

**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 Necessity to Construct an 80 MW Solar Facility in Pitt County, North Carolina)))))	ORDER GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY WITH CONDITIONS
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BY THE COMMISSION: On August 10, 2020, Pitt Solar, LLC (Pitt or Applicant) filed an application pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63 for a certificate of public convenience and necessity (CPCN) to construct a solar photovoltaic (PV) electric generating facility with a capacity of up to 150 MW to be located in Pitt County, North Carolina and to be operated as a merchant generating facility (the Facility).¹ The Facility will interconnect with Dominion Energy North Carolina (DENC), giving it access to PJM Interconnection (PJM). Eighty MW of the Facility is in the AC1 Cluster of the PJM interconnection queue (Phase 1). The additional 70 MW of the Facility is in the AF2 Cluster of the PJM Interconnection queue (Phase 2).

On August 19, 2020, the North Carolina Utilities Commission – Public Staff (Public Staff) filed a Notice of Completeness stating that it had reviewed the application in Docket No. EMP-102, Sub 1 and considered the application to be complete and requesting that the Commission issue a procedural order.

On October 5, 2020, the Commission issued an Order Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (October 5 Order).

On October 16, 2020, the Applicant filed the supplemental testimony of witness Linda Nwadike.

On October 23, 2020, the Applicant filed a Notice of Name Change and Motion to Amend Application and Caption reflecting its new corporate name, Pitt Solar, LLC.

On November 12, 2020, the Public Staff filed the direct testimony of witness Dustin R. Metz.

¹ Bethel NC 11 Solar, LLC was the Applicant's original name. The Applicant later filed a Notice of Name Change and Motion to Amend Application and Caption that gave notice of the name change to Pitt Solar, LLC.

On November 12, 2020, the North Carolina Department of Administration, through the State Clearinghouse, filed a letter indicating that no further State Clearinghouse review action was needed for compliance with the North Carolina Environmental Policy Act (NCEPA).

On November 12, 2020, Pitt filed an Affidavit of Publication certifying that in accordance with the October 5 Order, Pitt had published a notice of the application in Docket No. EMP-102, Sub 1 in The Daily Reflector, a newspaper published daily in Greenville, North Carolina on October 14, October 21, October 28, and November 4, 2020.

On November 16, 2020, the Commission conducted a public hearing on the application by videoconference.

On May 7, 2021, the Commission issued an Order Requiring Additional Testimony wherein it set forth certain questions for Pitt and the Public Staff to answer and set dates for the filing of testimony.

On June 1, 2021, Pitt filed the supplemental testimony of witness Nwadike.

On July 7, 2021, the Public Staff filed the supplemental testimony of witness Metz.

On July 22, 2021, Pitt filed the reply testimony of witness Nwadike.

On September 14, 2021, the Commission issued an Order Requiring Amendment of the Application and Revising Procedural Schedule. In that order, the Commission concluded that there was sufficient information in the record to consider and render a decision as to Phase 1 of the proposed Facility, noting that the Applicant appears willing to proceed with the Phase 1 portion of the Facility while necessary studies continue on the Phase 2 portion of the Facility if the Commission should issue a CPCN solely for the Phase 1 portion. The Commission ordered the Applicant to amend its application to reflect a two-stage process for the Commission to consider the two different portions of the proposed Facility and to provide for a separate Sub number within the EMP-102 docket for consideration of the Phase 2 portion. The Commission established a short procedural schedule in which: (1) the Applicant would file its amended application; (2) the Public Staff would file supplemental testimony on the limited questions of the Public Staff's views on whether the proceeding should be bifurcated, any issues such bifurcation raises with the Public Staff, and whether bifurcation changes the Public Staff's analysis or recommendations as to either portion of the proposed Facility; and (3) the Applicant would file reply testimony, if any.

On September 28, 2021, the Applicant filed its amended application for a CPCN for Pitt Solar Phase I, 80 MW, which included the supporting testimony of witness Nwadike.

On October 19, 2021, the Public Staff filed the Second Supplemental Testimony of witness Dustin Metz. The Public Staff supported the bifurcation of the proceeding, stating that bifurcation allowed for an evaluation of more current and known information for the 80 MW portion of the Facility.

On October 25, 2021, the Applicant filed the Reply Testimony of witness Linda Nwadike.

On October 26, 2021, the Applicant filed a Motion to Amend Reply Testimony to correct an error in witness Nwadike's Reply Testimony.

