

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH
DOCKET NO. G-9, Sub 728

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of GESS RNG)	
Biogas USA, LLC (successor in interest in)	MOTION TO AMEND
this matter to GESS International North)	ORDER APPROVING
Carolina, Inc.) for Approval to Participate in)	PARTICIPATION IN PILOT
Alternative Gas Pilot Program and for)	PROGRAM WITH CONDITIONS
Approval of Receipt Agreements)	

Pursuant to North Carolina Utilities Commission (“Commission”) Rule R1-5, Applicant/Movant GESS RNG Biogas USA, LLC¹ (“GESS RNG” or “Movant”) hereby submits this Motion To Amend Order Approving Participation In Pilot Program With Conditions (the “Motion”) to request that the Commission amend the Order Approving Participation In Pilot Program With Conditions (the “Order”) filed in Docket No. G-9, Sub 728 on March 11, 2019.²

GESS RNG respectfully requests that the Commission issue an Amendment to the Order to include the following terms: (1) Confirmation that GESS RNG is approved to participate in the Pilot Program pursuant to and in accord with the Order (and the Amendment thereto), as GESS RNG is successor in interest in this matter to GESS International North Carolina, Inc.; (2) Consideration of GESS RNG’s Second Amended

¹ Petitioner GESS RNG Biogas USA, LLC is successor in interest in this matter to GESS International North Carolina, Inc., the original applicant, which joins in this filing to the extent deemed necessary by the Commission. Effective prior to the date of this filing, GESS International North Carolina, Inc. assigned and transferred all of its rights and interests in Docket No. SP-13243, Sub 0 and Docket No. G-9, Sub 728 (including all interests in the Order) to GESS RNG Biogas USA, LLC.

² The Order is attached hereto as *Exhibit 1*.

and Supplemental Requests For Declaratory Ruling in Docket No. SP-13243, Sub 0, filed contemporaneously herewith and attached hereto as *Exhibit 2* (“Second Amended Requests”), including the information therein and documents referenced or submitted therewith; and (3) Approval for GESS RNG’s Participation In Pilot Program to include a total of twelve (12) facilities as proposed, planned, and described in the Second Amended Requests.

In support of its Motion, GESS RNG hereby states the following to the Commission:

1. GESS RNG is a Delaware corporation authorized to do business in North Carolina, with its principal place of business in Raleigh, North Carolina.

2. On March 11, 2019, the Commission issued the Order to GESS International North Carolina, Inc., the original applicant.

3. GESS RNG is successor in interest in this matter to GESS International North Carolina, Inc. GESS International North Carolina, Inc. assigned and transferred all of its rights and interests in Docket No. SP-13243, Sub 0 and Docket No. G-9, Sub 728 (including all interests in the Order) to GESS RNG, effective prior to the date of this filing.

4. Accordingly, GESS RNG is successor in interest to the Order, and has the rights and interests therein of GESS International North Carolina, Inc.

5. GESS RNG is filing contemporaneously herewith its Second Amended and Supplemental Requests For Declaratory Ruling in Docket No. SP-13243, Sub 0.

6. In its Second Amended Requests, GESS RNG incorporates by reference substantive information and documents submitted in Docket No. SP-13243, Sub 0 and Docket No. G-9, Sub 728, but modifies and supplements its request for declaratory ruling

to include not only the initial five (5) facilities included in the Order, but an additional seven (7) facilities for a total of twelve (12) facilities.

7. Other than the additional seven (7) facilities, which are described more particularly below and in the Second Amended Requests, the substantive information upon which the Order was issued by the Commission remains similar and as shown in Docket No. SP-13243, Sub 0 and Docket No. G-9, Sub 728.

8. As stated more specifically in the Second Amended Requests, RNG proposes to construct a total of twelve (12) digester plants along with twelve (12) injector facilities, as follows:

- a. Bladen County Green Energy Biogas Park located in Bladenboro;
- b. Brunswick County Green Energy Biogas Park located in Winnabow;
- c. Columbus County Green Energy Biogas Park located in Clarendon;
- d. Duplin County Green Energy Biogas Park located in Chinquapin (2 locations);
- e. Johnson County Green Energy Biogas Park located in Bentonville;
- f. Pitt County Green Energy Biogas Park located in Grimesland;
- g. Robeson County Green Energy Biogas Park #1 located in Orrum;
- h. Sampson County Green Energy Biogas Park located in Salemburg (2 locations);
- i. Union County (to be formed as Green Energy Biogas Park Union County, LLC) located in Monroe;
- j. Wilson County (to be formed as Green Energy Biogas Park Wilson County, LLC) located in Stantonsburg.

