

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-33082, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Filo Solar, LLC, for a)	ORDER ISSUING CERTIFICATE
Certificate of Public Convenience and)	AND ACCEPTING REGISTRATION
Necessity to Construct an 80-MW Solar)	OF NEW RENEWABLE ENERGY
Facility in Montgomery County,)	FACILITY
North Carolina)	

BY THE COMMISSION: On May 14, 2021, Filo Solar, LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to N.C. Gen. Stat. § 62-110.1(a) for construction of an 80-MW_{AC} solar photovoltaic generating facility to be located along Coggins Road, near the City of Biscoe, Montgomery County, North Carolina. The Applicant plans to sell the electricity generated by this facility to Duke Energy Progress, LLC (DEP).

On May 20, 2021, the North Carolina Utilities Commission (Commission) issued an Order Requiring Publication of Notice.

On May 25, 2021, the Applicant filed a registration statement for a new renewable energy facility. The registration statement included certified attestations that: (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a new renewable energy facility; (3) the Applicant will not remarket or otherwise resell any renewable energy certificates sold to an electric power supplier to comply with N.C.G.S. § 62-133.8; and (4) the Applicant will consent to the auditing of its books and records by the Public Staff – North Carolina Utilities Commission insofar as those records relate to transactions with North Carolina electric power suppliers.

On June 14, 2021, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to DEP on June 2, 2021.

The State Clearinghouse filed comments on four occasions in 2021: June 22, June 30, August 2, and September 8. Because of the nature of the comments, each cover letter indicated that no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On July 26, 2021, the Applicant filed an affidavit of publication from the Montgomery Herald (Troy, North Carolina) stating that the publication of notice was completed on June 23, 2021. No complaints have been received.

On August 19, 2021, the Applicant filed a letter stating that the inclusion of batteries had been removed from the application and this removal will not change the production profile provided in the application.

On August 30, 2021, the Applicant filed a letter stating the dependable capacity of the facility is 0 MW.

The Public Staff – North Carolina Utilities Commission (Public Staff) presented this matter to the Commission at its Regular Commission Staff Conference on October 11, 2021. The Public Staff stated that it had reviewed the application and determined it to be in compliance with the requirements of N.C.G.S. § 62-110.1(a) and Commission Rule R8-64. The Public Staff further stated that the registration statement contains the certified attestations required by Commission Rule R8-66(b). Therefore, the Public Staff recommended approval of the certificate and registration for the facility.

After careful consideration, the Commission finds good cause to approve the application and issue the attached certificate for the proposed solar photovoltaic generating facility. The Commission further finds good cause, based upon the foregoing and the entire record in this proceeding, to accept registration of the facility as a new renewable energy facility. The Applicant shall annually file the information required by Commission Rule R8-66 on or before April 1 of each year and is required to participate in the NC-RETS REC tracking system (<http://www.ncrets.org>) in order to facilitate the issuance of renewable energy certificates.

IT IS, THEREFORE, ORDERED as follows:

1. That the application of Filo Solar, LLC, for a certificate of public convenience and necessity shall be, and is hereby, approved;
2. That Appendix A shall constitute the certificate of public convenience and necessity issued to Filo Solar, LLC, for the 80-MW_{AC} solar photovoltaic generating facility to be located along Coggins Road, near the City of Biscoe, Montgomery County, North Carolina;
3. That the registration statement filed by Filo Solar, LLC, for its solar photovoltaic generating facility to be located in Montgomery County, North Carolina, as a new renewable energy facility, shall be, and is hereby, accepted;
4. That Filo Solar, LLC, shall annually file the information required by Commission Rule R8-66 on or before April 1 of each year; and

5. That Filo Solar, LLC, shall renew this certificate by re-compliance with the requirements set forth in Commission Rule R8-64 if it does not begin construction within five years after the issuance of the certificate.

ISSUED BY ORDER OF THE COMMISSION.

This the 12th day of October, 2021.

NORTH CAROLINA UTILITIES COMMISSION

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A. Shonta Dunston, Chief Clerk

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UTILITIES COMMISSION
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Filo Solar, LLC
130 Roberts Street
Asheville, North Carolina 28801

is hereby issued this

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO N.C. Gen. Stat. § 62-110.1**

for an 80-MW_{AC} solar photovoltaic generating facility

to be located

along Coggins Road, near the City of Biscoe, Montgomery County, North Carolina,

subject to all 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 12th day of October, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "A. Shonta Dunston".

A. Shonta Dunston, Chief Clerk