

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-110, SUB 0  
DOCKET NO. EMP-111, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of Sumac Solar, LLC, for a Certificate of Public Convenience and Necessity to Construct a 120-MW Solar Facility in Bertie County, North Carolina	)	
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In the Matter of Application of Sweetleaf Solar LLC for a Certificate of Public Convenience and Necessity to Construct a 94-MW Solar Facility in Halifax County, North Carolina	)	APPLICANTS' MOTION FOR STAY OF PROCEEDINGS
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NOW COME Sumac Solar, LLC (“Sumac Solar”) and Sweetleaf Solar, LLC (“Sweetleaf Solar,” and together with Sumac Solar, “Applicants”), by and through counsel, and pursuant to Commission Rule R1-7, move the North Carolina Utilities Commission for a stay of all proceedings in the above-referenced dockets, pending further Order of the Commission, so that the parties and the Commission may have the benefit of additional interconnection-related information regarding Applicants’ projects prior to filing additional testimony or conducting any evidentiary hearings. This Motion is necessitated by further delays in the delivery of interconnection studies by PJM Interconnection (“PJM”).

In support of their motion, Applicants show the following:

1. On April 16, 2020, in Docket No. EMP-110, Sub 0, Sumac Solar filed an application pursuant to N.C.G.S. § 62-20.1 and Commission Rule R8-63 for a CPCN to construct a 120-MWAC solar PV electric generating facility to be located in Bertie County, North Carolina,

and to be operated as a merchant generating facility. The Public Staff filed a Notice of Completeness on April 23, 2020. On May 29, 2020, the Public Staff filed the testimony of Evan D. Lawrence. On June 22, 2020, the Commission issued an *Order Cancelling Expert Witness Hearing and Requiring Additional Testimony* (Order for Additional Testimony) which, among other things, directed the Applicant to file additional testimony and exhibits addressing a number of questions posed by the Commission on or before July 22, 2020. The Order for Additional Testimony also directed the Public Staff to file testimony and exhibits addressing the questions posed by the Commission on or before August 5, 2020. On July 22, 2020, the Commission issued an Order granting the Applicant's request for extension of time to file its testimony and exhibits to August 12, 2020. Pursuant to that Order, the Public Staff's deadline to file its testimony and exhibits was extended to August 26, 2020. On August 12, 2020, the Applicant filed the additional testimony and exhibits of Donna Robichaud. On August 25, 2020, the Public Staff requested a further extension of time to five business days following the conclusion of the hearings in the Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP), rate cases to file its testimony. On August 26, 2020, the Applicant filed a letter proposing an alternative extension schedule whereby the Public Staff would file its testimony by September 25, 2020. On August 27, 2020, the Commission issued an Order granting an extension of time to on or before September 25, 2020, for the Public Staff to file its testimony. On September 25, 2020, the Public Staff filed a motion for a further extension of time to file its testimony to October 26, 2020. The Commission issued an Order granting the Public Staff's motion on September 25, 2020. Sumac Solar filed Supplemental Application and Testimony relating to the acquisition of Sumac project by EDF Renewables Development, Inc. ("EDF") on November 16, 2020.

2. On June 2, 2020, in Docket No. EMP-111, Sub 0, Sweetleaf Solar filed an application pursuant to N.C.G.S. § 62-110.1 and Commission Rule R8-63 for a CPCN for a 94-MW solar photovoltaic electric generating facility to be located in Halifax County, North Carolina, and to be operated as a merchant generating facility. The Public Staff filed a Notice of Completeness on June 15, 2020. On July 8, 2020, the Commission issued a Procedural Order which, among other things, directed the Applicant and the Public Staff to file additional testimony addressing questions posed by the Commission on various topics, including network upgrade costs, by July 21, 2020, and August 10, 2020, respectively. On July 21, 2020, the Applicant requested a three-week extension of the time of the deadlines for supplemental testimony noting that the complexity of the underlying issues related to the PJM interconnection process and that the parent company, Geenex Solar LLC, was simultaneously preparing supplemental testimony in Docket No. EMP-110, Sub 0. On July 22, 2020, the Commission issued an Order granting the request and extending the deadlines for filing the Applicant's additional testimony and exhibits to August 11, 2020, and for the filing of the Public Staff's testimony and exhibits to August 31, 2020. On August 11, 2020, the Applicant filed the additional testimony and exhibits of Donna Robichaud. On August 24, 2020, the Commission held the public witness hearing remotely via WebEx. On August 25, 2020, the Public Staff requested a further extension of time to five business days following the conclusion of the hearings in the DEC and DEP rate cases to file its testimony. On August 26, 2020, the Applicant filed a letter proposing an alternative extension schedule whereby the Public Staff would file its testimony by September 18, 2020. On September 1, 2020, the Commission issued an Order granting an extension of time to on or before September 18, 2020, for the Public Staff to file its testimony. On September 18, 2020, the Public Staff filed the testimony and exhibits of Jay B. Lucas.

