

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-111, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Sweetleaf Solar LLC for a	)	ORDER REQUIRING FILING OF
Certificate of Public Convenience and	)	TESTIMONY, ESTABLISHING
Necessity to Construct a 94-MW Solar	)	PROCEDURAL GUIDELINES, AND
Facility in Halifax County, North Carolina	)	REQUIRING PUBLIC NOTICE

BY THE PRESIDING COMMISSIONER: On June 2, 2020, Sweetleaf Solar LLC (Applicant) filed an application pursuant to N.C. Gen. Stat. § 62-20.1 and Commission Rule R8-63 for a certificate of public convenience and necessity (CPCN) to construct a 94-MW solar photovoltaic (PV) electric generating facility located to be located in Halifax County, North Carolina, operated as a merchant generating facility.

In support of its application, the Applicant filed the direct testimony of Kara Price and Donna Robichaud, as well as several exhibits. In summary, construction of the facility is anticipated to begin on or about the second quarter 2021, with the expected commercial operation date being as early as the fourth quarter of 2022. The location of the proposed facility is on seven parcels of land for a total of 2,894.86 acres located generally east and west of Justice Branch Road, between Delmar Road and Beaverdam Road, north of Enfield, Halifax County, North Carolina. The facility will interconnect with the electric transmission system owned by Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC), affording it access to the PJM regional transmission organization, and the Applicant is negotiating a contract for the sale of the output of the facility with an out-of-state corporate buyer. The expected service life of the facility is 20 or more years.

On June 15, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete, requests that the Commission consider Sweetleaf Solar's application to be complete and issue a procedural order setting it for hearing, requiring public notice, and addressing any other necessary procedural matters.

The Presiding Commissioner finds good cause to schedule a public witness hearing and an expert witness hearing to consider the application.

The Presiding Commissioner notes that the Commission has seen an increase in the number of merchant plant facility applications. Due to the increase in non-utility generation on the North Carolina system and the Commission's statutory duty to examine

the long-range needs for the generation of electricity in North Carolina, the Presiding Commissioner finds good cause to require the filing of additional testimony and exhibits in this proceeding addressing the following questions:

1. Provide the amount of network upgrades on DENC's or any affected system's transmission system, if any, required to accommodate the operation of the Applicant's proposed facility
2. Provide the Levelized Cost of Transmission (LCOT) information for any required transmission system upgrades or modifications.
3. Provide any interconnection study received for the proposed facility. If you have not received a study, provide a date by when the study is expected to be completed.
4. Are you aware of any system other than the studied system that is or will be affected by the interconnection? If yes, explain the impact and basis.
5. If the Applicant proposes to sell energy and capacity from the facility to a distribution utility regulated by the Commission, provide a discussion of how the facility's output conforms to or varies from the regulated utility's most recent IRP.
6. If the Applicant proposes to sell energy and capacity from the facility to a distribution utility not regulated by the Commission but serving retail customers in North Carolina (e.g., a co-op or muni), provide a discussion of how the facility's output conforms to or varies from the purchasing distribution utility's long-range resource plan.
7. If the Applicant proposes to sell energy and capacity from the facility to a purchaser who is subject to a statutory or regulatory mandate with respect to its energy sourcing (e.g., a REPS requirement or Virginia's new statutory mandate for renewables), explain how, if at all, the facility will assist or enable compliance with that mandate. Provide any contracts that support that compliance.
8. Provide any PPA agreements, REC sale contracts, or contracts for compensation for environmental attributes for the output of the facility.

In addition, the Presiding Commissioner finds good cause to apply the following guidelines regarding discovery in this docket, subject to modification for good cause shown:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least seven days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the evidentiary hearing shall be filed with the Commission before the deadline for filing of Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.

3. Formal discovery requests related to the application and the Applicant's prefiled direct testimony shall be served on the Applicant not later than fourteen days prior to the deadline for filing of Public Staff and intervenor testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten days prior to the deadline for filing of Public Staff and intervenor testimony.

4. Formal discovery requests of the Public Staff or intervenors shall be served not later than three days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than five days after that party's testimony was filed.

