

1 PLACE: Dobbs Building, Raleigh, North Carolina
 2 DATE: Tuesday, September 6, 2022
 3 DOCKET NO. EMP-119, Sub 0 and Sub 1
 4 TIME: 1:04 p.m. to 2:04 p.m.
 5 BEFORE: Chair Charlotte A. Mitchell, Presiding
 6 Commissioner Daniel G. Clodfelter
 7 Commissioner Kimberly W. Duffley
 8

9 IN THE MATTER OF:
 10 DOCKET NO. EMP-119, SUB 0
 11 Application of Macadamia Solar, LLC,
 12 For a Certificate of Public Convenience
 13 And Necessity to Construct a Merchant Plant
 14 Solar Energy Facility in Washington
 15 County, North Carolina
 16 and
 17 DOCKET NO. EMP-119, SUB 1
 18 Application of Macadamia Solar, LLC
 19 For a Certificate of Environmental
 20 Compatibility and Public Convenience and
 21 Necessity to Construct Transmission Line
 22 in Washington County, North Carolina
 23
 24

1 A P P E A R A N C E S:
2 FOR MACADAMIA SOLAR, LLC, SWEETLEAF SOLAR, LLC
3 AND SUMAC SOLAR, LLC:
4 Ben Snowden, Esq.
5 Jonathan L. Taggart, Esq.
6 Fox Rothschild, LLP
7 434 South Fayetteville Street, Suite 2800
8 Raleigh, North Carolina 27601
9
10 FOR THE USING AND CONSUMING PUBLIC:
11 Robert B. Josey, Esq.
12 Nadia L. Luhr, Esq.
13 William E. H. Creech, Esq.
14 Public Staff - North Carolina Utilities
15 4326 Mail Service Center
16 Raleigh, North Carolina 27699-4300
17
18
19
20
21
22
23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

T A B L E O F C O N T E N T S
E X A M I N A T I O N

PAGE

PANEL

KARA PRICE, DONNA ROBICHAUD, AMANDA MACK

Direct Examination by Mr. Snowden 8

Cross Examination by Mr. Josey 20

Examination by Commission Clodfelter 22

Examination by Chair Mitchell 22

Examination by Commissioner Clodfelter 26

Examination by Chair Mitchell 26

Examination by Mr. Josey 28

Examination by Mr. Snowden 29

Examination by Chair Mitchell 30

Examination by Mr. Snowden 30

JAY LUCAS, EVAN LAWRENCE

Direct Examination by Mr. Josey 32

Examination by Commissioner Clodfelter 33

Examination by Chair Mitchell..... 38

Examination by Commissioner Duffley..... 46

Examination by Mr. Snowden..... 47

Examination by Mr. Josey 47

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

T A B L E O F C O N T E N T S
E X H I B I T S

(No Exhibits were presented)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

P R O C E E D I N G S

CHAIR MITCHELL: Good afternoon. Let's go on the record, please. I'm Charlotte Mitchell, Chair of the North Carolina Utilities Commission. With me this afternoon are Commissioner Clodfelter to my left and Commissioner Duffley on the screen. I now call for hearing Docket No. EMP-119 Sub 0 & 1 which is the Application of Macadamia Solar, LLC for a Certificate of Public Convenience and Necessity to Construct a 484 Megawatts Solar Photovoltaic Generating Facility in Washington County, North Carolina, as well as a Transmission Line to connect that facility to the grid.

All right. It's the Commission's understanding that the parties today did not intend to cross-examine the witnesses of the other parties and that the witnesses are being presented today for the limited purpose of answering the questions posed by the Commission, and it's September 2nd, 2022 Order accepting supplemental testimony and providing questions to be answered at hearings.

If that is true and there are no objections from the parties, I'm not seeing objections at this point, the Commission will consolidate the proceedings in Docket Nos. EMP-119, Subs 0 & 1, EMP-110, Sub 0, and EMP-111,

1 Sub 0, solely for the purpose of receiving testimony on the
2 questions set forth in the Commission's September 2nd, 2022
3 Order. Therefore, the Commission now calls for hearing in
4 addition to this Docket, EMP-119, Subs 0 & 1. Docket Nos.
5 EMP-110, Sub 0 and EMP-111, Sub 0.

6 With that, I'm going to call on parties to
7 make appearances for the record, beginning with the
8 Applicant.

9 MR. SNOWDEN: Good afternoon, Chair Mitchell,
10 Commissioner Clodfelter, Commissioner Duffley, Ben Snowden
11 with Fox Rothschild, for the Applicants Macadamia Solar,
12 Sweetleaf Solar, and Sumac Solar. And I have with me today
13 my associate Jack Taggart, also with Fox Rothschild, here on
14 behalf of the Applicant.

15 CHAIR MITCHELL: Good afternoon, Mr. Snowden,
16 Mr. Taggart. Public Staff.

17 MR. JOSEY: Yes. Robert Josey with the
18 Public Staff, on behalf of the Using and Consuming Public.
19 I'm here with Nadia Luhr, and Zeke Creech.

20 CHAIR MITCHELL: Mr. Josey, I assume that the
21 three of you are making appearances in all dockets?

22 MR. JOSEY: Yes.

23 CHAIR MITCHELL: Okay. Well, the record will
24 so reflect, so you are -- okay. So we are doing things a

1 little differently today than we typically do, but we will
2 proceed anyway. It's the plan to hear from the witnesses
3 today in response to the questions submitted or issued by
4 the Commission in its September 2nd Order. A copy of the
5 transcript addressing these questions will be placed in all
6 three dockets, so that is the plan. So the transcript from
7 today's proceeding will be placed in the Dockets EMP-119,
8 EMP-110, and EMP-111.

9 The Commission will issue a subsequent Order
10 in each of their respective dockets accepting into the
11 record the testimony, the prefiled testimony and exhibits of
12 the party's witnesses in each those dockets. Let's go ahead
13 and get started. Mr. Snowden, why don't you go ahead and
14 call your witness, call your witnesses.

15 MR. SNOWDEN: Thank you, Chair Mitchell. And
16 if I may, I'd like to call our witnesses as a panel.

17 CHAIR MITCHELL: You may.

18 MR. SNOWDEN: Okay. Thank you.

19 CHAIR MITCHELL: Assuming no objection. Okay.
20 Go ahead.

21 MR. SNOWDEN: Thank you. The Applicant calls
22 Kara Price, Donna Robichaud, and Amanda Mack to the stand.

23 CHAIR MITCHELL: Good afternoon. I'm going
24 to go ahead and swear you-all. Raise your right hands, if

1 you will, left hand on the bible.

