fuel supply, including the length of time covered by the arrangements, to the extent known at the time of the application

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.

Please read the "After You File" instructions on the last page of this document.

All applications 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 application. 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 application 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 application that is submitted to the Commission.

After You File

1. After you file an application for a CPCN, the Utilities Commission will automatically send a copy to the State Clearinghouse for a government agency review and will issue an Order Requiring Publication of Notice.

2. The State Clearinghouse will post the application on its website for a 30-day review by government agencies.

3. You must publish the Commission's Public Notice as required by the Order Requiring Publication of Notice.

4. You must send a copy of the application and the Commission's Public Notice to the interconnecting utility no later than the first date that publication begins in the newspaper. You must also file a notarized letter called a "certificate of service" that states you completed this requirement.

5. After the publication period, the publishing newspaper should send you a notarized affidavit of publication. You must file the affidavit of publication with the Chief Clerk of the Utilities Commission.

6. If a complaint is received within 10 days after the last date of the publication of the notice, the Commission will schedule a public hearing to determine whether a certificate should be awarded and will give reasonable notice of the time and place of the hearing to the applicant and to each complaining party and will require the applicant to publish notice of the hearing in the newspaper in which the notice of the application was published. If no complaint is received within the time specified, the Commission may, upon its own initiative, order and schedule a hearing to determine whether a certificate should be awarded and, if the Commission orders a hearing upon its own initiative, it will require notice of the hearing to be published by the applicant in the newspaper in which the notice of the application was published.

If no complaint is received within the time specified and the Commission does not order a hearing upon its own initiative, the Commission will enter an order issuing the certificate.

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 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 clean 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.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 136, 6/26/12; NCUC Docket No. E-100, Sub 134, 3/18/2015; NCUC Docket Nos. E-100, Subs 113, 121, & 134, 03/29/2018; NCUC Docket Nos. E-100, Sub 113, & M-100, Sub 158, 8/26/2020; NCUC Docket No. E-100, Sub 113, 6/21/2024.)

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 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 27699-4300

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)	☐ Individual ☐ Partnership ☐ 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. Rooftop solar installations are not required to file a map or photo.	
(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 clean energy and energy efficiency portfolio standard ☐ Yes ☐ 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

Rule R8-66. REGISTRATION OF CLEAN ENERGY FACILITIES; ANNUAL REPORTING REQUIREMENTS.

(a) The following terms shall be defined as provided in G.S. 62-133.8 and G.S. 62-133.8A: “clean energy facility”; “electric power supplier”; “enhanced credit RECs”; “REC”; “renewable energy certificate”; and “tier.”

(b) The owner, including an electric power supplier, of each clean energy facility, whether or not required to obtain a certificate of public convenience and necessity pursuant to G.S. 62-110.1, that intends for renewable energy certificates it earns to be eligible for use by an electric power supplier to comply with G.S. 62-133.8, or for its facility to participate in the Competitive Procurement of Renewable Energy Program, shall register the facility with the Commission. The registration statement shall be in the form adopted by the Commission, may be filed separately or together with an application for a certificate of public convenience and necessity, or with a report of proposed construction by a person exempt from the certification requirement. All relevant clean energy facilities shall be registered prior to their having RECs issued in the North Carolina Renewable Energy Tracking System (NC-RETS) pursuant to Rule R8-67(h). Contracts for power supplied by an agency of the federal government are exempt from the requirement to register and file annually with the Commission if the renewable energy certificates associated with the power are bundled with the power purchased by the electric power supplier.

(1) The owner of each clean energy facility that has not previously done so, including a facility that is located outside of the State of North Carolina, shall include in its registration statement the following information:

(i) The full and correct name, business address, electronic mailing address, and telephone number of the facility owner;

(ii) 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 telephone number, electronic mailing address, and business address, of an individual duly authorized to act as corporate agent for the purpose of the application and, if a foreign corporation, whether domesticated in North Carolina;

(iii) The nature of the clean energy facility, including its technology, the type and source of its power or fuel(s); whether it produces electricity, useful thermal energy, or both; and the facility’s projected dependable capacity in kilowatts AC and/or British thermal units per hour, as well as its maximum nameplate capacity;

(iv) The E911 address of the facility, the 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;

(v) A map, such as a county road map, with the location indicated on the map;

(vi) The ownership of the site and, if the site owner is other than the facility owner, the facility owner's legal interest in the site;

(vii) A complete list of all federal and state (not local) licenses, permits, and exemptions required for construction and operation of the facility, and a statement of whether each has been obtained or applied for. A copy of those that have been obtained should be filed with the application. Wind facilities with multiple turbines, where each turbine is licensed separately, may provide copies of such approvals for one such turbine of each type in the facility, but shall attest that approvals for all of the turbines are available for inspection;

(viii) The date the facility began operating. If the facility is not yet operating, the owner shall provide the facility's projected in-service date;

(ix) If the facility is already operating, the owner shall provide information regarding the amount of energy produced by the facility, net of station use, for the most recent 12-month or calendar-year period. Energy production data for a shorter time period is acceptable for facilities that have not yet operated for a full year;

(x) The name of the entity that does (or will) read the facility's energy production meter(s) for the purpose of renewable energy certificate issuance;

(xi) For thermal energy facilities, describe the method to be used to determine the facility's thermal energy production, in Btus per hour, that is eligible for REC issuance;

(xii) Whether the facility participates in a REC tracking system, and if so, which one. If the facility does not currently participate in a REC tracking system, which tracking system the owner anticipates will be used for the purpose of REC issuance; and

(xiii) If this facility has already been the subject of a proceeding or submittal before the Commission, such as a Report of Proposed Construction or a Certificate of Public Convenience and Necessity, provide the Commission Docket Number, if available.

(2) If the facility is a combined heat and power system, the owner shall also include in its registration statement the following information:

(i) A narrative description and one-line diagram of the electrical and thermal generation systems to include Btu meters, boilers, steam pressures, valves, turbines, and ultimate uses of the steam. Also, include any crossover of steam, cross connections (even if by spool piece), or the ability to supply steam from other means or to other loads;

(ii) A description of the parasitic electrical and parasitic thermal loads;

(iii) Calculations for the parasitic electrical and parasitic thermal loads and supporting documents;

(iv) A description of the method of collecting the waste heat from the electrical generating system;

(v) A description of the host(s) of the waste heat and an explanation of how the waste heat will be used and useful;

(vi) Calculations of the percent of energy that is delivered to the steam host(s) but not used and useful; and

(vii) Confirmation if the proposed operation will have any pressure reducing valves operating simultaneously in parallel with any back pressure turbines.

(3) If the facility owner intends to earn multiple types of RECs by using a variety of fuels, the owner shall include in its registration statement the following additional information:

(i) Example calculations for the energy production associated with each fuel used by the facility as required by the Appendix C (Multi-fuel Generation) to the operating procedures for the North Carolina Renewable Energy Tracking System. These calculations must ultimately show the electrical and thermal energy (if any) attributable to only the clean fuels and how the number of renewable energy certificates is determined;

(ii) A description of each fuel to be used by the facility; and

(iii) A description of how the heat content of each fuel was determined.

(3a) If the facility owner intends to earn RECs eligible to earn enhanced credit RECs, the owner shall include in its registration statement the following additional information:

(i) Documentation from the North Carolina Department of Commerce indicating the development tier for the county in which the facility is proposed to be located for the current calendar year.

(ii) Documentation sufficient to verify the in-state source(s) of the swine waste resources to be used as fuel for the facility.

(4) The owner of each clean energy facility shall certify in its registration statement and annually thereafter that it is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources. If a credible showing is made that the facility is not in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources, the Commission shall refer the matter to the appropriate environmental agency for review. Registration shall not be revoked unless and until the appropriate environmental agency concludes that the facility is out of compliance and the Commission issues an order revoking the registration.

(5) The owner of each clean energy facility shall certify in its registration statement and annually thereafter that the facility satisfies the requirements of G.S. 62-133.8(a)(1) or (4c) as a clean energy facility or new clean energy facility, that the facility will be operated as a clean energy facility or new clean energy facility, and, if the facility has been placed into service, the date when it was placed into service.

(5a) The owner of a new clean energy facility seeking to earn enhanced credit RECs shall certify in its registration statement or amendment to its registration statement and annually thereafter that it meets the requirements to earn enhanced credit RECs.

(6) The owner of each clean energy facility shall further certify in its registration statement and annually thereafter that any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state or country, and that the electric power associated with the certificates will not be offered or sold with any representation that the power is bundled with renewable energy certificates.

(7) The owner of each clean energy facility shall certify in its registration statement and annually thereafter that it consents to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agrees to provide the Public Staff and the Commission access to its books and records, wherever they are located, and to the facility.

(8) If the facility is already operating, the owner shall attest that the registration information is true and accurate for all years that the facility has earned RECs for compliance with G.S. 62-133.8. Each registration statement shall be signed and verified by the owner of the clean energy facility or by an individual duly authorized to act on behalf of the owner for the purpose of the filing.

(9) Clean energy facilities and new clean energy facilities that have RECs issued in NC-RETS shall provide their annual certification electronically via NC- RETS. Annual certifications are due April 1 each year.

(10) Registration statements 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.

(11) The applicant may file the registration statement electronically or by filing an original of the registration statement with the Chief Clerk of the Utilities

Commission. The registration statement shall be accompanied by the fee required by G.S. 62-300.

(c) Each re-seller of renewable energy certificates derived from a clean energy facility, including a facility that is located outside of the State of North Carolina, shall ensure that the owner of the clean energy facility registers with the Commission prior to the sale of the certificates by the re-seller to an electric power supplier to comply with G.S. 62- 133.8(b), (c), (d), (e) and (f), except that the filing requirements in subsection (b) of this Rule shall apply only to information for the year(s) corresponding to the year(s) in which the certificates to be sold were earned.

(d) Upon receipt of a registration statement, the Chief Clerk will assign a new docket or sub-docket number to the filing.

(e) No later than twenty (20) business days after the registration statement is filed with the Commission, the Public Staff shall, and any other interested persons may, file with the Commission and serve upon the registrant a recommendation regarding whether the registration statement is complete and identifying any deficiencies. If the Commission determines that the registration statement is not complete, the owner of the clean energy facility will be required to file the missing information. Upon receipt of all required information, the Commission will promptly issue an order accepting the registration, denying the registration, or setting the matter for hearing.

(f) Any of the following actions may result in revocation of registration by the Commission:

(1) Falsification of or failure to disclose any required information in the registration statement or annual filing;

(2) Failure to remain in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources;

(3) Remarketing or reselling any renewable energy certificate (whether or not bundled with electric power) after it has been sold to an electric power supplier or any other person for compliance with G.S. 62-133.8 or for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina or any other state or country, or offering or selling the electric power associated with the certificates with any representation that the power is bundled with renewable energy certificates;

(4) Failure to allow the Commission or the Public Staff access to its books and records necessary to audit CEPS compliance; or

(5) Failure to provide the annual certifications required by Rule R8-66(b).

(g) NC-RETS shall maintain on its website a list of all registration statement revocations.

(h) An owner of a clean energy facility that has registered with the Commission shall notify the Commission and the tracking system that issues the facility's RECs within fifteen (15) days of any change in the information contained in the registration statement, including ownership change, fuel change, or permit issuance or revocation. If there is a

change in ownership of the facility, the Commission shall be notified, the registration of the facility in the name of that facility owner shall be cancelled, and the new owner may file a registration statement pursuant to this Rule. The following changes in information are exemplary of changes that require an amendment to the registration of the facility: a change in the facility owner's name, a change in the fuel source, a change in the multi- fuel calculations, or a change in the generating capacity of the facility. The following changes in information are exemplary of changes that require notice to the Commission, but do not require an amendment to the registration: a change in the facility owner's contact information, or a change in the upstream ownership of the facility owner.

(h1) An owner of a new clean energy facility that has previously registered with the Commission and seeks to earn enhanced credit RECs pursuant to G.S. 62-133.8A shall file an amendment to its registration statement with the Commission that contains the following information:

(1) Documentation from the North Carolina Department of Commerce indicating the development tier for the county in which the facility is located in the year the registration statement was originally submitted.

(2) Documentation sufficient to verify the in-state source(s) of the swine waste resources to be used as fuel for the facility.

(i) In addition to complying with any other applicable filing requirements pursuant to this Rule or other Commission rules, the filing of a FERC Form No. 556 for the purpose of satisfying the notice requirements of 18 C.F.R. 292.207(c) or for the purpose of satisfying the requirements of section (h) of this Rule, shall be accompanied by a cover letter that identifies the facility, the facility owner, and the associated docket number assigned to the matter by the Chief Clerk, and includes a short, plain statement alerting the Commission to the changed information, if any.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 136, 6/26/12; NCUC Docket No. E-100, Sub 134, 3/18/2015; NCUC Docket No. E-100, Sub 150, 11/06/2017; NCUC Docket Nos. E-100, Subs 113, 121, & 134, 03/29/2018; NCUC Docket No. M-100, Sub 147, 9/15/2023; NCUC Docket No. E-100, Sub 113, 6/21/2024; NCUC Docket No. E-100, Sub 113, 7/23/2025).

DOCKET NO. ____, SUB

Filing Fee Tendered $

Registration Statement for the Registration of a Clean Energy Facility or New Clean Energy Facility – Commission Rule R8-66

Pursuant to G.S. 62-133.8 and Commission Rule R8-66, this form is required for use by the owner of a clean energy facility that intends for the renewable energy certificates the facility earns to be eligible for use by an electric power supplier to comply with G.S. 62-133.8, or for its clean energy facility to participate in the Competitive Procurement of Renewable Energy Program. 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 $250.00.

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

If this form is filed by hard copy, the original must be presented at the office of the Chief Clerk, or transmitted by the United States Postal Service or a designated delivery service authorized pursuant to 26 U.S. 7502(f)(2). 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, North Carolina 27699-4325

Required Statements		**Response**
Facility name:		
Full and correct name of the owner of the facility:		
Business address:		
Electronic mailing address:		
Telephone number:		

Agent's business address:	
Agent's electronic mailing address:	
Agent's telephone number:	
The owner is:	Individual Partnership Corporation/LLC
If a corporation, provide the state and date of incorporation:	State _____Date _____
If a corporation that is incorporated outside of North Carolina, is it domesticated in North Carolina?	Yes No
If a partnership, the name and business address of each general partner. (Add additional sheets if necessary.)	
Nature of the clean energy facility:	
1. Describe the facility, including its technology, and the source of its power and fuel(s). Thermal facilities should describe how its host uses the facility's thermal energy output. (Add additional sheets if necessary.) Swine waste facilities should indicate whether it uses in-state or out-of-state sourced swine waste.	
2. Whether it produces electricity, useful thermal energy, or both.	
3. Nameplate capacity in kW/MW (AC) and/or maximum Btu per hour for thermal facilities.	

4. The facility's projected dependable capacity in kW AC or Btu/hour.	
5. The E911 address of the facility.	
6. The county where the facility will be located.	
7. The economic development tier of the county where the facility will be located, as determined by the North Carolina Department of Commerce.	
8. GPS coordinates of the approximate center of the facility site to the nearest second or one thousandth of a degree.	
9. The location of the facility set forth in terms of local highways, streets, rivers, streams, or other generally known local landmarks. Attach a map, such as a county road map, with the location indicated on the map.	
Site ownership:	
1. Is the site owner other than the facility owner? If yes, who is the site owner?	
2. What is the facility owner's legal interest in the site?	

Federal and State licenses, permits, and exemptions. Note: Responses in this section should provide all federal and state (not local) licenses, permits, and/or exemptions required for construction and operation of the facility and a statement of whether each has been obtained or applied for. A copy of those that have been obtained should be attached to this registration statements. Wind facilities with multiple turbines, where each turbine is licensed separately, may provide copies of approvals for one such turbine, but shall add an attestation that approvals for all of the turbines are available for inspection.	
1. Federal permits and licenses:	
2. State permits and licenses:	
3. Exemptions required for construction and operation of the facility:	
4. Statement of whether each has been obtained or applied for (attach copy of those that have been obtained with this application):	
1. If the facility has been placed into service, on what date did the facility begin operating?	
2. If the facility is not yet operating, on what date is the facility projected to be placed into service?	
1. If the facility is already operating, what is the amount of energy produced by the facility, net of station use, for the most recent 12-month or calendar-year period? Energy production data for a shorter time period is acceptable for facilities that have not yet	

2. What entity does (or will) read the facility's energy production meter(s) for the purpose of issuing renewable energy certificates?	
3. For thermal energy facilities, describe the method to be used to determine the facility's thermal energy production, in BTUs, that is eligible for REC issuance.	
4. Does the facility participate in a REC tracking system and if so, which one? If not, which tracking system will the facility participate in for the purpose of REC issuance?	
5. If this facility has already been the subject of a proceeding or submittal before the Commission, such as a Report of Proposed Construction or a Certificate of Public Convenience and Necessity, please provide the Commission Docket Number, if available.	

If the facility is a combined heat and power system, the owner shall also include in its registration statement the following information:	
1. A narrative description and one-line diagram of the electrical and thermal generation systems to include Btu meters, boilers, steam pressures, valves, turbines, and ultimate uses of the steam. Also, include any crossover of steam, cross connections (even if by spool piece), or the ability to supply steam from other means or to other loads.	
2. A description of the parasitic electrical and parasitic thermal loads.	
3. Calculations for the parasitic electrical and parasitic thermal loads and supporting documents.	
4. A description of the method of collecting the waste heat from the electrical generating system.	
5. A description of the host(s) of the waste heat and an explanation of how the waste heat will be used and useful.	
6. Calculations of the percent of energy that is delivered to the steam host(s) but not used and useful.	

7. Confirmation if the proposed operation will have any pressure reducing valves operating simultaneously in parallel with any back pressure turbines.	
If the facility owner intends to earn multiple types of RECs by using a variety of fuels, the owner should include in its registration statement the following additional information:	
1. Example calculations for the energy production associated with each fuel used by the family as required by the Appendix C (Multi-fuel Generation) to the operating procedures for the North Carolina Renewable Energy Tracking System. These calculations must ultimately show the electrical and thermal energy (if any) attributable to only the clean fuels and how the number of renewable energy certificates is determined.	
2. A description of each fuel to be used by the facility.	
3. A description of how the heat content of each fuel was determined.	
If the facility owner intends to earn enhanced credit RECs by using in-state sourced swine waste, the owner should include in its registration statement the following additional information:	
1. Documentation from the North Carolina Department of Commerce of the facility's Tier 1 county designation.	
2. Documentation verifying that the facility utilizes in-State sourced swine waste resources for its portion of enhanced credit RECs.	

The owner of the clean energy facility shall provide the following attestations, signed and notarized:

1. ☐ Yes ☐ No I certify that the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources.

2. ☐ Yes ☐ No I certify that the facility satisfies the requirements of G.S. 62-133.8(a)(5) or (7) as a:

☐ clean energy facility, or

☐ new clean energy facility,

and that the facility will be operated as a:

☐ clean energy facility, or

☐ new clean energy facility

3. ☐ Yes ☐ No I certify that (1) my organization is not simultaneously under contract with NC GreenPower to sell our RECs emanating from the same electricity production being tracked in NC-RETS; and (2) any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state or country, and that the electric power associated with the certificates will not be offered or sold with any representation that the power is bundled with renewable energy certificates.

4. ☐ Yes ☐ No I certify that I consent to the auditing of my organization's books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agree to provide the Public Staff and the Commission access to our books and records, wherever they are located, and to the facility.

5. ☐ Yes ☐ No I certify that the information provided is true and correct for all years that the facility has earned RECs for compliance with G.S. 62-133.8.

6. ☐ Yes ☐ No I certify that I am the owner of the clean energy facility or am duly authorized to act on behalf of the owner for the purpose of this filing.

_____ _____

(Signature) (Title)

_____ _____

(Name - Printed or Typed) (Date)

VERIFICATION

STATE OF_____ COUNTY OF _____

_____, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application 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

The name of the person who completes and signs the annual certification must be typed or printed by the notary in the space provided in the verification. The notary's name must be typed or printed below the notary's seal. This original verification must be affixed to the original annual certification, and a copy of this verification must be affixed to the original copy that is submitted to the Commission at:

Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4325

Annual Certification of Compliance with the Requirements of Commission Rule R8-66 for the Continuation of the Registration of a Clean Energy Facility or New Clean Energy Facility

Docket No. _____

Facility Owner: _____

☐ YES ☐ NO	I certify that the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources.
☐ YES ☐ NO	I certify that the facility satisfies the requirements of G.S. 62-133.8(a)(1) or (4c) (5) or (7) as a (select one): Clean Energy Facility or New Clean Energy Facility and that the facility will be operated as a (select one): Energy Facility or New Clean Energy Facility To determine whether your facility meets either of these definitions, you should check your registration order or consult your legal counsel.
☐ YES ☐ NO	I certify that (1) my organization is not simultaneously under contract with NC GreenPower to sell our RECs emanating from the same electricity production being tracked in NC-RETS; and (2) any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state
☐ YES ☐ NO	I certify that I consent to the auditing of my organization's books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agree to provide the Public Staff and the Commission access to our books and records, wherever they are located, and to the facility.
☐ YES ☐ NO	I certify that I am the owner of the clean energy facility or am duly authorized to act on behalf of the owner for the purpose of this filing.

_____ _____

(Signature) *(Title)*

_____ _____

(Name – Printed or Typed) *(Date)*

VERIFICATION

STATE OF_____ COUNTY OF _____

_____, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application 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

The name of the person who completes and signs the annual certification must be typed or printed by the notary in the space provided in the verification. The notary's name must be typed or printed below the notary's seal. This original verification must be affixed to the original annual certification, and a copy of this verification must be affixed to the original copy that is submitted to the Commission at:

Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4325

Annual Certification of Compliance with the Requirements of Commission Rule R8-66 for the Continuation of the Registration of a Clean Energy Facility or New Clean Energy Facility.