On August 31, 2022, Pitt filed a Consent Motion to Proceed on Record, with the consent of the Public Staff.

On November 1, 2022, the Commission issued an Order Requiring Proposed Orders.

On December 1, 2022, both Pitt and the Public Staff filed proposed orders. The Public Staff's proposed order included the Commission granting the CPCN with conditions substantially similar to those the Commission has imposed on CPCNs in the past and to those witness Metz proposed.

FINDINGS OF FACT

1. Pitt Solar, LLC is a North Carolina limited liability company with its principal place of business in Mooresville, North Carolina. SunEnergy1 is the direct parent of Pitt. SunEnergy1 is a solar developer and an engineering, procurement, and construction company. It has ownership interests in and/or the ability to control through leases or contracts numerous solar generating facilities in the Southeastern Electric Reliability Council region.

2. In compliance with N.C.G.S. § 62-110.1 and Commission Rule R8-63, Pitt filed with the Commission an amended application on September 28, 2021, for a CPCN authorizing construction of Phase 1 of the Facility on a site located east of NC 11 South and North of NC 30 in the Town of Bethel, Pitt County, North Carolina. Pitt Solar Phase 1 is located on some of the parcels of land that formed a portion of the site as Bethel/Pitt proposed in the original application. Phase 1, which the Commission is now considering in this docket, involves the construction of 80 MW of generation and is assigned to PJM queue position AC1-189.² The project will be located on several parcels in Pitt County and Town of Bethel, North Carolina. The site is comprised of rural land, some of which is currently used for agricultural purposes. SunEnergy1's affiliate Group Three Holdings, LLC owns a portion of the site. Several private landowners own or claim to own the other

² Phase 2, involving construction of a 70 MW section as described in Docket No. EMP-102, Sub 2, will follow Phase 1 and has been assigned to PJM queue position AF2-080.

portions of the site for the project. Those landowners have given Pitt the right to develop and use the property for solar energy purposes.

3. The Application has met all requirements for publication of notice.

4. Pitt is financially and operationally able to undertake the construction and operation of Phase 1 of the Facility.

5. The Facility is a solar energy facility and will be interconnected to the transmission grid owned by DENC. Pitt proposes to interconnect 80 MW of solar generation capacity to the DENC transmission grid and to sell wholesale power from the Facility located within the PJM footprint.

6. The State Clearinghouse has concluded that no further action by Pitt is necessary to comply with the NCEPA.

7. PJM estimates that costs for the the PJM Network Upgrades for Phase 1 of the Facility are \$8,922,829.

8. The Affected System Costs for the AC1 cluster's impact on the DEP system are \$31,285,275, needed to resolve an overload on the DEP Battleboro—Rocky Mount 115 kV line.

9. The Facility has a Levelized Cost of Transmission (LCOT) of \$1.94/MWh for its allocated costs for the PJM Network Upgrades.

10. PJM has projected regional load growth and regional generation requirements.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 1-3

These findings of fact are essentially informational, procedural, and jurisdictional in nature and are not in dispute. The original Application, the Amended Application, the various filed testimonies of Pitt witness Nwadike, and the Affidavit of Publication support these findings.

The Applicant filed a copy of the Articles of Organization for Bethel NC 11 Solar, LLC (the original name of the Applicant), filed with the North Carolina Secretary of State on August 17, 2016, in the docket on August 10, 2020, as an exhibit to the original Facility CPCN Application. The Applicant later filed a copy of the Amendment of Articles of Organization changing the Applicant's name to Pitt Solar, LLC, filed with the North Carolina Secretary of State on September 25, 2020, as an exhibit to Applicant's Notice of Name Change and Motion to Amend Application and Caption filed with the Commission on October 23, 2020.

An examination of the Application, the Amended Application, and the exhibits of Pitt's witnesses confirms that the Applicant has complied with all filing requirements of

the law and Commission rules associated with applying for a certificate to construct a merchant plant in North Carolina.

On November 12, 2020, Pitt filed the Affidavit of Publication showing that the Daily Reflector, a newspaper published daily in Greenville, North Carolina, published the Public Notice as proscribed by the Commission in its October 5 Order in four successive weeks on October 14, October 21, October 28, and November 4, 2020. The Commission concludes that the Applicant timely and adequately published the Public Notice.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 4

The evidence supporting this finding of fact is in the original Application, the amended Application, and the testimony of Pitt witness Nwadike. No party disputes this finding.