2 KARA PRICE;

3 DONNA ROBICHAUD;

4 AMANDA MACK;

5 having been duly sworn,

6 testified as follows:

7 CHAIR MITCHELL: All right, Mr. Snowden.

8 MR. SNOWDEN: Thank you.

9 DIRECT-EXAMINATION BY MR. SNOWDEN:

10 Q. Ms. Price, I will start with you. Could you please
11 state your full name and business address?

12 A. Yes. The name is Kara Price. Business address is
13 Geenex Solar. Current address is 1000 North Carolina
14 Music Factory Boulevard, Suite C3, Charlotte, North
15 Carolina 28206. That is a change from the address that
16 was on the original testimony.

17 Q. And Ms. Price, who is your employer and in what
18 capacity do you serve them?

19 A. Yes. My employer is Geenex Solar, LLC. At the time of
20 the submitted testimony, I was Senior Vice President of
21 Permitting and Development. Current title is Senior
22 Vice President of Strategic Engagement.

23 Q. Thank you, Ms. Price. Ms. Mack, I'll move on to you,
24 if it's okay. Ms. Mack, could you please state

1 your full name and business address, for the record?

2 A. Yes, Amanda Mack, 3600 American Boulevard West, Suite
3 400, Bloomington, Minnesota 55431.

4 Q. And Ms. Mack, could you please specify who your
5 employer is and in what capacity you serve?

6 A. Yes, EDF Renewables, Project Manager of Development.

7 Q. And Ms. Mack, just to be clear, you provided testimony
8 in EMP-110 and 111, but not in 119. Is that right?

9 A. That is correct.

10 Q. Okay. Thank you. All right. Ms. Robichaud, move on to
11 you. Ms. Robichaud, could you please state your full
12 name and business address, for the record.

13 A. Donna Robichaud. The business address for Geenex Solar
14 is 100 (sic) NC Music Factory Boulevard, Suite C3,
15 Charlotte, North Carolina 28206.

16 Q. And Ms. Robichaud, who is your employer and in what
17 capacity do you serve?

18 A. My employer is QF Holding Corp., formerly QF Solutions,
19 LLC. QF Solutions has been under contract to provide
20 consulting services to Geenex Solar since 2013. I serve
21 as a Senior Vice president of Development Strategy for
22 Geenex Solar.

23 Q. Thank you, Ms. Robichaud.

24 MR. SNOWDEN: Chair Mitchell, the Applicant

1 would like to provide some additional direct testimony from
2 Ms. Robichaud relating to the issues that were included in
3 the Commission's Order from Friday. And Public Staff says
4 they don't object. Is that permissible?

5 CHAIR MITCHELL: You may proceed. And Public
6 Staff, I'll allow you the opportunity to cross-examine the
7 witnesses.

8 MR. SNOWDEN: Okay. Thank you.

9 BY MR. SNOWDEN:

10 Q. Ms. Robichaud, I would like to ask you a few additional
11 questions that are related to the supplemental
12 testimony that the Public Staff witnesses, Lucas
13 and -- Jay Lucas and Evan Lawrence, provided. That was
14 filed on August 30 and accepted by the Commission on
15 September 2nd. Is that okay?

16 A. Yes.

17 Q. And this also relates to the -- directly to the
18 questions that were raised in the Commission's Order
19 from Friday. Is that your understanding?

20 A. Yes.

21 Q. Did you review the Public Staff's testimony from last
22 week?

23 A. Yes.

24 Q. Their testimony, Mr. Lucas and Mr. Lawrence discussed

1 the costs that Macadamia Solar proposed to pay to
2 expedite the work under the ASOA. Is that your
3 understanding?

4 A. Yes, it is.

5 Q. And why did Macadamia want to expedite that work?

6 A. Macadamia wanted to bring the project in a year earlier
7 for the benefit of Macadamia and the two other projects
8 because of the ITC cliff was one of them that it was
9 going -- it, at that time, had not been extended. Two,
10 landowner agreements. We have options to extend
11 leases, purchase options. And many of these agreements
12 were executed in 2017, so they're over five years old
13 now, so we've got to -- we had to continue to maintain
14 our relationship with our landowners on our agreements,
15 but we're running out of some of the pre-programmed
16 extensions, and we might have to renegotiate POI option
17 agreements, things like that, so we considered that a
18 project risk.

19 The other project risk was zoning.
20 Again, this is a very old project where we received
21 zoning for Sumac and Macadamia several years ago. We've
22 been getting annual extensions. The concern is that
23 ordinances could change and the counties could say
24 "Well, now, I'm not going to do an automatic extension.

1 You'll have to re-apply." Sometimes, when they redo
2 zoning ordinances, they'll limit sizes. They will add
3 height restrictions. And so with not knowing what
4 would come up, we considered that a risk.

5 General inflation was a risk. The
6 EMP that we would hopefully receive will retire in
7 three years, in 2025 before the efforts to Green Bill
8 update is completed. And the last thing is related to
9 marketability, which I could cover under
10 confidentiality if you would like to proceed.

11 Q. So Ms. Robichaud, is it your understanding that the
12 Inflation Reduction Act extended the investment tax
13 credit past 2025 so that that ITC Cliff was not --
14 after the extension, that ITC Cliff was not a factor in
15 deciding text to that -- the projects?

16 A. It was not the main driving factor.

17 Q. Okay. So even after that ITC was extended, there was
18 still a lot of reasons to want to expedite the DEP
19 Upgrade?

20 A. Yes, there is.

21 Q. And to be clear, Geenex had sought an ASOA -- I'm
22 sorry, Macadamia had sought an Affected System
23 Operating Agreement or ASOA with Duke under which it
24 would not receive reimbursement for the cost of

1 expediting that upgrade?

2 A. That is correct.

3 Q. Okay. What do you understand about how Duke calculated
4 the costs to expedite that upgrade?

5 A. So Duke happened to coincidentally have a Reliability
6 Project that included a double-circuit line, Greenville
7 to Aurora, Greenville to Everetts, and they priced that
8 project out at \$19.8 million dollars. So the portion
9 we affected was much smaller than the total project,
10 but they would not bifurcate the construction and the
11 engineering of two lines that happened to be on the
12 same towers, so they said I will need to bring forward
13 the entire Reliability Project, with the exception of
14 the engineering. They were going to complete the
15 engineering starting in 2023, but they would bring
16 forward a year, the purchasing construction of the
17 remaining Reliability upgrade. So they took the
18 19.8 million Reliability Project, subtract it from
19 that, the 1.4 million for the engineering and
20 construction or the engineering and permitting that
21 they would have done anyways, and they came -- the
22 leftover was 18.4 million.

23 They took that 18.4 million and said
24 what is my weighted average cost of funds if I had to

1 borrow money to perform the project a year earlier? And
2 so they took basically their cost of capital, using
3 their WACC, which included debt and equity, and the
4 percentages of that, and applied that and compounded
5 monthly payments to come up with the 1.615 million
6 expediting cut costs. It is solely financial. It's not
7 over time or any third-party vendor increases.

