

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. SP-100, SUB 31

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Petition by North Carolina Waste Awareness )  
and Reduction Network for a Declaratory ) NOTICE OF COMPLIANCE  
Ruling Regarding Solar Facility Financing )  
Arrangements and Status as a Public Utility )

NOW COMES NC WARN with a notice of its compliance with the conditions in the Commission's Order Issuing Declaratory Ruling, April 15, 2016, and motion to suspend the fines assessed by the Commission. Attached to this notice is a letter from the Faith Community Church (the "Church") supporting NC WARN's positions in this notice and under the power purchase agreement ("PPA") between the parties.

1. Per Order conditions 4 and 5, Counsel for NC WARN and counsel for the Public Staff have discussed a process for the Public Staff audit of the financial transactions between NC WARN and the Faith Community Church. NC WARN is initially providing its spreadsheet documenting all billing and payment (attached herein), and will provide the Public Staff with other documents, such as invoices, as required.

2. Per Order condition 6.a., the attached spreadsheet shows the amount of the potential refund of funds paid by the Faith Community Church to NC WARN, including the 10% interest payment assessed by the Commission in its

Order. The amount received from June 30, 2016 to March 25, 2016, was \$245.24 and with the 10% interest payment of \$24.53, the total is \$269.80. It should be noted NC WARN did not bill the Faith Community Church after March 25, 2016, for electricity generated by its solar panels, as the next billing date was subsequent to the Commission's Order and NC WARN wishes to comply with the Order. As a result, NC WARN has not received any funds for electricity provided to the Church after March 25, 2016. After the Public Staff audit, the amount of payments received plus 10 percent interest will be placed in the Trust Account of the Law Offices of F. Bryan Brice until the resolution of NC WARN's intended appeal of the Commission's Order. If NC WARN decides not to appeal, or if the appeal fails, these funds will be promptly refunded to the Church and notice given to the Commission.

3. Per Order condition 6.b., NC WARN "has ceased and desisted and, until further notice of the Commission, will continue to cease and desist any further attempt to provide electric service for compensation to any consumers in North Carolina." The attached statement by NC WARN Executive Director, James E. Warren, verifies this statement. It should be noted for the record, NC WARN has never attempted to provide electric service to any party other than the Church, and would only do so if the present declaratory ruling was resolved in its favor by the Commission or a court upon review or through legislative changes, and then only if the necessary funds could be raised.

4. Per Order condition 6.c., NC WARN "has ceased and desisted from advertising and promoting any facet of its solar program that contains as a factor

the sale of electric power.” The attached statement by NC WARN Executive Director, James E. Warren, verifies this statement. For the record NC WARN has never advertised or promoted any solar program based on the sale of electric power by NC WARN, outside of simply informing its membership, the public, and the media about its existing arrangement with the Church. Similar to the response to Order condition 6.b, NC WARN would only advertise or promote a solar program based on the sale of electric power if the present declaratory ruling was resolved in its favor by the Commission or a court upon review or through legislative changes, and then only if the necessary funds could be raised. It should also be noted that NC WARN will continue to update its members, the public, and the media on developments in this docket and any future appeal cases related to this docket but will not hold itself out to be currently offering any electric power sales to the public.

5. Per Order condition 6.d., NC WARN will comply with the provisions in its PPA and the representation in its petition to donate the solar panels to the Church upon the resolution of NC WARN’s intended court challenge to the Commission’s Order. If NC WARN decides not to appeal, or if the court challenge is adverse to NC WARN’s position, the panels will be promptly donated to the Church, and NC WARN will assist the Church with all necessary filings with the Commission. The attached statement by NC WARN Executive Director, James E. Warren, verifies this statement. This action is further supported by the attached letter from the Church.

