

that the Commission allow it to forego additional review by the State Clearinghouse. Applicant respectfully requests that the Commission issue a Certificate of Public Convenience and Necessity pursuant to G.S. § 62-110.1 and Commission Rule R8-63 for the Facility, as more specifically described herein.

Respectfully submitted this 1st day of April, 2020.

KILPATRICK TOWNSEND & STOCKTON LLP

By: /s/ _____

Benjamin L. Snowden
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Attorney for Camden Solar, LLC

Camden Solar LLC
Application Exhibit 1 [R8-63(b)(1)]

(i) The full and correct name, business address, business telephone number, and electronic mailing address of the Applicant are:

Camden Solar LLC
17901 Von Karman Avenue, Suite 1050
Irvine, California 92614
(510) 516-6964

Whitney.Rubin@baywa-re.com

(ii) Description of Applicant:

Camden Solar LLC, formed December 2, 2016, is a Delaware Limited Liability Company with its principal place of business located in Wilmington, Delaware. A true and correct copy of Camden Solar's Limited Liability Company Articles of Organization is attached as **Schedule 1**. The principal participants of this Camden Solar entity are the two officers of BayWa r.e. Solar Projects, LLC ("BayWa Solar"): Jam Attari, Chief Executive Officer and William Gulley, Chief Financial Officer

BayWa Solar is a Delaware limited liability company with its principal place of business in Irvine, California. BayWa Solar was formed on June 3, 2014 and subsequently amended on August 1, 2014. BayWa Solar is a wholly owned subsidiary of BayWa r.e. Development, LLC, a Delaware limited liability company ("BayWa r.e. Development").

BayWa Solar is the sole Member of BayWa r.e. Development which is the sole member of Camden Solar. BayWa r.e. Development and BayWa Solar (collectively, "BayWa") are wholly-owned subsidiaries of the same parent company, BayWa AG ("BayWa AG"). An organizational chart depicting the relationship among Camden Solar, BayWa r.e. Development, BayWa Solar, and BayWa AG as well as relevant affiliated companies is attached as **Schedule 2**.

BayWa AG, headquartered in Munich, Germany, is an international conglomerate of energy companies, agricultural trading, and building materials suppliers. BayWa AG is one of Europe's leading trade, services, and logistics companies. In addition to a conventional energy business primarily in Europe, the energy segment of BayWa AG provides a variety of renewable energies, including solar power, wind energy, and bioenergy, to 24 countries, including all major European markets and locations in North America, Southeast Asia, and Australia. BayWa AG is a publicly-traded company with a current market capitalization of approximately 1.15 billion EUR and annual revenues of approximately 16.1 billion EUR.

BayWa r.e. Development, the direct owner of Camden Solar, operates, has developed or sold, or has in its development pipeline 47 solar facilities throughout the United States including projects in Washington state, Utah, New York, Illinois, Kentucky, Virginia, California, Georgia, and North Carolina. With the completion of these additional projects and the Project, BayWa expects to develop approximately 1.2 gigawatts ("GW") of capacity across the United States.

Camden Solar was initially formed by Blue Green Energy, LLC, a Florida limited liability company formed on October 7, 2010, and then sold to Solar Access Development Group, LLC ("Solar Access"), a Virginia limited liability corporation formed July 22, 2015. Solar Access undertook the initial development of the Facility, including obtaining site control for the properties on which the Facility shall be built, conducting initial environmental reviews, and securing local land use permits. On September 13, 2019, Solar Access sold its interests in Camden Solar to BayWa r.e. Development. The prior owners are no longer involved in the Project.

Correspondence, documents, and filings regarding this application should be addressed as follows:

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(iii) A copy of BayWa AG's most recent annual management report, including its consolidated financial statements, is attached as **Schedule 3**.

(iv) Applicant's other affiliated generating facilities: BayWa Solar has developed twelve solar generating facilities in the Southeastern Electric Reliability Council ("SERC") region, with an aggregate system capacity of 215 MW. These projects interconnect with Duke Energy Progress ("DEP"), municipal utilities, and Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina ("Dominion"), as described in the following chart.