8 Q. Thank you, Ms. Robichaud. Are you aware of whether
9 there is a standard way to calculate these sort of
10 expediting costs under FERC jurisdictional agreements?

11 A. Not the financing costs. Both our attorney that was
12 helping us negotiate it and FERC's attorney tried to
13 find an example to follow, and we could not find one.
14 So it's a novel approach, a little bit simplified, but
15 it would be the first that we know of.

16 Q. Thank you, Ms. Robichaud. And it's your understanding
17 that if Duke were to file an ASOA with FERC for
18 approval that included these expediting costs, FERC
19 would review how Duke calculated the expediting costs.
20 Is that right?

21 A. Yes, they would. We had two meetings with FERC prior to
22 filing it because we wanted to seek -- we wanted to not
23 seek reimbursement. So we went over the cost, and FERC
24 asked for detail. Then we had a second meeting, and the

1 second meeting included us and Duke, and Duke went over
2 the detail that they presented in the North Carolina
3 docket. FERC, at that time, would not respond. They
4 keep pretty quiet because of the Edgecombe re-hearing
5 request and other things in the FERC docket, so you
6 couldn't tell a read exactly when you talked.

7 Q. So Ms. Robichaud, in your view, is there a question as
8 to whether FERC would approve of or accept Duke's
9 calculations of the expediting costs?

10 A. Um, I -- you know, our general thought was it was
11 really simplified and it was novel, so we did expect
12 questions. We expected perhaps a good -- a deficiency
13 that would modify it another way or -- you know, there
14 are other ways to figure out expediting costs, so we
15 did expect that they would issue a deficiency.

16 Q. And Ms. Robichaud, what is your understanding of what
17 would happen, process wise, if FERC disapproved of or
18 had questions about Duke's calculations of costs?

19 A. Um, it would definitely extend the deadline. Our goal
20 was to submit the ASOA by September 1st, prior to this
21 hearing, to FERC. And what would have happened would
22 have been 60 days later, by November 1st, they would
23 accept, deny or issue a deficiency. If they issued a
24 deficiency, there would be 30 additional days, by

1 December 1st, where Duke would respond to that
2 deficiency. And then FERC would have another 60 days to
3 react to that response, so that puts us out to
4 February 1st of 2023, at the earliest, assuming we
5 would have filed at September 1st.

6 Q. Thank you. So is it fair to say that even if FERC
7 accepted an ASOA that waived Macadamia's right to
8 reimbursement, it still might not end up issuing a
9 decision accepting an ASOA until some time next year
10 if it had issues with the way that Duke calculated the
11 expediting costs?

12 A. Yes, I would agree.

13 Q. Thank you. And could you please explain why Macadamia
14 Solar withdrew its request to expedite the ASOA despite
15 the factors that you had mentioned previously?

16 A. Yes. There were -- you know, developing a project is
17 all about managing the risks, so there is some huge
18 risk coming for Sweetleaf in Macadamia in the manner of
19 putting security down for the interconnection service
20 agreements. We have -- we should soon have an ISA
21 tendered to us for Sweetleaf Solar. And Sweetleaf
22 Solar, when they sign their ISA, we'll probably have to
23 fund up to \$80 million of security.

24 And then two, three months later,

1 Macadamia's going to have to fund up to \$70 million
2 worth of security. So trying to get financing without
3 a CPCN is a huge risk. So if we go to a bank or go to
4 a loan and say we don't a permit to build, their next
5 question would be, "Well, why would I give you money to
6 sign an ISA." So that's a huge risk. It was bigger
7 than the risks that we had with -- we previously
8 stated, so we chose the -- we chose to forego our
9 expediting so we could keep our CPCN on track.

10 Q. Thank you, Ms. Robichaud. I'd like to clarify one other
11 fact too. So is it the case though that it's not -- it
12 is now not going to be Macadamia, but Sumac Solar
13 that will be seeking an ASOA with FERC that does not
14 call for expediting?

15 A. Correct. Sumac, all along, was designated the person
16 that was or the Company that was going to sign the
17 ASOA, but with the expediting cost of 1.6 million, it
18 was too much financially for Sumac to handle, so
19 Macadamia was going to step in, being the largest
20 project, 484 megawatts, it could easily accommodate
21 those costs. Well, not easily, but better than Sumac,
22 which was an 80-megawatt project. So now when we
23 pulled the 1.6 out of it, the ASOA, and those left to
24 be what we believe is going to be \$150,000, it wasn't a

1 size that Sumac could say handle, and so Sumac went and
2 took over or took back their responsibility of being
3 the one that signs the ASOA.

4 Q. Thank you. Ms. Robichaud, did you see the Commission's
5 Order on September 3rd that directed the Applicant to
6 answer certain questions related to expediting costs?

7 A. Yes, I did.

8 Q. Okay. Although this question may be mooted by
9 Macadamia's decision not to pursue expediting, I'd like
10 you to answer those questions as best you can. Is that
11 all right?

12 A. Yes.

13 Q. Thank you. So the first question posed by the
14 Commission is "Under what circumstances will the
15 \$1.6 million in Affected System Costs outlined in your
16 testimony increase, decrease, or otherwise change?"
17 Can you answer that question?

18 A. Limited. It now will be zero so it won't change, but
19 the financing cost was based on an estimate of the
20 construction and procurement of the upgrade. And the
21 engineering for that and the procurement for that has
22 not yet been done, so I sort of suspect that after 2023
23 into 2024, Duke would have a better picture of what the
24 cost of that upgrade was going to be. And they would

1 re-apply different -- you know, if it changed, they
2 could have applied a different basis besides the 18.4.
3 They also might have a rate case before then in their
4 weighted average cost of capital could change, so
5 there's some factors that I see could change, and
6 possibly input from FERC, if FERC wanted some changes
7 in the expediting costs.

8 Q. The next question is this: How confident are the
9 Applicants that the \$1.6 million figure is the final
10 amount in the Affect System cost. So I think you've
11 answered that, but if you don't mind, just answer that
12 directly.

13 A. I think it's going to be off by at least a little bit.
14 Whether it's 1 percent, 20 percent, I don't know. But,
15 you know, I don't see it nailing it dead-on, but I
16 think it's going to be in the range.

17 Q. Thank you. And if you can answer this. If the Affected
18 System cost were to change, do you have any idea of
19 what the magnitude of that change might be?

20 A. So the Affected System cost right now is the -- that's
21 assigned to Sumac is \$150,000, and that covers the cost
22 of a higher rated capacity line for the Everetts to
23 Greenville section. So, you know, I am -- if they do
24 their final engineering and the base cost is off a

1 little bit, you know, it's a differential between the
2 two. I thought maybe if there was some escalation, but
3 again, it's a difference between the smaller and the
4 larger conduit size, so it could change. I -- again,
5 they may not nail it, but I think it's definitely
6 within the range of what they said.

