

R8-66 REGISTRATION OF RENEWABLE ENERGY FACILITIES; ANNUAL REPORTING REQUIREMENTS

(a) The following terms shall be defined as provided in G.S. 62-133.8: "electric power supplier"; "renewable energy certificate"; and "renewable energy facility."

(b) The owner, including an electric power supplier, of each renewable 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 renewable 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 renewable 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 renewable 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 renewable 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.
- (4) The owner of each renewable 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 renewable energy facility shall certify in its registration statement and annually thereafter that the facility satisfies the requirements of G.S. 62-133.8(a)(5) or (7) as a renewable energy facility or new renewable energy facility, that the facility will be operated as a renewable energy facility or new renewable energy facility, and, if the facility has been placed into service, the date when it was placed into service
- (6) The owner of each renewable 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 renewable 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 renewable 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 renewable energy facility or by an individual duly authorized to act on behalf of the owner for the purpose of the filing.
 - (9) Renewable energy facilities and new renewable 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 and 9 copies 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 renewable energy facility, including a facility that is located outside of the State of North Carolina, shall ensure that the owner of the renewable 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 renewable 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 renewable 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 REPS 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 renewable 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.
- (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.)