BayWa Solar Projects Operating in the SERC Region

Project	Location	System Size (MWac)	Interconnecting Utility	Offtaker	Commercial Operation Date
Grasshopper	VA	80	Dominion	PJM	Sold
Chestnut	NC	74.9	Dominion	PJM	Sold
Northern Cardinal	NC	2.0	Dominion	PJM	Mar. 2018
Gauss	NC	5.0	Dominion	PJM	Feb. 2018
Hemlock	Northampton County, NC	5	Dominion	PJM	Dec. 2016
Cork Oak	Camden County, NC	20	Dominion	PJM	Dec. 2017
Sunflower	Camden County, NC	16	Dominion	PJM	Dec. 2017
HXNAIR	Camden County, NC	5	Dominion	PJM	Dec. 2017
SEV - Nashville	Nash County, NC	2	DEP	DEP	Aug. 2015
SEV - Newton Grove	Sampson County, NC	2	DEP	Town of Newton Grove	Aug. 2015
SEV - Selma	Johnston County, NC	2	The Town of Selma Utility Department	Town of Selma	Sept. 2015
SEV - Smithfield	Johnston County, NC	2	Town of Smithfield Public Utilities Department	Town of Smithfield	Sept. 2015
TOTAL		215.9			

In addition to the completed projects, BayWa Solar has an ownership interest in and is developing the following solar generating facilities in the SERC region, and each of the development projects is expected to interconnect to Dominion.

BayWa Solar Projects Under Development in the SERC Region

Project	Location	System Size (MWac)	Development Status	COD (estimated)	
American Beech	NC	110	CPCN application filed	Q4 2022	
Fern	NC	100	In construction	Q2 2020	
Bluebird	Harrison County, Kentucky	80	Local use permit application process ongoing	Q4 2022	
North 301	Camden County, NC	20	CPCN Issued 03/30/2015 (Docket No. SP-5422, Sub 0)	TBD	
Five Forks	Warren County, NC	20	CPCN Issued 04/06/2015 (Docket No. SP-5440, Sub 0)	TBD	
TOTAL		330			

Camden Solar LLC
Application Exhibit 2 [R8-63(b)(2)]

(i) Nature of proposed generating facility: Camden Solar is proposing to construct a 20 MW solar PV facility that will interconnect to Dominion Energy North Carolina's transmission system.

Camden Solar plans to construct the project in August 2020, with an estimated date of commercial operation date in second quarter of 2021. Once completed, the nameplate generating capacity of the facility will be 20 MW, with anticipated gross capacity of approximately 20 MW and anticipated generation of 51,731 MWh per year. Because solar power is subject to intermittent solar irradiance, Camden Solar's maximum dependable capacity is projected to be 0 MW during some hours of the day.

An itemized estimate of the construction costs is included as **Confidential Schedule 5**.¹ The expected service life of the facility is 20 years, with an additional 20-year service life, assuming equipment updates are made, for a total of 40 years.

(ii) Site plan: A color site plan map ("Site Plan") showing the proposed site boundary and layout with all major equipment, planned and existing roads, and planned and existing electric facilities is attached as **Schedule 6**. The Site Plan is identical in extent to the site plan submitted in support of the Project's QF CPCN, granted on August 1, 2017, but includes additional detail concerning the location of equipment within the Project site.

(iii) Locational information: The Camden Solar Project is made up of portions of two (2) parcels owned by three (3) different landowners who in total own about 218 acres of privately-owned land within the town of Camden in Camden County, North Carolina.

¹ Schedule 5 has been designated as confidential because the construction estimate contains confidential information within the scope of G.S. § 132.1.2.

We anticipate building on approximately 200 of the 218 acres. The GPS coordinates of the approximate center of the facility are latitude 36°18'27.64"N; longitude 76° 8'42.38"W. The Project includes portions of two parcels of farmland located at the southwest corner of the intersection of NC Highway 343 and Sand Hills Road (Route 1132), Camden, Camden County, North Carolina.

The Project is interconnecting to Dominion Energy North Carolina's ("Dominion's") distribution grid. Dominion is performing minor upgrades to the substation and distribution lines to allow for the interconnection of the Camden Solar project. Dominion is also installing new attachment facilities to provide for the interconnection of Camden Solar. All of these upgrades have been paid for by Camden Solar. The main project Substation location is the existing Elizabeth City Substation located at 1500 Durant Street in Elizabeth City, NC 27909. There will be two or three access points located off the one side road for the Facility.

(iv) The Facility is not a natural gas-fired facility.

(v) Required approvals: The following is a list of all necessary federal, state, and local approvals related to the Facility and the site and the status of such approval or a copy thereof, if obtained.

