

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-103, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Albemarle Beach Solar, LLC, for a Certificate of Public Convenience and Necessity to Construct an 80-MW Solar Facility in Washington County, North Carolina	) MOTION OF THE PUBLIC STAFF FOR EXTENSION OF TIME

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully moves the North Carolina Utilities Commission (Commission) to extend the deadline for the Public Staff’s filing of testimony in Docket No. EMP-103, Sub 0, and to likewise extend the deadline for the Applicant’s filing of reply testimony. In support of this motion, the Public Staff respectfully shows the Commission the following:

1. On September 21, 2015, in Docket No. SP-6476, Sub 0, Albemarle Beach Solar, LLC (Applicant) filed an application for a certificate of public convenience and necessity (CPCN) pursuant to N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-64 for construction of an 80-megawatt<sub>ac</sub> (MW) solar photovoltaic electric generating facility to be located in Washington County, North Carolina. The application indicated that the Applicant was in discussions to sell the electricity generated at the facility to Dominion Energy North Carolina, to one or

more retail customers in deregulated states allowing such sales, or in the PJM market.

2. On November 12, 2018, the Applicant filed a second amendment to its application, indicating, among other things, that the location of the proposed facility had changed due to the removal of some parcels of land from the site of the proposed facility and the addition of other parcels.

3. On November 29, 2018, in this docket and in Docket No. SP-6476, Sub 0, the Commission issued an Order Transferring Record, Closing Docket, and Finding Application Incomplete (2018 Order). The 2018 Order determined that the Applicant erred in applying for a CPCN pursuant to Commission Rule R8-64, the rule governing CPCN applications by CPRE program participants, qualifying cogenerators, or small power producers, and that the application is instead governed by Commission Rule R8-63, the rule governing CPCN applications for merchant plants. Based on this determination, the 2018 Order directed that Docket No. SP-6476, Sub 0, be closed, and that the record from that docket be transferred to Docket No. EMP-103, Sub 0. The 2018 Order further found the Applicant's CPCN application, as transferred to Docket EMP-103, Sub 0, to be incomplete as it did not include pre-filed direct testimony incorporating and supporting the application, as required by Commission Rule R8-63(b)(5). The 2018 Order declared that the Applicant's amended CPCN application filed in Docket No. SP-6476, Sub 0, is an application for a CPCN for the construction of an electric generating facility to be operated as a merchant plant pursuant to Commission Rule R8-63, and that the Commission will consider the application once the

Applicant has supplemented it with the pre-filed direct testimony required by Commission Rule R8-63(b)(5).

4. On March 28, 2019, the Applicant filed the direct testimony and exhibits of Linda Nwadike, Project Manager for SunEnergy1, LLC, parent company of the Applicant. On April 11, 2019, the Applicant filed the amended direct testimony and exhibits of Linda Nwadike.

5. On July 15, 2019, the Commission issued a Recommended Order Issuing Certificate granting the Applicant a CPCN for the construction of an 80-MW<sub>AC</sub> solar generating facility as a merchant plant, subject to the conditions stated therein.

6. On January 21, 2020, Albemarle Beach filed a request to amend the CPCN to expand the footprint of the facility and increase the AC capacity of the project from 80 MW to 140 MW. On June 22, 2020, the Public Staff filed a letter stating that the Proposed Amendment was deficient given the magnitude of the proposed changes.

7. On August 13, 2020, the Commission determined that the request for an amendment was incomplete and directed the Applicant to provide additional information regarding network upgrades or affected system upgrades triggered by the facility, as well as the Applicant's offtake plans.

8. On October 15, 2020, the Applicant filed a Motion to Stay Proceedings, requesting that all activities in this docket be stayed until further order of the Commission. On October 20, 2020, the Commission issued an order staying all proceedings in the docket.

9. On March 27, 2024, the Applicant filed a Motion to Withdraw Proposed Amendment, Lift Stay, and Amend CPCN (Motion). The Motion states that authorizing the Applicant to increase its AC capacity from 80 MW to 140 MW would allow the Applicant to generate and sell more energy; would not cause any adverse impacts to PJM, DEP, or any other system; would not result in any costs being allocated to North Carolina ratepayers; and would not increase the environmental or other impacts of the Albemarle Beach facility.

10. On April 11, 2024, the Public Staff filed a Notice of Completeness stating that it had reviewed the original application filed on September 21, 2015, the Applicant's amended prefiled direct testimony filed on April 11, 2019, and the March 27 Motion and accompanying prefiled supplemental testimony and considers the application to be complete. The Public Staff requested that the Commission issue a procedural order setting Albemarle's application for hearing, requiring public notice, and addressing any other procedural matters.

11. On April 26, 2024, the Commission issued an order granting the motion to withdraw the proposed amendment, lifting the stay, directing the Public Staff to file testimony on the Applicant's request to amend its CPCN on or before May 27, 2024, and directing the Applicant to file reply testimony on or before June 10, 2024.

12. Because of the press of other ongoing dockets and deadlines, the Public Staff requires additional time to conduct a thorough investigation of the Applicant's application and testimony, and to present its recommendations in testimony. A two-week extension would provide the Public Staff with sufficient time

to review the information in this docket and provide recommendations to the Commission.

13. The Public Staff therefore requests that the Commission extend the deadline for the Public Staff's filing of testimony by two weeks, to June 10, 2024. The Public Staff further requests that the Commission extend the deadline for the Applicant's filing of reply testimony and exhibits by a commensurate two weeks, to June 24, 2024.

7. The Public Staff has contacted counsel for the Applicant and is authorized to represent that the Applicant does not object to this motion.

WHEREFORE, the Public Staff respectfully requests that the Commission issue an order extending the deadline for the Public Staff's filing of testimony to June 10, 2024, and extending the deadline for the Applicant's filing of reply testimony to June 24, 2024.

This, the 23rd day of May, 2024.

PUBLIC STAFF  
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Electronically submitted  
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## CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Motion on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This, the 23rd day of May, 2024.

Electronically submitted  
/s/ Nadia L. Luhr