

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-5259, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Aulander Holloman
Solar, LLC for a Certificate of Public
Convenience and Necessity to Construct
an 80-MW Solar Facility in Bertie
County, North Carolina)

**APPLICATION FOR
CERTIFICATE OF PUBLIC
CONVENIENCE AND
NECESSITY FOR A MERCHANT
GENERATING PLANT**

In the Matter of
Application of Aulander Holloman
Solar, LLC for a Certificate of Public
Convenience and Necessity to Construct
a 100-MW Solar Facility in Bertie
County, North Carolina)

Aulander Holloman Solar, LLC (“Holloman Solar” or “Applicant”), pursuant to N.C.G.S. § 62-110.1 and Commission Rule R8-63, applies to the North Carolina Utilities Commission (the “Commission”) *nunc pro tunc* for a certificate of public convenience and necessity (“CPCN”) to construct a solar photovoltaic facility with a capacity of 100 MW_{AC} (“Plant” or “Facility”). The Facility currently holds a CPCN issued under Rule R8-64, which was issued in Docket SP-5259 Sub 0 on June 17, 2015 and amended on June 20, 2018. The Facility has been constructed and is in operation in Bertie County, North Carolina as a merchant plant facility. The Applicant seeks issuance of a CPCN under Rule R8-63 *nunc pro tunc* because (1) after the Facility was constructed, its capacity was increased to 100 MW_{ac}, whereas the existing CPCN reflects a capacity of 80 MW_{ac}; and (2) the Facility is no longer a PURPA Qualifying Facility and is operating as a merchant facility, and thus requires a CPCN to be issued under Rule R8-63, rather than R8-64.

In support of the instant application and requested amendment, and in compliance with Commission Rule R8-63, Holloman Solar provides the Commission the attached exhibits. However, as discussed in the Motion to Amend and Reissue Certificate of Public Convenience and Necessity and Request For Limited Waiver filed by the Applicant this same day (and in the Application itself), the Applicant requests that the Commission waive certain requirements of Rule R8-63 for good cause, based on the unique circumstances presented here.

WHEREFORE Holloman Solar respectfully requests that the Commission grant it a CPCN *nunc pro tunc* to construct and operate the Facility as a merchant plant.

Respectfully submitted this 26th day of October, 2023.

FOX ROTHSCHILD LLP

/s/ Benjamin L. Snowden

Benjamin L. Snowden
N.C. Bar No. 51745
434 Fayetteville Street, Suite 2800
Raleigh, North Carolina 27601
Telephone: (919) 755-8700
Email: bsnowden@foxrothschild.com
Attorney for Aulander Holloman Solar, LLC

**Aulander Holloman Solar, LLC Application Exhibit 1 [R8-63(b)(1)]
SP-5259 SUB 0**

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

Aulander Holloman Solar LLC
Attn: Kenny Habul
595 Summer St.
Stamford, CT 06901
Phone: (203)-983-7875

The electronic mailing address for purposes of this filing is: legal@sunenergy.com

(ii) Description of Applicant: Holloman Solar was organized as a limited liability company under the laws of North Carolina on or about October 2, 2014, The company maintains its principal place of business in Stamford, Connecticut. A true and correct copy of Holloman's Articles of Organization is attached as **Schedule 1**.

Applicant Holloman Solar is wholly owned by Holloman Owner LLC ("Holloman Owner"). Holloman Owner is a limited liability company organized under the laws of North Carolina on April 12, 2018. Holloman Owner is wholly owned by both Holloman Lessee LLC, a North Carolina limited liability company ("Holloman Lessee"), and by its managing member, Holloman Manager LLC, a North Carolina limited liability company ("Holloman Manager"). Holloman Manager is wholly owned by SE1 Generation 1, LLC, a North Carolina limited liability company ("SE1 Generation 1"). SunEnergy1, LLC, a North Carolina limited liability company ("SunEnergy1"), is an affiliate of Applicant. An organizational chart depicting the relationship among Holloman Solar, Holloman Owner, Holloman Lessee, Holloman Manager, SE1 Generation 1, and SunEnergy1 is attached as **Schedule 2**. Kenny Habul is the Chief Executive Officer of Holloman Solar, Holloman Owner, Holloman Lessee, Holloman Manager, SE1 Generation 1, and SunEnergy1. Kenny Habul is also the Manager of Holloman Manager.