7 Q. Thank you. And this is going to go back to the ASOA
8 that you-all were seeking to enter into. Had you
9 proceeded with the ASOA requiring expediting the
10 waiving reimbursement, and the amount of the expediting
11 costs had exceeded \$1.6 million, who do you anticipate would
12 have paid that extra money?

13 A. Macadamia Solar.

14 Q. Thank you.

15 MR. SNOWDEN: Chair Mitchell, Ms. Robichaud
16 and Ms. Price, and Ms. Mack are now available for
17 Commissioner questions.

18 CHAIR MITCHELL: We are going to allow
19 cross-examination.

20 MR. SNOWDEN: For cross-examination and
21 Commission questions.

22 CHAIR MITCHELL: Go ahead.

23 MR. JOSEY: Just a couple.

24 CROSS-EXAMINATION BY MR. JOSEY:

1 Q. You stated that the most recent estimate for the
2 Affected System Upgrade costs was \$150,000, and it had
3 previously been \$350,000 after DEP had determined that
4 it was going do rebuild the line. Do you know why it
5 changed from 350,000 to 150,000?

6 A. (Ms. Robichaud) I do not.

7 Q. And you just stated that under the ASOA that Macadamia
8 was going to sign with DEP that provided -- that did
9 not provide for reimbursement, that Macadamia would
10 have been subject to the -- would have repaid any
11 amount of money had the estimate changed from the
12 \$1.6 million dollars. But under current FERC policy,
13 DEP ratepayers would normally be subject to that cost
14 had FERC disallowed the ASOA without the reimbursement,
15 correct?

16 A. FERC's normal policy right now is not to require
17 reimbursement, correct.

18 MR. JOSEY: Okay. No further questions.

19 CHAIR MITCHELL: You may redirect, if any.

20 MR. SNOWDEN: No redirect. Thank you.

21 CHAIR MITCHELL: All right. Commissioner
22 Clodfelter.

23 COMMISSIONER CLODTELTER: First of all,
24 congratulations on your office relocation to the Music

1 Factory.

2 THE WITNESS: Thank you. It's a fun place.

3 COMMISSIONER CLODFELTER: Yeah. It's a
4 great place.

5 EXAMINATION BY COMMISSIONER CLODFELTER:

6 Q. A lot very interesting information. But just to be
7 sure, I get the core absolutely clear in my head.
8 Nobody now is going to be asking for an expediting of
9 the actual construction of the project.

10 A. (Ms. Robichaud) Correct.

11 Q. That issue is gone.

12 A. Correct.

13 Q. Sumac's not asking for it?

14 A. Sumac is not.

15 Q. Neither is Sweetleaf nor Macadamia?

16 A. Neither Sweetleaf nor Macadamia.

17 COMMISSIONER CLODFELTER: So I got it.

18 Thank you.

19 CHAIR MITCHELL: Okay. Just a few questions
20 for you.

21 EXAMINATION BY CHAIR MITCHELL:

22 Q. You discussed in testimony the process you-all went
23 through in sitting down with the FERC and walking through
24 the method used to develop the expedite fee, and you

1 referenced a FERC attorney or FERC's attorney. Do you
2 remember the name of that attorney?

3 A. (Ms. Robichaud) Our FERC attorney.

4 Q. Oh, it was your FERC attorney.

5 A. Yes.

6 Q. It wasn't an employee of the Federal Energy Regulatory
7 Commission?

8 A. No. Our attorney is --

9 Q. Okay. Then you don't have to answer that question. You
10 also discussed developing the method with Duke. Do you
11 know the name of the Duke employee you-all worked with?

12 A. The gentleman -- we met with him. I just don't
13 remember his name.

14 Q. Was he in -- which --

15 A. Rates. He was in the rates division.

16 Q. Okay.

17 A. So we had a team of people we met with; Ann Warren,
18 Christina; either transmission folks, rate folks, and
19 project folks. And so there's a group of five or six
20 people. We went through a method that they came up
21 with. I proposed some alternate methods. All the
22 methods we came up with were a little bit too
23 simplified and had holes, so we just opted to stay with
24 what we had. The different methods were pretty close in

1 the final outcome anyways. And so they had, amongst
2 themselves in the rate department, discussed what the
3 appropriate way was, and we had several people weigh in
4 on -- from Duke saying that's probably the way they'll
5 do it, and that's how we ended up settling on before we
6 went to our FERC conferences.

7 Q. Okay. Is it your understanding and was it your team's
8 understanding that the cost associated with expediting
9 the construction of the facility would flow through the
10 OATT in the same way that the Affected System cost
11 would flow through the OATT?

12 A. Yes.

13 Q. Okay. And was that Duke's understanding as well?

14 A. Yes.

15 Q. Okay. Do you know pursuant to what term of the OATT
16 those costs would be governed? If you don't, that's
17 okay. I'm just --

18 A. I do not.

19 Q. Okay. Not a problem. I'm just curious if you knew off
20 the top of your head. So as I understand it, the
21 facility is to be -- so let me ask the question this
22 way: My understanding is that Duke's plan to construct
23 the Everetts-Greenville line is to occur in 2027, or
24 at least be placed in service by 2027? Do I understand

1 that correctly?

2 A. Actually, they told us now it was 2026, but they gave
3 themselves a six-month buffer. And the Affected System
4 Study Agreement, they called it June 1st, 2027, but
5 that's only if unforeseen circumstances arise would it
6 stretch into 2027.

7 Q. Okay. So let's assume that Duke is able to construct
8 this line in 2026 without having to move into its
9 buffer. That timeframe is consistent with the needs of
10 the projects we're discussing today, Macadamia, Sumac,
11 and Sweetleaf?

12 A. It would work with all three projects, yes.

13 Q. So the projects, at this point in time, don't see a
14 need to request expediting of Duke's work?

15 A. No. We have risk -- we will mitigate in order to make
16 the 2026 work.

17 Q. Okay.

18 CHAIR MITCHELL: Let me check in with
19 Commissioner Duffley. Questions, Commissioner Duffley?

20 COMMISSIONER DUFFLEY: No questions.

21 CHAIR MITCHELL: Questions on Commission's
22 questions. Go ahead.

23 COMMISSIONER CLODFELTER: Just to be sure
24 there's nothing under this rock, and there shouldn't be, but

1 let me just ask it.

2 EXAMINATION BY COMMISSIONER CLODFELTER:

3 Q. So the cost of reconductoring are all attributable to
4 the Greenville-Everetts line, none to the Greenville-Aurora
5 line. They'll be on the same structures right?