9. As stated more specifically in the Second Amended Requests, once at full production, each plant is projected to produce sufficient Alternative Gas to fill four (4) gaseous tanker trucks per day, containing roughly 1400 Mcf of scrubbed, cleaned, and pressurized, predominantly Alternative Gas, with each processing approximately 170,000 tons/year of swine waste.
10. All plants will utilize 560,000 MMbtu (+/- 10%) closed-form anaerobic digesters obtained from Marches Biogas UK, together with a scrubber system that removes up to 99% of impurities, producing a biogas intended to meet or exceed the standards for purity and temperature in Appendix F. To facilitate efficient operations, each plant also will have separate storage facilities for the biogas and other digestate by-products of the GESS RNG plants to allow for on-site storage of each for varying periods of time.
11. GESS RNG has informed Piedmont, through counsel, of its intent to file this Motion and provided a copy of same prior to its filing.
12. GESS RNG has informed DEC and DEP, through counsel, of its intent to file this Motion and provided a copy of same prior to its filing.

WHEREFORE, for all of the foregoing reasons, and based on all documents filed in this docket, and the documents referenced and incorporated herein, GESS RNG respectfully requests that the Commission issue an Amendment to the Order:

1. Confirming that GESS RNG is approved to participate in the Pilot Program;
2. Considering the additional, revised and supplemental information in GESS RNG's Second Amended Requests; and

3. Approving GESS RNG's Participation In Pilot Program to include a total of twelve (12) facilities as identified above and more particularly proposed, planned, and described in the Second Amended Requests.

Respectfully submitted, this the 15th day of February, 2021.

BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, LLP

s/ Alexander Elkan

Alexander Elkan

N.C. State Bar No. 31502

Joseph A. Ponzi

N.C. State Bar No. 36999

Brooks, Pierce, McLendon, Humphrey & Leonard, LLP

230 N. Elm Street, Suite 2000

Greensboro, NC 27401

(336) 271-3134

aelkan@brookspierce.com

jponzi@brookspierce.com

Attorneys for

GESS International North Carolina, Inc.

GESS RNG Biogas USA, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing was served this day by U.S. Mail, by depositing a copy of the same in a depository of the U.S. Postal Service in a pre-addressed and postage-prepaid envelop and addressed as shown below, or by providing electronic service to those as shown below:

Via Electronic Mail:

Joseph W. Eason
Nelson, Mullins, Riley & Scarborough, LLP
GlenLake One, Suite 200
4140 Parklake Avenue
Raleigh, North Carolina 27612
joe.eason@nelsonmullins.com

James H. Jeffries, IV
MCGUIREWOODS, LLP
201 North Tryon Street, Suite 3000
Charlotte, North Carolina 28202-2146
jjeffries@mcguirewoods.com

Richard K. Goley
McGuire Woods
kgoley@mcguirewoods.com

Piedmont Natural Gas Company, Inc.
4720 Piedmont Row Drive
Charlotte, North Carolina 28210
sohare@mcguirewoods.com

Pia Powers
Manager-Regulatory Affairs
Piedmont Natural Gas Company, Inc.
4720 Piedmont Row Drive
Charlotte, North Carolina 28210
pia.powers@piedmontng.com

Lawrence B. Somers
Deputy General Counsel
Duke Energy Corporation
PO BOX 1551/NCRH20
Raleigh, North Carolina 27602-1551
bo.somers@duke-energy.com

Shaun Lee
GESS International North Carolina, Inc.
GESS RNG Biogas USA, LLC
shaun.lee@gessinternational.com

This the 15th day of February, 2021.

s/ Alexander Elkan
Alexander Elkan
N.C. State Bar No. 31502
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
230 N. Elm Street, Suite 2000
Greensboro, NC 27401
(336) 271-3134
aelkan@brookspierce.com
jponzi@brookspierce.com
Attorneys for
GESS International North Carolina, Inc.
GESS RNG Biogas USA, LLC