

**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)	NOTICE OF
Necessity to Construct an 80-MW Solar)	COMPLETENESS
Facility in Washington County, North Carolina)	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission, by and through its Executive Director, Christopher J. Ayers, and provides the notice required by Commission Rule R8-63(d) with respect to the completeness of the application filed by Albemarle Beach Solar, LLC (Albemarle Beach or Applicant).

On September 21, 2015, in Docket No. SP-6476, Sub 0, the 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_{AC} (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.

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.

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).

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.

On July 15, 2019, the Commission issued a Recommended Order Issuing Certificate granting the Applicant a CPCN for the construction of an 80-MW_{AC} solar generating facility as a merchant plant, subject to the conditions stated therein.

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.

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.

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.

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.

The Public Staff has reviewed the application filed on September 21, 2015, the Applicant's amended prefiled direct testimony filed on April 11, 2019, and the Applicant's Motion and prefiled supplemental testimony filed on March 27, 2024, as required by Commission Rule R8-63(d). The Public Staff hereby notifies the Commission that it considers the application to be complete.

WHEREFORE, the Public Staff respectfully requests that the Commission consider the application of Albemarle Beach Solar, LLC, to be complete and issue a procedural order setting it for hearing, requiring public notice, and addressing any other procedural matters.

Respectfully submitted this the 11th day of April, 2024

PUBLIC STAFF
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CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing NOTICE on all parties of record in this proceeding, or their attorneys of record, in accordance with NCUC Rule R1-39, by mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 11th day of April, 2024.

/s/ Nadia L. Luhr
Nadia L. Luhr