



Rutherford Electric Membership Corporation

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RUTHERFORD ELECTRIC MEMBERSHIP CORPORATION

BOARD RESOLUTION FINDINGS OF FACT AND ORDER

WHEREAS, the Rutherford Electric Membership Corporation Board of Directors convened as a regulatory body at a regularly scheduled meeting on September 26, 2023 at 6:00 pm for the purpose of considering written submissions and written testimony regarding consideration of “Demand Response Practices Standards” pursuant to 16 U.S.C. 2621(d)(2) and “Electric Vehicle Charging Programs Standards” pursuant to 16 U.S.C. Section 2621(d)(21) in accordance with the requirements of the Infrastructure Investment and Jobs Act of 2021 (the “Act”; and

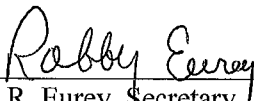
WHEREAS, after review and consideration of all written submissions and information provided by management of Rutherford Electric Membership Corporation in accordance with the requirements of the Public Utility Regulatory Policies Act of 1978 (PURPA), as amended, the Rutherford Electric Membership Corporation Board of Directors resolved as follows:

BE IT RESOLVED THAT, the Findings of Fact and Order as presented relative to the above referenced hearing be approved.

This the 26 day of September, 2023.

CERTIFICATION OF SECRETARY

I, Robby R. Eurey, Secretary of Rutherford Electric Membership Corporation do hereby certify that the above is a true and correct copy of the Board Resolution adopted at a regular meeting of the Board of Directors of Rutherford Electric Membership Corporation held on the 26 day of September, 2023, at which meeting a quorum was present.



Robby R. Eurey, Secretary (SEAL)

FINDINGS OF FACT AND ORDER

Demand-Response Practices 16 U.S.C. § 2621(d)(20) and Electric Vehicle Charging Programs 16 U.S.C. § 2621(d)(21)

The Rutherford Electric Membership Corporation Board of Directors convened as a regulatory body at a regularly scheduled meeting on September 26, 2023 at 6:00 pm for the purpose of considering written submissions and written testimony regarding consideration of “Demand Response Practices Standards” pursuant to 16 U.S.C. 2621(d)(2) and “Electric Vehicle Charging Programs Standards” pursuant to 16 U.S.C. Section 2621(d)(21) in accordance with the requirements of the Infrastructure Investment and Jobs Act of 2021 (the “Act”).

After review and consideration of all written submissions and information provided by management of Rutherford Electric Membership Corporation in accordance with the requirements of the Public Utility Regulatory Policies Act of 1978 (PURPA), as amended, the Rutherford Electric Membership Corporation Board of Directors finds the following:

1. That on May 1, 2023 Rutherford Electric Membership Corporation published notice of its intent to receive and accept written submissions relative to its consideration of the two new PURPA Section 111(d) standards established by the Act and the procedure for submission of the written information. A copy of said notice is attached hereto as Exhibit A and incorporated herein as if fully set forth.
2. That pursuant to the May 1, 2023 notice written submissions were to be received by July 15, 2023.
3. That Rutherford Electric Membership Corporation received one submission which is attached hereto as Exhibit B. Said submission was simply an inquiry requesting a copy of any submissions received. REMC received no other written submissions from REMC members or third parties.
4. That the Rutherford Electric Membership Corporation Board of Directors reviewed information provided to it by management and the one written submission which did not provide any material information relative to the two standards under consideration.
5. That the two standards under consideration by the Rutherford Electric Membership Corporation Board of Directors were as follows:

I. Demand-Response Practices 16 U.S.C. §2621(d)(20)

(A) In general.

Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.

(B) Rate Recovery.

In general.

Each state regulatory authority shall consider establishing rate mechanisms allowing an electric utility with respect to which the state regulatory authority has rate-making authority to timely recover the costs of promoting demand response and demand flexibility practices in accordance with subparagraph (A).

(C) Nonregulated electric utilities.