Docket No. _____

Facility Owner: _____

☐ YES ☐ NO	I certify that the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources.
☐ YES ☐ NO	I certify that the facility satisfies the requirements of G.S. 62-133.8(a) (1) or (4c) (5) or (7) as a (select one): Clean Energy Facility or New Clean Energy Facility and that the facility will be operated as a (select one): Clean Energy Facility or New Clean Energy Facility To determine whether your facility meets either of these definitions, you should check your registration order or consult your legal counsel.
☐ YES ☐ NO	I certify that 1) my organization is not simultaneously under contract with NC GreenPower to sell our RECs emanating from the same electricity production being tracked in NC-RETS; and 2) any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state
☐ YES ☐ NO	I certify that I consent to the auditing of my organization's books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agree to provide the Public Staff and the Commission access to our books and records, wherever they are located, and to the facility.
☐ YES ☐ NO	I certify that I am the owner of the clean energy facility or am duly authorized to act on behalf of the owner for the purpose of this filing.

_____ _____

(Signature) *(Title)*

_____ _____

(Name – Printed or Typed) *(Date)*

VERIFICATION

STATE OF_____COUNTY OF_____

_____, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application 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

The name of the person who completes and signs the annual certification must be typed or printed by the notary in the space provided in the verification. The notary's name must be typed or printed below the notary's seal. This original verification must be affixed to the original annual certification, and a copy of this verification must be affixed to the original copy that is submitted to the Commission at:

Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4325

DOCKET NO. _____, SUB _____

Filing Fee Tendered $_____

Registration Statement for the Registration of a Clean Energy Facility or New Clean Energy Facility – Commission Rule R8-66

Pursuant to G.S. 62-133.8 and Commission Rule R8-66, this form is required for use by the owner of a clean energy facility that intends for the renewable energy certificates the facility earns to be eligible for use by an electric power supplier to comply with G.S. 62-133.8, or for its clean energy facility to participate in the Competitive Procurement of Renewable Energy Program. 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 $250.00.

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

If this form is filed by hard copy, the original must be presented at the office of the Chief Clerk, or transmitted by the United States Postal Service or a designated delivery service authorized pursuant to 26 U.S. 7502(f)(2). 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 27699-4325

Required Statements	**Response**
Facility name:	
Full and correct name of the owner of the facility:	
Business address:	
Electronic mailing address:	
Telephone number:	

Agent's business address:	
Agent's electronic mailing address:	
Agent's telephone number:	
The owner is:	Individual Partnership Corporation/LLC
If a corporation, provide the state and date of incorporation:	State _____ Date _____
If a corporation that is incorporated outside of North Carolina, is it domesticated in North Carolina?	Yes No
If a partnership, the name and business address of each general partner. (Add additional sheets if necessary.)	
Nature of the clean energy facility:	
1. Describe the facility, including its technology, and the source of its power and fuel(s). Thermal facilities should describe how its host uses the facility's thermal energy output. (Add additional sheets if necessary.)	
2. Whether it produces electricity, useful thermal energy, or both.	
3. Nameplate capacity in kW/MW (AC) and/or maximum Btu per hour for thermal facilities.	

4. The facility's projected dependable capacity in kW AC or Btu/hour.	
5. The E911 address of the facility.	
6. The county where the facility will be located.	
7. GPS coordinates of the approximate center of the facility site to the nearest second or one thousandth of a degree.	
8. The location of the facility set forth in terms of local highways, streets, rivers, streams, or other generally known local landmarks. Attach a map, such as a county road map, with the location indicated on the map.	
Site ownership:	
1. Is the site owner other than the facility owner? If yes, who is the site owner?	
2. What is the facility owner's legal interest in the site?	

Federal and State licenses, permits, and exemptions.

Note: Responses in this section should provide all federal and state (not local) licenses, permits, and/or exemptions required for construction and operation of the facility and a statement of whether each has been obtained or applied for. A copy of those that have been obtained should be attached to this registration statements. Wind facilities with multiple turbines, where each turbine is licensed separately, may provide copies of approvals for one such turbine, but shall add an attestation that approvals for all of the turbines are available for inspection.

1. Federal permits and licenses:	
2. State permits and licenses:	
3. Exemptions required for construction and operation of the facility:	
4. Statement of whether each has been obtained or applied for (attach copy of those that have been obtained with this application):	
1. If the facility has been placed into service, on what date did the facility begin operating?	
2. If the facility is not yet operating, on what date is the facility projected to be placed into service?	
1. If the facility is already operating, what is the amount of energy produced by the facility, net of station use, for the most recent 12-month or calendar-year period? Energy production data for a shorter time period is acceptable for facilities that have not yet	
2. What entity does (or will) read the facility's energy production meter(s) for the purpose of issuing renewable energy certificates?	

3. For thermal energy facilities, describe the method to be used to determine the facility's thermal energy production, in BTUs, that is eligible for REC issuance.	
4. Does the facility participate in a REC tracking system and if so, which one? If not, which tracking system will the facility participate in for the purpose of REC issuance?	
5. If this facility has already been the subject of a proceeding or submittal before the Commission, such as a Report of Proposed Construction or a Certificate of Public Convenience and Necessity, please provide the Commission Docket Number, if available.	

If the facility is a combined heat and power system, the owner shall also include in its registration statement the following information:

1. A narrative description and one-line diagram of the electrical and thermal generation systems to include Btu meters, boilers, steam pressures, valves, turbines, and ultimate uses of the steam. Also, include any crossover of steam, cross connections (even if by spool piece), or the ability to supply steam from other means or to other loads.	
2. A description of the parasitic electrical and parasitic thermal loads.	
3. Calculations for the parasitic electrical and parasitic thermal loads and supporting documents.	
4. A description of the method of collecting the waste heat from the electrical generating system.	
5. A description of the host(s) of the waste heat and an explanation of how the waste heat will be used and useful.	
6. Calculations of the percent of energy that is delivered to the steam host(s) but not used and useful.	
7. Confirmation if the proposed operation will have any pressure reducing valves operating simultaneously in parallel with any back pressure turbines.	

If the facility owner intends to earn multiple types of RECs by using a variety of fuels, the owner should include in its registration statement the following additional information:	
1. Example calculations for the energy production associated with each fuel used by the family as required by the Appendix C (Multi-fuel Generation) to the operating procedures for the North Carolina Renewable Energy Tracking System. These calculations must ultimately show the electrical and thermal energy (if any) attributable to only the clean fuels and how the number of renewable energy certificates is determined.	
2. A description of each fuel to be used by the facility.	
3. A description of how the heat content of each fuel was determined.	

The owner of the clean energy facility shall provide the following attestations, signed and notarized:

1. ☐ Yes ☐ No I certify that the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources.

2. ☐ Yes ☐ No I certify that the facility satisfies the requirements of G.S. 62-133.8(a)(5) or (7) as a:

   ☐ clean energy facility, or

   ☐ new clean energy facility,

   and that the facility will be operated as a:

   ☐ clean energy facility, or

   ☐ new clean energy facility.

3. ☐ Yes ☐ No I certify that 1) my organization is not simultaneously under contract with NC GreenPower to sell our RECs emanating from the same electricity production being tracked in NC-RETS; and

2) any renewable energy certificates (whether or not bundled with electric power) sold to an electric power supplier to comply with G.S. 62-133.8 have not, and will not, be remarketed or otherwise resold for any other purpose, including another clean energy portfolio standard or voluntary purchase of renewable energy certificates in North Carolina (such as NC GreenPower) or any other state or country, and that the electric power associated with the certificates will not be offered or sold with any representation that the power is bundled with renewable energy certificates.

4. ☐ Yes ☐ No I certify that I consent to the auditing of my organization's books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers, and agree to provide the Public Staff and the Commission access to our books and records, wherever they are located, and to the facility.

5. ☐ Yes ☐ No I certify that the information provided is true and correct for all years that the facility has earned RECs for compliance with G.S. 62-133.8.

6. ☐ Yes ☐ No I certify that I am the owner of the clean energy facility or am duly authorized to act on behalf of the owner for the purpose of this filing.

_____ _____

(Signature) (Title)

_____ _____

(Name - Printed or Typed) (Date)

VERIFICATION

STATE OF_____COUNTY OF _____

_____, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application 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

The name of the person who completes and signs the annual certification must be typed or printed by the notary in the space provided in the verification. The notary's name must be typed or printed below the notary's seal. This original verification must be affixed to the original annual certification, and a copy of this verification must be affixed to the original copy that is submitted to the Commission at:

Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-432

Rule R8-67. CLEAN ENERGY AND ENERGY EFFICIENCY PORTFOLIO STANDARD (CEPS).

(a) Definitions.

(1) The following terms shall be defined as provided in G.S. 62-133.8 and G.S. 62-133.8A: “clean energy facility”; “clean energy resource”; “combined heat and power system”; “demand-side management”; “electric power supplier”; “enhanced credit RECs”; “incremental costs”; “new clean energy facility”; “new renewable energy facility”; “REC”; “renewable energy certificate”; “renewable energy facility”; “renewable energy resource”; and “tier”.

(2) For purposes of determining an electric power supplier’s avoided costs, “avoided cost rates” mean an electric power supplier’s most recently approved or established avoided cost rates in this state, as of the date the contract is executed, for purchases of electricity from qualifying facilities pursuant to Section 210 of the Public Utility Regulatory Policies Act of 1978. If the Commission has approved an avoided cost rate for the electric power supplier for the year when the contract is executed, applicable to contracts of the same nature and duration as the contract between the electric power supplier and the seller, that rate shall be used as the avoided cost. Therefore, for example, for a contract by an electric public utility with a term of 15 years, the avoided cost rate applicable to that contract would be the comparable, Commission-approved, 15-year, long-term, levelized rate in effect at the time the contract was executed. In all other cases, the avoided cost shall be a good faith estimate of the electric power supplier’s avoided cost, levelized over the duration of the contract, determined as of the date the contract is executed, taking into consideration the avoided cost rates then in effect as established by the Commission. In any event, when found by the Commission to be appropriate and in the public interest, a good faith estimate of an electric public utility’s avoided cost, levelized over the duration of the contract, determined as of the date the contract is executed, may be used in a particular CEPS cost recovery proceeding. Determinations of avoided costs, including estimates thereof, shall be subject to continuing Commission oversight and, if necessary, modification should circumstances so require.

(3) “Energy efficiency measure” means an equipment, physical, or program change that when implemented results in less use of energy to perform the same function or provide the same level of service. “Energy efficiency measure” does not include demand-side management. It includes energy produced from a combined heat and power system that uses non-clean resources to the extent the system:

(i) Uses waste heat to produce electricity or useful, measurable thermal or mechanical energy at a retail electric customer’s facility; and

(ii) Results in less energy used to perform the same function or provide the same level of service at a retail electric customer’s facility.

(4) “Year-end number of customer accounts” means the number of accounts within each customer class as of December 31 for a given calendar year determined in a manner approved by the Commission pursuant to subsection (c)(4) or determined in the same manner as that information is reported to the Energy Information Administration, United States Department of Energy, for annual electric sales and revenue reporting.

(5) “Utility compliance aggregator” is an organization that assists an electric power supplier in demonstrating its compliance with CEPS. Such demonstration may include, among other things, filing CEPS compliance plans or reports and participating in NC-RETS on behalf of the electric power supplier or a group of electric power suppliers.

(b) CEPS compliance plan.

(1) Each year, beginning in 2008, each electric power supplier or its designated utility compliance aggregator shall file with the Commission the electric power supplier’s plan for complying with G.S. 62-133.8(b), (c), (d), (e) and (f). The plan shall cover the calendar year in which the plan is filed and the immediately subsequent two calendar years. At a minimum, the plan shall include the following information:

(i) a specific description of the electric power supplier’s planned actions to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) for each year;

(ii) a list of executed contracts to purchase renewable energy certificates (whether or not bundled with electric power), including type of clean energy resource, expected MWh, contract duration, and whether it includes any enhanced credit RECs;

(iii) a list of those planned or implemented energy efficiency and demand side management measures that the electric power supplier plans to use toward CEPS compliance, including a brief description of each measure, its projected impacts, and a measurement and verification plan if such plan has not otherwise been filed with the Commission;

(iv) the projected North Carolina retail sales and year-end number of customer accounts by customer class for each year;

(v) the current and projected avoided cost rates for each year;

(vi) the projected total and incremental costs anticipated to implement the compliance plan for each year;

(vii) a comparison of projected costs to the annual cost caps for each year;

(viii) for electric public utilities, an estimate of the amount of the CEPS rider and the impact on the cost of fuel and fuel-related costs rider necessary to fully recover the projected costs; and

(ix) to the extent not already filed with the Commission, the electric power supplier shall, file a clean energy facility registration statement pursuant to Rule R8-66 for any facility it owns and upon which it is relying as a source of power or RECs in its CEPS compliance plan. Duke Energy Carolinas, LLC and Duke Energy Progress, LLC shall file such statement on or before September 1 of each year. Virginia Electric Power Company, d/b/a Dominion Energy North Carolina, shall file such statement on or before October 15 of each year.

(2) Duke Energy Carolinas, LLC and Duke Progress, LLC shall file in a docket to be established by the Commission, its CEPS compliance plan on or before September 1 of each year. Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina shall file in a docket to be established by the Commission, its CEPS compliance plan on or before October 15 of each year.

(3) Approval of the CEPS compliance plan shall not constitute an approval of the recovery of costs associated with CEPS compliance or a determination that the electric power supplier has complied with G.S. 62 133.8(b), (c), (d), (e), and (f).

(4) A CEPS compliance plan filed by an electric power supplier not subject to Rule R8-60 or Rule R8-60A shall be for information only.

(c) CEPS compliance report.

(1) Each year, beginning in 2009, each electric power supplier or its designated utility compliance aggregator shall file with the Commission a report describing the electric power supplier's compliance with the requirements of G.S. 62-133.8(b), (c), (d), (e) and (f) during the previous calendar year. The report shall include all of the following information, including supporting documentation:

(i) the sources, amounts, and costs of renewable energy certificates, by source, used to comply with G.S. 62-133.8(b), (c), (d), (e) and (f), including any enhanced credit RECs. Renewable energy certificates for energy efficiency may be based on estimates of reduced energy consumption through the implementation of energy efficiency measures, to the extent approved by the Commission;

(ii) the actual North Carolina retail sales and year-end number of customer accounts by customer class;

(iii) the current avoided cost rates and the avoided cost rates applicable to energy received pursuant to long-term power purchase agreements;

(iv) the actual total and incremental costs incurred during the calendar year to comply with G.S. 62-133.8(b), (c), (d), (e) and (f);

(v) a comparison of the actual incremental costs incurred during the calendar year to the per-account annual charges (in G.S.

62-133.8(g)(4)) applied to its total number of customer accounts as of December 31 of the previous calendar year;

(vi) the status of compliance with the requirements of G.S. 62-133.8(b), (c), (d), (e) and (f);

(vii) the identification of any renewable energy certificates or energy savings to be carried forward pursuant to G.S. 62-133.8(b)(2)f or (c)(2)f;

(viii) the dates and amounts of all payments made for renewable energy certificates; and

(ix) for electric membership corporations and municipal electric suppliers, reduced energy consumption achieved in each year after January 1, 2008, through the implementation of energy efficiency or demand-side management programs, along with the results of each program's measurement and verification plan, or other documentation supporting an estimate of the program's energy reductions achieved in the previous year pending implementation of a measurement and verification plan. Supporting documentation shall be retained and made available for audit.

(2) Each electric public utility shall file its annual CEPS compliance report, together with direct testimony and exhibits of expert witnesses, on the same date that it files (1) its cost recovery request under Rule R8-67(e), and (2) the information required by Rule R8-55. The Commission shall consider each electric public utility's CEPS compliance report at the hearing provided for in subsection (e) of this rule and shall determine whether the electric public utility has complied with G.S. 62-133.8(b), (d), (e) and (f). Public notice and deadlines for intervention and filing of additional direct and rebuttal testimony and exhibits shall be as provided for in subsection (e) of this rule.

(3) Each electric membership corporation and municipal electric supplier or their designated utility compliance aggregator shall file a verified CEPS compliance report on or before September 1 of each year. The Commission may issue an order scheduling a hearing to consider the CEPS compliance report filed by each electric membership corporation or municipal electric supplier, requiring public notice, and establishing deadlines for intervention and the filing of direct and rebuttal testimony and exhibits.

(4) In each electric power supplier's initial CEPS compliance report, the electric power supplier shall propose a methodology for determining its cap on incremental costs incurred to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) and fund research as provided in G.S. 62-133.8(h)(1), including a determination of year-end number of customer accounts. The proposed methodology may be specific to each electric power supplier, shall be based upon a fair and reasonable allocation of costs, and shall be consistent with G.S. 62-133.8(h). The electric power supplier may propose a different methodology that meets the above requirements in a subsequent CEPS

compliance report filing. For electric public utilities, this methodology shall also be used for assessing the per-account charges pursuant to G.S. 62-133.8(h)(5).

(5) In any year, an electric power supplier or other interested party may petition the Commission to modify or delay the provisions of G.S. 62-133.8(b), (c), (d), (e) and (f), in whole or in part. The Commission may grant such petition upon a finding that it is in the public interest to do so. If an electric power supplier is the petitioner, it shall demonstrate that it has made a reasonable effort to meet the requirements of such provisions. Retroactive modification or delay of the provisions of G.S. 62-133.8(b), (c), (d), (e) or (f) shall not be permitted. The Commission shall allow a modification or delay only with respect to the electric power supplier or group of electric power suppliers for which a need for a modification or delay has been demonstrated.

(6) A group of electric power suppliers may aggregate their CEPS obligations and compliance efforts provided that all suppliers in the group are subject to the same CEPS obligations and compliance methods as stated in either G.S. 133.8(b) or (c). If such a group of electric power suppliers fails to meet its CEPS obligations, the Commission shall find and conclude that each supplier in the group, individually, has failed to meet its CEPS obligations.

(d) Renewable energy certificates.

(1) Renewable energy certificates (whether or not bundled with electric power) claimed by an electric power supplier to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) must have been earned after January 1, 2008; must have been purchased by the electric power supplier within three years of the date they were earned; shall be retired when used for compliance; and shall not be used for any other purpose. A renewable energy certificate may be used to comply with G.S. 62-133.8(b), (c), (d), (e) and (f) in the year in which it is acquired or obtained by an electric power supplier or in any subsequent year; provided, however, that an electric public utility must use a renewable energy certificate to comply with G.S. 62-133.8(b), (d), (e) and (f) within seven years of cost recovery pursuant to subsection (e)(10) of this Rule.

(2) For any facility that uses both clean energy resources and non-clean energy resources to produce energy, the facility shall earn renewable energy certificates based only upon the energy derived from clean energy resources in proportion to the relative energy content of the fuels used.

(2a) For any facility that seeks to earn enhanced credit RECs, the facility shall be credited enhanced credit RECs based only upon the energy derived from in-state sourced swine waste resources in proportion to the relative energy content of the fuels used.

(3) Renewable energy certificates earned by a clean energy facility after the date the facility's registration is revoked by the Commission shall not be used to comply with G.S. 62-133.8(b), (c), (d), (e) and (f).

(4) Renewable energy certificates must be issued by, or imported into, the renewable energy certificate tracking system established in Rule R8-67(h) in order to be eligible RECs under G.S. 62-133.8.

(5) A clean energy facility located in a Tier 1 county, designated during the calendar year that the clean energy facility is registered, that produces RECs as provided in G.S. 62-133.8(e) using in-state sourced swine waste resources shall be eligible for a one-time enhanced credit REC stimulus for a period as follows:

(i) A facility currently operating on December 11, 2024, shall be credited with two additional, enhanced credit RECs pursuant to G.S. 62-133.8A(b)(1) for every one REC produced by the facility between December 11, 2024, and December 10, 2032; and shall be credited with one additional, enhanced credit REC pursuant to G.S. 62-133.8A(b)(2) for every one REC produced by the facility between December 11, 2032, and December 10, 2038.

(ii) A facility that commenced operations after December 11, 2024, shall be credited with two additional, enhanced credit RECs pursuant to G.S. 62-133.8A(b)(1) for every one REC produced by the facility for the first eight years, commencing at the date of commercial operation; and shall be credited with one additional, enhanced credit REC pursuant to G.S. 62-133.8A(b)(2) for every one REC produced by the facility for the succeeding six years.

(6) The enhanced credit RECs created under G.S. 62-133.8A may be used by electric power suppliers for compliance with the swine waste set-aside requirements of G.S. 62-133.8(e), and may be banked, traded, transferred, and sold under the same rules as other RECs created pursuant to G.S. 62-133.8.

(7) No facility shall be credited with more than 80,000 enhanced credit RECs under G.S. 62-133.8A in any one year but may continue to generate renewable energy certificates without enhanced credit.

(e) Cost recovery.

(1) For each electric public utility, the Commission shall schedule an annual public hearing pursuant to G.S. 62-133.8(h) to review the costs incurred by the electric public utility to comply with G.S. 62-133.8(b), (d), (e) and (f). The annual rider hearing for each electric public utility will be scheduled as soon as practicable after the hearing held by the Commission for the electric public utility under Rule R8-55.

(2) The Commission shall permit each electric public utility to charge an increment or decrement as a rider to its rates to recover in a timely manner the reasonable incremental costs prudently incurred to comply with G.S. 62-133.8(b), (d), (e) and (f). The cost of an unbundled renewable energy certificate, to the extent that it is reasonable and prudently incurred, is an incremental cost and has no avoided cost component.