5. Formal discovery requests related to the Applicant's prefiled rebuttal testimony shall be served on the Applicant not later than two days after such testimony is filed. The party served shall have up to two calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three days after the rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery from the Applicant.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two days to file a motion to compel with the Commission, and the party objecting to discovery shall have one day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Chair recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the

parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS, THEREFORE, ORDERED as follows:

1. That a remote public witness hearing shall be held via WebEx on Monday, August 24, 2020, at 7:00 p.m. for the purpose of receiving public witness testimony regarding the Applicant's application for a CPCN. A link to view the hearing will be available at [www.ncuc.net](http://www.ncuc.net). Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on Monday, August 17, 2020, by contacting the Public Staff by calling 866-380-9816;
2. That the Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility are filed with the Commission on or before ten days following the last day of the publication of notice.
3. That a hearing shall be held on Monday, October 5, 2020, at 2:00 p.m. for the purpose of receiving expert witness testimony regarding the Applicant's application for a CPCN. The hearing will be either held remotely via WebEx, or in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina;
4. That the Commission will issue an order by September 16, 2020, setting forth the procedures for a remote expert witness hearing or confirming that the expert witness hearing will be held in the Commission Hearing Room.
5. That the Applicant shall publish the Public Notice attached hereto as Appendix A in a newspaper having general circulation in Halifax County once a week for four successive weeks;
6. That the Chief Clerk of the Commission shall deliver copies of the application and the Public Notice attached hereto as Appendix A to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration for distribution by the Coordinator to State agencies having an interest in the application;
7. That the Applicant shall file affidavits of publication demonstrating that the application was published pursuant to this Order;
8. That the Applicant shall file the additional testimony described herein on or before Tuesday, July 21, 2020;
9. That any person having an interest in this proceeding may file a petition to intervene stating such interest on or before Monday, August 10, 2020;
10. That the direct testimony and exhibits of the Public Staff and other intervenors shall be filed on or before Monday, August 10, 2020;

11. That the Applicant may file rebuttal testimony and exhibits on or before Tuesday, August 25, 2020; and

12. That the parties shall comply with the discovery guidelines established herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 8th day of July, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Joann R. Snyder". The signature is fluid and cursive, with the first name "Joann" being more prominent.

Joann R. Snyder, Deputy Clerk

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BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Sweetleaf Solar LLC for a	)	
Certificate of Public Convenience and	)	
Necessity to Construct a 94-MW Solar	)	PUBLIC NOTICE
Facility in Halifax County, North Carolina	)	

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has scheduled a public hearing to be held online via WebEx on Monday, August 24, 2020, at 7:00 p.m. The purpose of the hearing is to receive public witness testimony regarding the application of Sweetleaf Solar LLC for a certificate of public convenience and necessity (CPCN) to construct a 94-MW solar photovoltaic (PV) electric generating facility to be located in Halifax County, North Carolina, and operated as a merchant generating facility. A link to view the hearing will be available at [www.ncuc.net](http://www.ncuc.net). Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on Monday, August 17, 2020, by contacting the Public Staff at 866-380-9816.

In support of its application, the Applicant filed the direct testimony of Kara Price and Donna Ribochaud, as well as several exhibits. In summary, construction of the facility is anticipated to begin on or about the second quarter 2021, with the expected commercial operation date being as early as the fourth quarter of 2022. The location of the proposed facility is on seven parcels of land for a total of 2894.86 acres located generally east and west of Justice Branch Road, between Delmar Road and Beaverdam Road, north of Enfield, Halifax County, North Carolina. The facility will interconnect with the electric transmission system owned by Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina, affording it access to the PJM regional transmission organization, and the Applicant is negotiating a contract for the sale of the output of the facility with an out-of-state corporate buyer. The expected service life of the facility is 20 or more years.

On June 15, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete.

Specific information about the application for a CPCN may be obtained from the Office of the Chief Clerk, North Carolina Utilities Commission, Raleigh, North Carolina, where a copy of the application, exhibits and supporting testimony are available for review by the public, and on the Commission's website at [www.ncuc.net](http://www.ncuc.net).

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to [utilityAGO@ncdoj.gov](mailto:utilityAGO@ncdoj.gov).

Written statements are not evidence unless persons appear at a public hearing and testify concerning the information contained in their written statements.

Any person desiring to intervene in the proceeding as a formal party of record should file a petition under North Carolina Utilities Commission Rules R1-5 and R1-19 on or before Tuesday, August 10, 2020. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325. The direct testimony and exhibits of expert witnesses to be presented by intervenors should also be filed with the Commission on or before Monday, August 10, 2020.

The Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility are received by the Commission's Chief Clerk on or before ten days following the last day of the publication of notice.

ISSUED BY ORDER OF THE COMMISSION.

This the 8th day of July, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Joann R. Snyder", is written over a faint, larger version of the same signature.

Joann R. Snyder, Deputy Clerk