A nonregulated electric utility may establish rate mechanisms for the timely recovery of the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).

II. Electric Vehicle Charging Programs 16 U.S.C. § 2621(d)(21)

Each State shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that:

(A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;

(B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light, medium, and heavy-duty vehicles;

(C) accelerate third-party investment in electric vehicle charging for light, medium, and heavy-duty vehicles; and

(D) appropriately recover costs of delivering electricity to electric vehicles and electric vehicles charging infrastructure.

Based upon the foregoing findings of fact, the Rutherford Electric Membership Corporation Board of Directors hereby declines to implement the "Demand Response Practices Standards" pursuant to 16 U.S.C. 2621(d)(2) or the "Electric Vehicle Charging Programs Standards" pursuant to 16 U.S.C. Section 2621(d)(21).

This the 26th day of September, 2023.

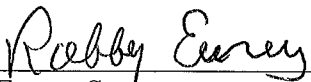
 (SEAL)
Robby R. Eurey, Secretary

EXHIBIT A

PUBLIC NOTICE

**To: Members of Rutherford
Electric Membership Corporation**

Date of Notice: May 1, 2023

This is to notify the members of Rutherford Electric Membership Corporation (REMC) that the Board of Directors (BOD) of REMC will receive written comments and written testimony regarding consideration of a "Demand Response Practices Standards" pursuant to 16 U.S.C. Section 2621(d)(20) and an "Electric Vehicle Charging Programs Standards" pursuant to 16 U.S.C. Section 2621(d)(21) in accordance with the requirements of the Infrastructure Investment and Jobs Act of 2021 (the Act).

The Act establishes two new PURPA Section 111(d) standards, by requiring the consideration of two new federal standards, regarding Demand-Response Practices and Electric Vehicle Charging Programs. On September 26, 2023 at 6:00 pm., the BOD of REMC will conduct a proceeding based upon written submissions offered by REMC Members, Third Parties (TP), and retained experts, with said proceeding to be held at the REMC headquarters, located at 186 Hudlow Road, Forest City, N.C. 28043, for the purpose of considering the written submissions regarding the two standards established by "The Act". The BOD of REMC will make determinations concerning whether or not it is appropriate to implement each standard. The two standards under consideration are listed below;

Text of Standards Under Consideration

I. Demand-Response Practices 16 U.S.C. § 2621(d)(20)

- (A) In general, each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.

(B) Rate Recovery.

- (i) In general, each state regulatory authority shall consider establishing rate mechanisms allowing an electricity utility with respect to which the state regulatory authority has rate-making authority to timely recover the costs of promoting demand response and demand flexibility practices in accordance with subparagraph (A).
- (ii) A nonregulated electric utility may establish rate mechanisms for the timely recovery of the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).

II. Electric Vehicle Charging Programs 16 U.S.C. § 2621(d)(21)

Each State shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that:

- (A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;
- (B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;
- (C) accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy duty vehicles; and
- (D) appropriately recover costs of delivering electricity to electric vehicles and electric vehicles charging infrastructure.

Under The Act, the BOD of REMC will determine whether it is appropriate to implement each standard to carry out the purposes for which PURPA was enacted. Those purposes are to encourage

adopted rules, the "C&C" shall upload the written submission in PDF format into the REMC data room and retain a copy of the written submission in a separate file.

- (C) The written submission(s) must be transmitted to PURPAproceeding@REMC.com or delivered to the "C&C" on or before May 15, 2023. All submissions are available for retained Expert(s) and Member's inspection and may be disclosed to TP upon request. All submissions shall be on a fillable PDF format form and or on the TP's letterhead and shall conspicuously identify on the written documents the name, physical and email addresses, telephone number(s), and title of the person(s) submitting on behalf of an entity. No links shall be acceptable. Affidavits are encouraged along with the biographical information and CV's of any person or entity. REMC reserves the right to retain an independent Third-Party Consultant with the authority to edit and remove from the REMC data room any nefarious, salacious, libelous, and or irrelevant information.
- (D) REMC Members may access the documents and uploaded submissions by specific written requests for copies of all written submissions that shall be directed to: PURPAproceeding@remc.com.
- (E) Member(s) and TP(s) may rebut the written submissions until April 15, 2023.
- (F) REMC reserves the right to retain and engage qualified consultants and experts to review all written submissions and to upload the expert's written submission to the REMC data room no later than thirty (30) days prior to REMC BOD's consideration of all written submissions.