Federal:

1. Camden Solar received a Preliminary Jurisdictional Determination ("PJD") from the U.S. Army Corps of Engineers ("Corps") on May 31, 2018. The PJD indicates that the Project properties do not include streams and wetlands on the site that are jurisdictional waters and/or Waters of the United States, and so no

permit will be required for construction under Section 404 of the federal Clean Water Act.

2. Although the Facility is not located on federally obligated airport land, the Federal Aviation Administration (“FAA”) may request for Camden Solar to voluntarily submit a glare study to the FAA to conform to the FAA’s solar policy. If requested by FAA, Camden Solar will have a glare study performed and then submit the glare study to the FAA.
3. Prior to commencing operation, Camden Solar may apply for Market-Based Rate Authorization from the Federal Energy Regulatory Commission (“FERC”), pursuant to Sections 205 and 206 of the Federal Power Act.
4. Camden Solar may seek to self-certify with FERC as an Exempt Wholesale Generator pursuant to the Public Utility Holding Company Act of 2005.

State:

1. Camden Solar will require the approval of an erosion and sedimentation control plan for its construction activities from the North Carolina Department of Environmental Quality (“NCDEQ”).
2. Camden Solar will require a driveway permit from the North Carolina Department of Transportation.
3. Camden Solar will obtain coverage under a general stormwater permit (No. NCG0100000) for “Construction Activities that are also Subject to the North Carolina Sedimentation Pollution Control Act of 1973” (“General Permit”). As part of the General Permit, Camden Solar must develop and submit a stormwater pollution and prevention plan (SWPPP), which it will do prior to construction. The SWPPP must include an erosion and sedimentation control plan (see 1.

above). Camden Solar will continue to comply with all stormwater requirements for this Project.

4. Camden County participates in the National Flood Insurance Program and enforces a Flood Damage Prevention Ordinance that requires a Floodplain Development Permit for all development located in the Special Flood Hazard Area (SFHA) within its jurisdiction. The Applicant will: (1) ensure that Camden County's Floodplain Administrator reviews and issues permits for each part of the Project within a SFHA, and (2) comply with other regulatory requirements as applicable..
5. On February 17, 2017, the NC Department of Administration, State Clearinghouse, issued a letter to Applicant in the existing CPCN docket (Docket No. SP-8831 Sub 0). In this letter, the agency provided the results of the intergovernmental review of the property, including its evaluation of potential environmental impacts that might be associated with the Project. The agency also stated that "no further State Clearinghouse review action on your part is needed for compliance with the North Carolina Environmental Policy Act." Comments provided with the letter were evaluated and taken into consideration for the development of the property.

Local:

1. The Project requires a special use permit ("SUP") from Camden County. Camden Solar obtained its SUP approval on January 8, 2017, by a unanimous vote of the Camden County Board of Commissioners. The official documentation of this SUP approval was issued by Camden County with an

extension of one year approved unanimously by the County Commissioners and issued on December 2, 2019. A copy of the final Order approving the SUP and the Order approving the one-year extension are attached to this application as **Schedule 7**.

2. Camden Solar will require a Building Permit from Camden County.
3. Camden Solar will require an Electrical Permit from Camden County.

Other:

1. Camden Solar will register as a Generator-Owner with the North American Electric Reliability Council (“NERC”).
2. Camden Solar hired a consultant for the purpose of providing a Natural/Cultural Resources Constraints Evaluation Letter Report, which was received on April 16, 2019 from Terracon. This report conveyed an evaluation of regulatory considerations including: (1) Wilderness Areas and Wildlife Refuges; (2) Threatened/Endangered Species; (3) Cultural, Historic, and Archeological Resources Review; and, (4) Presence or Absence of Flood Plains. Terracon concluded that neither of the four (4) considerations provided above were constraints to the development of a solar plant at this Facility.

(vi) **Description of transmission facilities:** The Facility will interconnect with Dominion’s transmission grid via a three-pole interconnection with a recloser. The project POI will connect into that new line at the load side of the utility’s disconnect switch. A color map showing the location of the interconnection points and transmission facilities is included as **Schedule 6**. The transmission facilities are further described below.

The Facility will install approximately 20 MW of monocrystalline photovoltaic solar

modules on single-axis trackers. The trackers will be installed on a North-South axis tilting in an East-West direction to enable the modules to follow the sun throughout the day. The trackers will consist of galvanized steel and will be anchored on H-shaped steel posts driven approximately six feet into the ground. The trackers do not have a concrete foundation. The total number of modules will be roughly 72,549 depending on exact wattage of the modules.