(3) Unless otherwise ordered by the Commission, the test period for each electric public utility shall be the same as its test period for purposes of Rule R8-55.

(4) Rates set pursuant to this section shall be recovered during a fixed cost recovery period that shall coincide, to the extent practical, with the recovery period for the cost of fuel and fuel-related cost rider established pursuant to Rule R8-55.

(5) The incremental costs will be further modified through the use of a CEPS experience modification factor (CEPS EMF) rider. The CEPS EMF rider will reflect the difference between reasonable and prudently incurred incremental costs and the revenues that were actually realized during the test period under the CEPS rider then in effect. Upon request of the electric public utility, the Commission shall also incorporate in this determination the experienced over-recovery or under-recovery of the incremental costs up to thirty (30) days prior to the date of the hearing, provided that the reasonableness and prudence of these costs shall be subject to review in the utility's next annual CEPS cost recovery hearing.

(6) The CEPS EMF rider will remain in effect for a fixed 12-month period following establishment and will carry through as a rider to rates established in any intervening general rate case proceedings.

(7) Pursuant to G.S. 62-130(e), any over-collection of reasonable and prudently incurred incremental costs to be refunded to a utility's customers through operation of the CEPS EMF rider shall include an amount of interest, at such rate as the Commission determines to be just and reasonable, not to exceed the maximum statutory rate.

(8) Each electric public utility shall follow deferred accounting with respect to the difference between actual reasonable and prudently-incurred incremental costs and related revenues realized under rates in effect.

(9) The incremental costs to be recovered by an electric public utility in any cost recovery period from its North Carolina retail customers to comply with G.S. 62-133.8(b), (d), (e), and (f) shall not exceed the per-account charges set forth in G.S. 62-133.8(h)(4) applied to the electric public utility's year- end number of customer accounts determined as of December 31 of the previous calendar year. These annual charges shall be collected through fixed monthly charges. Each electric public utility shall ensure that the incremental costs recovered under the CEPS rider and CEPS EMF rider during the cost recovery period, inclusive of gross receipts tax and the regulatory fee, from any given customer account do not exceed the applicable per-account charges set forth in G.S. 62-133.8(h)(4).

(10) Incremental costs incurred during a calendar year toward a current or future year's CEPS obligation may be recovered by an electric public utility in any 12-month recovery period up to and including the 12-month recovery period in which the RECs associated with any incremental costs are retired toward

the prior year's CEPS obligation, as long as the electric public utility's charges to customers do not exceed, in any 12-month period, the per-account annual charges provided in G.S. 62-133.8(h)(4). A renewable energy certificate must be used for compliance and retired within seven years of the year in which the electric public utility recovers the related costs from customers. An electric public utility shall refund to customers with interest the costs for renewable energy certificates that are not used for compliance within seven years.

(11) Each electric public utility, at a minimum, shall submit to the Commission for purposes of investigation and hearing the information required for the CEPS compliance report for the 12-month test period established in subsection (3) normalized, as appropriate, consistent with Rule R8-55, accompanied by supporting workpapers and direct testimony and exhibits of expert witnesses, and any change in rates proposed by the electric public utility at the same time that it files the information required by Rule R8-55.

(12) The electric public utility shall publish a notice of the annual hearing for two (2) successive weeks in a newspaper or newspapers having general circulation in its service area, normally beginning at least 30 days prior to the hearing, notifying the public of the hearing before the Commission pursuant to G.S. 62-133.8(h) and setting forth the time and place of the hearing.

(13) Persons having an interest in said hearing may file a petition to intervene setting forth such interest at least 15 days prior to the date of the hearing. Petitions to intervene filed less than 15 days prior to the date of the hearing may be allowed in the discretion of the Commission for good cause shown.

(14) The Public Staff and other intervenors shall file direct testimony and exhibits of expert witnesses at least 15 days prior to the hearing date. If a petition to intervene is filed less than 15 days prior to the hearing date, it shall be accompanied by any direct testimony and exhibits of expert witnesses the intervenor intends to offer at the hearing.

(15) The electric public utility may file rebuttal testimony and exhibits of expert witnesses no later than 5 days prior to the hearing date.

(16) The burden of proof as to whether the costs were reasonable and prudently incurred shall be on the electric public utility.

(f) Contracts with owners of clean energy facilities.

(1) The terms of any contract entered into between an electric power supplier and a new solar electric facility or new metered solar thermal energy facility shall be of sufficient length to stimulate development of solar energy.

(2) Each electric power supplier shall include appropriate language in all agreements for the purchase of renewable energy certificates (whether or not bundled with electric power) prohibiting the seller from remarketing the renewable energy certificates being purchased by the electric power supplier.

(g) Metering of clean energy facilities.

(1) Except as provided below, for the purpose of receiving renewable energy certificate issuance in NC-RETS, the electric power generated by a clean energy facility shall be measured by an electric meter supplied by and read by an electric power supplier. Facilities whose renewable energy certificates are issued in a tracking system other than NC-RETS shall be subject to the requirements of the applicable state commission and/or tracking system.

(2) The electric power generated by an inverter-based solar photovoltaic (PV) system with a nameplate capacity of 10 kW or less may be estimated using generally accepted analytical tools.

(3) The electric power generated by a clean energy facility interconnected on the customer's side of the utility meter at a customer's location may be measured by (1) an ANSI-certified electric meter not provided by an electric power supplier provided that the owner of the meter complies with the meter testing requirements of Rule R8-13, or (2) another industry-accepted, auditable and accurate metering, controls, and verification system. The data provided by such meter or system may be read and self-reported by the owner of the clean energy facility, subject to audit by the Public Staff. The owner of the meter shall retain for audit for 10 years the energy output data.

(4) Thermal energy produced by a combined heat and power system or solar thermal energy facility shall be the thermal energy recovered and used for useful purposes other than electric power production. The useful thermal energy may be measured by meter, or if that is not practicable, by other industry-accepted means that show what measurable amount of useful thermal energy the system or facility is designed and operated to produce and use. Renewable energy certificates shall be earned based on one certificate for every 3,412,000 British thermal units (Btu) of useful thermal energy produced. Meter devices, if used, shall be located so as to measure the actual thermal energy consumed by the load served by the facility. Thermal energy output that is used as station power or to process the facility's fuel is not eligible for RECs. Thermal energy production data, whether metered or estimated, shall be retained for audit for 10 years.

(h) North Carolina Renewable Energy Certificate Tracking System (NC-RETS)

(1) Definitions

(i) "Balancing area operator" means an electric power supplier that has the responsibility to act as the balancing authority for a portion of the regional transmission grid, including maintaining the load-to-generation balance, accounting for energy delivered into and exported out of the area, and supporting interconnection frequency in real time.

(ii) "Multi-fuel facility" means a clean energy facility that produces energy using more than one fuel type, potentially relying on a fuel that does not qualify for REC issuance in North Carolina.

(iii) “Participant” means a person or organization that opens an account in NC-RETS.

(iv) “Qualifying thermal energy output” is the useful thermal energy: (1) that is made available to an industrial or commercial process (net of any heat contained in condensate return and/or makeup water); (2) that is used in a heating application (e.g., space heating, domestic hot water heating); or (3) that is used in a space cooling application (i.e., thermal energy used by an absorption chiller).

(2) A renewable energy certificate (REC) tracking system, to be known as NC-RETS, is established by the Commission. NC-RETS shall issue, track, transfer and retire RECs. It shall calculate each electric power supplier’s CEPS obligation and report each electric power supplier’s CEPS accomplishments, consistent with the compliance report filed under Rule R8-67(c). NC-RETS shall be administered by a third-party vendor selected by the Commission. Only RECs issued by or imported into NC-RETS are qualifying RECs under G.S. 62-133.8.

(3) Each electric power supplier shall be a participant in NC-RETS and shall provide data to NC-RETS to calculate its CEPS obligation and to demonstrate its compliance with G.S. 62-133.8. An electric power supplier may select a utility compliance aggregator to participate in NC-RETS on its behalf and file CEPS compliance plans and compliance reports, but the supplier shall nonetheless remain responsible for its own compliance. For reporting purposes, an electric power supplier or its utility compliance aggregator may aggregate the supplier’s compliance obligations and accomplishments with those of other suppliers that are subject to the same obligations under G.S. 62-133.8.

(4) Each clean energy facility or new clean energy facility registered by the Commission under Rule R8-66 shall participate in NC-RETS in order to have RECs issued, or in another REC tracking system in order to have RECs issued and transferred into NC-RETS, but no facility’s meter data for the same time period shall be used for simultaneous REC issuance in two such systems. Beginning June 1, 2011, clean energy facilities registered in NC-RETS may only enter historic energy production data for REC issuance that goes back up to two years from the current date. Facilities that produce energy using one or more clean energy resource(s) and another resource that does not qualify toward CEPS compliance under G.S. 62-133.8 shall calculate on a monthly basis and provide to NC-RETS the percentage of energy output attributable to each fuel source. NC-RETS will issue RECs only for energy emanating from sources that qualify under G.S. 62-133.8.

(5) A new clean energy facility that intends to produce RECs eligible to earn enhanced credit RECs using one or more in-state sourced swine waste resource(s) and another resource that does not qualify toward earning enhanced credit RECs pursuant to G.S. 62-133.8A shall calculate on a monthly basis and provide to NC-RETS the percentage of energy output attributable to in-state sourced swine waste resources. NC-RETS will apply

the enhanced credit RECs stimulus only to RECs produced from resources that qualify under G.S. 62-133.8A.

(6) Each balancing area operator shall provide monthly electric generation production data to NC-RETS for clean and new clean energy facilities that are interconnected to the operator's electric transmission system. Such balancing area operator shall retain documentation verifying the production data for audit by the Public Staff.

(7) Each electric power supplier that has registered clean energy facilities or new clean energy facilities interconnected with its electric distribution system and that reads the electric generation production meters for those facilities shall provide monthly the facilities' energy output to NC-RETS, and shall retain for audit for 10 years that energy output data. Municipalities and electric membership corporations may elect to have the facilities' production data reported to NC-RETS and retained for audit by a utility compliance aggregator.

(8) A clean energy facility or new clean energy facility that produces thermal energy that qualifies for RECs shall report the facility's qualifying thermal energy output to NC-RETS at least every 12 months. A clean energy facility or new clean energy facility that reports its data pursuant to Rule R8-67(g)(3) shall report its energy output to NC-RETS at least every 12 months.

(9) The owner of an inverter-based solar photovoltaic system with a nameplate capacity of 10 kW or less may estimate its energy output using generally accepted analytical tools pursuant to Rule R8-67(g)(2). Such an owner, or its agent, of this kind of facility shall report the facility's energy output to NC-RETS at least every 12 months.

(10) All energy output and fuel data for multi-fuel facilities and facilities seeking to earn enhanced credit RECs, including underlying documentation, calculations, and estimates, shall be retained for audit for at least ten years immediately following the provision of the output data to NC-RETS or another tracking system, as appropriate.

(11) Each electric power supplier that complies with G.S. 62-133.8 by implementing energy efficiency or demand-side management programs shall use NC-RETS to report the energy savings of those programs. Municipal power suppliers and electric membership corporations may elect to have their energy savings from their energy efficiency and demand-side management programs reported to NC-RETS by a utility compliance aggregator, and to have their reported savings consolidated with the reported savings from other municipal power suppliers or electric membership corporations if and as necessary to permit aggregate reporting through their utility compliance aggregator. Records regarding which electric power supplier achieved the energy efficiency and demand-side management, the programs that were used, and the year in which it was achieved, shall be retained for audit.

(12) All Commission-approved costs of developing and operating NC-RETS shall be allocated among all electric power suppliers based upon their respective share of the total megawatt-hours of retail electricity sales in North Carolina in the previous calendar year. Each electric power supplier, or its utility compliance aggregator, shall, within 60 days of NC-RETS beginning operations, and by June 1 of each subsequent year, enter its previous year's retail electricity sales into NC-RETS, which sales will be used by NC-RETS to calculate each electric power supplier's CEPS obligations and NC-RETS charges. NC-RETS shall update its billings beginning each July based on retail sales data for the previous calendar year. Such NC-RETS charges shall be deemed to be costs that are reasonable, prudent, incremental, and eligible for recovery through each electric public utility's annual rider established pursuant to G.S. 62-133.8(h).

(13) Each account holder in NC-RETS shall pay the NC-RETS administrator for service according to the following fee schedule:

(i) $0.01 for each REC export to an account residing in a different REC tracking system.

(ii) $0.01 for each REC retired for reasons other than compliance with G.S. 62-133.8.

(14) The Commission shall adopt NC-RETS Operating Procedures. The Commission shall establish an NC-RETS Stakeholder Group that shall meet from time to time and which may recommend changes to the NC-RETS Operating Procedures and NC-RETS.

(15) All data retention requirements of this Rule R8-67(h) may be accomplished via retention of electronic documents.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. E-43, Sub 6, E-100, Sub 113, EC-33, Sub 58, EC-83, Sub 1, 5/14/2012; NCUC Docket No. E-100, Sub 191, 11/21/2023; NCUC Docket No. E-100, Sub 113, 6/21/24); NCUC Docket No. E-100, Sub 113, 7/23/25).

Rule R8-68. INCENTIVE PROGRAMS FOR ELECTRIC PUBLIC UTILITIES AND ELECTRIC MEMBERSHIP CORPORATIONS, INCLUDING ENERGY EFFICIENCY AND DEMAND-SIDE MANAGEMENT PROGRAMS.

(a) Purpose. — The purpose of this rule is to establish guidelines for the application of G.S. 62-140(c) to electric public utilities and electric membership corporations and G.S. 62-133.9 to electric public utilities that are consistent with the directives of those statutes and consistent with the public policy of this State as set forth in G.S. 62-2.

(b) Definitions.

(1) Unless listed below, the definitions of all terms used in this rule shall be as set forth in Rule R8-67(a), or if not defined therein, then as set forth in G.S. 62-3, G.S. 62-133.8(a) and G.S. 62-133.9(a).

(2) "Consideration" means anything of economic value paid, given, or offered to any person by an electric public utility or electric membership corporation (regardless of the source of the "consideration'') including, but not limited to: payments to manufacturers, builders, equipment dealers, contractors including HVAC contractors, electricians, plumbers, engineers, architects, and/or homeowners or owners of multiple housing units or commercial establishments; cash rebates or discounts on equipment/appliance sales, leases, or service installation; equipment/ appliances sold below fair market value or below their cost to the electric public utility or electric membership corporation; low interest loans, defined as loans at an interest rate lower than that available to the person to whom the proceeds of the loan are made available; studies on energy usage; model homes; and payment of trade show or advertising costs. Excepted from the definition of "consideration" are favors and promotional activities that are de minimis and nominal in value and that are not directed at influencing fuel choice decisions for specific applications or locations.

(3) "Costs" include, but are not limited to, all capital costs (including cost of capital and depreciation expenses), administrative costs, implementation costs, participation incentives, and operating costs. "Costs" does not include utility incentives.

(4) "Electric public utility" means a person, whether organized under the laws of this State or under the laws of any other state or country, now or hereafter owning or operating in this State equipment or facilities for producing, transporting, distributing, or furnishing electric service to or for the public for consumption. For purposes of this rule, "electric public utility" does not include electric membership corporations.

(5) "Net lost revenues" means the revenue losses, net of marginal costs avoided at the time of the lost kilowatt-hour sale(s), or in the case of purchased power, in the applicable billing period, incurred by the electric public utility as the result of a new demand-side management or energy efficiency measure. Net lost revenues shall also be net of any increases in revenues resulting from any activity by the electric public utility that causes

a customer to increase demand or energy consumption, whether or not that activity has been approved pursuant to this Rule R8-68.

(6) "New demand-side management or energy efficiency measure" means a demand-side management or energy efficiency measure that is adopted and implemented on or after January 1, 2007, including subsequent changes and modifications to any such measure. Cost recovery for "new demand-side management measures" and "new energy efficiency measures" is subject to G.S. 62-133.9.

(7) "Participation incentive" means any consideration associated with a new demand-side management or energy efficiency measure.

(8) "Program" or "measure" means any electric public utility action or planned action that involves the offering of consideration.

(9) "Utility incentives" means incentives as described in G.S. 62-133.9(d)(2)a-c.

(c) Filing for Approval.

(1) Application of Rule.

(i) Prior to an electric public utility or electric membership corporation implementing any measure or program, the purpose or effect of which is to directly or indirectly alter or influence the decision to use the electric public utility's or electric membership corporation's service for a particular end use or to directly or indirectly encourage the installation of equipment that uses the electric public utility's or electric membership corporation's service, and prior to any electric power supplier to which Rule R8-60 applies implementing any new or modified demand-side management or energy efficiency measure, the electric public utility or the electric membership corporation, as applicable, shall obtain Commission approval, regardless of whether the measure or program is offered at the expense of the shareholders, ratepayers, or third-party.

(ii) This requirement shall also apply to measures and programs that are administered, promoted, or funded by the electric public utility's or electric membership corporation's subsidiaries, affiliates, or unregulated divisions or businesses if the electric public utility or electric membership corporation has control over the entity offering or is involved in the measure or program and an intent or effect of the measure or program is to adopt, secure, or increase the use of the electric public utility's public utility services.

(iii) Any application for approval by an electric public utility or electric membership corporation of a measure or program under this rule shall be made in a unique sub-docket of the electric public utility's or electric membership corporation's docket number.

(2) Filing Requirements. — Each application for the approval shall include:

(i) Cover Page. — The electric public utility or electric membership corporation shall attach to the front of an application a cover sheet generally describing:

a. the measure or program;
b. the consideration to be offered;
c. the anticipated total cost of the measure or program;
d. the source and amount of funding to be used; and
e. the proposed classes of persons to whom it will be offered.

(ii) Description. — The electric public utility or electric membership corporation shall provide a description of each measure and program, and include the following:

a. the program or measure's objective;
b. the duration of the program or measure;
c. the targeted sector and eligibility requirements;
d. examples of all communication materials to be used with the measure or program and the related cost for each program year;
e. the estimated number of participants;
f. the impact that each measure or program is expected to have on the electric public utility or electric membership corporation, its customer body as a whole, and its participating North Carolina customers; and
g. any other information the electric public utility or electric membership corporation believes is relevant to the application, including information on competition known by the electric public utility or the electric membership corporation.

(iii) Additionally, an electric public utility shall include or describe:

a. the measure's proposed marketing plan, including a description of market barriers and how the electric public utility intends to address them;
b. the total market potential and estimated market growth throughout the duration of the program;
c. the estimated summer and winter peak demand reduction by unit metric and in the aggregate by year;
d. the estimated energy reduction per appropriate unit metric and in the aggregate by year;
e. the estimated lost energy sales per appropriate unit metric and in the aggregate by year; and
f. the estimated load shape impacts.

(iv) Costs and Benefits. — The electric public utility or electric membership corporation shall provide the following information on the costs and benefits of each proposed measure or program: (a) the estimated total and per unit cost and benefit of the measure or program to the electric public utility or electric membership corporation, reported by type of benefit and expenditure (e.g., capital cost expenditures; administrative costs; operating costs; participation incentives, such as rebates and direct payments; and communications costs, and the costs of measurement and

verification) and the planned accounting treatment for those costs and benefits; (b) the type, the maximum and minimum amount of participation incentives to be made to any party, and the reason for any participation incentives and other consideration and to whom they will be offered, including schedules listing participation incentives and other consideration to be offered; and (c) service limitations or conditions planned to be imposed on customers who do not participate in the measure. With respect to communications costs, the electric public utility or electric membership corporation shall provide detailed cost information on communications materials related to each proposed measure or program. Such costs shall be included in the Commission's consideration of the total cost of the measure or program and whether the total cost of the measure or program is reasonable in light of the benefits.

(v) Cost-Effectiveness Evaluation. — The electric public utility or electric membership corporation shall provide the economic justification for each proposed measure or program, including the results of all cost-effectiveness tests. Cost-effectiveness evaluations performed by the electric public utility or electric membership corporation should be based on direct or quantifiable costs and benefits and should include, at a minimum, an analysis of the Total Resource Cost Test, the Participant Test, the Utility Cost Test, and the Ratepayer Impact Measure Test. In addition, an electric public utility shall describe the methodology used to produce the impact estimates as well as, if appropriate, methodologies considered and rejected in the interim leading to the final model specification.

(vi) Commission Guidelines Regarding Incentive Programs. — The electric public utility or electric membership corporation shall provide the information necessary to comply with the Commission's Revised Guidelines for Resolution of Issues Regarding Incentive Programs, issued by Commission Order on March 27, 1996, in Docket No. M-100, Sub 124, set out as an Appendix to Chapter 8 of these rules.

(vii) Integrated Resource Plan. — When seeking approval of a new demand-side management or new energy efficiency measure, the electric public utility shall explain in detail how the measure is consistent with the electric public utility's integrated resource plan filings pursuant to Rule R8-60.

(viii) Other. — Any other information the electric public utility or electric membership corporation believes relevant to the application, including information on competition known by the electric public utility or the electric membership corporation.

(3) Additional Filing Requirements. — In addition to the information listed in subsection (c)(2), an electric public utility filing for approval of a new or

modified demand-side management or energy efficiency measure shall provide the following:

(i) Costs and Benefits. – The electric public utility shall describe:

a. any costs incurred or expected to be incurred in adopting and implementing a measure or program to be considered for recovery through the annual rider under G.S. 62-133.9;

b. estimated total costs to be avoided by the measure by appropriate capacity, energy and measure unit metric and in the aggregate by year;

c. estimated participation incentives by appropriate capacity, energy, and measure unit metric and in the aggregate by year;

d. how the electric public utility proposes to allocate the costs and benefits of the measure among the customer classes and jurisdictions it serves;

e. the capitalization period to allow the utility to recover all costs or those portions of the costs associated with a new program or measure to the extent that those costs are intended to produce future benefits as provided in G.S. 62-133.9(d)(1).

f. The electric public utility shall also include the estimated and known costs of measurement and verification activities pursuant to the Measurement and Verification Reporting Plan described in paragraph (ii).