According to witness Nwadike, SunEnergy1 is a top five U.S. solar developer, owner and operator of utility-scale solar projects, having installed over 1 GW of solar power. SunEnergy1 has pioneered large-scale solar power on the East Coast for almost a decade and has developed record-breaking solar projects in the Southeast region. SunEnergy1 is vertically integrated and controls all stages of development in-house.

Based on the foregoing, the Commission concludes that SunEnergy1's experience in the construction and operational control of solar energy facilities demonstrates that its affiliate, Pitt, has the financial and operational capabilities necessary to successfully construct Phase 1 of the Facility.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 5

The evidence supporting these findings of fact is in the Application (including the Exhibit 3 Description of the Need for the Facility), the direct testimony of Pitt witness Nwadike filed with the original application on August 10, 2020, and the direct testimony of Pitt witness Nwadike filed on September 28, 2021, with the Amended Application.

According to the Application, the Amended Application, and the testimony of Pitt witness Nwadike, Pitt will locate the Facility on several parcels of land in Pitt County and Town of Bethel, North Carolina. The site is primarily rural and some of the land is used for agricultural purposes. SunEnergy1's affiliate, Group Three Holdings, LLC owns part of the site and other portions are privately owned by several different landowners, all of whom have provided Pitt with the right to develop and use the property for solar energy purposes including the installation of solar panels, inverters, transformers, and other elements of the Facility. Pitt included a site plan for the proposed project as an exhibit with the CPCN Application and the Amended Application.

In her prefiled direct testimony filed on September 28, 2021 with the Amended Application, witness Nwadike states that the Phase 1, 80 MW project now proposed in this docket corresponds to PJM queue AC1-189. The Facility will be a fixed tilt

ground-mounted solar PV system, and it will be comprised of solar arrays, inverters, generator step-up transformers, racking, posts, wiring, utility poles, communication poles, security camera, collector station, and accessories. Nwadike further states that the Facility will interconnect with the DENC transmission system via a new three breaker ring bus switching station connecting to the Elmont-Greenwood DP 115 kV line #59. This new switching station will be adjacent to the Dominion transmission line on land that Pitt has acquired for this Facility. The generator collector substation will be adjacent to the new DENC switching station. Pitt included a diagram showing the point of interconnection and the location of the collector station with the Amended Application.

The Commission noted that Pitt will not be able to meet the dates for beginning construction and for commercial operation that it predicted in its amended Application. Pitt has not provided the Commission with updated timelines for beginning construction and achieving commercial operation.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 6

The evidence supporting this finding of fact is in the State Clearinghouse comments filed on November 12, 2020. The NC DOA, through the State Clearinghouse, stated in its correspondence that because of the nature of the comments filed by various North Carolina state government agencies, NC DOA had determined that no further review action by Pitt was necessary for compliance with the NCEPA. The various agencies commenting included the North Carolina Department of Environmental Quality (NCDEQ) Division of Environmental Assistance and Customer Service, North Carolina Wildlife Resources Commission, NCDEQ Division of Waste Management, North Carolina Department of Agriculture and Consumer Services, North Carolina Department of Public Safety Division of Emergency Management, and North Carolina Department of Natural and Cultural Resources State Historic Preservation Office.

Considering the foregoing, the Commission concludes that Pitt has complied with the NCEPA and that the Act does not prohibit or impede issuance of the certificate of authority.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 8-10

The evidence supporting these findings of fact is in the Application, the Amended Application, the testimonies of Pitt witness Nwadike, the Public Staff testimony of witness Metz, in orders of Federal Energy Regulatory Commission (FERC), and in filings made in Commission Docket No. E-100, Sub 170, Investigation of Interconnection Issues Related to Electric Merchant Generating Facilities.

North Carolina General Statute § 62-110.1(a) provides that no generating facility may be constructed without first obtaining from the Commission a certificate stating that public convenience and necessity requires, or will require, such construction. N.C.G.S. § 62-110.1(e) provides further that “no certificate shall be granted unless the Commission has approved the estimated construction costs and made a finding that the construction

will be consistent with the Commission’s plan for expansion of electric generating capacity.” Commission Rule R8-63(b)(3) also requires a merchant plant application to include a description of the need for the facility in the “state and/or region.” This requirement is an outgrowth of the 1991 Empire Power Company case in Docket No. SP-91, Sub 0. In 2001, the Commission initiated a generic proceeding in Docket No. E-100, Sub 85, to consider changes in the certification requirements for merchant plants.

