



North Carolina Supreme Court Affirms Duke Energy's Monopoly over Rooftop Solar

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In 2014, the North Carolina Waste Awareness and Reduction Network (NC WARN) installed solar panels on the roof of a church in Greensboro, North Carolina. NC WARN continued to own and operate the panels and sold the output to the church at a fixed rate per kWh. In 2015, the North Carolina Utilities Commission (NCUC) issued a declaratory order finding that NC WARN was acting as a “public utility” under state law and infringing on the monopoly rights of the local utility, Duke Energy. The appellate court upheld the NCUC’s finding.

On May 11, 2018, the North Carolina Supreme Court issued a *per curiam* opinion affirming the appellate court’s decision, but did not discuss its reasoning. As we observed in September, this outcome is a setback for entities seeking to provide rooftop solar service in North Carolina. However, it does not necessarily prohibit third-party solar arrangements. The NCUC has previously approved leasing arrangements, since they fall under an exception for power generated for a person’s own use.

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