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**REPORT OF THE  
NORTH CAROLINA UTILITIES COMMISSION**

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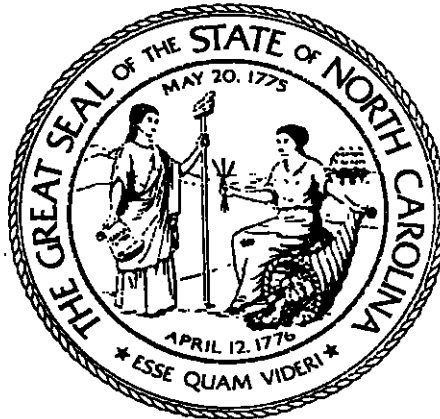
**APR 29 2010**

Clarks Office  
N.C. Utilities Commission

**TO THE  
JOINT LEGISLATIVE  
UTILITY REVIEW COMMITTEE**

**RE:**

**THE STATUS AND EXPANSION OF NATURAL  
GAS SERVICE WITHIN THE STATE  
(PURSUANT TO G.S. 62-36A)**



*- May 2010 -*

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State of North Carolina  
Utilities Commission

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April 30, 2010

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Senator David W. Hoyle, Co-Chair  
Representative Lorene Thomason Coates, Co-Chair  
Joint Legislative Utility Review Committee  
State Legislative Building  
Raleigh, North Carolina 27611

Dear Senator Hoyle and Representative Coates:

Pursuant to G.S. 62-36A, the Utilities Commission hereby presents for your consideration the 2010 Report of the North Carolina Utilities Commission to the Joint Legislative Utility Review Committee entitled "The Status and Expansion of Natural Gas Service Within the State." This report describes the status of natural gas service within the State and includes the Commission's summaries and analyses of the expansion plan reports filed by the natural gas local distribution companies which are subject to our jurisdiction. G.S. 62-36A provides that the Commission and the Public Staff must present their reports to the Joint Legislative Utility Review Committee within 180 days after all local distribution companies have filed their reports.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed S. Finley, Jr.", written over the typed name.

Edward S. Finley, Jr.

ESF:mesb

cc: Senator Charles Woodrow Albertson  
Senator Stan W. Bingham  
Senator Charlie Smith Dannelly  
Senator Robert Charles Soles, Jr.  
Representative Harold J. Brubaker  
Representative Angela R. Bryant  
Representative Dale R. Folwell  
Representative Mary Price Taylor Harrison

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## **Executive Summary**

This report includes the Commission's summaries and analyses of the updated expansion plans filed by the local distribution companies (LDCs) and an overview of the status of natural gas service within the State. The Commission concludes that the LDCs' plans for expansion of natural gas service are reasonable; however, this conclusion is made without prejudice to the Commission's consideration of specific future proposals requiring regulatory approval.

### **Introduction**

This report has been prepared and is being submitted pursuant to the provisions of G.S. 62-36A. This statute was promulgated in June 1989 by enactment of Chapter 338 of the 1989 Session Laws, entitled "An Act to Require Natural Gas Local Distribution Companies to Report Plans for Providing Natural Gas Service in Unserved Areas to the Utilities Commission and to Require the Utilities Commission to Report on Expansion of Natural Gas Service to the Joint Legislative Utility Review Committee."

Commission Rule R6-5(11) required each franchised natural gas LDC to file its initial report with the Commission by January 1, 1990. Biennial updates detailing the LDCs' expansion plans have been subsequently filed, including the most recently filed biennial updates which are the subject of this report. The Commission has amended Rule R6-5(11) in order to simplify the biennial reporting requirements for LDCs that no longer have unserved areas within their franchised service territories for which expansion funds could be used pursuant to G.S. 62-158. This amendment significantly limits the reporting requirements for such LDCs.

The Commission's report, which, pursuant to statute, has been prepared independently from the Public Staff, includes the Commission's summaries and analyses of the updated expansion plans filed by the LDCs and an overview of the status of natural gas service within the State. Overall, the Commission concludes that the LDCs' plans for expansion of natural gas service are reasonable for purposes of G.S. 62-36A; however, this conclusion is made without prejudice to the Commission's consideration of specific future proposals requiring regulatory approval.