6 A. Correct.

7 Q. Okay. I was going to say there shouldn't be any costs,
8 but I just wanted to be sure.

9 CHAIR MITCHELL: And Ms. Robichaud, I'm going
10 to ask you this question, and if you don't know the answer,
11 that's totally fine.

12 EXAMINATION BY CHAIR MITCHELL:

13 Q. What's your understanding of why Duke moved this work
14 from an upgrade project to a Reliability Project?

15 A. Well, technically, they were working on the Reliability
16 Project, which is much bigger. You got the Greenville
17 to Aurora line, which is, I don't know, 12 spans, which
18 is -- must be like 12, 15 miles or something like that.
19 In our little section, which was only 1.8 miles, and
20 so I think they were probably focused more on the
21 larger piece. But because it was on the same conduit,
22 they didn't focus as much on the smaller Everetts to
23 Greenville. So I think once they finished their
24 Reliability planning, they realized they were

1 addressing the same structures, and they ended up
2 saying ours is part of the Reliability plan and no
3 longer pursued it.

4 Q. And when you say "same structures," do you mean tower
5 replacement and wires replacement?

6 A. Right. So they have common towers, so Duke is planning
7 to build an adjacent double-circuited line to the
8 current line, of which our Everetts to Greenville,
9 1.87, will be on that, and then the other very longer
10 line will also be on it.

11 Q. Okay. So Duke is going to build -- one last question
12 for you. Duke's going to build a new double-circuited
13 line adjacent to the existing line. And will the
14 existing line then be taken out of service once the new
15 double circuit's in service?

16 A. That's my understanding.

17 Q. All in the same transmission right-of-way?

18 A. They have to acquire new right-of-way. They don't have
19 enough right-of-way, but it's going to be adjacent and
20 parallel to the existing right-of-way for the upgrade.

21 Q. Okay. But your understanding is outside of
22 right-of-way.

23 A. Correct.

24 Q. Do you know whether Duke will seek a CECPCN for this

1 project?

2 A. I do not.

3 Q. Okay.

4 CHAIR MITCHELL: Thanks for your responses.
5 Anything else? Duffley.

6 COMMISSIONER DUFFLEY: No.

7 CHAIR MITCHELL: Questions on Commission's
8 questions. We'll start with the Public Staff and then
9 Mr. Snowden.

10 MR. JOSEY: I just have two.

11 EXAMINATION BY MR. JOSEY:

12 Q. You mentioned that there were two meetings with FERC
13 staff?

14 A. Correct.

15 Q. Can you say why there were two?

16 A. Um, initially, Duke was reluctant to negotiate another
17 agreement that could be rejected by FERC. So they
18 thought about it and talked amongst themselves and came
19 back and said, "If you talk to FERC and try to get a
20 read from them, we'll consider it." So we came up with
21 a plan where we talked to FERC and we told them why we
22 wanted it, and FERC sort of gave us an outline to
23 follow on the data they would want and the information
24 they would want.

1 And then we didn't have very good
2 information about the expediting cost, so we came back
3 for a second meeting. This time, it was with Duke. And
4 we explained the expediting cost and sort of went
5 through the project. So I think we were waiting to see
6 if FERC slammed the door. They did not, and so we were
7 planning to pursue based on their guidance to us.

8 Q. Okay. And FERC's interest in the expedited
9 construction cost, be -- I mean is that -- I think you
10 said earlier there was no -- there's no other facility,
11 to your knowledge, that's asked for this expedited
12 construction?

13 A. We had found some cases, but they weren't for financing
14 costs. They were over time, additional equipment
15 procurement costs, sort of things from third-party, but
16 not cost-to-capital type of expediting costs.

17 MR. JOSEY: That's all the questions.

18 MR. SNOWDEN: Thank you. Just one or two.

19 EXAMINATION BY MR. SNOWDEN:

20 Q. Ms. Robichaud, just to be clear, even with the
21 updated timelines for the DEP Upgrade that you-guys
22 received and you referenced a few minutes ago,
23 withdrawing the request to expedite does increase the
24 costs and risks for the project. Is that right?

1 A. Yes, it does.

2 Q. But it's just that you-all are able to mitigate those
3 risks and costs and live with them rather than increase
4 the risk for the CPCN. Is that right?

5 A. Correct.

6 MR. SNOWDEN: Thank you. Those are all the
7 questions I have.

8 CHAIR MITCHELL: All right, Ms. Robichaud.
9 We have one more question for you, then we'll go through the
10 round again.

11 EXAMINATION BY CHAIR MITCHELL:

12 Q. You just mentioned in your research, y'all had
13 identified several other projects that involved expedite
14 fees. Were those Duke projects?

15 A. No.

16 Q. They were -- which utilities were they?

17 A. One was in CERC, and I don't remember the other one.

18 Q. Okay, but not DEC or DEP?

19 A. No.

20 CHAIR MITCHELL: All right. Questions?

21 MR. SNOWDEN: I have one question.

22 CHAIR MITCHELL: On that question?

23 MR. SNOWDEN: On that question, yes indeed.

24 EXAMINATION BY MR. SNOWDEN:

1 Q. So Ms. Robichaud, is it your understanding that FERC's
2 standard, the OATT, the proforma interconnection
3 agreements and procedures, specifically provide for
4 expediting costs. Is that right?

5 A. The OATT does provide for expediting cost, and it says
6 that if we fund it, we would get transmission credits
7 back.

8 Q. Okay. It's just that there's not a standard methodology
9 for calculating costs that's in the OATT anywhere. Is
10 that right?

11 A. Correct.

12 MR. SNOWDEN: Okay. Thank you.

13 CHAIR MITCHELL: Okay. With that, I believe
14 we have come to the end of cross-examination and examination
15 of these witnesses, unless I'm missing something.

16 (No response)

17 CHAIR MITCHELL: You-all may step down. Thank
18 you very much for your testimony today. Any additional
19 witnesses?

20 MR. SNOWDEN: Chair Mitchell, we have Robert
21 Turnbull who is specific to EMP-119, Sub 1, the Transmission
22 Line case. We're certainly happy to present his testimony
23 here, but my understanding is that if we're in a
24 consolidated hearing, then it may be better for the

1 Commission to take his testimony outside of this hearing.

2 CHAIR MITCHELL: Right. And you would be
3 correct on that last point, so we will not hear from him
4 today.

5 MR. SNOWDEN: Okay.

6 CHAIR MITCHELL: But we will address his
7 testimony by later Order of the Commission.

8 MR. SNOWDEN: Okay. Thank you. So we have
9 no other witnesses.

10 CHAIR MITCHELL: Okay. Public Staff, you may
11 call your witnesses.

12 MR. JOSEY: Public Staff calls Jay Lucas and
13 Evan Lawrence.

14 CHAIR MITCHELL: Gentleman, place your left
15 hands on the bible and raise your right hands.

16 JAY LUCAS;

17 EVAN LAWRENCE;

18 being duly sworn,

19 testified as follows:

20 MR. JOSEY: I'll ask you a couple qualifying
21 questions. Mr. Lucas, I'll start with you.

22 DIRECT-EXAMINATION BY MR. JOSEY:

23 Q. Could you state your name, business address, and
24 position with Public Staff.

1 A. (Mr. Lucas) My name is Jay Lucas at 430 North Salisbury
2 Street, Raleigh, N.C., and I am the Section Manager for
3 Operations and Planning in the Public Staff's Energy
4 Division.

