

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. EMP 102, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of Pitt Solar, LLC for a	)	
Certificate of Public Convenience and	)	VERIFIED MOTION TO EXCUSE
Necessity to Construct a 150MW Solar	)	WITNESSES, ADMIT TESTIMONY
Facility in Pitt County, North Carolina	)	AND EXHIBITS, AND CANCEL
	)	HEARING
	)	

NOW COMES Pitt Solar, LLC, (the "Applicant"), by and through its undersigned counsel, and moves the Commission to excuse witnesses, admit into the record without cross-examination all of the pre-filed testimony and exhibits submitted by any party to this proceeding, cancel further hearings on the Applicant's application for a certificate of public convenience and necessity (the "CPCN"), and to issue the requested CPCN, subject to certain conditions. Accordingly, the Applicant shows unto the Commission the following:

1. On August 10, 2020, an application for a CPCN to construct a renewable electric merchant plant was filed pursuant to N.C. Gen. Stat. § 62-110.1 and NCUC Rule R8-63 on behalf of Bethel NC 11 Solar, LLC. The application was supported by the pre-filed testimony and exhibits of Linda Nwadike filed with the Commission on the same day in accordance with NCUC Rule R8-63.
2. At the time the application was filed, the Applicant did not have a contract to sell the output of the proposed solar generation plant.
3. On August 19, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff had reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considered the application to be complete. In addition, the Public Staff requested that the Commission issue a procedural order setting the application for hearing, requiring public notice pursuant to N.C.G.S. § 62-82, and addressing any other procedural matters.
4. On October 5, 2020, the Commission issued an *Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice*.
5. On October 16, 2020, the Applicant pre-filed the supplemental testimony of witness Nwadike.
6. On October 26, 2020, the Public Staff filed a motion for extension of time to file testimony and rebuttal testimony, which was granted by Commission Order dated October 30,

2020. The Commission's October 30<sup>th</sup> Order also canceled the scheduled hearing in the docket and stated the hearing would be rescheduled by subsequent order of the Commission.

7. On November 11, 2020, the Applicant filed an Affidavit of Publication indicating that public notice was given as required.

8. Since the filing of the application, the Applicant has entered into an out-take contract for the output of the proposed plant. In connection with the making of the out-take contract, the counterparty requested that the Applicant change its legal name. The Applicant agreed to effect a change of its legal name.

9. The current legal name of the Applicant is Pitt Solar, LLC. The application and caption in this proceeding has been adjusted to conform to the new legal name of the Applicant, Pitt Solar, LLC.

10. On November 12, 2020, the Public Staff filed the direct testimony of Dustin R. Metz, an engineer in the Electric Section of the Public Staff's Energy Division. The Public Staff, through witness Metz, recommended that the Commission grant the requested CPCN, subject to certain conditions as set out on pages 16-19 of that testimony.

11. The Applicant is willing to accept a CPCN issued by this Commission, subject to the conditions as stated in the aforesaid testimony of Public Staff witness Metz.

12. The Applicant acknowledges that under Duke's Affected Systems Business Procedure and PJM's OATT as currently in force, the Applicant, as the Interconnection Customer, is responsible for all affected system Network Upgrade costs assigned to the Applicant's proposed facility, if any, without reimbursement.

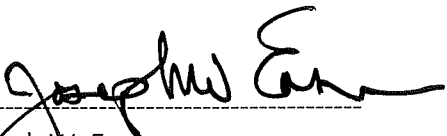
13. On November 16, 2020, a public hearing was held on the application in this docket. Only one person registered to speak at the public hearing. That individual raised concerns about solar generation resources generally and the use of avoided costs to develop prices for the output of some solar generation resources. That individual confirmed on cross-examination that the issues and concerns about solar electric generation that had been raised were generic concerns, not concerns about the Applicant or the specific project proposed by the Applicant in this docket.

14. Since there are no issues among the parties, the Applicant and the Public Staff agree to waive cross-examination of all witnesses in this matter.

15. The Public Staff reviewed this motion before it was filed, and has authorized the undersigned to state that the Public Staff has no objection to the Commission granting the relief requested by the Applicant subject to the conditions recommended in the aforesaid testimony of Public Staff witness Metz.

WHEREFORE, the Applicant respectfully prays that the Commission: (1) admit into evidence all of the pre-filed testimony, including all exhibits thereto, submitted on behalf of the Applicant or on behalf of the Public Staff in this docket, without cross examination; (2) excuse all of the witnesses from appearing at any scheduled hearings; (3) cancel any further hearings in this docket; and (3) issue the CPCN as requested by the Applicant, subject to the conditions identified in the aforesaid testimony of Public Staff witness Metz.

Respectfully submitted this 16<sup>th</sup> day of December, 2020.

  
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Attorneys for the Applicant

VERIFICATION

NOW COMES, Linda Nwadike, being first duly sworn, and deposes and says that I am duly authorized to act on behalf of Pitt Solar, LLC, the Applicant in this proceeding, as Director of Permitting and Community Relations for SunEnergy1, LLC, the parent and affiliate of the Applicant; that I have read the VERIFIED MOTION TO ADMIT TESTIMONY AND EXHIBITS WITHOUT CROSS AND TO CANCEL HEARING and am authorized to verify same on behalf of the Applicant and SunEnergy1; and, confirm that the statements and undertakings therein are true and accurate to my personal knowledge and belief, except where otherwise indicated, and in those instances, I believe the statements and undertakings to be true.

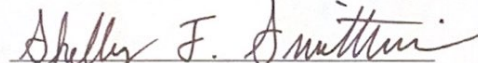
Signed this 10 day of December, 2020.



Linda Nwadike  
Director of Permitting & Community Relations  
SunEnergy1, LLC

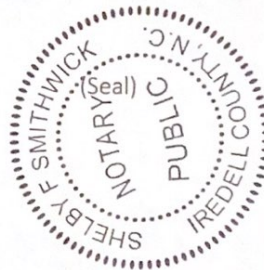
SIGNED AND SEALED BEFORE ME THIS 10 DAY OF DECEMBER, 2020.

Sworn to and subscribed to before me  
this 10 day of December, 2020.

  
Notary Public (Signature)

Shelby F. Smithwick  
Notary Public (Printed)

My Commission Expires: 3/27/23



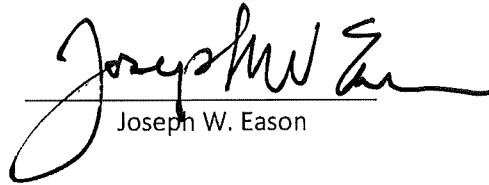
CERTIFICATE OF SERVICE

The undersigned certifies that the forgoing **VERIFIED MOTION TO ADMIT TESTIMONY AND EXHIBITS WITHOUT CROSS AND TO CANCEL HEARING** was served upon the following by electronic mail:

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

Gina C. Holt  
NC Public Staff-Legal Division  
gina.holt@psncuc.nc.gov

This the 16<sup>th</sup> day of December, 2020.

  
\_\_\_\_\_  
Joseph W. Eason