

**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 Necessity to Construct an 80 MW Solar Facility in Washington County, North Carolina	)	ORDER GRANTING MOTION TO WITHDRAW PROPOSED AMENDMENT TO CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, GRANTING MOTION TO LIFT STAY, AND SETTING PROCEDURAL SCHEDULE FOR MOTION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

BY THE CHAIR: On March 27, 2024, Albemarle Beach Solar, LLC (Albemarle Beach or Applicant) filed in this docket a Motion to Withdraw Proposed Amendment, Lift Stay, and Amend Certificate of Public Convenience and Necessity (Motion), along with the supplemental direct testimony and exhibits of witnesses Jason Hathcock and Kenny Habul. In its cover letter, Albemarle Beach requested that the Commission order the Public Staff to file responsive testimony 45 days after the March 27 Motion, order Albemarle Beach to file reply testimony within two weeks of the Public Staff’s filing of responsive testimony, and schedule any required evidentiary hearing at the Commission’s earliest convenience. Albemarle Beach stated that the Public Staff agreed to this proposed schedule.

On September 21, 2015, Applicant filed an application for a Certificate of Public Convenience and Necessity (CPCN) allowing it to construct an 80 MW solar facility in Docket No. SP-6476, Sub 0.

On November 29, 2018, the Commission issued an Order Transferring Record, Closing Docket, and Finding Application Incomplete that opened this docket, into which the Application and related records were transferred.

On July 15, 2019, the Commission issued a Recommended Order Issuing Certificate granting a CPCN for the construction of an 80 MW solar generation facility the Facility) as a merchant plant, subject to certain conditions.

On January 21, 2020, the Applicant filed a request to amend its CPCN to: (1) add parcels of land to the original project footprint which would enable it to construct more panels, thereby increasing the DC rating of the project in a possible future second phase of the project; and (2) increase the AC capacity of the project from 80 MW to 140 MW.

On June 22, 2020, the Public Staff filed a letter in the docket stating that it found the application for the amendment to the CPCN to be deficient and recommending that the Commission require Applicant to file a complete amended application including accompanying testimony, including testimony regarding the need for the additional capacity and the cost of any necessary system upgrades.

On August 13, 2020, the Commission issued an Order Determining Amended Application to be Incomplete directing Albemarle Beach to provide additional information regarding Network Upgrades or Affected System Upgrades that the Facility would trigger, and on the Applicant's offtake plans.

On October 15, 2020, Albemarle Beach filed a Motion to Stay Proceedings requesting that all activities in the docket be stayed until further order of the Commission. Applicant stated that it based its request partially on the fact that PJM studies of the proposed change to the Facility had not been completed.

On October 20, 2020, the Commission issued an Order Granting Motion to Stay Proceedings.

In its Motion, Applicant states that it does not plan to implement the changes to the layout of the Facility reflected in the amendment to its CPCN filed on January 21, 2020, and requests to withdraw the proposed amendment.

Applicant further states in its Motion that after PJM completed interconnection studies to increase the capacity of the Facility to 140 MW, the Applicant adjusted the maximum AC capacity settings of the Facility from 80 MW to 140MW in July 2023. According to Applicant, this change did not involve any construction or other activities that would increase the environmental impacts of the Facility or otherwise impact adjacent landowners.

In its Motion, the Applicant states that the personnel responsible for compliance with North Carolina regulatory requirements did not understand that an increase in the Facility's AC capacity would require notice to the Commission and did not file any notice. After learning of the requirement, the Applicant filed its motion to amend the CPCN to increase the capacity of the Facility to 140 MW from 80 MW.

On April 11, 2024, the Public Staff filed a Notice of Completeness stating that it has reviewed the original application filed on September 21, 2025, the Applicant's amended prefiled direct testimony filed on April 11, 2019, and the March 27 Motion and accompanying prefiled supplemental testimony and considers the application to be complete. The Public Staff requests that the Commission issue a procedural order setting Albemarle's application for hearing, requiring public notice, and addressing any other procedural matters.

Based on the Applicant's Motion and the record as a whole, the Commission finds good cause to grant Applicant's request to withdraw proposed amendment, deems Applicant's prior application for an amended CPCN withdrawn, lifts the stay of these

proceedings, and issues a procedure schedule regarding the filing of testimony on the Applicant's request to amend its CPCN.

IT IS, THEREFORE ORDERED AS FOLLOWS:

1. That Albemarle Beach's request to withdraw its previously requested proposed amendment to its CPCN and to lift the stay on this proceeding is granted;
2. That the Public Staff shall file testimony on Applicant's request to amend its CPCN on or before May 27, 2024;
3. That Albemarle Beach shall file reply testimony on or before June 10, 2024.

ISSUED BY ORDER OF THE COMMISSION.

This the 26th day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Tamika D. Conyers". The signature is written in a cursive, flowing style.

Tamika D. Conyers, Deputy Clerk