5 Q. And Mr. Lawrence, can you answer the same question.

6 A. (Mr. Lawrence) My name is Evan Lawrence. My business
7 address is 430 North Salisbury Street. I'm an Engineer
8 in the Operations and Planning Division section of the
9 Energy Division.

10 MR. JOSEY: Chair, this panel is open for
11 Commission questions.

12 CHAIR MITCHELL: All right. So just to be
13 clear for the record, it's my understanding that the
14 Applicant has no cross-examination for these witnesses, so
15 we will start with questions by the Commissioners. Let me
16 check in with -- well, Commissioner Clodfelter, do you have
17 questions for the witnesses?

18 COMMISSIONER CLODFELTER: Yes.

19 CHAIR MITCHELL: Go ahead.

20 EXAMINATION COMMISSIONER CLODFELTER:

21 Q. Gentleman, in no particular order, some of these
22 questions right now may be of academic interest given
23 the change in circumstances, but since you put them in
24 your supplemental testimony, we're going to ask you

1 about them, if that's all right. One of the things that
2 was in the supplemental testimony was the contention
3 that PJM had the related -- made certain upgrades
4 within -- I assumed the DENC system or somewhere else
5 in PJM -- I don't know exactly where because that's not
6 identified -- that would obviate the need for Duke
7 Progress to incur costs for any Affected System
8 Upgrades, and I wanted to hear more about that.

9 What were you referring to? Say
10 more about what PJM -- what you believe PJM could have
11 done to avoid these Affected System Upgrades, or to
12 avoid -- now they're not Affected System Upgrades
13 anymore. They're the reconductoring of the
14 Everetts-Greenville and Everetts-Aurora lines. What
15 could PJM have done to avoid that?

16 A. (Mr. Lucas) It wasn't necessarily to avoid those two
17 upgrades, those two Transmission Lines. The Public
18 Staff had a discussion with Dominion's staff, and I
19 believe PJM's staff was there a year and a half ago,
20 something like that, and they discussed the possibility
21 of a new 500 kV line in southern Virginia to alleviate
22 the congestion in DENC and possibly other points in
23 southern Virginia. We asked Dominion that specific
24 question on September 2nd, and they responded that they

1 had considered a new 500 kV line from the Everetts
2 substation up into Suffolk, Virginia that was to help
3 resolve the Reliability problems, but they decided that
4 that line would not be cost-effective and it would not
5 have been cost-effective in resolving the deficiencies,
6 let me put it that way.

7 Q. That would have been, as you describe it, and make
8 sure my understanding is correct, that would have been
9 a major new project?

10 A. Yes.

11 Q. And it would have addressed Reliability issues that go
12 far beyond anything that might have been occasioned by
13 interconnecting these three projects.

14 A. Yeah. It would have gone way beyond these three
15 projects.

16 Q. So that project was really not specifically associated
17 with the consequences of interconnecting these three
18 projects to DES's grid?

19 A. That's correct.

20 Q. Okay. Well, thank you for that. I appreciate that
21 clarification. What kind of investigation did the
22 Public Staff do or has done into the circumstances that
23 led Progress to reclassify the Everetts-Greenville
24 reconductoring as a Reliability upgrade?

1 A. We found out about the upgrade on DEP's side to resolve
2 problems with the line due to age and condition. We
3 found out it was after DEP released its Affected System
4 Study, its latest one, on June 8th. We asked some
5 questions about the incremental upgrade necessary in
6 comparison to DEP's upgrade due to age and condition.
7 We also asked DEP some questions on September 2nd after
8 getting Commission's Order. Let's see if I can
9 summarize this for you. We had that correspondence, and
10 we can provide it as a late-filed exhibit, but they did
11 not want to present it to the NCTPC, at this time,
12 because they just weren't ready to. They want to get
13 the Affected System Operating Agreement in place and
14 approved by FERC, so it's all preliminary. We don't
15 have a lot of information right now on that line other
16 than that.

17 Q. Well, unless there's some objection, just out of
18 curiosity's sake, I'd be interested in the late-filed
19 exhibit, if you can.

20 A. Okay. We've got to --

21 Q. Unless there's some objection to that.

22 MR. SNOWDEN: No objection.

23 Q. What I want to understand is the scope of the proposed
24 Reliability Project as compared to what was originally

1 identified as being an upgrade cost by or occasioned by
2 the interconnection to these three projects, has the
3 scope -- how does the scope of those two compare? When
4 you first learned about this, it was going to be an
5 Affected System Upgrade. Has the scope of the project
6 changed now that it's become a Reliability Project?
7 And if so, how?

8 A. I don't believe the scope has changed for that
9 Reliability Project, but first came the plan for the
10 interconnection. And then after DEP evaluated the
11 line, they made the decision to upgrade that line based
12 on its age and condition. At this time, I can't
13 separate what would have been occurring at DEP without
14 interconnection of these three facilities..

15 Q. Well, would it be fair then -- from what you do know,
16 would it be fair to say that the filing of the
17 applications for interconnection and the consequent
18 need for the Affected System Study is what triggered
19 Duke to realize that it an end-of-life problem on these
20 lines?

21 A. Um, that's what I've gathered, but I can't testify
22 exactly what DEP had done in the absence of the three
23 facilities.

24 Q. It doesn't sound like you have much more information

1 than what you got from Duke in the recent exchange
2 of correspondence. Is that accurate?

3 A. Not anything other than what I've already told you.

4 Q. Okay.

5 COMMISSIONER CLODFELTER: I'll leave you alone
6 then. Thank you.

7 CHAIR MITCHELL: All right, Mr. Lucas.

8 EXAMINATION BY CHAIR MITCHELL:

9 Q. The 500 kV line that Dominion was planning, that you've
10 discussed earlier in your testimony or earlier in your
11 responses to Commissioner Clodfelter's questions, do
12 you know was that considered a supplemental project by
13 DENC for purposes of the buckets of project that PJM --

14 A. I'm not sure what you mean by "supplemental project."

15 Q. Like a local -- as opposed to a project that would move
16 through the RTEP or is this a local --

17 A. It was -- I would say it was beyond a local project.
18 It was a 500 kV project that would have moved a whole
19 lot energy out of DENC and up into Virginia.