There are now four natural gas local distribution companies operating in North Carolina. They are Piedmont Natural Gas Company, Inc. (Piedmont); Public Service Company of North Carolina, Inc., doing business as "PSNC Energy" (PSNC); Frontier Natural Gas Company, LLC (Frontier); and Toccoa Natural Gas (TNG). Since these reports were begun, Piedmont has acquired NUI North Carolina Gas, North Carolina Natural Gas Corporation (NCNG), and Eastern North Carolina Natural Gas Company (EasternNC). Piedmont now operates as a single regulated entity with a single set of tariffs. On October 1, 2007, Frontier was acquired by Energy West, Incorporated (Energy West). The Commission approved the acquisition in Docket No. G-40, Sub 67.

In the Commission's first report in May 1990, it identified 38 counties that had no natural gas service available or had only minimal service. As of this report, only four counties -- Alleghany, Cherokee, Clay, and Graham -- are unfranchised and have no current plans for natural gas service.

## **Summary and Analysis of Expansion Plans**

### **Frontier Natural Gas Company, LLC**

The franchised service territory of Frontier consists of six counties. Five are in northwestern North Carolina (Ashe, Surry, Watauga, Wilkes, and Yadkin), and the other one is Warren County.

Frontier is a relatively new natural gas local distribution company. It first received a certificate of public convenience and necessity from the Commission to serve Surry, Wilkes, Watauga, and Yadkin counties (the Four County Area) in 1996. Piedmont also asked for a certificate to serve those counties. However, Piedmont asserted that it was infeasible to extend service into the Four County Area with investor capital alone and proposed to use a mix of investor capital and expansion funds. On June 19, 1995, the Commission issued an order in Docket Nos. G-38 and G-9, Sub 357, holding the applications of Frontier and Piedmont in abeyance while offering Piedmont a conditional certificate to extend service to the Four County Area without the use of expansion funds. Piedmont declined the conditional certificate, and the Commission issued an order awarding a conditional certificate to Frontier, based on Frontier's assertion that it was economically feasible to extend service into the Four County Area with investor capital. Piedmont appealed the award of Frontier's certificate. Frontier's certificate to serve the Four County Area did not become final until the North Carolina Supreme Court decision rejecting that appeal in late 1997.

On March 27, 1997, the Commission issued an order in Docket No. G-38, Sub 1, awarding Frontier a certificate to serve Warren County. PSNC had held a certificate to serve Warren County, but had not extended service. Frontier expressed an interest in serving the county, and PSNC agreed to relinquish its certificate to Frontier.

Frontier was assigned a franchise to serve Ashe County pursuant to the Commission's August 16, 1996 Order in Docket No. G-100, Sub 69, which implemented G.S. 62-36A(b1). Frontier was awarded natural gas bond funds in June 2000 to extend service into Ashe County. Frontier completed a transmission line into, and commenced service in, Ashe County in August 2002.

There are no unserved counties in Frontier's franchised service area. Frontier has completed its approximately 138-mile "backbone" steel transmission system. Frontier is now focused on extending its distribution system, which is currently composed of 200 miles of pipe.

Since November 1, 2007, Frontier has increased its number of customers served from 699 to 959 as of September 30, 2009, a 37% increase, and has added 258,321 feet of distribution pipeline among six counties (Ashe – 12,319 feet; Surry – 60,815 feet; Warren – 16,499 feet; Watauga – 33,904 feet; Wilkes – 41,043 feet; and Yadkin – 93,741 feet).

On October 1, 2007, Frontier was acquired by Energy West. Energy West subsequently changed Frontier's name from "Frontier Energy, LLC" to "Frontier Natural Gas Company, LLC." The Commission approved the acquisition in Docket No. G-40,

Sub 67. In that docket, Mr. David Cerotzke, CEO of Energy West, testified, "The expansion of Frontier Energy's customer base and demand requirements is an important aspect of the company's future financial viability. The Company's expansion will be based on customer demand for Frontier Energy's distribution services, the ability of Frontier Energy to provide cost effective service connections to its system, and the efficient operations of the distribution system."