In its Order adopting the certification rule, the Commission stated “[i]t is the Commission’s intent to facilitate, and not to frustrate, merchant plant development. Given the present statutory framework, the Commission is not in a position to abandon any showing of need or to create a presumption of need. However, the Commission believes that a flexible standard for the showing of need is appropriate.” Order Adopting Rule, *Investigation of Certification Requirements for New Generating Facilities*, No. E-100, Sub 85, at 7 (N.C.U.C. May 21, 2001). Although previously emphasized in the Order adopting the certification rule, the Commission emphasizes again that the analysis of whether the public convenience and necessity requires the construction of a specific merchant facility is flexible and, to this end, must focus on the facts and circumstances presented by the application and additionally must evolve as North Carolina’s electric system evolves. Thus, while it is not the Commission’s intent to frustrate merchant plant development, the Commission has a statutory obligation to determine whether granting an application for a CPCN is in the public interest. See Order Granting Certificate, *Application of Rowan Generating Company, LLC, for a Certificate of Public Convenience and Necessity to Construct a Generating Facility in Rowan County, North Carolina*, No. EMP-3, Sub 0, at 8 (N.C.U.C. October 12, 2001) (stating that the Commission is “mindful that issues regarding the appropriate amount of merchant plant generation in the State remain to be decided.”).

In fulfilling these obligations imposed by statute and rule, the Commission has determined, in the context of CPCN applications for merchant plant facilities, that “it is appropriate for the Commission to consider the total construction costs of a facility, including the cost to interconnect and to construct any necessary transmission Network Upgrades, when determining the public convenience and necessity of a proposed new generating facility.” See Order Denying Certificate of Public Convenience and Necessity for Merchant Plant Generating Facility, *In the Matter of Application of Friesian Holdings, LLC for a Certificate of Convenience and Necessity to Construct a 70-MW Solar Facility in Scotland County, North Carolina*, No. EMP-105 Sub 0, at 6 (N.C.U.C. June 11, 2020), aff’d State ex rel. Utils. Comm’n v. Friesian Holdings, LLC, 281 N.C. App. 391, 2022-NCCOA-32, 869 S.E.2d 327, 2022 N.C. App. LEXIS 37. Further, the Commission has decided, at the present time, that “the use of the levelized cost of transmission (LCOT) provides a benchmark as to the reasonableness of the transmission Network Upgrade cost associated with interconnecting a proposed new generating facility.” *Id.*

The Commission has explained that “the very reason the CPCN statute was enacted was to stop the costly overexpansion of facilities to serve areas that did not need them.” *Id.* at 17. See also *High Rock Lake Ass’n*, 97 N.C. App. at 140-41, 245 S.E.2d at 790; *State ex rel. Utils. Comm’n v. Empire Power*, 112 N.C. App. 265, 280, 435 S.E.2d 553, 561 (1994). The Commission has noted, based on policies established explicitly in N.C.G.S.

§ 62-2, that the “legislature intends the Commission to encourage cost-efficient siting of generation facilities, and thus that the Commission has the authority to consider all costs borne as a result of that siting decision.” *Id.* at 17-18.

Pitt witness Nwadike, in her September 28, 2021 direct testimony that accompanied the Amended Application, stated that PJM estimates the costs for the Network Upgrades for the Facility (Phase 1) to be \$8,922,829. According to witness Nwadike, the actual amount will be reduced because Pitt intends to self-build some of the Attachment Facilities that the original study included at an estimated cost of \$685,295 and will also build the new switching station, which has an estimated cost of \$6,474,940. Witness Nwadike calculates the LCOT for the PJM Network Upgrades to be \$1.94/MWh. Public Staff witness Metz, in his testimony filed on July 7, 2021, generally agreed with the Applicant’s methodology for calculating the LCOT. Witness Metz stated that he also performed other calculations with alternative inputs that resulted in LCOTs of \$2.01 and \$2.31. Under the applicable regulatory paradigm, Pitt will be responsible for paying these interconnection costs for Network Upgrades on the PJM system and will also bear all the costs associated with the construction of the Facility, and North Carolina ratepayers will not bear those costs.

Regarding the possibility of Affected System Costs, Public Staff witness Metz explained in his November 12, 2020 testimony that DEP had performed an Affected System Study for the AC1 cluster. That study indicated that DEP would have to construct upgrades on its Rocky Mount—Battleboro 115 kV line to accommodate the AC1 projects. Witness Nwadike, in her June 1, 2021 testimony, stated that the DEP Affected System Upgrades were estimated to cost \$31,285,275. At that time, American Beech (another project in the AC1 cluster) had entered an ASOA to cover the cost of the upgrades.