(ii) Measurement and Verification Reporting Plan for New Demand-Side Management and Energy Efficiency Measures. — The electric public utility shall be responsible for the measurement and verification of energy and peak demand savings and may use the services of an independent third party for such purposes. The costs of implementing the measurement and verification process may be considered as operating costs for purposes of Commission Rule R8-69. In addition, the electric public utility shall:

a. describe the industry-accepted methods to be used to evaluate, measure, verify, and validate the energy and peak demand savings estimated in (2)(iii)c and d above;

b. provide a schedule for reporting the savings to the Commission;

c. describe the methodologies used to produce the impact estimates, as well as, if appropriate, the methodologies it considered and rejected in the interim leading to final model specification; and

d. identify any third party and include all of the costs of that third party, if the electric public utility plans to utilize an independent third party for purposes of measurement and verification.

(iii) Cost recovery mechanism. — The electric public utility shall describe the proposed method of cost recovery from its customers.

(iv) Tariffs or rates. — The electric public utility shall provide proposed tariffs or modifications to existing tariffs that will be required to implement each measure or program.

(v) Utility Incentives. — When seeking approval of new demand-side management and energy efficiency measures, the electric public utility shall indicate whether it will seek to recover any utility incentives, including, if appropriate, net lost revenues, in addition to its costs. If the electric public utility proposes recovery of utility incentives related to the proposed new demand-side management or energy efficiency measure, it shall describe the utility incentives it desires to recover and describe how its measurement and verification reporting plan will demonstrate the results achieved by the proposed measure. If the electric public utility proposes recovery of net lost revenues, it shall describe estimated net lost revenues by appropriate capacity, energy and measure unit metric and in the aggregate by year. If the electric public utility seeks recovery of utility incentives, including net lost revenues, apart from its recovery of its costs under G.S. 62-133.9, it shall file estimates of the utility incentives and the net lost revenues associated with the proposed measure for each year of the proposed recovery. If the electric public utility seeks only the recovery of net lost revenues apart from its recovery of combined costs and utility incentives, it shall file estimates of net lost revenues for each year of the proposed recovery period.

(d) Procedure.

(1) Automatic Tariff Suspension. – If an electric public utility files a proposed tariff or tariff amendment in connection with an application for approval of a measure or program, the tariff filing shall be automatically suspended pursuant to G.S. 62-134 pending investigation, review, and decision by the Commission.

(2) Service and Response. — The electric public utility or electric membership corporation filing for approval of a measure or program shall serve a copy of its filing on the Public Staff; the Attorney General; the natural gas utilities, electric public utilities, and electric membership corporations operating in the filing electric public utility's or electric membership corporation's certified territory; and any other party that has notified the electric public utility or electric membership corporation in writing that it wishes to be served with copies of all filings. If a party consents, the electric public utility or electric membership corporation may serve it with electronic copies of all filings. Those served, and others learning of the application, shall have thirty (30) days from the date of the filing in which to petition for intervention pursuant to Rule R1-19, file a protest pursuant to Rule R1-6, or file comments on the proposed measure or program. In comments, any party may recommend approval or disapproval of the

measure or program or identify any issue relative to the program application that it believes requires further investigation. The filing electric public utility or electric membership corporation shall have the opportunity to respond to the petitions, protests, or comments within ten (10) days of their filing. If any party raises an issue of material fact, the Commission shall set the matter for hearing. The Commission may determine the scope of this hearing.

(3) Notice and Schedule. — If the application is set for hearing, the Commission shall require notice, as it considers appropriate, and shall establish a procedural schedule for prefiled testimony and rebuttal testimony after a discovery period of at least 45 days. Where possible, the hearing shall be held within ninety (90) days from the application filing date.

(e) Scope of Review. — In determining whether to approve in whole or in part a new measure or program or changes to an existing measure or program, the Commission may consider any information it determines to be relevant, including any of the following issues:

(1) Whether the proposed measure or program is in the public interest and benefits the electric public utility's or electric membership corporation's overall customer body;

(2) Whether the proposed measure or program unreasonably discriminates among persons receiving or applying for the same kind and degree of service;

(3) Evidence of consideration or compensation paid by any competitor, regulated or unregulated, of the electric public utility or electric membership corporation to secure the installation or adoption of the use of such competitor's services;

(4) Whether the proposed measure or program promotes unfair or destructive competition or is inconsistent with the public policy of this State as set forth in G.S. 62-2 and G.S. 62-140; and

(5) The impact of the proposed measure or program on peak loads and load factors of the filing electric public utility or electric membership corporation, and whether it encourages energy efficiency.

(f) Cost Recovery for New Measures. —Approval of a program or measure under Commission Rule R8-68 does not constitute approval of rate recovery of the costs of the program or measure. With respect to new demand-side management and energy efficiency measures, the costs of those new measures, approved by application of this rule, that are found to be reasonable and prudently incurred shall be recovered through the annual rider described in G.S. 62-133.9 and Rule R8-69. The Commission may consider in the annual rider proceeding whether to approve the inclusion of any utility incentive pursuant to G.S. 62-133.9(d)(2)a-c. in the annual rider.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. M-100, Sub 140, 12/03/13.)

Rule R8-69. COST RECOVERY FOR DEMAND-SIDE MANAGEMENT AND ENERGY EFFICIENCY MEASURES OF ELECTRIC PUBLIC UTILITIES

(a) Definitions.

(1) Unless listed below, the definitions of all terms used in this rule shall be as set forth in Rules R8-67 and R8-68, or if not defined therein, then as set forth in G.S. 62-133.8(a) and G.S. 62-133.9(a).

(2) "DSM/EE rider" means a charge or rate established by the Commission annually pursuant to G.S. 62-133.9(d) to allow the electric public utility to recover all reasonable and prudent costs incurred in adopting and implementing new demand-side management and energy efficiency measures after August 20, 2007, as well as, if appropriate, utility incentives, including net lost revenues.

(3) "Large commercial customer" means any commercial customer that has an annual energy usage of not less than 1,000,000 kilowatt-hours (kWh), measured in the same manner as the electric public utility that serves the commercial customer measures energy for billing purposes.

(4) "Rate period" means the period during which the DSM/EE rider established under this rule will be in effect. For each electric public utility, this period will be the same as the period during which the rider established under Rule R8-55 is in effect.

(5) "Test period" shall be the same for each public utility as its test period for purposes of Rule R8-55, unless otherwise ordered by the Commission.

(b) Recovery of Costs.

(1) Each year the Commission shall conduct a proceeding for each electric public utility to establish an annual DSM/EE rider. The DSM/EE rider shall consist of a reasonable and appropriate estimate of the expenses expected to be incurred by the electric public utility, during the rate period, for the purpose of adopting and implementing new demand-side management and energy efficiency measures previously approved pursuant to Rule R8-68. The expenses will be further modified through the use of a DSM/EE experience modification factor (DSM/EE EMF) rider. The DSM/EE EMF rider will reflect the difference between the reasonable expenses prudently incurred by the electric public utility during the test period for that purpose and the revenues that were actually realized during the test period under the DSM/EE rider then in effect. Those expenses approved for recovery shall be allocated to the North Carolina retail jurisdiction consistent with the system benefits provided by the new demand-side management and energy efficiency measures and shall be assigned to customer classes in accordance with G.S. 62-133.9(e) and (f).

(2) Upon the request of the electric public utility, the Commission shall also incorporate the experienced over-recovery or under-recovery of costs up to thirty (30) days prior to the date of the hearing in its determination of the DSM/EE EMF rider, provided that the reasonableness and prudence of

these costs shall be subject to review in the utility's next annual DSM/EE rider hearing.

(3) Pursuant to G.S. 62-130(e), any over-collection of reasonable and prudently incurred costs to be refunded to an electric public utility's customers through operation of the DSM/EE EMF rider shall include an amount of interest, at such rate as the Commission determines to be just and reasonable, not to exceed the maximum statutory rate. The beginning date for measurement of such interest shall be the effective date of the DSM/EE EMF rider in each annual proceeding, unless otherwise determined by the Commission.

(4) The burden of proof as to whether the costs were reasonably and prudently incurred shall be on the electric public utility.

(5) Any costs incurred for adopting and implementing measures that do not constitute new demand-side management or energy efficiency measures are ineligible for recovery through the annual rider established in G.S. 62-133.9.

(6) Except as provided in (c)(3) of this rule, each electric public utility may implement deferral accounting for costs considered for recovery through the annual rider. At the time the Commission approves a new demand-side management or energy efficiency measure under Rule R8-68, the electric public utility may defer costs of adopting and implementing the new measure in accordance with the Commission's approval order under Rule R8-68. Subject to the Commission's review, the electric public utility may begin deferring the costs of adopting and implementing new demand-side management or energy efficiency measures six (6) months prior to the filing of its application for approval under Rule R8-68, except that the Commission may consider earlier deferral of development costs in exceptional cases, where such deferral is necessary to develop an energy efficiency measure. Deferral accounting, however, for any administrative costs, general costs, or other costs not directly related to a new demand-side management or energy efficiency measure must be approved prior to deferral. The balance in the deferral account, net of deferred income taxes, may accrue a return at the net-of-tax rate of return approved in the electric public utility's most recent general rate proceeding. The return so calculated will be adjusted in any rider calculation to reflect necessary recoveries of income taxes. This return is not subject to compounding. The accrual of such return of on any under-recovered or over-recovered balance set in an annual proceeding for recovery or refund through a DSM/EE EMF rider shall cease as of the effective date of the DSM/EE EMF rider in that proceeding, unless otherwise determined by the Commission. However, deferral accounting of costs shall not affect the Commission's authority under this rule to determine whether the deferred costs may be recovered.

(c) Utility Incentives.

(1) With respect to a new demand-side management or energy efficiency measure previously approved under Rule R8-68, the electric public utility may, in its annual filing, apply for recovery of any utility incentives, including,

if appropriate, net lost revenues, identified in its application for approval of the measure. The Commission shall determine the appropriate ratemaking treatment for any such utility incentives.

(2) When requesting inclusion of a utility incentive in the annual rider, the electric public utility bears the burden of proving its calculations of those utility incentives and the justification for including them in the annual rider, either through its measurement and verification reporting plan or through other relevant evidence.

(3) An electric public utility shall not be permitted to implement deferral accounting or the accrual of a return for utility incentives unless the Commission approves an annual rider that provides for recovery of an integrated amount of costs and utility incentives. In that instance, the Commission shall determine the extent to which deferral accounting and the accrual of a return will be allowed.

(d) Special Provisions for Industrial or Large Commercial Customers.

(1) Pursuant to G.S. 62-133.9(f), any industrial customer or large commercial customer may notify its electric power supplier that: (i) it has implemented or, in accordance with stated, quantifiable goals, will implement alternative demand-side management or energy efficiency measures; and (ii) it elects not to participate in demand-side management or energy efficiency measures for which cost recovery is allowed under G.S. 62-133.9. Any such customer shall be exempt from any annual rider established pursuant to this rule after the date of notification.

(2) At the time the electric public utility petitions for the annual rider, it shall provide the Commission with a list of those industrial or large commercial customers that have opted out of participation in the new demand-side management or energy efficiency measures. The electric public utility shall also provide the Commission with a listing of industrial or large commercial customers that have elected to participate in new measures after having initially notified the electric public utility that it declined to participate.

(3) Any customer that opts out but subsequently elects to participate in a new demand-side management or energy efficiency measure or program loses the right to be exempt from payment of the rider for five years or the life of the measure or program, whichever is longer. For purposes of this subsection, “life of the measure or program” means the capitalization period approved by the Commission to allow the utility to recover all costs or those portions of the costs associated with a program or measure to the extent that those costs are intended to produce future benefits as provided in G.S. 62-133.9(d)(1).

(e) Annual Proceeding.

(1) For each electric public utility, the Commission shall schedule an annual rider hearing pursuant to G.S. 62-133.9(d) to review the costs incurred by the electric public utility in the adoption and implementation of new demand-side management and energy efficiency measures during the test period, the revenues realized during the test period through the operation of the annual rider, and the costs expected to be incurred during the rate period

and shall establish annual DSM/EE and DSM/EE EMF riders to allow the electric public utility to recover all costs found by the Commission to be recoverable. The Commission may also approve, if appropriate, the recovery of utility incentives, including net lost revenues, pursuant to G.S. 62-133.9(d)(2) in the rider.

(2) The annual rider hearing for each electric public utility will be scheduled as soon as practicable after the hearing held by the Commission for the electric public utility under Rule R8-55. Except as otherwise ordered by the Commission each electric public utility shall file its application for recovery of costs and appropriate utility incentives at the same time that it files the information required by Rule R8-55.

(3) The DSM/EE EMF rider will remain in effect for a fixed 12-month period following establishment and will continue as a rider to rates established in any intervening general rate case proceeding.

(f) Filing Requirements and Procedure.

(1) Each electric public utility shall submit to the Commission all of the following information and data in its application:

(i) Projected North Carolina retail monthly kWh sales for the rate period.

(ii) For each measure for which cost recovery is requested through the DSM/EE rider:

a. total expenses expected to be incurred during the rate period in the aggregate and broken down by type of expenditure, per appropriate capacity, energy and measure unit metric and the proposed jurisdictional allocation factors;

b. total costs that the utility does not expect to incur during the rate period as a direct result of the measure in the aggregate and broken down by type of cost, per appropriate capacity, energy and measure unit metric, and the proposed jurisdictional allocation factors, as well as any changes in the estimated future amounts since last filed with the Commission;

c. a description of the measurement and verification activities to be conducted during the rate period, including their estimated costs;

d. total expected summer and winter peak demand reduction per appropriate measure unit metric and in the aggregate;

e. total expected energy reduction in the aggregate and per appropriate measure unit metric.

(iii) For each measure for which cost recovery is requested through the DSM/EE EMF rider:

a. total expenses for the test period in the aggregate and broken down by type of expenditure, per appropriate capacity, energy and measure unit metric and the proposed jurisdictional allocation factors;

b. total costs that the utility did not incur for the test period as a direct result of the measure in the aggregate and broken down

by type of cost, per appropriate capacity, energy and measure unit metric, and the proposed jurisdictional allocation factors, as well as any changes in the estimated future amounts since last filed with the Commission;

c. a description of, the results of, and the costs of all measurement and verification activities conducted in the test period;

d. total summer and winter peak demand reduction in the aggregate and per appropriate measure unit metric, as well as any changes in estimated future amounts since last filed with the Commission;

e. total energy reduction in the aggregate and per appropriate measure unit metric, as well as any changes in the estimated future amounts since last filed with the Commission;

f. a discussion of the findings and the results of the program or measure;

g. evaluations of event-based programs including the date, weather conditions, event trigger, number of customers notified and number of customers enrolled; and

h. a comparison of impact estimates presented in the measure application from the previous year, those used in reporting for previous measure years, and an explanation of significant differences in the impacts reported and those previously found or used.

(iv) For each measure for which recovery of utility incentives is requested, a detailed explanation of the method proposed for calculating those utility incentives, the actual calculation of the proposed utility incentives, and the proposed method of providing for their recovery and true-up through the annual rider. If recovery of net lost revenues is requested, the total net lost kWh sales and net lost revenues per appropriate capacity, energy, and program unit metric and in the aggregate for the test period, and the proposed jurisdictional allocation factors, as well as any changes in estimated future amounts since last filed with the Commission.

(v) Actual revenues produced by the DSM/EE rider and the DSM/EE EMF rider established by the Commission during the test period and for all available months immediately preceding the rate period.

(vi) The requested DSM/EE rider and DSM/EE EMF rider and the basis for their determination.

(vii) Projected North Carolina retail monthly kWh sales for the rate period for all industrial and large commercial accounts, in the aggregate, that are not assessed the rider charges as provided in this rule.

(viii) All workpapers supporting the calculations and adjustments described above.

(2) Each electric public utility shall file the information required under this rule, accompanied by workpapers and direct testimony and exhibits of expert

witnesses supporting the information filed in this proceeding, and any change in rates proposed by the electric public utility, by the date specified in subdivision (e)(2) of this rule. An electric public utility may request a rider lower than that to which its filed information suggests that it is entitled.

(3) The electric public utility shall publish a notice of the annual hearing for two (2) successive weeks in a newspaper or newspapers having general circulation in its service area, normally beginning at least thirty (30) days prior to the hearing, notifying the public of the hearing before the Commission pursuant to G.S. 62-133.9(d) and setting forth the time and the place of the hearing.

(4) Persons having an interest in any hearing may file a petition to intervene at least 15 days prior to the date of the hearing. Petitions to intervene filed less than 15 days prior to the date of the hearing may be allowed in the discretion of the Commission for good cause shown.

(5) The Public Staff and other intervenors shall file direct testimony and exhibits of expert witnesses at least 15 days prior to the hearing date. If a petition to intervene is filed less than 15 days prior to the hearing date, it shall be accompanied by any direct testimony and exhibits of expert witnesses the intervenor intends to offer at the hearing.

(6) The electric public utility may file rebuttal testimony and exhibits of expert witnesses no later than 5 days prior to the hearing date.

(NCUC Docket No. E-100, Sub 113, 2/29/08; NCUC Docket No. E-100, Sub 113, 3/13/08; NCUC Docket No. E-100, Subs 113 & 121, 1/31/11; NCUC Docket No. E-100, Sub 160, 10/11/18.)

Rule R8-70. COST RECOVERY FOR COSTS INCURRED BY AN ELECTRIC PUBLIC UTILITY TO ACQUIRE, OPERATE AND MAINTAIN INTEREST IN ELECTRIC GENERATING FACILITIES PURCHASED FROM A JOINT MUNICIPAL POWER AGENCY

(a) Definitions.

(1) Unless listed below, the definitions of all terms used in this rule shall be as set forth in G.S. 62-133.14.

(2) "Acquired plant" means a joint agency's proportional ownership interest in electric generating facilities purchased by an electric public utility prior to December 31, 2016.

(3) "Acquisition costs" means the amount paid by an electric public utility on or before December 31, 2016, to acquire the proportional ownership interest in electric generating facilities from a joint agency, including the amount paid above the net book value of the generating facilities. Acquisition costs include the amounts recorded by the joint agency in its accounting records for plant, accumulated depreciation, net nuclear fuel, spare parts, fuel and materials and supplies inventories, construction work in progress, and any other items related to the acquired plant, plus the amount paid by an electric public utility above the net book value of the generating facilities.

(4) "Financing costs" means the debt and equity return on the electric public utility's average rate base investment determined using the weighted average net of tax cost of capital as authorized by the Commission in the electric public utility's most recent general rate case, including gross-up for income taxes.

(5) "Joint agency" means a joint agency established under Chapter 159B of the General Statutes.

(6) "Levelized" means an even amount of revenue requirement over a period of time that is equivalent to the present value of the stream of revenue requirements that would be determined for the same period of time based upon the declining book value of the items subject to the levelization. The return to be used in the present value calculations is based on the net of tax rate of return authorized by the Commission in the utility's last general rate case.

(7) "Non-fuel operating costs" means the reasonable and prudent costs incurred to operate and maintain electric plant in service and the related depreciation and amortization expense, nuclear decommissioning expense, Commission regulatory fee, income taxes and property taxes, but excluding costs recoverable under G.S. 62-133.2.

(8) “Joint Agency Asset rider” means a charge or rate established by the Commission annually pursuant to G.S. 62-133.14 to allow an electric public utility to recover the North Carolina retail portion of all reasonable and prudent costs incurred by the electric public utility to acquire, operate and maintain the acquired plant, as well as reasonable and prudent financing costs and non-fuel operating costs related to capital investments in the acquired plant.

(9) “Rate period” means the period during which the Joint Agency Asset rider established under this rule will be in effect. For each public utility, this period will be the same as the period during which the rider established under Rule R8-55 is in effect, unless otherwise ordered by the Commission.

(10) “Test period” shall be the calendar year that precedes the end of the test period for each electric public utility for purposes of Rule R8-55, unless otherwise ordered by the Commission.

(b) Recovery of Costs.

(1) In determining the amount of the Joint Agency Asset rider, the Commission shall include the following:

i. The financing costs and depreciation and amortization expenses associated with the acquired plant, including the amount paid over book value, levelized over the remaining useful life of the electric generating facilities. The remaining useful life will be determined at the time of the acquisition.

ii. The financing costs associated with coal inventory and the acquisition costs not included in amounts being levelized in (b)(1)(i), including net nuclear fuel, fuel inventory, and materials and supplies inventory, but excluding construction work in progress.

iii. The estimated non-fuel operating costs for the acquired plant, not recovered through (b)(1)(i), based on the experience of the test period and the costs projected for the next 12 month rate period.

iv. The estimated financing costs and non-fuel operating costs associated with the reasonable and prudent proportional capital investments including allowance for funds used during construction (AFUDC) in the acquired plant that are placed in service subsequent to the acquisition date.

v. Adjustments to reflect changes in the North Carolina retail portion of financing and non-fuel operating costs related to the electric public utility’s other used and useful generating facilities owned at the time of the acquisition to properly account for changes in the jurisdictional allocation factors that result from the addition of the joint agency to the load served by those other facilities.

vi. A Joint Agency Asset rolling recovery factor (Joint Agency Asset RRF) to reflect the under or over recovery balance. The electric public utility will maintain an under or over recovery balance and add to the balance the difference between the reasonable and prudent financing and non-fuel operating costs incurred by the electric public utility during the test period and the revenues to recover these costs during the test period that were actually realized.

vii. Upon request by the electric public utility, the experienced under or over recovery of financing and non-fuel operating costs incurred after the test period and up to thirty (30) days prior to the date of the hearing in its determination of the Joint Agency Asset rider, provided that the reasonableness and prudence of these costs shall be subject to review in the utility's next annual Joint Agency Asset rider hearing.