Frontier states that it is ready, willing, and able to expand its system in all six franchised counties wherever economically feasible, and that distribution pipeline construction and service extensions to new customers are evaluated in response to new customer requests.

It is the overall conclusion of the Commission that Frontier's plans for the expansion of natural gas service within its franchised service territory in North Carolina are reasonable for purposes of G.S. 62-36A.

Piedmont Natural Gas Company, Inc.

Piedmont was incorporated in 1950 and is engaged in transporting, distributing, and selling natural gas in parts of North Carolina, South Carolina, and Tennessee.

In 2003, Piedmont acquired NCNG and a 50% interest in EasternNC. In August 2005, Piedmont acquired the remaining 50% interest in EasternNC. Pursuant to the Commission's November 3, 2005 Order in Docket No. G-9, Sub 499, Piedmont consolidated Piedmont, NCNG, and EasternNC into a single regulated entity. With that consolidation, Piedmont's service territory is now the largest in the State.

Piedmont's service territory includes the following counties: Anson, Avery, Beaufort, Bertie, Bladen, Brunswick, Burke, Caldwell, Camden, Carteret, Catawba, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davie, Duplin, Edgecombe, Forsyth, Gates, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lenoir, Lincoln, Martin, Mitchell, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Pitt, Randolph, Richmond, Robeson, Rockingham, Sampson, Scotland, Stanley, Stokes, Tyrrell, Union, Washington, Wayne, Wilson, and Yancey Counties; as well as portions of Alamance, Alexander, Davidson, Gaston, Mecklenburg, and Rowan Counties.

Piedmont has transmission facilities and distribution systems in place and is providing some service in all of its certificated counties.

Piedmont's last biennial expansion report listed one project as "in progress." In this year's report, Piedmont states that the expansion in Salisbury along Highway 64 from I-40 to Sheffield Road is currently on hold due to economic conditions.

In its last biennial expansion report, Piedmont reported 76 pending inquiries from large commercial and industrial customers about potential gas service. Out of those 76 pending projects, 7 were successful, 10 are still pending, and 59 were unsuccessful. Since its last biennial expansion report, Piedmont has received 115 inquiries from large commercial and industrial customers about potential gas service. Eighteen were

successful (new customers were added as a result of those inquiries), 40 were unsuccessful (did not provide gas to the customer), and 57 are still pending (either waiting for data, being evaluated, or halted progress).

Piedmont states that "Many areas in remote or unpopulated portions of the service territory offer economically infeasible opportunities for Piedmont to provide gas service. The areas are sparsely populated and Piedmont receives very few requests for gas services." Piedmont is committed to looking for ways to provide service to remote areas.

The following three projects are currently underway or have been completed since the last biennial expansion report filing: Tallwood Subdivision Proposal, Locust Community, and Elizabeth City.

Piedmont has an agreement with Progress Energy Carolinas to provide natural gas delivery service to the electric utility's state-of-the-art power generation facility to be built at Progress Energy Carolina's Wayne County energy complex. The plan calls for Piedmont to construct 38 miles of 20-inch pipeline along with additional compression facilities to provide natural gas delivery service to the plant by July 2012.

It is the overall conclusion of the Commission that Piedmont's plans for the expansion of natural gas service within its franchised service territory in North Carolina are reasonable for purposes of G.S. 62-36A.

#### Public Service Company of North Carolina, Inc.

PSNC, a SCANA Company, was incorporated in 1938. PSNC provides natural gas to more than 470,000 winter-peak customers in 96 cities and communities in central and western North Carolina. PSNC has a franchised service territory that includes all or part of 28 counties in the Piedmont and mountain regions of the State. PSNC's counties are in three clusters, separated by parts of Piedmont's service territory. The eastern cluster includes the Raleigh-Durham-Chapel Hill area and is experiencing significant growth. PSNC serves the Concord-Statesville-Gastonia area, which wraps around Charlotte along I-85. The western cluster of counties includes the Asheville-Hendersonville area, which is attracting retirees and is forecast to continue growing.