Nine (9) inverters will transform DC power generated by the solar modules into 20 MW of AC capacity. Nine (9) transformers will step the voltage of generated power up from 1,108V at the inverters to 34.5kV. Power from these step-up transformers will be collected at the main power transformer that will again step up the voltage from 35kV to 115kV to align with the voltage at a switching station which will be built for the project.

The project is located on two (2) adjacent parcels of land. The individual blocks of trackers with solar modules will be connected through medium-voltage cable runs between the parcels.

Camden Solar has an Interconnection Service Agreement and Interconnection Construction Service Agreement with Dominion and PJM. Camden Solar also has a WMPA with PJM under Original Service Agreement No. 5095 (Queue No. AB2-022).

Camden Solar, LLC
Exhibit 3 [R8-63(b)(3)]

Description of the need for the facility in the state and/or region

Camden Solar and its collaborator on this Project, BayWa expect North Carolina and its surrounding region to benefit from the Project by satisfying a growing demand for renewable power in the region, and by providing economic development and other benefits in Camden County.

The Camden Solar Project will interconnect with the Dominion Energy transmission grid, affording it access to the PJM Interconnection (“PJM”), a Regional Transmission Organization (“RTO”) in which Dominion participates. BayWa has substantial experience with offtake in the PJM market and the expectations for power purchase from the PJM market in the southeast United States are strong. BayWa has previously secured and is actively negotiating for over 300 MW of offtake within the PJM market, and is using this experience to secure offtake for Camden Solar. BayWa Solar is actively negotiating power purchase agreements with a group of investment-grade offtakers for approximately 20 MW of the Project’s output, and is expecting final power purchase agreements with these parties in the third quarter of 2020.

As demonstrated by the chart produced by the Business Renewables Center and attached as **Schedule 4**, projections for corporate purchase of energy and renewable energy credits (“RECs”) from solar facilities in the southeast market of PJM is expected to increase over the next few years. The Applicant believes that healthy market conditions will create sustainable offtake for its production.

Demand for renewable power is expected to increase in the Southeast over the expected lifetime of the Project. Dominion Energy has committed to increasing its use of

renewable power to generate 5,000 MW of electricity by 2028. As noted on **Schedule 4**, the Business Renewables Center, a non-profit initiative that is the leading industry convener between corporate renewable energy buyers and renewable energy developers, predicts that the demand for renewable energy in the PJM market, described below, will increase over the next year as shared in a chart with its members in April 2018. Projections from PJM indicate that the demand for power, particularly in the Southeast, will increase as described below.

Dominion's commitment is consistent with state-level policy set by the Virginia General Assembly, which affirmed the growing importance of renewable energy generation in passing the Grid Transformation and Security Act of 2018 (the "GTSA"), signed into law by Governor Ralph Northam on March 9, 2018. The GTSA finds that up to an additional 5,000 MW of utility-scale electric generating facilities powered by solar and wind energy is in the public interest, along with up to an additional 500 MW of non-utility scale solar or wind generating facilities, including rooftop solar installations.

The Applicant anticipates contracting the sale of energy, capacity, and Renewable Energy Credits ("RECs") through PJM. PJM is an RTO that coordinates the movement of electricity through all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia. Load growth for the PJM RTO as a whole, and more specifically for the Dominion Virginia power zone, which serves parts of Eastern North Carolina and Virginia (as shown on **Schedule 8** attached hereto), is expected to increase over the next ten to fifteen years as described below for both winter and summer months.

Summer peak load in PJM is expected to grow by 0.3% per year over the next ten years, and by 0.3% over the next 15 years.² For the Dominion Virginia Power zone, summer peak load growth is expected to grow by 0.9% per year over the next ten years, and 0.8% per year over the next fifteen years.³ The anticipated ten-year summer peak load growth in the Dominion Virginia Power zone represents 1.4% growth over the January 2018 load forecast report.⁴

Winter peak load growth in PJM is projected to average 0.4% per year over the next 10-year period, and 0.4% over the next 15-years.⁵ Winter peak load growth for the Dominion Virginia Power zone is expected to grow by 0.9% per year over the ten years, and 0.9% per year over the next nine to fifteen years.⁶ The anticipated ten-year winter peak load growth in the Dominion Virginia Power zone represents 1.4% growth over the January 2018 load forecast report.⁷

The PJM service area of North Carolina has slightly higher projected load growth than Virginia. North Carolina is expected to average between 0.9 and 1.1% per year over the next 10 years versus the PJM RTO load growth projections to average between 0.3% and 0.4% over the next ten years.⁸

² 2019 PJM Load Forecast Report (Mar. 2019 – RPM Update), available at <https://www.pjm.com/-/media/library/reports-notices/load-forecast/2019-rpm-load-forecast.ashx?la=en>, at 43-44.