(2) In determining cost recovery allocation, the Commission shall utilize the jurisdictional and customer class allocation methodology used in the electric public utility's most recent general rate case.

(3) Each electric public utility shall utilize deferral accounting for costs considered for recovery through the Joint Agency Asset rider. The balance in the deferral account, net of tax, shall accrue a monthly return at the net-of-tax rate of return, grossed up for income taxes, as approved in the electric public utility's most recent general rate proceeding.

(4) The provisions of this Rule shall not relieve the Commission of its responsibility to determine the reasonableness and prudence of the cost of capital additions or operating costs incurred related to the acquired plant in a general rate proceeding.

(5) The burden of proof as to the correctness, reasonableness, and prudence of the cost of capital additions or operating costs sought to be included in the Joint Agency Asset rider, including the Joint Agency Asset RRF, shall be on the electric public utility.

(c) Annual Proceeding.

(1) Each year the Commission shall hold a hearing pursuant to G.S. 62-133.14 to establish an annual Joint Agency Asset rider for the applicable electric public utility.

(2) The annual rider hearing will be scheduled as soon as practicable after the hearing held by the Commission for the electric public utility under Rule R8-55. Each electric public utility shall file its application for recovery of costs under this Rule at the same time that it files the information required by Rule R8-55.

(3) After the initial establishment, the Joint Agency Asset rider will remain in effect, subject to annual updates as provided in this rule, until the end of the useful life of the acquired plant, with any remaining unrecovered costs deferred until the electric public utility's next general rate proceeding.

(d) Initial Rider.

(1) For the initial filing to establish the Joint Agency Asset rider pursuant to this rule, the electric public utility shall submit an application no later than 60 days after the date of acquisition containing such information as the Commission may require to recover all estimated financing and non-fuel operating costs which the utility expects to incur during the period from the date of acquisition until the effective date of the rates approved by the Commission in the Company's next annual Joint Agency Asset Rider. After hearing, the Commission shall approve an initial Joint Agency Asset rider to the electric public utility's rates.

(2) The initial filing should include a special fuel rider to be implemented on the same date as the initial Joint Agency Asset rider that reflects the estimated fuel savings to be experienced by the utility when the purchased Joint Agency assets are included in the utility's system fuel costs. This special fuel rider is eliminated at the effective date of the implementation of a fuel cost rate per Rule R8-55 which reflects a system fuel costs including the acquired plant assets.

(e) Filing Requirements and Procedure.

(1) The electric public utility filing proposed adjustments to the Joint Agency Asset rider shall submit to the Commission the following information:

i. The deferred balance at the beginning of the test year plus any under or over recovery resulting from the operation of the Joint Agency Asset rider during the test period.
ii. Any rate changes necessary to recover costs forecasted for the rate period.
iii. The weighted average cost of capital as authorized by the Commission in the electric public utility's most recent general rate case, grossed-up for income taxes and Commission regulatory fee, applicable to the test period and rate period, after the initial establishment of the rider. This weighted average cost of capital should be applied to both the remaining acquisition costs and any additional capital investment placed in service made by the electric utility in the acquired electric generating facilities.
iv. Any changes to the customer allocation methodology determined in any general rate proceeding of the electric public utility occurring after the initial establishment of the rider.

v. The acquisition costs of the generating facilities and accumulated depreciation and amortization reserve as of the end of the test period.

vi. For each of the first ten years of the rider, the total test period fuel savings for the North Carolina retail jurisdiction, by customer class, arising as a result of the electric public utility's acquisition of the acquired plant.

(2) The Commission shall require the electric public utility to file a monthly report, which shall contain such information as may be agreed to by the Public Staff and the electric public utility and approved by the Commission.

(f) The electric public utility shall publish notice for two (2) successive weeks in a newspaper or newspapers having general circulation in its service area, normally beginning at least 30 days prior to the hearing, notifying the public of the hearing before the Commission pursuant to G.S. 62-133.14 and setting forth the time and place of hearing.

(g) If the Commission has not issued an Order within 180 days after the electric utility has filed the proposed changes under this rule, then the electric utility may place such proposed changes into effect, subject to later refund of any amount collected plus interest that the Commission might determine to be in excess of the amount ultimately approved by the Commission.

(NCUC Docket No. E-100, Sub 144, 7/8/2015)

Rule R8-71. COMPETITIVE PROCUREMENT OF RENEWABLE ENERGY.

(a) Purpose. - The purpose of this rule is to implement the provisions of G.S. 62-110.8, and to provide for Commission oversight of the CPRE Program(s) designed by the electric public utilities subject to G.S. 62-110.8 for the competitive procurement and development of renewable energy facilities in a manner that ensures continued reliable and cost-effective electric service to customers in North Carolina.

(b) Definitions.

(1) "Affiliate" is defined as provided in G.S. 62-126.3(1).

(2) "Avoided cost rates" – means an electric public utility's calculation of its long-term, levelized avoided energy and capacity costs utilizing the methodology most recently approved or established by the Commission as of 30 days prior to the date of the electric public utility's upcoming CPRE RFP Solicitation for purchases of electricity from qualifying facilities pursuant to Section 210 of the Public Utility Regulatory Policies Act of 1978, as amended. The electric public utility's avoided cost rates shall be used for purposes of determining the cost effectiveness of renewable energy resources procured through a CPRE RFP Solicitation. With respect to each CPRE RFP Solicitation, the electric public utility's avoided costs shall be calculated over the time period of the utility's pro forma contract(s) approved by the Commission.

(3) "Competitive Procurement of Renewable Energy (CPRE) Program" means the program(s) established by G.S. 62-110.8 requiring Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC, to jointly or individually procure an aggregate 2,660 megawatts (MW) of renewable energy resource nameplate capacity subject to the requirements and limitations established therein.

(4) "CPRE Program Methodology" means the methodology used to evaluate all proposals received in a given CPRE RFP Solicitation.

(5) "CPRE Program Procurement Period" means the initial 45-month period in which the aggregate 2,660 MW of renewable energy resource nameplate capacity is required to be procured under the CPRE Program(s) approved by the Commission.

(6) "CPRE RFP Solicitation" means a request for proposal solicitation process to be followed by the electric public utility under this Rule for the competitive procurement of renewable energy resource capacity pursuant to the utility's CPRE Program.

(7) "Evaluation Team" means employees and agents of an electric public utility that will be evaluating proposals submitted in response to the CPRE RFP Solicitation, including those acting for or on behalf of the electric public utility regarding any aspect of the CPRE RFP Solicitation evaluation or selection process.

(8) "IA Website" means the website established and maintained by the Independent Administrator as required by subsection (d)(7) of this Rule.

(9) "Independent Administrator" means the third-party entity to be approved by the Commission that is responsible for independently administering the

CPRE Program in accordance with G.S. 62-110.8 and this rule, developing and publishing the CPRE Program Methodology, and for ensuring that all responses to a CPRE RFP Solicitation are treated equitably.

(10) "Electric public utility" means an electric public utility that is required to comply with the requirements of G.S. 62-110.8.

(11) "Market participant" means a person who has expressed interest in submitting a proposal in response to a CPRE RFP Solicitation or has submitted such a proposal, including, unless the context requires otherwise, an Affiliate or an electric public utility, through its Proposal Team.

(12) "Proposal Team" means employees and agents of an electric public utility or an Affiliate that proposes to meet a portion of its CPRE Program requirements as provided in G.S. 62-110.8(b)(i) or (ii), which is more particularly described as a "Self-developed Proposal" in subsection (f)(2)(iv) of this rule, who directly support the Self-developed Proposal.

(13) "Renewable energy certificate" is defined as provided in G.S. 62-133.8(a)(6).

(14) "Renewable energy facility" means an electric generating facility that uses renewable energy resource(s) as its primary source of fuel, has a nameplate capacity rating of 80 MW or less, and is placed into service after the beginning of the CPRE Program Procurement Period.

(15) "Renewable energy resource" is as defined as provided in G.S. 62-133.8(a)(8).

(16) "T&D Sub-Team" means those members of the Evaluation Team responsible for assessing the impacts of proposals on the electric public utility's transmission and distribution systems and assigning any system upgrade costs attributable to each proposal pursuant to R8-71(f)(3)(iii). The T&D Sub-Team shall be designated in writing to the Independent Administrator and shall have no communication, either directly or indirectly, with the other members of the Evaluation Team or a market participant concerning any proposal, except through the Independent Administrator, from the date on which the draft CPRE RFP Solicitation documents are issued by the Independent Administrator until the CPRE RFP Solicitation is deemed closed.

(c) Initial CPRE Program Filings and Program Guidelines

(1) Each electric public utility shall develop and seek Commission approval of guidelines for the implementation of its CPRE Program and to inform market participants regarding the terms and conditions of, and process for participating in, the CPRE Program. The electric public utility shall file its initial CPRE Program guidelines at the time it initially proposes a CPRE Program for Commission approval. The CPRE Program guidelines should, at minimum, include the following:

(i) Planned allocation between the electric public utilities of the 2,660 MW required to be procured during the CPRE Program Procurement Period;

(ii) Proposed timeframe for each electric public utility's initial CPRE RFP Solicitation(s) and planned initial procurement amount, as well as

plans for additional CPRE RFP Solicitation(s) during the CPRE Program Procurement Period;

(iii) Minimum requirements for participation in the electric public utility's initial CPRE RFP Solicitation(s);

(iv) Proposed evaluation factors, including economic and noneconomic factors, for the evaluation of proposals submitted in response to CPRE RFP Solicitation(s); and

(v) Pro forma contract(s) to be utilized in the CPRE Program.

(2) At the time an electric public utility files its proposed CPRE Program guidelines with the Commission, it shall also identify any regulatory conditions and/or provisions of the electric public utility's code of conduct that the electric public utility seeks to waive for the duration of the CPRE Program Procurement Period pursuant to G.S. 62-110.8(h)(2).

(d) Selection and Role of Independent Administrator.

(1) In advance of the filing the initial CPRE Program required by subsection (c) of this Rule, the Commission shall invite and consider comments and recommendations from the electric public utilities, the Public Staff, and other interested persons, including market participants, regarding the selection of the Independent Administrator. In addition to the requirements in this Rule, the Commission may establish additional minimum qualifications and requirements for the Independent Administrator.

(2) Any person requesting to be considered for approval as the Independent Administrator shall be required to disclose any financial interest involving the electric public utilities implementing CPRE Programs or any market participant, including, but not limited to, all substantive assignments for electric public utilities, Affiliate(s), or market participant during the preceding three (3) years.

(3) In advance of the initial CPRE RFP Solicitation(s), the Commission shall select and approve the Independent Administrator. From the date the Independent Administrator is selected, no market participant shall have any communication with the Independent Administrator or the electric public utility pertaining to the CPRE RFP Solicitation, the RFP documents and process, or the evaluation process or any related subjects, except as those communications are specifically allowed by this rule.

(4) The Independent Administrator will be retained by the electric public utility or jointly by the electric public utilities for the duration of the CPRE Program Procurement Period under a contract to be filed with the Commission at least sixty (60) days prior to the public utilities' initial CPRE RFP Solicitation(s). The Independent Administrator shall remain subject to ongoing Commission oversight as part of the Commission's review of the electric public utilities' annual CPRE Program Compliance Reports

(5) The Independent Administrator's duties shall include:

(i) Monitor compliance with CPRE Program requirements.

(ii) Review and comment on draft CPRE Program filings, plans, and other documents.

(iii) Facilitate and monitor permissible communications between the electric public utilities' Evaluation Team and other participants in the CPRE RFP solicitations.

(iv) Develop and publish the CPRE Program Methodology that shall ensure equitable review between an electric public utility's Self-developed Proposal(s) as addressed in subsection (f)(2)(iv) and proposals offered by third-party market participants.

(v) Receive and transmit proposals.

(vi) Independently evaluate the proposals.

(vii) Monitor post-proposal negotiations between the electric public utilities' Evaluation Team(s) and participants who submitted winning proposals.

(viii) Evaluate the electric public utility's Self-developed Proposals.

(ix) Provide an independent certification to the Commission in the CPRE Compliance Report that all electric public utility and third party proposals were evaluated under the published CPRE Program methodology and that all proposals were treated equitably through the CPRE RFP Solicitation(s).

(6) Prior to the initial CPRE RFP Solicitation, but on or before the date determined by Commission order, Independent Administrator shall develop and publish the CPRE Program Methodology. Prior to developing and publishing the CPRE Program Methodology, the Independent Administrator shall meet with the Evaluation Team(s) to share evaluation techniques and practices. The Independent Administrator shall also meet with the Evaluation Team(s) at least 60 days prior to each subsequent CPRE RFP Solicitation to discuss the efficacy of the CPRE Program Methodology and whether changes to the CPRE Program Methodology may be appropriate based upon the anticipated contents of the next CPRE RFP Solicitation. If the CRPE RFP Solicitation allows for electric public utility self-build options or Affiliate proposals, the Independent Administrator shall ensure that if any non-publicly available transmission or distribution system information is used in preparing proposals by the electric public utility or Affiliate(s), such information is made available to third parties that notified the Independent Administrator or their intent to submit a proposal in response to the that CPRE RFP Solicitation.

(7) The Independent Administrator shall maintain the IA Website to support administration and implementation of the CPRE Program and shall post the CPRE RFP Solicitation documents, the CPRE Program Methodology, participant FAQs, and any other pertinent documents on the IA Website.

(8) In carrying out its duties, the Independent Administrator shall work in coordination with the Evaluation Team(s) with respect to CPRE Program implementation and the CPRE RFP Solicitation proposal evaluation process in the manner and to the extent as more specifically provided in subsection (f) of this rule.

(9) If the Independent Administrator becomes aware of a violation of any CPRE Program requirements, the Independent Administrator shall immediately

report that violation, together with any recommended remedy, to the Commission.

(10) The Independent Administrator's fees shall be funded through reasonable proposal fees collected by the electric public utility. The electric public utility shall be authorized to collect proposal fees up to $10,000 per proposal to defray its costs of evaluating the proposals. In addition, the electric public utility may charge each participant an amount equal to the estimated total cost of retaining the Independent Administrator divided by the reasonably anticipated number of proposals. To the extent that insufficient funds are collected through these methods to pay of the total cost of retaining the Independent Administrator, the electric public utility shall pay the balance and subsequently charge the winning participants in the CPRE RFP Solicitation.

(e) Communications Between CPRE Market Participants.

(1) From the date an electric public utility announces a CPRE RFP Solicitation, until the Independent Administrator declares the CPRE RFP Solicitation closed, there shall be no communications between market participants regarding the substantive aspects of their proposals or between the electric public utility and market participants. Such communications shall be conducted through the Independent Administrator as permitted by this subsection.

(2) The Evaluation Team or the Independent Administrator may request further information from any market participant regarding its proposal during the process of evaluating and selecting proposals. These communications shall be conducted through the Independent Administrator and shall be conducted in a manner that keeps confidential the identity of the market participant.

(3) On or before the date an electric public utility announces a CPRE RFP Solicitation, the Proposal Team shall be separately identified and physically segregated from the Evaluation Team for purposes of all activities that are part of the CPRE RFP Solicitation process. The names and job titles of each member of the Proposal Team and the Evaluation Team shall be reduced to writing and submitted to the Independent Administrator.

(4) There shall be no communications, either directly or indirectly, between the Proposal Team and Evaluation Team during the CPRE RFP Solicitation regarding any aspect of the CPRE RFP Solicitation process, except (i) necessary communications as may be made through the Independent Administrator and (ii) negotiations between the Proposal Team and the Evaluation Team for a final power purchase agreement after the Proposal Team has been selected by the electric public utility as a winning proposal. The Evaluation Team will have no direct or indirect contact or communications with the Proposal Team or any other participant, except through the Independent Administrator as described further herein, until such time as a winning proposal or proposals are selected by the electric

public utility and negotiations for a final power purchase agreement(s) have begun.

(5) At no time shall any information regarding the CPRE RFP Solicitation process be shared with any market participant, including the Proposal Team, unless the information is shared with all competing participants contemporaneously and in the same manner.

(6) Within fifteen (15) days of the date an electric public utility announces a planned CPRE RFP Solicitation, each member of the Proposal Team shall execute an acknowledgement that he or she agrees to abide by the restrictions and conditions contained in subsection (e) of this rule for the duration of the CPRE RFP Solicitation. If the Proposal Team's proposal is selected by the electric public utility after completion of the CPRE RFP Solicitation, each member of the Proposal Team shall then also execute an acknowledgement that he or she has met the restrictions and conditions contained in subsection (e) of this rule. The electric public utility shall provide these acknowledgements to the Independent Administrator and shall file the acknowledgements with the Commission in support of its annual CPRE Compliance Report.

(7) Should any participant, including an Affiliate or electric public utility's Proposal Team, attempt to contact a member of the Evaluation Team directly, such participant shall be directed to the Independent Administrator for all information and such communication shall be reported to the Independent Administrator by the Evaluation Team member. Within ten (10) days of the date that the Independent Administrator issues the CPRE RFP Solicitation, each Evaluation Team member shall execute an acknowledgement that he or she agrees to abide by the conditions contained in subsection (e) of this rule for the duration of the CPRE RFP Solicitation. If the Proposal Team's proposal is selected by the electric public utility after completion of the CPRE RFP Solicitation, the Evaluation Team shall also execute an acknowledgement that he or she has met the restrictions and conditions contained in subsection (e)(3)-(5) above. The electric public utility shall provide these acknowledgements to the Independent Administrator and shall file the acknowledgements with the Commission in support of its annual CPRE Compliance Report.

(f) CPRE RFP Solicitation Structure and Process.

(1) Identification of Market Participants; Design of CPRE RFP Solicitation.

(i) Prior to the initial CPRE RFP Solicitation, the electric public utility shall provide the Independent Administrator with a list of potential market participants that have expressed interest, in writing, in participating in the CPRE RFP Solicitation or have participated in recent renewable energy resource solicitations issued by the electric public utilities. The Independent Administrator shall publish notice of the draft CPRE RFP Solicitation on the IA Website, and prepare the list of potential participants to whom notice of the upcoming CPRE RFP Solicitation will be sent.

(ii) The electric public utility shall prepare an initial draft of the CPRE RFP Solicitation guidelines and documents, including RFP procedures, evaluation factors, credit and security obligations, a pro forma power purchase agreement, the Avoided Cost Rate against which proposals will be evaluated, and a planned schedule for completing the CPRE RFP Solicitation and selecting winning proposals. No later than sixty (60) days prior to the planned issue date of the CPRE RFP Solicitation, the electric public utility shall provide the initial draft of the CPRE RFP Solicitation guidelines and documents to the Independent Administrator for posting on the IA Website.

(iii) The evaluation factors included in the CPRE RFP Solicitation guidelines shall identify all economic and noneconomic factors to be considered by the Independent Administrator in its evaluation of proposals. In addition to the guidelines, a pro forma power purchase agreement containing all expected material terms and conditions shall be included in the CPRE RFP Solicitation documents provided to the Independent Administrator and shall be filed with the Commission at least thirty (30) days prior to the planned CPRE RFP solicitation issuance date.

(iv) The Independent Administrator, in coordination with the electric public utility, may conduct a pre-issuance market participants' conference to publicly discuss the draft CPRE RFP Solicitation guidelines and documents with market participants. Market participants may submit written questions or recommendations to the Independent Administrator regarding the draft CPRE RFP Solicitation guidelines and documents in advance of the market participants' conference. All such questions and recommendations shall be posted on the IA Website. The Independent Administrator shall have no private communication with any potential participants regarding any aspect of the draft CPRE RFP Solicitation documents.

(v) Based on the input received from potential participants, and on its own review of the draft CPRE RFP Solicitation documents, the Independent Administrator shall submit a report to the electric public utility, at least twenty (20) days prior to the planned CPRE RFP Solicitation issuance date, detailing market participants' comments and the Independent Administrator's recommendations for changes to the CPRE RFP Solicitation documents, if any. This report shall also be posted on the IA Website for review by potential participants.

(vi) At least five (5) days prior to the planned CPRE RFP Solicitation issuance date, the electric public utility shall submit its final version of the CPRE RFP Solicitation documents to the Independent Administrator to be posted on the IA Website.

(vii) At any time after the CPRE RFP Solicitation is issued, through the time winning proposals are selected by the electric public utility, the schedule for the solicitation may be modified upon mutual agreement

of the electric public utility and the Independent Administrator, with equal notice provided to all market participants, or upon approval by the Commission. Any modification to the CPRE RFP Solicitation schedule will be posted to the IA Website.

(2) Issuance of CPRE RFP Solicitation.

(i) The Independent Administrator shall transmit the final CPRE RFP Solicitation to the market participants via the IA Website. Upon issuance of the final CPRE RFP Solicitation, the only communications permitted prior to submission of proposals shall be conducted through the Independent Administrator. Participants' questions and the Independent Administrator's responses shall be posted on the IA Website, but, to the extent possible, shall be posted in a manner that the identity of the participant remains confidential. To the extent such questions and responses contain competitively sensitive information that a particular participant deems to be a trade secret, this information may be redacted by the participant.

