

North Carolina Certificate of Public Convenience and Necessity

Most projects require certain permits and licenses which must be obtained before development. In this regard, Duke Energy Carolinas is required to advise you that before we can enter into a contract involving your generated electricity, you must apply for and receive a certificate of public convenience and necessity from the North Carolina Utilities Commission. This certificate is required by N.C. General Statutes §62-110.1(a) before construction or renovation of an electrical generating facility.

N.C.G.S. §62-110.1(a) provides as follows:

"(a) . . . [n]o public utility or other person shall begin the construction of any steam, water, or other facility for the generation of electricity to be directly or indirectly used for the furnishing of public utility service, even though the facility be for furnishing the service already being rendered, without first obtaining from the Commission a certificate that public convenience and necessity requires, or will require, such construction."

N.C.G.S. §62-110.1(g) provides an exemption from obtaining a certificate for nonutility-owned generating facilities under two megawatts in capacity or to generating facilities built for reasons other than the sale of electricity to a utility. Projects meeting this exemption are still required to notify the N.C. Utilities Commission of any proposed construction.

N.C.G.S. §62-110.1(g) provides as follows:

"(g) The certification requirements of this section shall not apply to a nonutility-owned generating facility fueled by renewable energy resources under two megawatts in capacity or to persons who construct an electric generating facility primarily for that person's own use and not for the primary purpose of producing electricity, heat, or steam for sale to or for the public for compensation; provided, however, that such persons shall, nevertheless, be required to report to the Utilities Commission the proposed construction of such a facility before beginning construction thereof."

[North Carolina Utilities Commission Rule R8-64](#) (pdf, 19 KB) describes how to apply for the certificate.

[North Carolina Utilities Commission Rule R8-65](#) (pdf, 11 KB) describes the information required to be filed when claiming the exemption.