- (G) The BOD will consider all written submissions in accordance with the requirements of PURPA. The relevance and weight to be given to all written submissions to the extent possible shall follow the Robert's Rules of Procedure (12th Edition) and the North Carolina Rules of Evidence and Rules of Civil Procedure. REMC's general counsel will address, resolve, and Recommend to the REMC BOD the resolution of procedural or evidentiary issues relevant to the hearing.
- (H) The REMC BOD, convening as a regulatory body, after reviewing and considering all written submissions in accordance with the requirements of PURPA, will render a determination on or before the 14th day of November, 2023, as to whether it is appropriate to implement and or decline to implement each standard, and, if appropriate, the manner in which each standard will be implemented. The proposed effective date of the new standards, if adopted, will be addressed in the findings and order. The findings and order adopted by the BOD will be posted at www.REMC.com/PURPA. REMC reserves the right to revise the standard(s) at any time without notice or public comment.
- (I) The PDF fillable format form may be obtained from REMC by one of the following: (1) calling the "C&C" at (800) 521-0920 and requesting a copy; (2) picking up the same from the "C&C" at 186 Hudlow Road Forest City, N.C. 28043; (3) downloading at www.REMC.com/PURPA.

- (1) the conservation of energy supplied by electric utilities; (2) the optimization of the efficiency of use of facilities and resources by electric utilities; and (3) equitable rates to electric customers (16 U.S.C. § 2611).

Members of REMC and Interested third parties (TP) wishing to submit written comments, written testimony, affidavits, and supporting written documents in reference to either or both of the above proposed standards, may do so by complying with the following procedures, prior to the last submission date.

III. REMC Members and Third Parties (TP):

(A) An REMC Member may submit the Member's written documents electronically on a PDF fillable format form by uploading and or transferring the PDF fillable format form in compliance with the terms of this notice to PURPAproceeding@REMC.com, or a REMC Member may submit the written documents on a PDF fillable format form to REMC's Custodial & Curator (hereinafter referred to as "C&C") to the following address: P.O. Box 1569 Forest City, N.C. 28043, or by delivering the same in person to the attention of the "C&C" at the REMC headquarters located at 186 Hudlow Road Forest City, N.C. 28043. Upon written receipt of the written submission and subject to the authentication process as contained within the adopted rules, the "C&C" shall upload the written submission in PDF format into the REMC data room and retain a copy of the written submission in a separate file.

(B) A Third Party (TP) submission shall be submitted on a fillable PDF format form or on the TP's letterhead in PDF format by delivering the same electronically to: PURPAproceeding@REMC.com, or by delivering the same to: the "C&C" at the REMC headquarters located at 186 Hudlow Road Forest City, N.C. Upon receipt of the written submission and subject to the authentication in accordance with the

EXHIBIT B

From: Ryan Roznovsky <ryanroz@gmail.com>
Sent: Friday, July 07, 2023 11:42 AM
To: purpaproceeding <purpaproceeding@remc.com>
Subject: Written Request for Submission Copies

To whom it may concern,

I would like to obtain all member and 3rd party submissions for the REMC PURPA Proceeding Comments pursuant to Section III, Part D of the web posting below. Please let me know where I can view them or please send to this email address.

<https://www.remc.com/purpa>

Sincerely,

Ryan Roznovsky
REMC Member Account # 339672001
7002 Golden Eagle TRL
Iron Station, NC, 28080
704-402-7469