(ii) The electric public utility shall not communicate with any market participant regarding the RFP Process, the content of the CPRE RFP Solicitation documents, or the substance of any potential response by a participant to the RFP; provided, however, the electric public utility shall provide timely, accurate responses to the Independent Administrator's request for information regarding any aspect of the CPRE RFP Solicitation documents or the CPRE RFP Solicitation process.

(iii) Participants shall submit proposals pursuant to the solicitation schedule contained in the CPRE RFP Solicitation, and in the format required by the Independent Administrator to facilitate the evaluation and selection of proposals. The Independent Administrator shall have access to all proposals and all supporting documentation submitted by market participants in the course of the CPRE RFP Solicitation process.

(iv) If the electric public utility wishes to consider an option for full or partial ownership of a renewable energy facility as part of the CPRE RFP solicitation, the utility must submit its construction proposal (Self-developed Proposal) to provide all or part of the capacity requested in the CPRE RFP solicitation to the Independent Administrator at the time all other proposals are due. Once submitted, the Self-developed Proposal may not be modified, except in the event that the electric public utility demonstrates to the satisfaction of the Independent Administrator that the Self-developed Proposal contains an error and that correction of the error will not be unduly harmful to the other market participants, the electric public utility may correct the error. Persons who have participated or assisted in the preparation of the Self-developed Proposal on behalf of the electric public utility's Proposal Team in any way may not be a member of the Affiliate's Proposal Team, nor communicate with the

Affiliate's Proposal Team during the RFP Process about any aspect of the RFP Process.

(3) Evaluation and Selection of Proposals. The evaluation and selection of proposals received in response to a CPRE RFP Solicitation shall proceed in two steps as set forth in this subdivision, and shall be subject to the Commission's oversight as provided in G.S. 62-110.8 and this rule.

(i) In step one, the Independent Administrator shall evaluate all proposals based upon the CPRE RFP Solicitation evaluation factors using the CPRE Program Methodology. The Independent Administrator shall conduct this evaluation in an appropriate manner designed to ensure equitable review of all proposals based on the economic and noneconomic factors contained in the CPRE RFP Solicitation evaluation factors. As a result of the Independent Administrator's evaluation, the Independent Administrator shall, subject to the provisions of subsection (f)(3)(ii) of this Rule, eliminate proposals that fail to meet the CPRE RFP Solicitation evaluation factors and then develop and deliver to the electric public utility's T&D Sub-Team a list of proposals ranked in order from most competitive to least competitive. The Independent Administrator shall redact from the proposals included in the list delivered to the electric public utility any information that identifies the market participant that submitted the proposal and any information in the proposal that is not reasonably necessary for the utility to complete step two of the evaluation process, including economic factors such as cost and pricing information.

(ii) As a part of the step one evaluation, the Independent Administrator may, in its discretion, allow a market participant to modify or clarify its proposal to cure a non-conformance that would otherwise require elimination of the proposal, and may consult with the electric public utility's Evaluation Team to determine whether a proposal meets the CPRE RFP Solicitation Evaluation factors. In consulting with the Evaluation Team, the Independent Administrator shall maintain the anonymity of the market participant that submitted the proposal. The Independent Administrator shall document the reasons for the elimination of a proposal.

(iii) In step two, the electric public utility's T&D Sub-Team shall assess the system impact of the proposals in the order ranked by the Independent Administrator and assign any system upgrade costs attributable to each proposal included in the list provided by the Independent Administrator. The T&D Sub-Team shall conduct this assessment in a reasonable manner, with oversight by the Independent Administrator, and in parallel with the Independent Administrator's allowing modification or clarification of proposals and consultation with the Evaluation Team, as provided in (f)(3)(ii), if applicable. The electric public utility's T&D Sub-Team shall provide its assessment of system upgrade costs to the Independent

Administrator, who shall first determine whether such system upgrade costs have been appropriately assigned and then determine whether the original ranking of proposals needs to be modified to recognize the system upgrade costs assigned to each proposal. The Independent Administrator shall also eliminate any proposal where necessary in order to comply with G.S. 62-110.8(b)(4). If no re-ranking is needed and the Independent Administrator has concluded its evaluation pursuant to (f)(3)(ii) of this Rule, if applicable, then the electric public utility shall select the winning proposals in accordance with subsection (iv) below. If the Independent Administrator modifies the original ranking as result of the assignment of system upgrade costs or the elimination of a proposal, it shall deliver to the T&D Sub-Team of the electric public utility such revised list of proposals ranked in order from most competitive to least competitive (with market participant information redacted as described in step one) and the assignment of system upgrade costs described in this subsection shall be performed again by the T&D Sub-Team and provided to the Independent Administrator, who will re-rank the proposals. This process shall continue on an iterative basis, as directed by the Independent Administrator, until the Independent Administrator determines that the total generating capacity sought in the CPRE RFP Solicitation is satisfied in the most cost-effective manner after taking into account the assignment of system upgrade costs through this step two.

(iv) Upon completion of step two and determination by the Independent Administer of the final ranking of the proposals, the Independent Administrator shall deliver to the Evaluation Team of the electric public utility the final ranked list of proposals. The electric public utility shall select proposals in the order ranked by the Independent Administrator until the total generating capacity sought in the CPRE RFP Solicitation is satisfied, and the Independent Administrator shall provide the electric public utility with the identity of the market participants that were so selected. Upon publication of the list of proposals selected, the Independent Administrator shall declare the CPRE RFP Solicitation closed.

(v) The electric public utility shall proceed to execute contracts (where applicable) with each of the market participants who submitted a proposal that was selected. If a market participant selected pursuant to subsection (iv) fails to execute a contract during the contracting period identified in the CPRE RFP Solicitation, the electric public utility shall provide to the Independent Administrator a short and plain explanation regarding such failure and the Independent Administrator, after consultation with the Evaluation Team, shall determine whether the next-ranked proposal or proposals should be selected in order to procure the total generating capacity sought in the CPRE RFP Solicitation. For the avoidance of doubt, the

Evaluation Team shall not have access to the identifying information of any such proposals prior to the Independent Administrator's determination. If no additional proposals are selected, the capacity amount associated with the proposal of the market participant that failed to execute a contract shall be included in a subsequent CPRE RFP Solicitation; provided that if, no further CPRE RFP Solicitations are scheduled, the electric public utility shall take such action as is directed by the Commission.

(g) CPRE Program Plan.

(1) Each electric public utility shall file in a docket to be established by the Commission, its initial CPRE Program plan with the Commission at the time initial CPRE Program Guidelines are filed under subsection (c) and thereafter shall be filed on or before September 1 of each year.

(2) Each year, beginning in 2018, each electric public utility shall file with the Commission an updated CPRE Program plan covering the remainder of the CPRE Program Procurement Period. At a minimum, the plan shall include the following information:

(i) an explanation of whether the electric public utility is jointly or individually implementing the aggregate CPRE Program requirements mandated by G.S. 62-110.8(a);

(ii) a description of the electric public utility's planned CPRE RFP Solicitations and specific actions planned to procure renewable energy resources during the CPRE Program planning period;

(iii) an explanation of how the electric public utility has allocated the amount of CPRE Program resources projected to be procured during the CPRE Program Procurement Period relative to the aggregate CPRE Program requirements;

(iv) if designated by location, an explanation of how the electric public utility has determined the locational allocation within its balancing authority area;

(v) an estimate of renewable energy generating capacity that is not subject to economic dispatch or economic curtailment that is under development and projected to have executed power purchase agreements and interconnection agreements with the electric public utility or that is otherwise projected to be installed in the electric public utility's balancing authority area within the CPRE Program planning period; and

(vi) a copy of the electric public utility's CPRE Program guidelines then in effect as well as a pro forma power purchase agreement used in its most recent CPRE RFP Solicitation.

(3) Upon the expiration of the CPRE Program Procurement Period, the electric public utility shall file a CPRE Program Plan in the following calendar year identifying any additional CPRE Program procurement requirements, as provided for in G.S. 62-110.8(a).

(4) In any year in which an electric public utility determines that it has fully complied with the CPRE Program requirements set forth in G.S. 62-110.8(a), the electric public utility shall notify the Commission in its CPRE Program Plan, and may petition the Commission to discontinue the CPRE Program Plan filing requirements beginning in the subsequent calendar year.

(h) CPRE Program Compliance Report.

(1) Each electric public utility shall file its annual CPRE Program compliance report, together with direct testimony and exhibits of expert witnesses, on the same date that it files its application to recover costs pursuant to subsection (j) of this rule. The Commission shall consider each electric public utility's CPRE Program compliance report at the hearing provided for in subsection (j) and shall determine whether the electric public utility is in compliance with the CPRE Program requirements of G.S. 62-110.8.

(2) Beginning in 2019, and each year thereafter, each electric public utility shall file with the Commission a report describing the electric public utility's competitive procurement of renewable energy resources under its CPRE Program and ongoing actions to comply with the requirements of G.S. 62-110.8 during the previous calendar year, which shall be the "reporting year." The report shall include the following information, including supporting documentation:

(i) a description of CPRE RFP Solicitation(s) undertaken by the electric public utility during the reporting year, including an identification of each proposal eliminated pursuant to subsection (f)(3)(ii) of this rule and an explanation of the utility's basis for elimination of each proposal;

(ii) a description of the sources, amounts, and costs of third-party power purchase agreements and proposed authorized revenues for utility-owned assets for renewable energy resources procured through CPRE RFP Solicitation(s) during the reporting year, including the dates of all CPRE Program contracts or utility commitments to procure renewable energy resources during the reporting year;

(iii) the forecasted nameplate capacity and megawatt-hours of renewable energy and the number of renewable energy certificates obtained through the CPRE Program during the reporting year;

(iv) identification of all proposed renewable energy facilities under development by the electric public utility that were proposal into a CPRE RFP Solicitation during the reporting year, including whether any non-publicly available transmission or distribution system operations information was used in preparing the proposal, and, if

so, an explanation of how such information was made available to third parties that notified the utility of their intention to submit a proposal in the same CPRE RFP Solicitation;

(v) the electric public utility's avoided cost rates applicable to the CPRE RFP Solicitation(s) undertaken during the reporting year and confirmation that all renewable energy resources procured through a CPRE RFP Solicitation are priced at or below the electric public utility's avoided cost rates;

(vi) the actual total costs and authorized revenues incurred by the electric public utility during the calendar year to comply with G.S. 62-110.8;

(vii) the status of the electric public utility's compliance with the aggregate CPRE Program procurement requirements set forth in G.S. 62-110.8(a);

(viii) a copy of the contract then in effect between the electric public utility and Independent Administrator, supporting information regarding the administrative fees collected from participants in the CPRE RFP Solicitation during the reporting year, as well as any cost incurred by the electric public utility during the reporting year to implement the CPRE RFP Solicitation; and

(ix) certification by the Independent Administrator that all public utility and third-party proposal responses were evaluated under the published CPRE Program Methodology and that all proposals were treated equitably through the CPRE RFP Solicitation(s) during the reporting year.

(i) Compliance with CPRE Program Requirements.

(1) An electric public utility shall be in compliance with the CPRE Program requirements during a given year where the Commission determines that the electric public utility's CPRE Program plan is reasonably designed to meet the requirements of G.S. 62-110.8 and, based on the utility's most recently filed CPRE Program compliance report, that the electric public utility is reasonably and prudently implementing the CPRE Program requirements.

(2) An electric public utility, or other interested party, may petition the Commission to modify or delay the provisions of G.S. 62-110.8 in whole or in part. The Commission shall allow a modification or delay upon finding that it is in the public interest to do so.

(3) Renewable energy certificates purchased or earned by an electric public utility while complying with G.S. 62-110.8 must have been earned after January 1, 2018, and may be retired to meet an electric public utility's REPS compliance obligations under G.S. 62-133.8.

(4) The owner of any renewable energy facility included as part of a proposal selected through a CPRE RFP Solicitation shall register the facility as a new renewable energy facility under Rule R8-66 no later than 60 calendar days from receiving written notification that the facility was included as part of a

proposal selected and shall participate in the North Carolina Renewable Energy Tracking System (NC-RETS) to facilitate the issuance or importation of renewable energy certificates contracted for under the CPRE Program.

(j) Cost or authorized revenue recovery.

(1) Beginning in 2018, for each electric public utility, the Commission shall schedule an annual public hearing pursuant to G.S. 62-110.8(g) to review the costs incurred or anticipated to be incurred by the electric public utility to comply with G.S. 62-110.8. The annual rider hearing for each electric public utility will be scheduled as soon as practicable after the hearing held by the Commission for the electric public utility under Rule R8-55.

(2) The Commission shall permit each electric public utility to charge an increment or decrement as a rider to its rates to recover in a timely manner the reasonable and prudent costs incurred and anticipated to be incurred to implement its CPRE Program and to comply with G.S. 62-110.8. In any application for cost recovery and collection of authorized revenues wherein the utility proposes to recover costs or collect revenues attributable to a utility-owned renewable energy facility calculated on a market basis, in lieu of a cost-of-service basis, the utility shall support its application with testimony specifically addressing the calculation of those costs and revenues sufficient to demonstrate that recovery on a market basis is in the public interest.

(3) Unless otherwise ordered by the Commission, the test period for each electric public utility shall be the same as its test period for purposes of Rule R8-55.

(4) Rates set pursuant to this section shall be recovered during a fixed recovery period that shall coincide, to the extent practical, with the recovery period for the cost of fuel and fuel-related cost rider established pursuant to Rule R8-55.

(5) The costs and authorized revenue will be further modified through the use of a CPRE Program experience modification factor (CPRE EMF) rider. The CPRE EMF rider will reflect the difference between reasonable and prudently-incurred CPRE Program projected costs, authorized revenue, and the revenues that were actually realized during the test period under the CPRE Program rider then in effect. Upon request of the electric public utility, the Commission shall also incorporate in this determination the experienced over-recovery or under-recovery of the costs and authorized revenue up to 30 days prior to the date of the hearing, provided that the reasonableness and prudence of these costs and authorized revenues shall be subject to review in the utility's next annual CPRE Program cost recovery hearing.

(6) The CPRE EMF rider will remain in effect for a fixed 12-month period following establishment and will carry through as a rider to rates established in any intervening general rate case proceedings.

(7) Pursuant to G.S. 62-130(e), any over-collection of reasonably and prudently-incurred costs and authorized revenues to be refunded to an electric public utility's customers through operation of the CPRE EMF rider shall include an amount of interest, at such rate as the Commission determines to be just and reasonable, not to exceed the maximum statutory rate.

(8) Each electric public utility shall follow deferred accounting with respect to the difference between actual reasonably and prudently-incurred costs or authorized revenue and related revenues realized under rates in effect.

(9) The annual increase in the aggregate amount of costs recovered under G.S. 62-110.8(g) in any recovery period from its North Carolina retail customers shall not exceed one percent (1%) of the electric public utility's total North Carolina retail jurisdictional gross revenues for the preceding calendar year determined as of December 31 of the previous calendar year. Any amount in excess of that limit shall be carried over and recovered in the next recovery period when the annual increase in the aggregate amount of costs to be recovered is less than one percent (1%).

(10) Each electric public utility, at a minimum, shall submit to the Commission for purposes of investigation and hearing the information required for the CPRE Program compliance report for the 12-month test period established in subsection (3) consistent with Rule R8-55, accompanied by supporting workpapers and direct testimony and exhibits of expert witnesses, and any change in rates proposed by the electric public utility at the same time that it files the information required by Rule R8-55.

(11) The electric public utility shall publish a notice of the annual hearing for 2 successive weeks in a newspaper or newspapers having general circulation in its service area, normally beginning at least 30 days prior to the hearing, notifying the public of the hearing before the Commission pursuant to G.S. 62-110.8(g) and setting forth the time and place of the hearing.

(12) Persons having an interest in said hearing may file a petition to intervene setting forth such interest at least 15 days prior to the date of the hearing. Petitions to intervene filed less than 15 days prior to the date of the hearing may be allowed at the discretion of the Commission for good cause shown.

(13) The Public Staff and intervenors shall file direct testimony and exhibits of expert witnesses at least 15 days prior to the hearing date. If a petition to intervene is filed less than 15 days prior to the hearing date, it shall be accompanied by any direct testimony and exhibits of expert witnesses the intervenor intends to offer at the hearing.

(14) The electric public utility may file rebuttal testimony and exhibits of expert witnesses no later than 5 days prior to the hearing date.

(15) The burden of proof as to whether CPRE Program-related costs or authorized revenues to be recovered under this section were reasonable and prudently-incurred shall be on the electric public utility.

(k) Expedited review and approval of Certificate of Public Convenience and Necessity for renewable energy facilities owned by an electric public utility and procured under the CPRE Program.

(1) Scope of Section.

(i) This section applies to applications for a certificate of public convenience and necessity pursuant to G.S. 62-110.8(h)(3) filed by an electric public utility for the construction and operation of renewable energy facilities owned by an electric public utility for compliance with the requirements of G.S. 62-110.8, and to petitions to transfer a certificate of public convenience and necessity to an electric public utility for compliance with the requirements of G.S. 62-110.8. Applications and petitions filed pursuant to this subsection shall be required to comply with the requirements of this subsection and shall not otherwise be required to comply with the requirements of G.S. 62-82 or 62-110.1, or Commission Rules R8-61 or R8-64.

(ii) The construction of a renewable energy facility for the generation of electricity shall include not only the building of a new building, structure or generator, but also the renovation or reworking of an existing building, structure or generator in order to enable it to operate as a generating facility.

(iii) This section shall apply to any person within its scope who begins construction of a renewable energy facility without first obtaining a certificate of public convenience and necessity. In such circumstances, the application shall include an explanation for the applicant's beginning of construction before the obtaining of the certificate.

(iv) This section applies to a petition to transfer an existing certificate of public convenience and necessity issued for renewable energy facilities that an electric public utility acquires from a third party with the intent to own and operate the renewable energy facility to comply with the requirements of G.S. 62-110.8.

(2) The Application. The application shall be comprised of the following exhibits:

(i) Exhibit 1 shall contain:

1. The full and correct name, business address, business telephone number, and electronic mailing address of the electric public utility;
2. A statement describing the electric public utility's corporate structure and affiliation with any other electric public utility, if any; and
3. The ownership of the facility site and, if the owner is other than the applicant, the applicant's interest in the facility site.

(ii) Exhibit 2 shall contain the following site information:

1. 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, 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 is preferred;

2. The E911 street address, county in which the proposed facility would be located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree; and
3. Whether the electric public utility is the site owner, and, if not, providing the full and correct name of the site owner and the electric public utility's interest in the site.

(iii) Exhibit 3 shall include:

1. The nature of the renewable energy facility, including the type and source of its power or fuel;
2. A description of the buildings, structures and equipment comprising the renewable energy facility and the manner of its operation;
3. The gross and net projected maximum dependable capacity of the renewable energy facility as well as the renewable energy facility's nameplate capacity, expressed as megawatts (alternating current);
4. The projected date on which the renewable energy facility will come on line;
5. The service life of the project;
6. The projected annual hourly production profile for the first full year of operation of the renewable energy facility in kilowatt-hours, including an explanation of potential factors influencing the shape of the production profile, including the following, if applicable: fixed tilt or tracking panel arrays, inverter loading ratio, over-paneling, clipped energy, or inverter AC output power limits;
7. The projected annual production of renewable energy certificates that is eligible for compliance with the State's renewable energy and energy efficiency portfolio standard.

(iv) Exhibit 3 shall include:

1. A complete list of all federal and state licenses, permits and exemptions required for construction and operation of the renewable energy facility and a statement of whether each has been obtained or applied for; and
2. A copy of those that have been obtained should be filed with the application; a copy of those that have not been obtained

at the time of the application should be filed with the Commission as soon as they are obtained.

(v) Exhibit 4 shall contain the expected cost to construct, operate and maintain the proposed facility.

(vi) Exhibit 5 shall contain the following resource planning information:

1. The utility's most recent biennial report and the most recent annual report filed pursuant to Rule R8-60, plus any proposals by the utility to update said reports;
2. The extent to which the proposed facility would conform to the utility's most recent biennial report and the most recent annual report that was filed pursuant to Rule R8-60;
3. A statement of how the facility would contribute to resource and fuel diversity, whether the facility would have dual-fuel capability, and how much fuel would be stored at the site;
4. An explanation of the need for the facility, including information on energy and capacity forecasts; and
5. An explanation of how the proposed facility meets the identified energy and capacity needs, including the anticipated facility capacity factor, heat rate, and service life.

(3) Petition for transfer of certificate of public convenience and necessity. When an electric public utility procures an operating renewable energy facility through a CPRE RFP Solicitation with intent to own and operate the facility and the renewable energy facility has been previously issued a certificate of public convenience and necessity, the electric public utility shall petition the Commission to transfer the certificate of public convenience and necessity. A petition requesting that the Commission transfer a certificate of public convenience and necessity shall include the following:

(i) a description of the terms and conditions of the electric public utility's procurement of the renewable energy facility under the CPRE Program and an identification of any significant changes to the information in the application for the certificate of public convenience and necessity, which the Commission considered in the issuance of the certificate for that facility;

(ii) The signature and verification of the electric public utility's employee or agent responsible for preparing the petition stating that the contents thereof are known to the employee or agent and are accurate to the best of that person's knowledge; and

(iii) The verification of a person authorized to act on behalf of the certificate holder that it intends to transfer the certificate of public convenience and necessity to the electric public utility.