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

	with copies to:	with copies to:
Kenny Habul Aulander Holloman Solar, LLC 595 Summer St. Stamford, CT 06901 Phone: (203)-983-7875 kenny@sunenergy1.com	SunEnergy1, LLC Attention: Legal Department 595 Summer St. Stamford, CT 06901 Phone: (203)-983-7875 legal@sunenergy1.com	Benjamin L. Snowden 434 Fayetteville Street, Suite 2800 Raleigh, North Carolina 27601 Telephone: (919) 755-8700 Email: bsnowden@foxrothschild.com

(iii) Reports or financial statements: Applicant requests that the Commission waive the requirements of R8-63(b)(1)(iii) in its motion filed herewith.¹

(iv) Applicant's other affiliated generating facilities: Holloman Solar does not own any membership interest nor does it have any other developed solar generating facilities currently operational in the Southeastern Electric Reliability Council ("SERC") region. SunEnergy1 is one of the largest solar developers and engineering, procurement and construction companies in the United States. The Applicant's affiliate, SunEnergy1, has completed numerous solar generating facilities in the SERC region as shown in the below table:

Project	MW	County/State	Completion Date
Bethel	7	Pitts, NC	May 2016
Elizabeth City	28	Pasquotank, NC	April 2015
Everetts	7	Martin, NC	April 2015
Scotland Neck	28	Halifax, NC	March 2014
Battleboro	7	Edgecombe, NC	June 2015
Conetoe II	112	Edgecombe, NC	April 2016
Creswell	19.95	Washington, NC	June 2015

¹ For the same reason, this Application does not include pre-filed direct testimony incorporating and supporting the application, as required by Commission Rule R8-63(b)(5).

Kelford	30.10	Bertie, NC	February 2016
Sunbury	7	Gates, NC	March 2016
Whitakers	16.8	Whitakers, NC	February 2016
Whitepost I	14.99	Beaufort, NC	February 2013
Whitepost II	6.4	Beaufort, NC	May 2014
Windsor	7	Bertie, NC	April 2014
River Road	7	Hertford, NC	December 2016
Leggett	7	Whitakers, NC	July 2017
Barnhill	4	Pasquotank, NC	December 2016
Aulander Hwy 42	7	Hertford, NC	July 2017
Summit	84	Currituck, NC	February 2017
Shiloh Hwy 1108	7	Camden, NC	March 2018
Sandy Solar	7	Camden, NC	April 2018
Chowan Jehu	7	Chowan, NC	March 2018
Scotland Neck 3	4	Halifax, NC	January 2015
Elk Park	0.197	Avery, NC	March 2012
SE1-Asheville	0.25	Buncombe, NC	May 2010
Plymouth Solar	6.5	Plymouth, NC	December 2014
Pamlico Solar	6.6	Beaufort, NC	February 2014
Choco Solar	7	Beaufort, NC	March 2015
Sugar Run Solar	6.6	Gates, NC	December 2015
Albertson Solar	7	Duplin, NC	December 2014
Conetoe Solar	6.6	Edgecombe, NC	January 2016
Williamston Speight	20.84	Martin, NC	December 2016
Ranchland	84	Currituck, NC	January 2018
Mill Pond	7	Martin, NC	September 2019
Jamesville	7	Martin, NC	October 2019

Camden Dam	7	Camden, NC	August 2019
Mechanicsville	28	Hanover, VA	October 2020
Colice Hall	17	Hertford, NC	June 2023
Albemarle Beach	140	Washington, NC	May 2021

In addition to the completed projects identified above, SunEnergy1 has under development the following solar generating facilities in the SERC region.