With service extended to all previously unserved counties in its franchised service territory, and with no other expansion projects that appeared to qualify for the use of expansion funds, PSNC filed an application to dissolve its expansion fund on February 15, 2007. The Public Staff, the Attorney General, and the Carolina Utility Customers Association, Inc., filed comments supporting the application. The Commission issued an order dissolving PSNC's expansion fund on May 22, 2007.

Natural gas distribution service is being provided in all counties in PSNC's service territory. There are no unserved areas, within the intent of G.S. 62-158 and G.S. 62-2(9), remaining in PSNC's service territory, and PSNC has no projects in progress to serve unserved areas at the time of its last biennial expansion report.

PSNC's biennial expansion report listed 45 service inquiries from potential large commercial and industrial customers received during the two-year period. Ten of those resulted in successful projects, 34 were unsuccessful, and 1 is still pending.

It is the overall conclusion of the Commission that PSNC's plans for the expansion of natural gas service within its franchised service territory in North Carolina are reasonable for purposes of G.S. 62-36A.

#### Toccoa Natural Gas

The City of Toccoa, Georgia, operating in North Carolina, as TNG, received a franchise in December 1998 to provide natural gas service to Macon County. In 1999, construction commenced on an 8-inch transmission line to bring gas service into Macon County, and a distribution system in the town of Franklin. The construction of these lines was completed and TNG began service to customers in Macon County in April 2000. As of September 1, 2009, TNG has approximately 529 retail customers in North Carolina.

TNG does not have any unserved areas in its franchised service territory. Since its last biennial expansion report, TNG has not received any requests or inquiries from potential large commercial and industrial customers considering locations in its service territory that were not economically feasible to serve.

It is the overall conclusion of the Commission that TNG's plans for the expansion of natural gas service within its franchised service territory in North Carolina are reasonable for purposes of G.S. 62-36A.

#### **Status of Natural Gas Service within the State**

Four natural gas LDCs provide service in 96 of the 100 counties in the State. In addition, eight municipal systems serve communities in North Carolina.

Since the establishment of the biennial expansion reports, a total of approximately \$315 million in special funding authorized by statute has been used to supplement investor funding for natural gas expansion projects that would have otherwise been economically infeasible. Special funding includes \$200 million of natural gas bond funds (pursuant to G.S. 62-159) and approximately \$115 million in expansion funds (pursuant to G.S. 158).

These monies were used to extend service to, or expand service in, 31 counties. Five other previously unserved counties received initial service with investor funding and without the use of special funding. All natural gas bond funds have been expended. The primary source of monies for LDC expansion funds has been refunds from interstate natural gas companies regulated by the Federal Energy Regulatory Commission. Pursuant to G.S. 62-158(b)(1) such refunds could be used to fund each LDC's expansion fund. In the absence of an expansion fund, the bulk of such refunds would be passed back to ratepayers. Interstate supplier refunds are an inherently undependable source of funding. The timing and magnitude of supplier refunds depend on the outcome of proceedings before the Federal Energy Regulatory Commission.



Natural gas prices have increased dramatically since the Commission's first report to the Joint Legislative Utility Review Committee in 1990. That year, the average price of natural gas at the key pricing hub in Henry, Louisiana was \$1.70 per dekatherm (dt). Over the next decade, the average annual price of natural gas at the Henry Hub varied from a low of \$1.47/dt in 1991 to a high of \$2.76/dt in 1996. The average for the decade was \$2.01/dt. From 2000 through 2009, the average annual Henry Hub price varied from a low of \$3.05/dt in 2002 to a high of \$8.91/dt in 2008. The average price for the decade was \$5.68/dt, more than two-and-a-half times the average price during the previous decade. Furthermore, in recent years, there have been extremely sharp spikes in natural gas prices, with monthly average prices of natural gas sometimes exceeding \$10/dt at the Henry Hub.

The U.S. Department of Energy's Energy Information Administration shows industrial natural gas consumption in North Carolina falling from 107 billion cubic feet in 1999 to 82 billion cubic feet in 2009. Sharply higher natural gas prices and, more recently, the recession have both suppressed industrial demand and increased the need for the Commission to return the supplier refunds that become available to ratepayers.

### **Status of Natural Gas Franchises**

The North Carolina map attached to this report shows the status of the natural gas franchised service territories as of this date.