³ *Id.*

⁴ *Id.* at 40.

⁵ *Id.* at 47-48.

⁶ *Id.*

⁷ *Id.*

⁸ PJM, 2018 North Carolina State Infrastructure Report (January 1, 2018 – December 31, 2018), May 2019, 21, available at <https://www.pjm.com/-/media/library/reports-notices/state-specific-reports/2018/2018-north-carolina-state-data.ashx?la=en>.

Generation retirement also demonstrates the need for new sources of electricity in the region, and in North Carolina in particular. Approximately 209 MW of capacity in North Carolina was retired in 2017. This represents more than 10 percent of the 2,084 MW that retired RTO-wide in 2017.⁹

In addition to satisfying in part the growing demand for renewable energy, BayWa Solar also anticipates bringing economic benefits to Camden County. While the operation of the Facility will allow many of the landowners to live and farm nearby, the landowners will gain income that will allow them to continue agricultural activities on their remaining properties.

The Camden Solar Project will create significant benefits for the local community, including an increase in tax revenues. The current tax revenue was \$4116.16 for year 2019 at the current land designation as agricultural. The project is estimated to provide over five (5) times that amount in taxes on a yearly basis.

Solar also will bring employment opportunity and development for the local Camden County workforce. The Applicant anticipates that the proposed Project will require the hiring of around 100 local positions during construction as this is consistent with similar projects of this type and size. Construction materials will need to be purchased, delivered and installed during construction as well. In addition, there will be a demand for locally-sourced contractors during facility operation (landscaping, grounds keepers, maintenance etc.). Contractors and employees traveling from outside Camden County to assist with the Project will require the services of local accommodation providers and local restaurants/grocery stores.

⁹ *Id.* at 21

With these efforts, BayWa Solar anticipates bringing positive community benefits to Camden County while also generating renewable power to meet the region's increasing demand.

Camden Solar LLC
Application for a Certificate of Public Convenience and Necessity
for a Merchant Plant
Docket No. E-109, Sub 0
Schedules

Schedule 1 – Limited Liability Articles of Organization

Schedule 2 – Organizational Chart

Schedule 3 – Management Report and Consolidated Financial Statements of BayWa AG

Schedule 4 – Chart of Renewables Offtake Projections

Schedule 5 – Estimated Construction Costs ***CONFIDENTIAL***

Schedule 6 – Site Plan

Schedule 7 – Conditional Use Permit (7A) and One Year Extension (7B)

Schedule 8 – Map of Dominion Virginia Power Territory

VERIFICATION

STATE OF California COUNTY OF Alameda

Whitney Rubin
Signature of Owner's Representative or Agent

Development Manager
Title of Representative or Agent

Whitney Rubin
Typed or Printed Name of Representative or Agent

The above-named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this _____ day of _____, 20____.

My Commission Expires: _____

**PLEASE SEE ATTACHED
NOTARY CERTIFICATE**

Signature of Notary Public

Name of Notary Public – Typed or Printed

This original verification must be affixed to the original application, and a copy of this verification must be affixed to each of the copies that are also submitted to the Commission.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

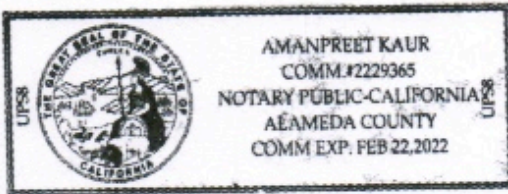
State of California)
County of Alameda)
On 03/31/2020 before me, Amanpreet Kaur, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Whitney Rubin
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____
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Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing **APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR A MERCHANT PLANT** upon the following by electronic mail as follows:

Christopher Ayers, Esq.
Executive Director - NC Public Staff
Chris.Ayers@psncuc.nc.gov

Megan Jost
NC Public Staff - Legal Division
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NC Public Staff - Legal Division
4326 Mail Service Center
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This the 1st day of April, 2020.

/s/ _____

Benjamin L. Snowden