

**BEFORE THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA**

DOCKET NO. 2015-55-E

In the Matter of:)	
)	PETITION TO AMEND
)	DISTRIBUTED ENERGY
The Implementation of S.C. Code § 59-39-110,)	RESOURCE PROGRAM TO
The South Carolina Distributed Energy)	EXTEND NET METERING
Resource Act)	PROGRAM AND REQUEST
)	FOR EXPEDITED RELIEF
)	

Pursuant to South Carolina Code Ann. § 58-39-130(A)(3), Duke Energy Carolinas, LLC, the South Carolina Office of Regulatory Staff, South Carolina Coastal Conservation League, Southern Alliance for Clean Energy, SunRun, on behalf of the Alliance for Solar Choice, and the South Carolina Solar Business Alliance (collectively, “Joint Petitioners”) respectfully petition the Public Service Commission of South Carolina (“Commission”) to amend Duke Energy Carolina, LLC’s (“DEC”) distributed energy resource programs to extend DEC’s Net Energy Metering program through March 15, 2019.

In support of this petition, Joint Petitioners state as follows:

1. Act 236 provides the Commission with jurisdiction to consider DER program modifications, and allows “the Office of Regulatory Staff, an electrical utility, or any other interested party to file a petition for amendment of a distributed energy resource program at any time.” S.C. Code Ann. § 58-39-130(A)(3). The Commission may hold a hearing if warranted by the extent of proposed changes, but it is not required to do so.

The Commission has the authority to approve or amend DER programs until January 1, 2021. S.C. Code Ann. § 58-39-130(F).

2. The Commission approved DEC's Distributed Energy Resource ("DER") Programs on July 15, 2015, in Commission Order 2015-515. The approved programs included a Net Energy Metering ("NEM") program, allowing customer-generators to receive full retail rate credit for their electricity generation and DEC to receive cost recovery, consistent with the NEM Settlement Agreement reached in Commission Docket No. 2014-246-E.

3. Under Act 236, DEC is required to make net metering available to customer-generators until the total nameplate generating capacity of net energy metering systems equals two percent of the previous five-year average of the electrical utility's South Carolina retail peak demand. S.C. Code Ann. § 58-40-20(B). Act 236 does not require, but also does not preclude the utility from interconnecting additional net metering customers.

4. DEC reached its two percent NEM threshold in July 2018. DEC continued to offer NEM to customers until August 1, 2018, but the NEM program has not been offered to customer-generators since that date.

5. Joint Petitioners, including DEC, are actively participating in discussions led by the Office of Regulatory Staff regarding "Act 236 2.0" and the future of renewable energy policy in South Carolina, including NEM programs. By participating in the ORS-led process, stakeholders (including Joint Petitioners) are working towards consensus to the extent possible on recommendations for the Public Utilities Review Committee and General Assembly regarding potential successor legislation to Act 236.

6. In the interest of furthering collaboration on energy policy issues for South Carolina, Joint Petitioners seek to extend the DEC NEM program for a limited amount of time, through March 15, 2019.¹ This extension will allow time for development of recommendations through the ORS-led collaborative process and for legislative consideration of any consensus recommendations, including any recommendations related to future NEM policies or programs.

7. This time-limited program extension is in the public interest as it will provide consistency and certainty for current and potential customer-generators and the renewable energy industry in DEC's territory while the Joint Petitioners and other interested stakeholders develop recommendations for successor policies.

8. Joint Petitioners respectfully request expedited treatment of this Petition and recommend that the requested program extension does not warrant a hearing for the following reasons:

a. The request is time limited and only pertains to one element of DEC's overall DER programs;

b. it is further limited to only DEC territory and no other electric utility;

c. the request will not change any aspect or detail of the DER programs other than the timing and availability of DEC's NEM program; and

d. the requested extension and any associated cost recovery by DEC will be subject to the statutory DER program cost caps set out in Act 236 at S.C. Code Ann. § 58-39-150.

¹ Each Joint Petitioner signed the Settlement Agreement presented to the Commission in Docket No. 2014-246-E, and approved in Commission Order No. 2015-194, and continues to support the Settlement Agreement. In an effort to further the public interest, the Joint Petitioners reached consensus as to this limited extension of DEC's NEM program only and the Co-Petitioner, DEC, will not be prejudiced by this extension of the NEM program.

9. Joint Petitioners have attached a proposed revised DEC NEM tariff (redlined and clean versions) to this petition for the Commission's consideration. The proposed tariff reflects an extended availability through March 15, 2019, consistent with this Petition.

10. If the Commission approves this requested extension of DEC's NEM program, DEC will update its DER program costs in its 2019 annual fuel cost proceeding consistent with Act 236 and the annual program cost caps set forth in S.C. Code Ann. § 58-39-150.

WHEREFORE, Joint Petitioners pray that the Commission approve an extension of DEC's NEM program until March 15, 2019, and that the Commission approve the attached revised NEM tariff. Joint Petitioners further pray that the Commission consider this request on an expedited basis, given the short timeline of the extension. Petitioners also request that if the Commission decides to hold a hearing or seek comments on the Petition, that the Commission grant preliminary approval for the program extension pending any final decision by the Commission.

Respectfully submitted this 5th of September, 2018.

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