Witness Metz of the Public Staff described how, on October 1, 2020, Duke revised its ASOA template to assign the costs of Affected System Network Upgrades to the Interconnection Customer, which was a departure from its prior policy of repayment to the Interconnection Customer for Affected System Costs. American Beech executed its ASOA with DEP without any provision for reimbursement. However, FERC rejected that ASOA. Subsequently, Edgecombe (another AC1 project) signed its own ASOA with DEP for the upgrade that did provide for reimbursement. DEP filed that ASOA with this Commission and with FERC on May 6, 2022. DEP filed the ASOA unexecuted because it is litigating the issue of whether FERC can require DEP to provide reimbursement. FERC accepted that ASOA on July 5, 2022.

On May 6, 2022, Edgecombe Solar, LLC (Edgecombe), another project in the AC1 cluster, filed with Federal Energy Regulatory Commission FERC and this Commission a signed ASOA with DEP providing for the upgrades assigned to the AC1 cluster. See FERC Docket No. ER22-1807 and DEP Notice of Affected System Operating Agreement filed with the Commission in Docket No. E-100, Sub 170, *Investigation of Interconnection Issues Related to Electric Merchant Generating Facilities*, on May 6, 2022. FERC accepted that ASOA on July 5, 2022. Order Accepting Affected System Operator Agreement, FERC Docket No. ER-22-1807 (July 5, 2022).

Based on the history of the ASOA process regarding the PJM AC1 cluster, the Commission is not persuaded that the issue regarding the DEP Affected System Upgrade Costs to be borne by Pitt is resolved. Additionally, the Commission remains concerned that regardless of how many interconnecting solar projects are allocated a share of the Affected System Upgrade costs, DEP ratepayers will reimburse all of those costs (with interest) and will not receive any of the power supplied by these projects. As testified by Pitt witness Nwadike, the Applicant has entered a Power Purchase Agreement (PPA) with a Fortune 100 company that will use the RECs associated with the output of the Facility to meet its sustainability goals. The Applicant anticipates continued and robust long-term offtake prospects for renewable energy and renewable energy credits. Thus, while the record suggests this Facility is likely destined to serve the need of a corporate offtaker in the PJM region, the record provides little to no evidence of any specific benefit to DEP ratepayers from the transmission infrastructure for which they must pay so that the electricity may reach the corporate buyer.

Public Staff witness Metz, in his October 19, 2021 second supplemental testimony, also raised concerns that factors may alter the Facility, its costs, and grid impacts. Witness Metz stated that since his earlier testimony, there had been multiple filings at FERC regarding other merchant power generation within the PJM footprint and the question of reimbursement for Affected Systems Costs that could directly impact Pitt's Phase 1 and Phase 2 projects. Witness Metz asserted that because of pending proceedings at FERC, it was impossible to know which project in the PJM AC1 cluster would be assigned Affected System Upgrade costs. If they were to be assigned to Pitt, and DEP was required to reimburse Pitt, witness Metz argued that it would raise the question of whether DEP ratepayers would receive benefits commensurate with the associated upgrades. Witness Metz contended that the Commission should deny the applications because: (1) DEP customers could have to pay for \$31 million in Affected System Upgrades that are not necessary for reliable service; (2) the \$31 million in upgrades could sit idle for extended periods of time; and (3) future projects in PJM could force DEP to retire the \$31 million in upgrades long before the end of their service life and install larger and more expensive upgrades, burdening DEP's captive customers.

Witness Metz further stated that should the Commission grant the CPCN for the Pitt Facility, the Public Staff recommended the following conditions: (1) the Applicant shall notify the Commission within of any change or any revisions to the cost estimates for the construction of the Facility itself, interconnection facilities, Network Upgrades, or Affected System Costs within 30 days of becoming aware of such revisions, at which time subsequent steps and actions could be taken; (2) that the Applicant file a copy of any executed ASOA with the Commission at the same time such filing is made at the FERC (at least 61 days before construction on the upgrades commences); (3) if Pitt enters an ASOA with DEP, the conditions cease at commercial operation of the 80 MW portion of the project and the Applicant will file in this docket the total amount of Affected System costs to be reimbursed and the end date of the agreement.