Project	MW	County/State
Gliden	7	Chowan, NC
Windsor Hwy 17	7	Bertie, NC
Ryland Road	7	Chowan, NC
Pitt Solar	150	Pitt, NC
Wildcat Road	7	Martin, NC
Williamston Hwy 125	7	Martin, NC
Shawboro Ridge	80	Currituck, NC
Creswell Hwy 64	20	Tyrell & Washington, NC
Manning	7	Edgecombe, NC
Oak	180	Northampton, NC
Cherry	120	Northampton, NC

**Holloman Solar LLC Application Exhibit 2 [R8-63(b)(2)]
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(i) Nature of generating facility: Holloman Solar has constructed and is operating a solar photovoltaic generation facility that interconnects to the transmission system owned and operated by Virginia Electric and Power Company d/b/a Dominion Energy North Carolina, Inc. ("DENC"). The nameplate generating capacity of the Facility is up to 99.9 MW_{AC}, with anticipated gross capacity of approximately 67 MW_{AC} and anticipated generation of 207,002 MWh per year. The Plant's maximum dependable capacity is projected to be 0 MW during some hours of the day. The Plant's expected service life is 35 years.

The Facility achieved substantial completion on October 18, 2019. Construction costs are included as **Confidential Schedule 3**.²

The Facility is a single-axis tracking, ground mounted solar photovoltaic system consisting of approximately 362,236 solar photovoltaic modules and utilizes two thousand one hundred and two (2,102) 50 KW-AC Inverters and twenty-two (22) 125 KW-AC Inverters.

The Facility was originally constructed and operated as an 80 MW_{AC} qualifying facility under a certificate issued by the Commission on June 20, 2018, pursuant to Commission Rule R8-64. In June-July 2020, the Facility was modified to increase the AC capacity to 99.9 MW. This modification did not involve any construction or other land-disturbing activity, but only the modification of the Facility's transformer and the adjustment of settings to the Facility's Plant Controller.

The inverters are dynamically limited at the point of interconnection not to exceed the maximum facility output of 99.9 MW_{AC}.

² Schedule 3 has been designated as confidential because the construction estimate contains confidential information within the scope of N.C.G.S. § 132.1.2.

(ii) Site plan: A color site plan map showing the as-built site boundary and layout with all major equipment, planned and existing roads, and planned and existing electric facilities is attached as **Schedule 4** (together with all information contained therein, "Site Plan"). The Site Plan of the Facility has not changed since the Commission issued its Order issuing an Amended CPCN on June 20, 2018.

(iii) Locational information: The Facility is made up of portions of land owned by two (2) private landowners who in total own 1,092.19 acres outside Aulander in Hertford County, North Carolina. The Facility was assigned the following E911 addresses: (1) 208 Joe Holloman Rd, Aulander, NC 27805; (2) 146 B W Brickmill Rd, Aulander, NC 27805. The GPS coordinates of the center of the facility site are: 36.246084, -77.066151.

(iv) Gas: Not applicable—the Facility is not a natural gas-fired generation plant.

(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. The listed permits are included in **Schedule 5**.

USACE – Preliminary Jurisdiction Wetland Determination issued June 24, 2018.
USACE – Preliminary Jurisdiction Wetland Determination (Holloman Phase 2) issued March 25, 2019.
Tier I Qualified Facility Spill, Prevention, Control and Countermeasure Plan issued November 19, 2018 and reissued on June 22, 2023.
Tier II Qualified Facility Spill, Prevention, Control and Countermeasure Plan issued June 2018 and reissued on June 22, 2023.
North Carolina Department of Environmental Quality (NCDEQ) - Division of Energy, Mineral and Land Resources (DEMLR), Stormwater Management Permit, Stormwater General Permit NCG010000, reissued April 1, 2019
NCDEQ - DEMLR, Letter of Approval with Modifications and Performance Reservations, Aulander Holloman Solar Substation/Laydown Yard, Permit No. Hertf-2016-008, issued November 9, 2017.
NCDEQ – DEMLR, Letter of Approval with Modifications and Performance Reservations, Aulander Holloman Solar, Phase 1 (Phases A-H), Permit No. Hertf-2018-003, issued November 19, 2018.