(4) Procedure for Acquiring Project Development Assets. — When an electric public utility purchases from a third party developer assets that include the rights to construct and operate a renewable energy facility that has been issued a certificate of public convenience and necessity with the intent of further developing the project and submitting the renewable energy facility in to a future CPRE RFP Solicitation, the electric public utility shall provide

notice to the Commission in the docket where the certificate of public convenience and necessity was issued that the electric public utility has acquired ownership of the project development assets. The electric public utility shall not be required to submit a petition for transfer of the certificate of public convenience and necessity unless and until the project is selected through a CPRE RFP Solicitation or the electric public utility otherwise elects to proceed with construction of the renewable energy facility. If the project is selected through a CPRE RFP Solicitation or the electric public utility otherwise elects to proceed with construction of the renewable energy facility, the electric public utility shall file a petition to transfer the certificate of public convenience and necessity, and the Commission shall process the petition in the same manner provided in (6) of this subsection. In any event, the petition shall be filed prior to the electric public utility commencing the construction or operation of the renewable energy facility, and no rights under the certificate of public convenience and necessity shall transfer to the electric public utility unless and until the Commission approves transfer of the certificate.

(5) Procedure for expedited review of applications for a certificate of public convenience and necessity. – The Commission will process applications for certificates of public convenience and necessity filed pursuant to this section as follows:

(i) The electric public utility shall file with the Commission its preliminary plans at least 30 days before filing an application for a certificate of public convenience and necessity. The preliminary plans shall include the following:

1. Exhibit 1 shall contain the following site information:

a. A color map or aerial photo (a U.S. Geological Survey map or an aerial photo map prepared via the State's geographic information system is preferred) showing the proposed site boundary and layout, with all major equipment, including the generator and inverters, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities;

b. The E911 street address, county in which the proposed facility would be located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree;

c. The full and correct name of the site owner and, if the owner is other than the applicant, the applicant's interest in the site;

d. A brief general description of practicable transmission line routes emanating from the site, including a color map showing their general location; and

e. The gross, net, and nameplate generating capacity of each unit and the entire facility's total projected dependable capacity in alternating current (AC).

2. Exhibit 2 shall contain a list of all agencies from which approvals will be sought covering various aspects of any generation facility constructed on the site and the title and nature of such approvals; and

3. Exhibit 3 shall include a schedule showing the anticipated beginning dates for construction, testing, and commercial operation of the generating facility.

(ii) Within ten days of the filing of its preliminary plans, the Applicant shall cause to be published a notice of its filing of preliminary plans to apply for an expedited certificate of public convenience and necessity in a newspaper having general circulation in the area where the generating facility. The notice shall be in the form provided in the Appendix to this Chapter, and the applicant shall be responsible for filing with the Commission an affidavit of publication to the effect that the notice was published as required by this rule;

(iii) The Chief Clerk will deliver 2 copies of the electric public utility's preliminary plans to the State Environmental Review Clearinghouse for distribution by the Clearinghouse Coordinator to State agencies having an interest in the application. The Chief Clerk will request comments from State agencies within 30 days of delivering notice to the Clearinghouse Coordinator.

(iv) The applicant shall file the application within 60 days of filing of its preliminary plans.

(v) The Commission will issue an order requesting the Public Staff to investigate the application and present its findings, conclusions, and recommendations at the Regular Commission Staff Conference to be held on the third Monday following the filing of the application, and requiring the applicant to publish notice of the application and of the time and place of the Staff Conference where the application will be considered. The notice shall be published once in a newspaper of general circulation in the area where the generating facility is proposed to be constructed. The applicant shall be responsible for filing with the Commission an affidavit of publication to the effect that the notice was published as required by this rule.

(vi) If significant complaint(s) are filed with the Commission prior to the Regular Commission Staff Conference where the application is to be considered, the Public Staff shall report the same to the Commission and the Commission shall schedule a public hearing to determine whether a certificate should be awarded. The Commission will give reasonable notice of the time and place of the hearing to the applicant and to each complaining party, and require the applicant to publish notice of the time and place of the hearing. The notice shall be published once in a newspaper of general circulation in the area

where the generating facility is proposed to be constructed. The applicant shall be responsible for filing with the Commission an affidavit of publication to the effect that the notice was published as required by this rule.

(vii) If no significant complaint(s) are received within the time specified, the Commission may, upon its own initiative, order and schedule a hearing to determine whether a certificate should be awarded. The Commission will give reasonable notice of the time and place of the hearing to the applicant and require the applicant to publish notice of the time and place of the hearing. The notice shall be published once in a newspaper of general circulation in the area where the generating facility is proposed to be constructed. The applicant shall be responsible for filing with the Commission an affidavit of publication to the effect that the notice was published as required by this rule.

(viii) The Commission, for good cause shown, may order such additional investigation, further hearings, and required filings as it deems necessary and appropriate to address the issues raised in the application or by parties opposing the issuance of the requested certificate; and

(ix) If no significant complaint(s) are filed with the Commission and the Commission does not order a hearing on its own initiative nor order additional investigation, further hearings, or required filings, then the Commission shall consider the application at the Regular Commission Staff Conference as scheduled and, thereafter, issue an order on the application within 30 days after the application is filed, or as near after the 30th days as reasonably practicable. Where the Commission deems issuance of an order on the application within 30 days is impossible, the Commission may issue a notice of decision within 30 days after the application is filed and subsequently issue a final order in the matter.

(6) Procedure for Expedited Transfer of certificate of public convenience and necessity. — The Commission shall process a petition to transfer a certificate of public convenience pursuant to the CPRE Program as follows:

(i) Any petition to transfer an existing certificate of public convenience and necessity shall be signed and verified by the electric public utility applicant. A petition to transfer an existing certificate of public convenience and necessity shall also be verified by the entity which was initially granted the certificate of public convenience and necessity that it intends to transfer the certificate of public convenience and necessity to the electric public utility.

(ii) The Commission will issue an order requesting the Public Staff to investigate the petition and present its findings, conclusions, and recommendations at the Regular Commission Staff Conference to be held on the third Monday following the filing of the application, and

requiring the applicant to publish notice of the petition and of the time and place of the Staff Conference where the application will be considered. The notice shall be published once in a newspaper of general circulation in the area where the generating facility is located. The applicant shall be responsible for filing with the Commission an affidavit of publication to the effect that the notice was published as required by this rule.

(iii) If significant complaint(s) are filed with the Commission prior to the Regular Commission Staff Conference where the petition is to be considered, the Public Staff shall report the same to the Commission and the Commission shall schedule a public hearing to determine whether the petition for transfer of the certificate should be granted. The Commission will give reasonable notice of the time and place of the hearing to the applicant and to each complaining party, and require the applicant to publish notice of the time and place of the hearing. The notice shall be published once in a newspaper of general circulation in the area where the generating facility is located. The applicant shall be responsible for filing with the Commission an affidavit of publication to the effect that the notice was published as required by this rule.

(iv) If no significant complaint(s) are received within the time specified, the Commission may, upon its own initiative, order and schedule a hearing to determine whether a certificate should be awarded. The Commission will give reasonable notice of the time and place of the hearing to the applicant and require the applicant to publish notice of the time and place of the hearing. The notice shall be published once in a newspaper of general circulation in the area where the generating facility is located. The applicant shall be responsible for filing with the Commission an affidavit of publication to the effect that the notice was published as required by this rule.

(v) The Commission, for good cause shown, may order such additional investigation, further hearings, and required filings as it deems necessary and appropriate to address the issues raised in the application or by parties opposing the issuance of the requested certificate; and

(vi) If no significant complaint(s) are filed with the Commission and the Commission does not order a hearing on its own initiative nor order additional investigation, further hearings, or required filings, then the Commission shall consider the petition at the Regular Commission Staff Conference as scheduled and, thereafter, issue an order on the application within 30 days after the application is filed, or as near after the 30th days as reasonably practicable. Where the Commission deems issuance of an order on the application within 30 days is impossible, the Commission may issue a notice of decision within 30 days after the application is filed and subsequently issue a final order in the matter.

(l) CPRE Program Power Purchase Agreement Requirements

(1) Prior to holding a CPRE RFP Solicitation, and on or before the date set by Commission order, the Independent Administrator shall post the pro forma contract to be utilized during the CPRE RFP Solicitation on the IA Website to inform market participants of terms and conditions of the competitive solicitation. The electric public utility shall also file the pro forma contract with the Commission and identify any material changes to the pro forma contract terms and conditions from the contract used in the electric public utility's most recent CPRE RFP Solicitation.

(2) Each electric public utility shall include appropriate language in all pro forma contracts (i) providing the procuring electric public utility rights to dispatch, operate, and control the solicited renewable energy facilities in the same manner as the utility's own generating resources; (ii) defining limits and compensation for resource dispatch and curtailments; (iii) defining environmental and renewable energy attributes to include all attributes that would be created by renewable energy facilities owned by the electric public utility; and (iv) prohibiting the seller from claiming or otherwise remarketing the environmental and renewable energy attributes, including the renewable energy certificates being procured by the electric public utility under power purchase agreements entered into under the CPRE Program. An electric public utility may propose redefining its rights to dispatch, operate, and control solicited renewable energy facilities, including defining limits and compensation for resource dispatch and curtailments, in pro forma contracts to be offered in future CPRE RFP Solicitations. In addition, an electric public utility may, within a single CPRE RFP Solicitation, propose multiple pro forma contracts that offer different rights to dispatch, operate, and control renewable energy facilities.

(3) No later than 30 days after an electric public utility executes a power purchase agreement pursuant to a CPRE RFP Solicitation, the public utility shall file the power purchase agreement with the Commission. If the power purchase agreement is with an Affiliate, the electric public utility shall file the power purchase agreement with the Commission pursuant to G.S. 62-153(a).

(4) Upon expiration of the term of a power purchase agreement procured pursuant to a CPRE RFP Solicitation, a renewable energy facility owner, other than the electric public utility, may enter into a new contract with the electric public utility pursuant to G.S. 62-156 or obtain a new contract based on an updated market based mechanism, as determined by the Commission pursuant to G.S. 62-110.8(a). If market-based authorized revenue for a generating facility owned by the electric public utility and procured pursuant to this Rule was initially determined by the Commission to be in the public interest, then the electric public utility shall similarly be permitted to continue to receive authorized revenue based on an updated market based mechanism, as determined by the Commission pursuant to G.S. 62-110.8(a). Any market based rate for either utility owned or non-utility owned facilities shall not exceed the electric public utility's

avoided cost rate established pursuant to G.S. 62-156. If the electric public utility's initial proposal includes assumptions about pricing after the initial term, such information shall be made available to the Independent Administrator and all participants.

(NCUC Docket No. E-100, Sub 150, 11/06/2017; NCUC Docket No. E-100, Sub 150, 04/09/2018; NCUC Docket No. E-100, Sub 166, 08/31/2020; NCUC Docket No. M-100, Sub 196, 9/18/2023; NCUC Docket No. E-100, Sub 191, 11/21/2023.)

Rule R8-72. COMMUNITY SOLAR PROGRAM.

(a) Purpose. The purpose of this Rule is to implement the provisions of G.S. 62-126.8 as they relate to each offering utility's implementation of a Community Solar Program for the participation of retail customers.

(b) Definitions. Unless listed below, the definitions of all terms used in this Rule shall be as set forth in G.S. Chapter 62. The following terms are defined for purposes of this Rule as:

(1) "Community solar energy facility" or "facility" means a solar photovoltaic energy system that complies with the requirements set forth in G.S. 62 126.8(b) and (c), and is used to satisfy a portion of the generating capacity required by G.S. 62-126.8(a).

(2) "Community Solar Program" or "Program" means the program offered by an offering utility for the procurement of electricity by the offering utility for the purpose of providing subscribers the opportunity to share the costs and benefits associated with the generation of electricity by the facility.

(3) "Community Solar Program Plan" or "Program Plan" means the plan for implementation of the Community Solar Program, to be filed by each offering utility for the Commission's review and approval.

(4) "Solar photovoltaic energy system" means equipment and devices that have the primary purpose of collecting solar energy and generating electricity by photovoltaic effect.

(5) "Subscriber" means a retail customer of the offering utility who subscribes to one or more blocks of community solar energy facility generating capacity, and is located in the state of North Carolina and in the same county or county contiguous to the facility, unless subject to an exemption pursuant to G.S. 62-126.8(c) and Section (e)(4) of this Rule.

(6) "Subscription" means the individual block of community solar energy facility generating capacity, which represents 200 watts or more of such generating capacity but not more than 100% of each subscriber's maximum annual peak demand of electricity at the subscriber's premises, to be purchased by a subscriber for a set term of up to twenty-five (25) years, throughout which the subscriber receives a bill credit for the subscribed amount of electricity generated by the facility.

(7) "Subscription fee" means any charge paid by a retail customer in exchange for a subscription to an approved Program.

(c) Community Solar Program Plan Filing Requirements.

(1) Each offering utility shall file, on or before January 23, 2018, an initial proposed Program Plan, which shall meet the requirements of G.S. 62-126.8(e), and shall contain the following:

(i) the standards and processes for the offering utility to recover reasonable interconnection costs, administrative costs, fixed and variable costs associated with each facility, and any other forecasted costs and intended cost recovery mechanisms;

(ii) an explanation of how non-subscribing customers of the offering utility will be held harmless from the Program, including a description of how the offering utility intends to avoid cross-subsidization of Program costs with non-subscribing customers;

(iii) a description of and justification for Program participation options available to subscribers, including a description of any available payment plans or financing options, information on the treatment of subscriptions if a subscriber moves within or outside of the offering utility's service territory, and whether and how subscriptions may be transferred from a subscriber to another customer who is eligible to participate in the Program;

(iv) the methodology for determining the subscription fee, including whether a subscriber would retain his or her existing rate tariff, and a description and justification for any proposed upfront subscription fee and the projected impact of each such fee on overall participation in the Program;

(v) the methodology for determining the avoided cost rate at which subscribers will receive bill credits;

(vi) the methodology for determining nameplate capacity of a facility;

(vii) a discussion of how the Program will be promoted, including the projected costs associated with marketing and promotion efforts, examples of communications or marketing materials to be used, and identification of information to be provided to customers, including but not necessarily limited to: an itemized list of any and all charges composing the subscription fee and the schedule upon which the charges would be due, the process by which a subscriber can file a complaint with the Commission, and all offering utility and Commission rules governing the Program;

(viii) a tariff, pro forma contract between the subscriber and the offering utility, a statement of terms and conditions, or any or all of these, that contain all terms and conditions regarding costs, risks, and benefits to the subscriber, an itemized list of any one-time and ongoing subscription fees, an explanation of renewable energy certificates, and when and how the subscriber will receive notifications regarding project status and performance;

(ix) a description of a subscriber's option to own the renewable energy certificates produced by the facility, including how this information will be distributed to subscribers;

(x) an estimate of economic costs and benefits for an average program subscriber, estimated time period for a subscriber to receive a return on investment, and a description of any quantifiable economic or environmental benefits to non-subscribing customers;

(xi) a description of siting considerations and site selection process;
(xii) a description and analysis of how the offering utility's Program design will minimize costs and maximize benefits for each subscriber;
(xiii) a description of the offering utility's intended method for the procurement of solar energy for the Program, including a cost estimate and justification for each method proposed;
(xiv) an implementation schedule for installing 20 MW of solar energy, including a cost estimate and justification for the proposed schedule; and
(xv) a description of how the Program Plan is consistent with the public interest.

(2) The offering utility shall file annually with the Commission a report that includes any proposed amendments or revisions to its existing Program Plan and updates on Program implementation progress, marketing efforts, the number of participants subscribed, and capacity subscribed.

(3) An offering utility shall provide additional updates upon request by the Public Staff, or as required by the Commission.

(4) An offering utility shall apply for and obtain Commission approval before implementing any amendment to an existing Program Plan, including whether to delay, suspend, or close a Program to new subscribers.

(d) Minimum Program requirements and procedures.

(1) The offering utility may elect to own and operate facilities to procure energy for the Program, may procure energy for the Program through power purchase agreements with qualifying "small power production facilities" as defined in 16 U.S.C. § 796, or both.

(2) Retail customers of each offering utility may voluntarily subscribe to the Program on a first-come, first-served basis in a manner consistent with any Program Plan approved by the Commission.

(3) No single subscriber shall subscribe to more than a forty percent (40%) interest in an offering utility's Program.

(4) Subscribers may subscribe to individual blocks, sized to represent 200 watts or more, of a facility's generating capacity.

(5) Subscribers are responsible to pay the subscription fee for each block of facility capacity to which they subscribe.

(6) Subscribers may purchase multiple subscriptions consistent with G.S. 62-126.8, subject to each offering utility's cap for residential, commercial, and industrial customers limited to no more than one hundred percent (100%) of the maximum annual peak demand of electricity of each subscriber at the subscriber's premises.

(7) A subscriber shall be notified of Program enrollment prior to first being billed and credited in accordance with his or her subscription.

(8) If enrollment exceeds availability, the offering utility shall add potential subscribers to a subscriber waiting list.

(e) Procedure for Review of Community Solar Program Plans.

(1) The Commission may approve, disapprove, or modify an offering utility's initial Program Plan, annual report, or any proposed amendments to an existing Program Plan.

(2) After the filing of an offering utility's Program Plan or request to amend an existing Program Plan, the Commission will issue a procedural order setting deadlines for intervention and comments, and will proceed as appropriate and in a manner consistent with this Rule and G.S. 62-126.8.

(3) The Commission, for good cause shown, may order any investigation, hearing, or required filings as it deems necessary and appropriate to address the issues raised in a Program Plan, annual report, or any proposed amendments to an existing Program Plan filed by an offering utility. The scope of any such investigation, hearing, or required filings shall be limited to such issues as identified by the Commission.

(4) To the extent the offering utility seeks an exemption of the requirement in G.S. 62-126.8(c) that subscribers must be located in the same county or county contiguous to where the facility is located, the offering utility shall file with the Commission a request for such an exemption. If the Commission determines the request is in the public interest, it shall approve the request, provided that the subscriber remains a resident of the State and that the facility is located no more than 75 miles from the county of the subscriber.

(5) The offering utility shall have the burden of proof to demonstrate that the offering utility's Program Plan, annual reports, and any proposed amendments to an existing Program Plan are reasonable and comply with the requirements in G.S. 62-126.8 and this Rule.

(NCUC Docket No. E-100, Sub 155, 12/19/2017.)

Rule R8-73. APPLICATIONS FOR CERTIFICATE OF AUTHORITY TO ENGAGE IN BUSINESS AS AN ELECTRIC GENERATOR LESSOR; TRANSFERS; AND NOTICE.

(a) Scope of Rule.

(1) This rule applies to applications for a certificate to engage in business as an electric generator lessor filed pursuant to G.S. 62-126.7 by any person seeking to own and lease one or more solar energy facilities as authorized by and subject to the provisions of Article 6B of Chapter 62.

(2) The terms and definitions set forth in G.S. 62-126.3 apply for the purposes of this rule.

(3) This rule shall apply to any offering utility, or any other person or entity who owns and leases a solar energy facility to another person, holds itself out as doing so or able to do so, solicits another person to enter into a lease of a solar facility, or that proposes such a transaction or arrangement, by whatever name, which substantively functions as a lease of a solar energy facility, without regard to whether such person or entity intends to do so for pecuniary gain.

(b) The Application.

(1) The Application shall be comprised of the following:

(i) The full and correct name, business address, business telephone number, and electronic mailing address of the applicant;

(ii) A statement of whether the applicant is an individual, a partnership, a limited liability company, or a corporation; and, if a partnership, the name, telephone number, business address, and electronic mailing address of each partner; and, if a limited liability company, the name, telephone number, business address, and electronic mailing address of each member; and, if a corporation, the name, telephone number, business address, and electronic mailing address of each corporate officer; and, if a foreign corporation, whether domesticated in North Carolina;

(iii) A listing of the electric service providers within whose assigned service territory the applicant proposes to engage in or solicit business as an electric generator lessor;

(iv) The proof or certification required by G.S. 62-126.7 and this Rule, as appropriate; and

(v) A verification that the person submitting the application is authorized to do so on behalf of the applicant, has read and knows the content of the application, and that the contents of the application are true to the best of his or her information or belief.

(2) Application for authority to engage in business as an electric generator lessor shall be made on the form furnished by the Commission and any exhibits must be attached thereto and made a part of the application. The original of the application, including exhibits, must be filed with the Commission with a copy to the Public Staff. No application shall be deemed filed until the Commission receives and collects the filing fee as set forth in G.S. 62-300.

(3) Applications 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 the Commission schedule a hearing on the application or establish a proceeding to review the certificate, the requirements of G.S. 84-4 and G.S. 84-4.1 shall apply.

(4) The application shall be signed and sworn to by the applicant. If the applicant is a partnership, one partner may sign and verify for all; but the names and addresses of all partners must appear in the application and a certified copy of the partnership agreement, as filed in the county wherein the principal office of the partnership is located, must be filed with the Commission. Trade names will not be allowed unless the names and addresses of all owners are given. If the applicant is a corporation, a duly authorized officer of the corporation must sign and verify the application. The names and addresses of the officers of the corporation must be given and a certified copy of the corporate charter filed with the application. If the applicant is a limited liability company, a manager of the limited liability company must sign and verify the application. The names and addresses of the principal members and managers of the limited liability company must be given and a certified copy of the articles of organization filed with the application.