20 Q. So would it have been considered as part of the PJM,
21 RTEP?

22 A. I can only guess so. Just by the size of the line, I
23 don't have any definitive information.

24 Q. Okay. You also discussed upgrade you to age and

- 1 condition. So my understanding of what happened in
2 this case is DEP -- at least as I understand your
3 testimony, DEP performed a series of Affected System
4 Studies associated with these interconnection requests.
5 And between the second -- the first revision and the
6 second revision, moved the upgrades to -- identified in
7 these studies from upgrades associated with the
8 interconnection to upgrades for reliability purposes.
9 Do I understand that correctly?
- 10 A. Well, became both. It was an upgrade due to age and
11 condition, and some increased --
- 12 Q. The incremental portion would be attributable to the --
- 13 A. To the three facilities, yes.
- 14 Q. Okay. All right, but I understand that correctly. I
15 mean that's --
- 16 A. Yes. Between I guess it's called the second and the
17 third Affected System Study --
- 18 Q. Okay.
- 19 A. -- DEP decided to do the upgrade.
- 20 Q. You've kind of danced around this with Commissioner
21 Clodfelter, but was it a surprise to the Public Staff
22 that at least a portion of this project or this
23 facility was identified as being -- needing to be
24 replaced due to age and condition?

1 A. Yes, it was a surprise. We only learned about it right
2 after the release of the latest Affected System Study
3 on June 8th.

4 Q. So how much visibility does the Public Staff have, in
5 general, about transmission assets and those that are
6 nearing that point in time where they need to be
7 replaced due to age and condition?

8 A. We find out some of them by looking for the NCTPC
9 website. There's no direct notification by Duke Energy.
10 They don't need a certificate to do these. We primarily
11 get involved during cost recovery during a general rate
12 case.

13 Q. So is it your understanding that this Greenville to
14 Aurora line would not need a CECPCN?

15 A. You mean Greenville to Everetts or --

16 Q. Well --

17 A. Or either one.

18 Q. So -- okay. Let's start at the beginning then. So the
19 project goes from Greenville to Everetts and Greenville
20 to Aurora as a segment of the larger Greenville to
21 Everetts line?

22 A. I do not believe they would need a certificate.

23 Q. Okay. But just help me understand the components of the
24 project. It's a Greenville to Everetts line?

1 A. Yes.

2 Q. And then a segment of that line is Greenville to
3 Aurora?

4 A. I had not heard about the Aurora part at all until
5 today.

6 Q. Well, so, but the Greenville to Everetts portion would
7 not need a CECPCN?

8 A. That's correct.

9 Q. And so did you hear Ms. Robichaud's testimony that it
10 would be -- that she understood the project to be
11 outside the existing right-of-way?

12 A. I just learned that today, but it could be in the area.
13 If it's an adjacent easement, it still would not need a
14 certificate.

15 Q. It wouldn't need certificate?

16 A. It would not.

17 Q. And so we're doing a double-circuiting -- we're
18 basically building a whole new line. As I understood
19 Ms. Robichaud's testimony, new towers, double circuit,
20 taking the old towers and the old line out of service,
21 and you still wouldn't need a CECPCN?

22 A. That's correct.

23 Q. Okay. And I understand -- make sure I understand your
24 testimony correctly. The Public Staff doesn't learn

1 about -- let me say it this way -- doesn't always learn
2 about facilities that need to be replaced as a result
3 of age and condition until situations like this?

4 There's an interconnection request that triggers
5 study of these facilities or they appear on the NCT --
6 let me ask the question again, so I'm clear. How much
7 visibility, how much foresight does the Public Staff
8 have about facilities on the -- transmission facilities
9 that need to be replaced due to age and condition?

10 A. We would only see that by going to the NCTPC website.
11 That's the only way we find out about it. This one
12 came up because there was an Affected System Study.
13 That's the only way we found out this early for
14 particular line.

15 Q. So it wasn't yet on the NCTPC?

16 A. It's not yet.

17 Q. But presumably it would be at some point?

18 A. Yes.

19 Q. Okay. Got it. And how much foresight or how much
20 advanced notice does appearance on the NCTPC give
21 the Public Staff?

22 A. It would give us probably a couple years.

23 Q. Okay. Not 10 years?

24 A. Well, there's four looking plans for some of this type

1 of work can be done, but I couldn't tell you
2 specifically.

3 Q. Okay. Does the Public Staff agree with the Applicant's
4 contention that expedite costs would flow through the
5 OATT in the same manner that Affected System Costs
6 would flow through the OATT?

7 A. Um, I can't address that right now. We would be
8 concerned about these Affected System Costs being
9 placed on the Using and Consuming Public.

10 Q. Okay.

11 A. So we can oppose them.

12 Q. Okay. I got it. You answered my question. In
13 discussions -- this is for either of y'all. In
14 discussions that you-all -- that Public Staff has had
15 either with PJM or with Duke Energy Progress,
16 what have you learned about PJM's obligation to pick
17 the least cost Affected System Upgrade that occurs on
18 the DEP's side?

19 A. I don't have any knowledge about PJM being required to
20 do any least cost.

21 Q. So is PJM obligated to identify a least cost solution
22 on the Affected System cost side or is DEP obligated
23 to identify a least cost solution?

24 A. I don't know about PJM, but the normal practice is

1 during the Public Staff's review during the general
2 rate, we would look at the prudence of those expenses.

3 Q. You would look at the prudence of both Dominion's --

4 A. Of DEP's costs to do the Affected System Upgrades.

5 That would be part of a general rate case.

6 Q. Okay. Have you ever participated in the review and the
7 audit of Affected System Costs -- Affected System
8 Upgrade Costs incurred by DEP?

9 A. No audit other than us reviewing the Affected System
10 Studies.

11 Q. Okay. I'm trying to determine have you-all had to
12 review any of those costs yet?

13 A. They have not come up in a general rate case yet.

14 Q. Okay.

15 A. (Mr. Lawrence) These have all happened fairly recently,
16 and I'm not sure that there have been any substantial
17 ones that have been within a rate case.

18 A. Okay.

19 Q. And my understanding of the process from PJM's side,
20 they let their Affected System know that there is a
21 potential for problems, and then it's up to that
22 Affected System to actually study it and determine
23 whether -- the best course of action and whether costs
24 are how the upgrade or how the reliability concern if

1 there is one and if it needs to be addressed.

2 Q. Okay. So, Mr. Lawrence, do I understand your testimony
3 to be that PJM would rely on the Affected System to
4 identify the upgrade necessary to meet its system needs
5 and PJMs were out of the process?