NCDEQ-DEMLR, State Stormwater Management Permit for Low Density Development, Aulander Holloman Collector Substation, Permit No. SW7160406 MOD issued February 16, 2018.
NCDEQ-DEMLR, Letter of Approval with Modifications and Guidelines, Erosion and Sedimentation Control Plan No. Hertf-2016-006, issued November 4, 2016.
NCDEQ – DEMLR, Letter of Approval with Modifications and Performance Reservations, Knee Branch Solar (Holloman Phase 2) permit number Hertf-2019-003, issued November 26, 2018.
NCDEQ - DEMLR, Letter of Approval with Modifications, Aulander Holloman Phase 3, Permit No. Hertf-2020-005, issued February 14, 2020.
NCDEQ-DEMLR, State Stormwater Discharge Permit for Low Density Development, Castelow (Holloman Phase 2). Permit No. SW7181011, issued November 1, 2018.
NCDEQ-DWR After the Fact Approval of 401 Water Quality Certification, DWR#18-0456, issued June 25, 2018
Building Permit P18-420 dated August 20, 2018
Notice of Self-Certification of Exempt Wholesale Generator Status of Holloman Lessee LLC, Docket No. EG18-102-000 filed on June 21, 2018, notice of effectiveness by order issued September 16, 2018.
County of Hertford, Certificate of Zoning Compliance issued April 10, 2018.
Driveway Permit – Brick Road/Holloman Road –Bertie/Hertford Counties, 200811-2712; 204611-2712, issued April 25, 2016.
Building Permit – P18-233 – Substation, issued December 7, 2018.
Building Electrical Permit –P18-234 – Substation, issued December 7, 2018.
Building Permit – P18-307 -Project issued December 14, 2018. This Permit is for the Building Permit for the site, issued June 22, 2018.
Right of Way Encroachment Agreement by the Department of Transportation – Boring under roadway for electrical conduit, issued 22-May-2018, with letter from the NCDOT dated June 25, 2018.
Electrical Permit – P18-308 issued June 22, 2018.
VEPCO Encroachment Agreement dated June 25, 2018.
Holloman Lessee LLC application for Market-Based Rate Authority filed on August 7, 2018, in Docket No. ER18-2178 for 80 MW facility. Letter Order granting MBR Authority issued on September 18, 2018.

(vi) Description of Transmission Facilities. PJM Interconnection, LLC, Holloman Lessee, and DENC entered into an Interconnection Service Agreement effective as of November 15, 2015, as amended on March 18, 2020 and November 9, 2021. Pursuant to the Interconnection Service Agreement, PJM is the Transmission Provider. This Agreement was superseded by an amended

Interconnection Service Agreement, filed with FERC on February 16, 2022 (included as **Schedule 6**). The interconnection of the Facility did not trigger any upgrades to the PJM transmission system for which reimbursement would be available, and did not trigger any impacts on potentially Affected Systems or otherwise require the construction of any Affected System Upgrades.

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**Discuss Holloman Solar, LLC Exhibit 3 [R8-63(b)(3)]
Description of the need for the facility in the state and/or region
SP-5259 SUB 0**

Holloman Solar expects the Facility to benefit North Carolina and its surrounding region by satisfying a growing demand for renewable power in the region, and by providing economic development and other benefits in Hertford County. The Facility is interconnected with DENC's transmission grid, affording Holloman Solar access to the Balancing Area administered by PJM ("PJM BA"). 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.

The Applicant has contracted with Fifth Third Bank, an Ohio banking corporation ("Fifth Third"), for the sale of the Interval Quantity, the Renewable Energy Credits ("RECs"), and the Future Environmental Attributes pursuant to the terms of a Renewable Energy Power Purchase Agreement dated December 1, 2017, as amended on or about June 26, 2018 and 29, 2020 (collectively the "PPA"). The sale of energy, capacity, and RECs occur through PJM. Holloman Solar, and its affiliates, have substantial experience with offtake in the markets administered by PJM ("PJM Market"), and the expectations for power purchases in the PJM Market from generating facilities in the southeast United States are strong.