(5) Pursuant to G.S. 62-126.7, the applicant shall provide proof or certification of the following:

(i) That the applicant is fit, willing, and able to own and lease solar energy facilities;

(ii) That the applicant is financially solvent, able to obtain and continue adequate insurance protection, and able to maintain its equipment in a safe, dependable manner;

(iii) That the applicant maintains minimum limits of $100,000 of general liability insurance coverage;

(iv) That the applicant will register with the Commission each solar energy facility that the applicant owns and leases to a customer generator lessee by filing an application for a certificate of public convenience of necessity or a report of proposed construction and, if the facility is intended to earn renewable energy certificates eligible for compliance with the North Carolina Renewable Energy and Energy Portfolio Standard, an application to register the facility as a new renewable energy facility pursuant to Rule R8-66;

(v) That the applicant's lease agreements meet the requirements of G.S. 62-126.6, and that any payments made under the lease are not based upon the metered output of the leased facility;

(vi) That the applicant will consent to the auditing of its books and records by the Public Staff and the Commission insofar as those records relate to transactions with an offering utility or a customer generator lessee that is located in the State;

(vii) That the applicant will conduct its business in substantial compliance with all federal and State laws, regulations, and rules for the protection of the environment and conservation of natural resources, the provision of electric service, and the protection of consumers; and

(viii) That the applicant will annually file on or before April 1 of each year, a certification of continuing compliance with G.S. 62-126.7 and this Rule.

(c) Sale or Transfer of the Certificate.

(1) No transfer or sale of a certificate may occur before the transferee or buyer, respectively, certifies to the Commission its present and future compliance with G.S. 62-126.7 and makes the following additional representations:

(i) That the transferee or buyer is fit, willing, and able to own and lease solar energy facilities;

(ii) That the transferee or buyer is financially solvent, able to obtain and continue adequate insurance protection, and maintain its equipment in a safe, dependable manner;

(iii) That the transferee or buyer maintains minimum limits of $100,000 of general liability insurance coverage;

(iv) That the transferee or buyer will register with the Commission each solar energy facility that the transferee or buyer leases to a customer generator lessee by filing an application for a certificate of public convenience of necessity or report of proposed construction and, if the facility is intended to earn renewable energy certificates eligible for compliance with the North Carolina Renewable Energy and Energy Portfolio Standard, an application to register as a new renewable energy facility;

(v) That the transferee or buyer's lease agreements meet the requirements of G.S. 62-126.6, and that any payments made under the lease are not based upon the metered output of the leased facility;

(vi) That the transferee or buyer will consent to the auditing of its books and records by the Public Staff and the Commission insofar as those records relate to transactions with an offering utility or a customer generator lessee that is located in the State;

(vii) That the transferee or buyer will conduct its business in substantial compliance with all federal and State laws, regulations, and rules for the protection of the environment and conservation of natural resources, the provision of electric service, and the protection of consumers; and

(viii) That the transferee or buyer will annually file on or before April 1 of each year, a certification of continuing compliance with G.S. 62-126.7 and this Rule.

(2) If the transferee or buyer is a corporation, a true and accurate or certified copy of its corporate charter must be filed with said certification unless same is already on file with the Commission. If the transferee or buyer is a limited liability company, a true and accurate or certified copy of its articles of organization must be filed with said certification unless same is already on file with the Commission.

(d) Amendment to Certificate. A holder of a certificate to engage in business as an electric generator lessor shall notify the Commission within fifteen (15) days of any material change in status, including change in the assigned service territories where the certificate holder is operating as an electric generator lessor.

(e) Confidential Information. If an applicant considers certain of the required information 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.

(f) Procedure upon receipt of Application. - Upon the filing of an application appearing to meet the requirements set forth above, the Commission will process it as follows:

(1) The Chief Clerk will assign a new docket or sub-docket number to the filing.

(2) The Commission will issue an order requiring the applicant to transmit notice thereof to each offering utility or municipal electric service provider within whose assigned service territory the applicant proposes to operate. The applicant shall be responsible for filing with the Commission a signed and verified certificate of service to the effect that the application and notice have been mailed to each offering utility or municipal electric service provider within whose assigned service territory the applicant proposes to operate.

(3) If the applicant does not file the certificate of service within twelve (12) months of the Commission's order requiring mailing of notice, the Commission will dismiss the application.

(4) No later than twenty (20) business days after the application is filed with the Commission, the Public Staff shall file with the Commission and serve upon the applicant a recommendation regarding whether the application is complete and identifying any deficiencies. If the Commission determines that the application is not complete, the applicant will be required to file the missing information.

(5) If no protests raising material issues of fact to the granting of the application are filed with the Commission within thirty (30) days after the certificate of service is filed, and the Commission does not order a hearing on its own initiative, the Commission shall proceed to decide the application on the basis of information contained in the application and exhibits and the recommendation required by subsection (f)(4) of this rule.

(6) If a protest raising a material issue of fact to the granting of the application is filed within thirty (30) days after the certificate of service is filed, the Commission shall set the application for hearing and cause notice thereof to be given to the applicant and all other parties of record.

(g) Review, Suspension, Reinstatement, or Revocation of Certificate.

(1) Upon the request of an electric public utility, a municipal electric service provider, an electric membership corporation, the Public Staff, a customer generator lessee, or other person having an interest in a certificate holder's conduct of its business, or upon the Commission's own motion for good cause, the Commission shall investigate whether the electric generator lessor is conducting business in compliance with the provisions of Article 6B of Chapter 62, the conditions on the certificate, or a lawful order of the Commission.

(2) In reviewing the certificate, the Commission may issue an order requiring the certificate holder to make appropriate filings to demonstrate its compliance with the provisions of Article 6B of Chapter 62 and this Rule, and setting a schedule for the proceeding, including setting the matter for hearing.

(3) By issuance of the order establishing a review proceeding, the Commission, in its discretion, may suspend the certificate and require the certificate holder to immediately cease and desist from engaging in business as an electric generator lessor.

(4) At any hearing instituted upon request of a complaining party for the purpose of reviewing the certificate holder's compliance with the provisions of Article 6B of Chapter 62 and this Rule, the complainant shall have the burden of proof. At any other hearing, including a hearing instituted by the Commission, the burden of proof shall be on the electric generator lessor.

(5) After the hearing, and for good cause shown, the Commission may, in its discretion, reinstate a suspended certificate, continue a suspension of a certificate, or revoke a certificate. In addition, the Commission may impose a civil penalty of not more than ten thousand dollars ($10,000) per occurrence for any person whom the Commission determines either directly or indirectly engaged in any unfair or deceptive practice in the leasing of

solar energy facilities, otherwise violated the requirements of G.S. 62-126.6, or operated in violation of the terms of the certificate.

(6) The certificate shall be subject to administrative revocation if the certificate holder fails to file the certificate of compliance required by this rule on or before April 1 of each year, or if the certificate holder is demonstrated to have failed to conduct business in substantial compliance with all federal and State laws, regulations, and rules for the protection of the environment and conservation of natural resources, the provision of electric service, and the protection of consumers, and that fact is brought to the attention of the Commission.

(h) Procedure on Complaint that a Person is Operating without a Certificate.

(1) Upon complaint of an electric public utility, a municipal electric service provider, an electric membership corporation, the Public Staff, a customer generator lessee, or other person having an interest in the conduct of a person who is alleged to be operating as an electric generator lessor without a valid certificate, the Commission shall enter upon a proceeding to investigate the complaint.

(2) In a proceeding to investigate a complaint that a person is alleged to be operating as an electric generator lessor without a valid certificate, the Commission shall issue an order establishing the proceeding, requiring appropriate filings from the parties, and setting a schedule for the proceeding, including setting the matter for hearing.

(3) By issuance of the order establishing a proceeding to investigate a complaint that a person is alleged to be operating without a valid certificate, the Commission may require such person to immediately cease and desist from engaging in business as an electric generator lessor.

(4) At the hearing in a proceeding to investigate a complaint that a person is alleged to be operating without a valid certificate, the complainant shall have the burden to show that the person is soliciting business or otherwise operating as an electric generator lessor without a valid certificate.

(5) The Commission, upon determining that the person is soliciting business or otherwise operating as an electric generator lessor without a valid certificate may, by final order issued in such an investigatory proceeding, declare such person to have violated the provisions of Article 6B of Chapter 62, restrain permanently the person from engaging in the conduct complained of, and impose a civil penalty of not more than ten thousand dollars ($10,000) per occurrence.

(i) Reporting.

(1) Each offering utility shall file with the Commission a report, on or before April 1, 2019, and each calendar year thereafter, which contains the following information: (i) the total installed capacity of all solar energy facilities on an offering utility's system that are leased pursuant to G.S. 62-126.7; (ii) the previous five-year average of the North Carolina retail contribution to the offering utility's coincident retail peak demand; and (iii) the percentage of available installed capacity remaining until the statutory cap set forth in G.S. 62-126.5(d) is reached.

(2) In addition to the report required in subsection (i)(1) of this Rule, the offering utility shall file with the Commission a notice when the total installed capacity of all solar energy facilities installed on the utility's system that are leased pursuant to G.S. 62-126.7 represents 0.25 percent, 0.5 percent, and 0.75 percent of the previous five-year average of the North Carolina retail contribution to the offering utility's coincident retail peak demand. The report required by this subsection shall be filed within twenty (20) days after the offering utility having reached the respective level of installed capacity.

(NCUC Docket No. E-100, Sub 156, 1/08/2018; NCUC Docket No. M-100, Sub 147, 9/15/2023.)

R8-74. Rescinded by NCUC Docket No. E-100, Sub 212, 5/26/26.

Rule R8-75 Financing for Certain Storm and Coal Plant Retirement Recovery Costs.

(a) Purpose. The purpose of this rule is to establish guidelines for the application of G.S. 62-172.

(b) A "bond advisory team" is an advisory body of representatives from the public utility, the Commission, and the Public Staff established at the Commission's discretion to provide input and advice to the public utility regarding the public utility's decisions on structuring, marketing, and pricing of the securitization bonds.

(c) An electric public utility shall file a written letter of intent to file a petition for financing securitization costs with the Commission 30 days in advance of any filing thereof.

(d) Petition for review and approval of securitization costs.

(1) Application of rule.

(i) A public utility that decides to file a petition for financing order shall petition for or obtain Commission review and approval of applicable securitization costs proposed for financing, through one of the following mechanisms: (1) a prior general rate case order; (2) an order issued in a proceeding initiated for that purpose pursuant to a petition for review and approval of securitization costs; or (3) an order issued in a proceeding initiated pursuant to G.S. 62-172(b)(2). The foregoing shall not apply to a request to establish or replenish a storm recovery reserve that does not include an accompanying request for a prudence determination on previously incurred securitization costs.

(ii) Any petition for review and approval of securitization costs under Rule R8-75(d)(1)(i)(2) above shall be filed in a unique sub-docket of the requesting public utility and shall be subject to the procedural schedule under Rule R8-75(d)(2).

(2) Procedural schedule for petition for review and approval of securitization costs.

(i) A public utility filing a petition for review and approval of securitization costs must file such petition at least 90 days prior to filing a petition for financing order for authority to issue securitization bonds.

(ii) Within 30 days after the date the petition for review and approval of securitization costs is filed, the Commission shall establish a procedural schedule that permits a Commission decision no later than 135 days after the petition for approval of securitization costs is filed. The procedural schedule shall establish a discovery period of no longer than 60 days from the date the petition for review and approval of securitization costs is filed.

(iii) If it intends to finance costs pursuant to G.S. 62-172, the public utility shall file its petition for review and approval of securitization costs within 12 months after the date of the storm or the coal plant retirement.

(3) Filing requirements.

(i) Any such petition shall include the following:

a. A description of any storm or coal plant retirement which resulted in costs the public utility seeks to securitize,

b. A description of the storm recovery and coal plant retirement activities that the public utility has undertaken or proposes to undertake and the reasons for undertaking the activities,

c. The amount of securitization costs,

d. Estimates of the full costs of any storm recovery and coal retirement activities that are being undertaken but are not yet completed,

e. Supporting workpapers and calculations associated with the filing;

f. Actual expenses for each storm and each coal plant retirement, including contract charges and materials and supplies charges in sufficient detail to enable the Public Staff to select invoices, journal entries, and other distinct charges for auditing, with FERC accounts and subaccounts clearly identified,

g. A copy of the capitalization policy as it relates to storm recovery and coal plant retirement costs,

h. For each storm and each coal plant retirement identified pursuant to section (d)(3)(i)a. of this rule, the storm recovery and coal retirement costs broken down by state,

i. For each storm and each coal plant retirement identified pursuant to section (d)(3)(i)a. of this rule, the percentages and dollar amounts the electric public utility has capitalized, and the percentage and dollar amounts the electric public utility has expensed, and

j. A general description of the work performed by any vendors (e.g. tree service, line repair, decommissioning, site restoration).

(ii) Supporting workpapers and calculations associated with the filing in native format submitted to the Public Staff and Commission staff.

(4) Order approving securitization costs.

(i) An order reviewing and approving securitization costs issued by the Commission to a public utility shall include the following:

a. A determination of the amount of reasonable and prudent securitization costs, including any carrying costs, eligible to be recovered through the issuance of securitization bonds,

b. A provision that, provided the public utility pursues issuance in an efficient manner, carrying costs associated with eligible securitization costs shall start from the date of the storm or date of the coal plant retirement and continue to accrue through the date that securitization bonds are issued, and

c. If the securitization costs are the subject of a settlement reached between parties in a proceeding initiated by a petition for review and approval of securitization costs, approval of the settlement.

(e) A financing order issued under this rule by the Commission to a public utility may include a bond advisory team. If a bond advisory team is established pursuant to the financing order, the following provisions shall apply:

(1) Following issuance of a financing order, bond advisory team meetings shall be held to provide timely information to members regarding the structuring, marketing, and pricing of the securitization bonds.

(2) The public utility, the Commission, and the Public Staff may designate staff, counsel, and consultants to participate on the bond advisory team on their behalf. However, the Public Staff, the Public Staff's designees, the Commission, and the Commission designees are not agents of the public utility in any manner by their participation on the bond advisory team.

(3) The bond advisory team may be present during communications with underwriters, credit rating agencies, and investors. The public utility shall use reasonable means to invite bond advisory team members to such communications. The public utility shall invite members of the bond advisory team to join bond advisory team meetings to review and comment on material aspects of the structuring, pricing, and marketing of securitization bonds, including the following: the selection and retention of underwriters and other transaction participants, the terms of all transaction documents, the length of the bond terms, the interest rates of the bonds (including whether the interest rate is floating or fixed), the capitalization of the bonds, the transaction structure, the issuance strategy, appropriate credit enhancements, and the credit rating process.

(4) The public utility shall have the sole right to select all counsel and advisors for the public utility, the underwriters, and any issuing entity.

(5) The public utility shall retain all decision-making authority with respect to the structuring, marketing, and pricing of the securitization bonds.

(f) A financing order expires when the public utility makes a filing with the Commission with a statement of abandonment of issuance of the bonds and the reasons therefor.

(NCUC Docket No. E-100, Sub 183, 8/29/24; NCUC Docket No. E-100, Sub 212, 5/26/26.)

CHAPTER 8

APPENDIX

REVISED GUIDELINES FOR RESOLUTION OF ISSUES REGARDING INCENTIVE[1] PROGRAMS

1. To obtain Commission approval of a residential or commercial program involving incentives per Rule R1-38 [now Rule R6-95 or R8-68], the sponsoring utility must demonstrate that the program is cost effective for its ratepayers.

(a) Maximum incentive payments to any party must be capable of being determined from an examination of the applicable program.

(b) Existing approved programs are grandfathered. However, utilities shall file a listing of existing approved programs subject to these guidelines, including applicable tariff sheets, and amount and type of incentives involved in each program or procedure for calculating such incentives in each program, all within 60 days after approval of these guidelines.

(c) Utilities shall file a description of any new program or of a change in an existing program, including applicable tariff sheets, and amount and type of incentives involved in each program or procedure for calculating such incentives in each program, all at least 30 days prior to changing or introducing the program.

(d) The matter of the relative efficiency of electricity versus natural gas under various scenarios (space heating alone, space heating plus A/C, etc.) cannot now be resolved. A better approach at this time would be to determine the acceptability of incentive programs herein based on the energy efficiency of electricity alone or of natural gas alone, as applicable.

(e) The criteria for determining whether or not to approve an electric program pursuant to G.S. 62-140(c) should not include consideration of the impact of an electric program on the sales of natural gas, or vice versa.

(f) Approval of a program pursuant to Commission Rule R1-38 [now Rule R6-95 or R8-68] does not constitute approval of rate recovery of the costs of the program. The appropriateness of rate recovery shall be evaluated in general rate cases or similar proceedings.

2. If a program involves an incentive per Rule R1-38 [now Rule R6-95 or R8-68] and the incentive affects the decision to install or adopt natural gas service or electric service in the residential or commercial market, there shall be a rebuttable presumption that the program is promotional in nature.

[1] All incentives referenced in these Revised Guidelines are participation incentives as now defined in Rule R8-68(b)(7).

(a) If the presumption that a program is promotional is not successfully rebutted, the cost of the incentive may not be recoverable from the ratepayers unless the Commission finds good cause to do so.
(b) If the presumption that a program is promotional is successfully rebutted, the cost of the incentive may be recoverable from the ratepayers. The cost shall not be disallowed in a future proceeding on the grounds that the program is primarily designed to compete with other energy suppliers. The amount of any recovery shall not exceed the difference between the cost of installing equipment and/or constructing a dwelling to current state/federal energy efficiency standards and the more stringent energy efficiency requirements of the program, to the extent found just and reasonable by the Commission.
(c) The presumption that a program is promotional may generally be rebutted at the time it is filed for approval by demonstrating that the incentive will encourage construction of dwellings and installation of appliances that are more energy efficient than required by state and/or federal building codes and appliance standards, subject to Commission approval.

3. If a program involves an incentive paid to a third party builder (residential or commercial), the builder shall be advised by the sponsoring utility that the builder may receive the incentive on a per structure basis without having to agree to: (a) a minimum number or percentage of all-gas or all-electric structures to be built in a given subdivision development or in total; or (b) the type of any given structure (gas or electric) to be built in a given subdivision development.

(a) Electric and gas utilities may continue to promote and pay incentives for all-electric and all-gas structures respectively, provided such programs are approved by the Commission.
(b) A builder shall be advised by the sponsoring utility of the availability of natural gas or electric alternatives, as appropriate.
(c) A builder receiving incentives shall not be required to advertise that the builder is exclusively an all-gas or all-electric builder for either a particular subdivision or in general.

4. The promotional literature for any program offering energy-efficiency mortgage discounts shall explain that the structures financed under the program need not be all-electric or all-gas.

5. Duke’s proposed Food Service Program shall be modified to include a definition of qualifying equipment and of conventional equipment, and is subject to approval in accordance with guideline number 1 above.

(a) The nature or amount of incentive contained in each program encouraging the installation of commercial appliances (electric or gas) that use the sponsoring utility's energy product, such as Duke's Food Service Program, shall be unaffected by the availability or use of alternate fuels in the applicable customer's facility.

(b) Commercial clients (builders, customers, etc.) who are offered incentives for installation of appliances shall be advised by the sponsoring utility of the availability of natural gas or electric alternatives, as appropriate.

6. Rates, rate design issues, and terms and conditions of service approved by the Commission are not subject to these guidelines.

7. Pending applications involving incentive programs are subject to these guidelines.

PUBLIC NOTICE OF FILING OF PRELIMINARY PLANS TO MAKE APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-__, SUB ___

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of (Electric Public Utility) for a Certificate of Public Convenience and Necessity to Construct a (Nameplate Generating Capacity) (Renewable Resource Fuel Source) Electric Generating Facility in (County Name) County, North Carolina	)))))))	PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that on (DATE), (ELECTRIC PUBLIC UTILITY), filed a letter in this docket giving notice of its intent to file an application on or after (DATE), for a certificate of public convenience and necessity (CPCN) to construct a (NAMEPLATE GENERATING CAPACITY) (RENEWABLE RESOURCE FUEL SOURCE) located at (E911 ADDRESS, IF AVAILABLE; LOCATION DESCRIPTION, IF E911 ADDRESS IS NOT AVAILABLE) in (COUNTY NAME) County, North Carolina. (ELECTRIC PUBLIC UTILITY) will apply for this certificate under the procedure for expedited review of a CPCN for a facility that is owned by an electric public utility and participating in the Competitive Procurement of Renewable Energy Program established pursuant to G.S. 62-110.8.

The North Carolina Utilities Commission anticipates considering this matter at the Regular Commission Staff Conference scheduled for (DATE OF 3rd MONDAY FOLLOWING FILING OF APPLICATION) to be held at 10:00 a.m., in the Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

Details of the application, once filed, may be obtained from the Office of the Chief Clerk of the North Carolina Utilities Commission, 430 N. Salisbury Street, 5th Floor, Dobbs Building, Raleigh, North Carolina 27603 or 4325 Mail Service Center, Raleigh, North Carolina 27699-4325 or on the Commission's website at www.ncuc.net.

Persons desiring to be heard with respect to the application may file a statement with the Commission and should include in such statement any information that they wish to be considered by the Commission in connection with the application. If significant complaint(s) are filed with the Commission prior to the Regular Commission Staff Conference on (DATE OF 3rd MONDAY FOLLOWING FILING OF APPLICATION), the Commission will schedule this matter for hearing. Such statements will be included in the Commission's official files; however, any such written statements are not evidence unless those persons appear at a public hearing and testify concerning the information contained in their written statements. Such statements should reference Docket No. E-__, Sub ____ and should be addressed to Chief Clerk, North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, NC 27699-4325.

Statements may also be directed to Christopher J. Ayers, Executive Director, Public Staff-North Carolina Utilities Commission, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326 or to The Honorable Josh Stein, Attorney General of North Carolina, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001.

PUBLISHED PURSUANT TO COMMISSION RULE R8-71(k).

NOTE TO PRINTER: Advertising cost shall be paid by (Electric Public Utility). It is required that an Affidavit of Publication be filed with the Commission by (Electric Public Utility).

(NCUC Docket No. E-100, Sub 113, 02/29/08; NCUC Docket No. E-100, Sub 150, 11/06/2017.)