6. Although not part of the record to date, NC WARN recently raised the necessary funds and donated an additional 3.92 kW solar system to the Church, along with providing a variety of energy efficiency and weatherization upgrades. As of April 29, 2016, the new solar system had been installed, passed inspection, and interconnected; currently the Church is waiting on the final certificate of approval from Duke Energy Carolinas. The additional installation and electricity it generates does not fall under the PPA, and NC WARN does not and will not receive any compensation for any electricity generated by the additional panels or for any savings from the energy efficiency measures. The new system, also installed by Yes Solar Solutions, and the energy efficiency measures provided, cost in excess of \$26,000, again paid for solely through donated funds.

THEREFORE, NC WARN, with the support of the Church, requests the Commission accept the verified statements in this notice as compliance with the Commission's Order, and further, the Commission suspend all fines.

Respectfully submitted, this is the 5<sup>th</sup> day of May 2016.

FOR NC WARN

*/s/ John D. Runkle*

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the NOTICE OF COMPLIANCE on the parties of record by deposit in the U.S. Mail, postage prepaid, or by email transmission.

This is the 5<sup>th</sup> day of May 2016

*/s/ John D. Runkle*

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Attorney at Law



# ***FAITH COMMUNITY CHURCH***

417 Arlington Street, Greensboro, NC 27406

(336) 274-1145 – Phone (336) 230-2428 - Fax

[FaithCommunityChurchGreensboro@gmail.com](mailto:FaithCommunityChurchGreensboro@gmail.com) – Email

**Rev. Nelson N. Johnson and Rev. Lucretia Middleton, Co-Pastors**

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*“We’ve come this far by faith, leaning on the Lord!”*

April 25, 2016

NC Utilities Commission  
430 N Salisbury Street  
Raleigh, NC 27603

Dear Commissioners:

We are aware of your April 15, 2016 ruling regarding the Solar Freedom Project, a solar financing initiative spearheaded by the nonprofit organization, NC WARN. It is our understanding that NC WARN will appeal that decision.

This letter comes to affirm that Faith Community Church:

- 1) agrees with the proposed actions outlined in NC WARN’s filing, and
- 2) believes that those proposals are consistent with the existing contract between Faith Community Church and NC WARN.

Should you have any questions of us, please contact me at the address and phone number listed above.

Sincerely yours,

Rev. Nelson N. Johnson  
*Senior Co-Pastor*

NC WARN

5/5/2016

### Faith Community Church Solar PV System Production and Billing

| <b>Start Date</b> | <b>End Date</b> | <b>Meter Reading</b> | <b>Invoice #</b> | <b>Sent</b> | <b>Paid</b> | <b>kWh</b> | <b>Amt</b> | <b>Tax</b> | <b>Total</b> |
|-------------------|-----------------|----------------------|------------------|-------------|-------------|------------|------------|------------|--------------|
| 6/30/2015         | 8/27/2015       | 1423                 | 0001             | 8/28/2015   | 9/14/2015   | 1423       | \$71.15    | \$5.34     | \$76.49      |
| 8/28/2015         | 9/25/2015       | 2033                 | 0002             | 9/25/2015   | 10/2/2015   | 610        | \$30.50    | \$2.29     | \$32.79      |
| 9/26/2015         | 10/29/2015      | 2560                 | 0007             | 10/30/2015  | 11/11/2015  | 527        | \$26.35    | \$1.98     | \$28.33      |
| 10/30/2015        | 11/29/2015      | 2930                 | 0009             | 11/30/2015  | 12/21/2015  | 370        | \$18.50    | \$1.39     | \$19.89      |
| 11/30/2015        | 12/25/2016      | 3168                 | 0010             | 1/4/2016    | 1/15/2016   | 238        | \$11.90    | \$0.89     | \$12.79      |
| 12/26/2015        | 1/29/2016       | 3513                 | 0011             | 1/29/2016   | 2/15/2016   | 345        | \$17.25    | \$1.29     | \$18.54      |
| 1/30/2016         | 3/25/2016       | 4563                 | 0012             | 3/25/2016   | 4/1/2016    | 1050       | \$52.50    | \$3.94     | \$56.44      |
|                   |                 |                      |                  |             |             |            | \$228.15   | \$17.12    | \$245.27     |