Load growth for PJM as a whole, and more specifically for the DENC power zone, which serves parts of Eastern North Carolina and Virginia, is expected to increase over the next ten to fifteen years for both winter and summer months. Summer peak load growth for the PJM BA is projected to average 0.8% per year over the next 10 and 15 years.³ For the DENC power zone,

³ 2023 PJM Load Forecast Report, available <https://www.pjm.com/-/media/library/reports-notices/load-forecast/2023-load-report.ashx>, at 8.

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summer peak load growth is expected to grow by 5% per year over the next ten years, and 4.2% per year over the next fifteen years.⁴ Winter peak load growth in the PJM BA is projected to average 1% per year over the next 10- year period, and 0.9% over the next 15-years.⁵ Winter peak load growth for the Dominion zone is expected to grow by 4.8% per year over the ten years, and 4.2% per year over the next fifteen years.⁶

There are several opportunities to sell the output (i.e., offtake) and services from the Facility into the PJM Market, including (1) the PJM wholesale market, (2) ancillary services sales under the PJM tariffs; and (3) Corporate Agreements. These are discussed in turn below.

Regarding (1) above, PJM wholesale markets provide opportunities to sell output through the energy and capacity market. Through the energy markets, low-cost solar resources compete to meet the demand throughout the PJM footprint. The PJM capacity market provides opportunities to sell capacity.

Regarding (2) above, FERC Rate Schedule No. 1 sets forth the cost-based revenue requirements for the provision of Reactive Supply and Voltage Control from Generation Source Service under Schedule 2 of PJM's Open Access Transmission Tariff. Multiple solar projects have applied and are now eligible to receive revenue under this provision. Other solar projects aggregating to approximately 400 MW of capacity have already qualified for Tariff filings.

Regarding (3) above, according to the Renewable Energy Buyers Alliance ("REBA"), Corporate buyers led over 16.9 GW of renewable energy purchases in 2022 and the trend continues to escalate.⁷ Given the robust demand for corporate purchases, solar projects in PJM's southern

⁴ *Id.* at 28

⁵ *Id.* at 2

⁶ *Id.* at 28.

⁷ <https://rebuyers.org/deal-tracker/>

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portion—with higher solar resources—are uniquely positioned to attract buyers and many similar projects have secured agreements. Holloman Solar expects this trend to continue.

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Holloman Solar, LLC
Application for an Amendment to Certificate of Public Convenience and Necessity for a
Merchant Plant
Docket No. SP 5259, Sub 0 Schedules

Schedule 1 – Limited Liability Articles of Organization

Schedule 2 – Organizational Chart

Schedule 3 – Estimated Construction Costs ***CONFIDENTIAL***

Schedule 4 – Site Plan

Schedule 5 – Permits

Schedule 6 – Interconnection Service Agreement

VERIFICATION

STATE OF NORTH CAROLINA

COUNTY OF PITT

_____
Signature of Owner's Representative or AgentManager_____
Title of Representative or AgentKenny Habul_____
Typed or Printed Name of Representative or Agent

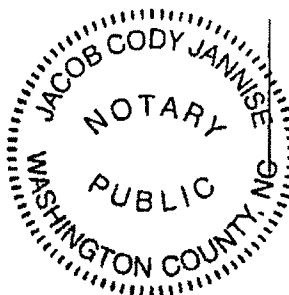
The above named person personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and any exhibits, documents, and statements thereto attached are true as he or she believes.

WITNESS my hand and notarial seal, this 26th day of October, 2023.

My Commission Expires: March 16, 2024



Signature of Notary PublicJacob Cody Jannise

Name of Notary Public – Typed or Printed

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** 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 26th day of October, 2023.

/s/ Benjamin L. Snowden

Benjamin L. Snowden

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