6 A. That's correct.

7 Q. Okay. Has the Public Staff heard from any other
8 merchant facilities or proposed merchant facilities
9 about a need to expedite construction or expedite any
10 other costs associated with -- costs or work associated
11 with --

12 A. (Mr. Lucas) This is the first time we've ever seen
13 expedited costs.

14 Q. Did the Public Staff participate in the meeting with
15 the FERC and Duke?

16 A. No.

17 Q. Has the Public Staff had any discussions with the FERC
18 about the expedited costs?

19 A. No.

20 Q. Okay.

21 CHAIR MITCHELL: All right. Commissioner
22 Duffley.

23 COMMISSIONER DUFFLEY: So just a couple of
24 questions.

1 EXAMINATION BY COMMISSIONER DUFFLEY:

2 Q. Going back to the end of life, are you aware, does Duke
3 have metrics for determining end of life, like X number
4 of years? How do they determine that a line has
5 reached its end of life, and do they have that written
6 down somewhere?

7 A. (Mr. Lucas) They do have procedures. This line's held
8 up by two wooden poles, and they have a program where
9 they periodically drill holes into the power pole and
10 see what's going on. And they put a little tag on it
11 and they find that it's still sound to schedule the
12 next time to come around.

13 Q. Okay. And then going to Chair Mitchell's questions
14 about PJM and what they're doing on their system can
15 potentially minimize the Affected System Upgrades on
16 DEP's system, do you know does Duke get involved with
17 making suggestions or changes that you're aware of?

18 A. I'm not aware any communications like that.

19 Q. Okay. Thank you.

20 COMMISSIONER DUFFLEY: I don't have anything
21 further.

22 CHAIR MITCHELL: All right. We will take
23 questions on Commissioner's questions. Mr. Snowden.

24 MR. SNOWDEN: Thank you, Chair Mitchell.

1 EXAMINATION BY MR. SNOWDEN:

2 Q. Mr. Lucas, I just had a couple of questions
3 regarding -- to follow up with the Commissioner's
4 questions regarding the scope of the Reliability
5 Project. Did you hear Ms. Robichaud's testimony from
6 earlier that the Reliability Project that DEP is now
7 contemplating involves replacing additional line
8 segments beyond the Greenville -- sorry, beyond the
9 Everetts-Greenville segment that was called out in the
10 original Affected System Studies?

11 A. I did not know that it involved additional line
12 segments, other than the Everetts-Greenville line.

13 Q. Okay. So you had not previously heard about the
14 Greenville to Aurora line also being part of that
15 Reliability upgrade?

16 A. I had not heard that.

17 Q. Okay. But you don't have any reason to disagree with
18 Ms. Robichaud's testimony on that, do you?

19 A. No.

20 MR. SNOWDEN: Okay. Those are all the
21 questions I have. Thank you.

22 CHAIR MITCHELL: Public Staff.

23 MR. JOSEY: Just at a few.

24 EXAMINATION BY MR. JOSEY:

1 Q. Mr. Lucas, you were talking or explaining to the Chair
2 on her question about whether or not the Public Staff
3 had reviewed any Affected Systems Upgrade costs, and
4 you had said no, correct?

5 A. That's correct.

6 Q. And to your knowledge, it was about 2020 when the
7 Public Staff realized that Affected Systems Upgrade
8 costs was an issue?

9 A. Yeah. We did not realize Affected Systems were a
10 problem until May of 2020.

11 Q. And to your knowledge, the only facility to have a
12 CPCN issued that has Affected Systems cost, until this
13 point, is Edgecombe Solar?

14 A. That's correct.

15 Q. Okay. And so the Public Staff would review those
16 Affected Systems Upgrade costs in the next DEP rate
17 case, correct?

18 A. That's correct.

19 MR. JOSEY: No further questions.

20 CHAIR MITCHELL: Mr. Josey, just reminding
21 you we'd like a late-filed exhibit, communications with DEP
22 referenced by Mr. Lucas in his testimony today.

23 MR. JOSEY: We will file that as soon as
24 possible.

1 CHAIR MITCHELL: I believe we are at the end
2 of these gentlemen's testimony. Just checking in, make sure
3 I'm not missing something here.

4 MR. JOSEY: Excuse me?

5 CHAIR MITCHELL: We're at the end of the
6 testimony of these gentlemen. Am I missing anything here?

7 MR. JOSEY: Just want to make sure that our
8 panel has answered all the Commission's questions from the
9 September 2nd or September 6 -- well --

10 CHAIR MITCHELL: Okay.

11 MR. JOSEY: September Order.

12 CHAIR MITCHELL: I'm checking back in the
13 back corner to get a head nod or a shake. Okay. Commissioner
14 Duffley, any additional questions for these gentlemen before
15 we let them go?

16 COMMISSIONER DUFFLEY: No.

17 CHAIR MITCHELL: All right, gentlemen, y'all
18 may step down. Thank you very much for your testimony
19 today.

20 MR. SNOWDEN: Chair Mitchell, I think the
21 witness presentations are done. If I may, to the extent
22 that there are subsequent hearings scheduled in these
23 dockets, in the EMP-111 and 110, we would request that they
24 be cancelled.

1 CHAIR MITCHELL: We will address additional
2 procedural issues such as the cancellation of hearings and
3 subsequent Order of the Commission in each of the respective
4 dockets, unless the Public Staff objects.

5 MR. JOSEY: No objection.

6 CHAIR MITCHELL: Okay. And I'm not hearing
7 objection from the Public Staff. We will take proposed
8 Orders as soon as you want to get them in, subsequent to the
9 notice of transcript's availability. Yeah. For purposes of
10 the record, I just want to remind Commissioners of our duty
11 to avoid conflicts and inquire as to whether any member of
12 the Commission has a conflict with this matter coming before
13 us.

14 (No response)

15 CHAIR MITCHELL: I'm seeing nothing. No
16 conflict from Duffley, no conflict from Clodfelter, so we
17 are clear from the conflict standpoint. Before we adjourn
18 for the afternoon, anything else? Public Staff?

19 MR. JOSEY: No.

20 CHAIR MITCHELL: Mr. Snowden?

21 MR. SNOWDEN: No thanks. I just want to say
22 thank you for expediting these proceedings. I know it's in
23 everyone's mutual interest, but we've all got stuff to do
24 and I can go pick my daughter up from rowing practice now.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

COMMISSIONER CLODFELTER: We charge a lot less for expediting than apparently Duke does.

CHAIR MITCHELL: Apparently, we need to develop a methodology here. With that, then, we'll be adjourned. Thank you very much everybody, and we're off the record.

(Whereupon, the hearing was adjourned)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

C E R T I F I C A T E

I, TONJA VINES, DO HEREBY CERTIFY that the Proceedings in the above-captioned matter were taken before me, that I did report in stenographic shorthand the Proceedings set forth herein, and the foregoing pages are a true and correct transcription to the best of my ability.



Tonja Vines