3. On September 28, 2020, Sweetleaf Solar filed a motion requesting that the Commission issue an order amending and extending the procedural schedule in the case to allow the parties to review and provide testimony concerning the affected system study costs for Cluster AD1 and the filings in Docket No. E-100, Sub 170. Sweetleaf Solar further requested that the Commission issue an order directing, among other things, that the Public Staff file supplemental testimony and a recommendation on the Applicant's application on or before October 23, 2020. On September 29, 2020, the Commission issued an Order directing the Public Staff to file additional supplemental testimony and exhibits on or before October 23, 2020, directing the Applicant to file reply testimony and exhibits on or before October 30, 2020, and cancelling the expert witness hearing scheduled for October 29, 2020. On October 13, 2020, the Commission issued an Order rescheduling the expert witness hearing for December 8, 2020. Sweetleaf Solar filed Supplemental Application and Testimony relating to the acquisition of the Sweetleaf project by EDF on November 12, 2020.

4. On October 22, 2020, the Public Staff filed a Motion for Extensions of Time to file supplemental testimony and exhibits in dockets EMP-110, Sub 0, and EMP-111, Sub 0, due to delays in the availability of information related to including costs related to interconnection and construction of any necessary transmission network upgrades for the Sumac Solar and Sweetleaf Solar projects. The Commission granted the requested extension of time on October 26, 2020.

5. The Public Staff filed the supplemental testimony of witness Jay B. Lucas in Docket No. EMP-111, Sub 0 on November 13, 2020.

6. The Public Staff filed the supplemental testimony of Evan D. Lawrence in docket no. EMP-110, Sub 0 on November 16, 2020.

7. On November 20, 2020, the Applicants filed a Motion for Further Extension of Time, explaining that PJM had informed the Applicants that DEP expected to complete Affected System Studies for projects in the AD1 cluster in late December 2020 or early January 2021, and that PJM planned to revise the System Impact Studies for Sumac and Sweetleaf around the same time. The Commission issued an Order on November 20 cancelling the expert witness hearing for Sweetleaf and extending the deadlines for further testimony in both dockets.

8. On February 9, 2021, Sumac Solar and Sweetleaf Solar jointly filed a motion for extension of the deadlines for further supplemental testimony in their respective dockets. On February 16, 2021, the Commission granted that motion via orders entered separately in docket nos. EMP-110, Sub 0 and EMP-11, Sub 0.

9. The current deadline for Sweetleaf Solar's reply testimony and exhibits in Docket No. EMP-111, Sub 0 is June 1, 2021. The current deadline for Sumac Solar's reply testimony and exhibits in Docket No. EMP-110, Sub 0 is June 15, 2021.

10. On April 20, 2021, Sumac and Sweetleaf received from DEP an Affected System Study Report (dated April 5, 2020) for the AD1 cluster, to which both projects belong. Applicants have filed the Affected System Study Report in dockets nos. EMP-110, Sub 0 and EMP-111, Sub 0 this same day.

11. PJM has since informed the Applicants that it intends to provide revised interconnection studies for Sumac and Sweetleaf in the fall of 2021. PJM is currently in the process of re-tooling the system impact studies for projects in the AC2 cluster (immediately prior to AD1) to account for changes in the interconnection queue, and PJM will re-tool the AD1 project studies after that. PJM currently anticipates delivering revised studies for the AD1 cluster in September 2021, although that is not a definitive delivery date.

12. The revisions to the AC2 and AD1 studies will require DEP to revise the April 5, 2021 Affected System Study Report, based on the results of those PJM studies. There is currently no timeline for the expected delivery of a revised Affected System Study Report.

13. The revised interconnection studies for Sumac and Sweetleaf, and a revised Affected System Study Report, will generate information of critical importance to the Public Staff's recommendations and to the Commission's consideration of the Applications. Applicants submit that delaying further factual development or evidentiary hearings in this matter until after these studies are finished would be the most efficient use of the parties' and the Commissions' resources. Unfortunately there is significant uncertainty as to when those studies will be produced by PJM and Duke.

14. Accordingly, Applicants respectfully request that the above-referenced proceedings be stayed pending further Order of this Commission. When the Applicants receive updated interconnection studies from PJM and/or DEP, Applicants will file those studies with the Commission and request an appropriate procedural schedule after consulting with the Public Staff.

15. The Public Staff, through its assigned counsel, has consented to the Commission granting the relief requested herein


WHEREFORE, the Applicants request that the Commission enter orders as follows:

1. In Docket No. EMP-110, Sub 0, an Order staying all proceedings and deadlines pending further Order of the Commission; directing the Applicant to file any additional interconnection studies for the Project with the Commission after they are received; and directing the Applicant to file a request for an appropriate procedural schedule after receipt of such additional interconnection studies; and

2. In Docket No. EMP-111, Sub 0, an Order staying all proceedings and deadlines pending further Order of the Commission; directing the Applicant to file any additional interconnection studies for the Project with the Commission after they are received; and directing the Applicant to file a request for an appropriate procedural schedule after receipt of such additional interconnection studies.

Respectfully submitted, this the 27th day of May, 2021.

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**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day served the foregoing **MOTION FOR FURTHER EXTENSION OF TIME** upon the following by electronic mail as follows:

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This the 27th day of May 2021.

/s/ \_\_\_\_\_  
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