Witness Nwadike, in her October 25, 2021 reply comments responding to the Public Staff's concerns, argued that denial of the CPCN would be inconsistent with the

Commission's decisions on other PJM AC1 cluster CPCN applications that would rely on the same upgrades to the DEP system. Witness Nwadike stated that Pitt did not trigger the requirement for the \$31 million in Affected System Upgrades, as those upgrades are necessary if any of the PJM AC1 cluster projects moves forward. Witness Nwadike noted that Pitt Solar had agreed that it is responsible for all Affected System Costs assigned to its Facility, if any, without reimbursement and that Pitt did not object to the Public Staff's proposed conditions.

Neither the Applicant nor the Public Staff provides calculations for the LCOT for the Affected System Upgrade required to interconnect the AC1 projects, presumably because they assume that Pitt will not be allocated any of those costs. Using information in the record, the Commission calculates an LCOT for the Facility of approximately \$10.98/MWh. The Commission is persuaded that the LCOT for the Facility is not unreasonable.

In its analysis of public convenience and necessity in the context of merchant generating facilities, the Commission has considered the long-term energy and capacity needs in the State and region, as well as system reliability concerns.

In view of the total cost of the Facility, including the Network Upgrades and the DEP Affected System Upgrade Costs, the Commission concludes, although not without reservation, that the siting of the Applicant's Facility in this area is not inconsistent with the Commission's obligation under N.C.G.S. § 62-110.1(d) for the provision of "reliable, efficient, and economical service" in the region.

After having carefully considered and weighed the evidence presented in this proceeding and using a case-specific and flexible standard, the Commission concludes, though with some reservation as discussed above, that granting the CPCN for the Facility is in the public convenience and necessity. However, as the Public Staff recommends, the Commission will condition the certificate in the manner described below to ensure that the Commission is notified of any future material revisions in the cost estimates for any costs, including but not limited to Network Upgrades, Attachment Facilities, and Affected System Upgrades.

IT IS, THEREFORE, ORDERED as follows:

1. That a certificate of public convenience and necessity shall be issued to Pitt Solar, LLC, for the construction of an 80 MW solar PV merchant generating facility to be located in Pitt County, North Carolina. This certificate, once granted, shall be subject to the following conditions:

- (i) The Applicant shall construct and operate the facility in strict accordance with applicable laws and regulations, including any local zoning and environmental permitting requirements.

(ii) The CPCN shall be subject to Commission Rule R8-63(e) and all order, rules, and regulations as are now or may hereafter be lawfully made by the Commission.

(iii) The Applicant shall file with the Commission in this docket any significant revisions in the cost estimates for the construction of the facility itself, interconnection facilities, Network Upgrades, or Affected System Upgrades, or any other significant change in costs, within 30 days of becoming aware of such revisions.

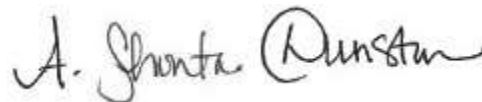
(iv) The Applicant shall file a copy of any signed or executed Affected System Operating Agreement with the Commission at the same time such filing is made at the Federal Energy Regulatory Commission (at least 61 days before construction on the upgrades begins).

(v) If at any time the Applicant seeks reimbursement for any interconnection facilities, Network Upgrade Costs, Affected System Costs, or other costs required to allow energization and operation of the Facility, the Applicant shall notify the Commission no later than 60 days before seeking reimbursement.

ISSUED BY ORDER OF THE COMMISSION.

This the 4th day of April, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "A. Shonta Dunston".

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-102, SUB 1

KNOW ALL PERSONS BY THESE PRESENTS THAT

PITT SOLAR, LLC

192 Raceway Drive
Mooresville, NC 28117

is hereby issued this

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PURSUANT TO
N.C. GEN. STAT. § 62-110.1

For an 80 MW solar energy facility

located

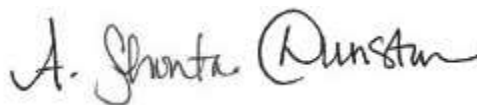
East of NC 11 and North of NC 30 in Pitt County and Town of Bethel, North Carolina,

subject to receipt of all federal and state permits as required by existing and future regulations prior to beginning construction and further subject to all other orders, rules, regulations, and conditions as are now or may hereafter be lawfully made by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the 4th day of April, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive style with a large, stylized "D" at the end.

A. Shonta Dunston, Chief Clerk