

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-119, SUB 0
DOCKET NO. EMP-119, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. EMP-119, SUB 0)	
)	
In the Matter of)	
Application of Macadamia Solar, LLC for)	
a Certificate of Public Convenience and)	
Necessity to Construct a Merchant Plant)	
Solar Energy Facility in Washington)	ORDER CONSOLIDATING
County, North Carolina)	DOCKETS, SCHEDULING
)	HEARINGS, REQUIRING FILING
DOCKET NO. EMP-119, SUB 1)	OF TESTIMONY, ESTABLISHING
)	PROCEDURAL GUIDELINES,
In the Matter of)	AND REQUIRING PUBLIC NOTICE
Application of Macadamia Solar, LLC for a)	
Certificate of Environmental Compatibility)	
and Public Convenience and Necessity to)	
Construct Transmission Line in)	
Washington County, North Carolina)	

BY THE CHAIR: On August 30, 2021, Macadamia Solar, LLC (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 merchant plant solar photovoltaic (PV) facility with a capacity up to 484 MW_{AC} to be located in Washington County, North Carolina (Facility) (Sub 0 Application).

On September 13, 2021, the Applicant filed an application pursuant to N.C.G.S. §§ 62-101, 62-102, and 62-104 and Commission Rule R8-62 for a certificate of environmental compatibility and public convenience and necessity (CPCN) to construct an approximately 6.53-mile 230kV transmission line (Macadamia Line) to allow interconnection of the Applicant's proposed Facility to the transmission grid via an existing 230kV/115kV Trowbridge Substation operated by Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC) (Sub 1 Application).

On September 15, 2021, the Commission issued an order in the Sub 1 docket scheduling a public hearing and requiring public notice and clearinghouse review. The public witness hearing for the Sub 1 Application will take place remotely via Webex on Tuesday, November 2, 2021, at 7:00 p.m., for the purpose of receiving public witness testimony regarding the Applicant's CPCN application for the transmission line in the

Sub 1 docket. The public witness hearing may be cancelled if no significant protests are filed with the Commission after the publication of the Public Notice.

In support of its Sub 0 Application, the Applicant filed the direct testimony of Kara Price and Donna Robichaud. In summary, construction of the 484 MW_{AC} merchant plant solar energy facility is anticipated to begin in the fourth quarter of 2023 with the expected commercial operation date being in the fourth quarter of 2025. The Facility is to be located on approximately 4,813 fenced areas of privately-owned land located generally on and around Highway 32 and Highway 99 outside of Plymouth in Washington County, North Carolina. The Facility will interconnect, via the 6.53-mile 230kV transmission line for which the Applicant is seeking a CPCN in EMP-119, Sub 1, to the transmission grid via an existing 230kV/115kV Trowbridge Substation operated by DENC. The expected life of the Facility is 35 years.

On September 9, 2021, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed Sub 0 Application as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete. In addition, the Public Staff requested that the Commission issue a procedural order setting the application for hearing, requiring public notice pursuant to N.C.G.S. § 62-82, and addressing any other procedural matters.

Due to the overlapping nature of the Applicant's requested CPCN for the Facility and the CPCN for the Macadamia Line to interconnect the Facility, efficiency and judicial economy will be served by consolidating the applications in Docket Nos. EMP-119, Subs 0 and 1. Therefore, the Chair finds good cause to consolidate the Applicant's request for a CPCN for the Facility and the CPCN for the Macadamia Line.

The Chair finds good cause to schedule a hearing for the purpose of receiving public witness testimony regarding the Sub 0 Application at the same time as the previously scheduled public witness hearing for the Sub 1 Application that will be held remotely via Webex at 7:00 p.m. on November 2, 2021. The Chair also finds good cause to schedule a hearing for the purpose of receiving expert witness testimony on both the Sub 0 and Sub 1 Applications.

The Chair notes that the Commission has seen an increase in the number of merchant plant facility applications. Due to the increase in non-utility generation on the North Carolina system and the Commission's statutory duty to examine the long-range needs for the generation of electricity in North Carolina, the Chair finds good cause to require the filing of additional testimony and exhibits in this proceeding addressing the following questions, to the extent that they are not answered in the application:

1. Are there any network upgrades to DENC's or any affected system's transmission system required to accommodate the operation of the Applicant's proposed facility? If so, provide the amount of network upgrades on DENC's or any affected system's transmission system, if any, required to accommodate the operation of the Applicant's proposed facility.

2. If there are any required system upgrades, does the Applicant have Levelized Cost of Transmission (LCOT) information for the system upgrades? If so, provide the LCOT information for any required transmission system upgrades or modifications.
3. Is there any interconnection study available for the proposed facility? If so, provide any interconnection study received for the proposed facility. If the Applicant has not received a study, provide a date by when the study is expected to be completed.
4. Is the Applicant aware of any system other than the studied system that is or will be affected by the interconnection? If yes, explain the impact and basis.
5. Is the Applicant proposing to sell energy and capacity from the facility to a distribution facility regulated by the Commission? If so, provide a discussion of how the facility's output conforms to or varies from the regulated utility's most recent integrated resource plan (IRP).
6. Is the Applicant proposing to sell energy and capacity from the proposed facility to a purchaser who is subject to a statutory or regulatory mandate with respect to its energy sourcing (e.g., a REPS requirement or Virginia's new statutory mandate for renewables)? If so, explain how, if at all, the proposed facility will assist or enable compliance with that mandate. In addition, provide any contracts that support that compliance.
7. Does the Applicant have a Power Purchase Agreement (PPA), REC sale contracts or contracts for compensation for environmental attributes for the output of the proposed facility? If so, provide any PPA agreements, REC sale contracts, or contracts for compensation for environmental attributes for the output of the facility.

In addition, the Chair finds good cause to apply the following guidelines regarding discovery in these dockets, subject to modification for good cause shown:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least seven days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.
2. Any motion for subpoena of a witness to appear at the evidentiary hearing shall be filed with the Commission before the deadline for filing of Public

Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.

3. Formal discovery requests related to the application and the Applicant's prefiled direct testimony shall be served on the Applicant not later than fourteen days prior to the deadline for filing of Public Staff and intervenor testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten days prior to the deadline for filing of Public Staff and intervenor testimony.
4. Formal discovery requests of the Public Staff or intervenors shall be served not later than three days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than five days after that party's testimony was filed.
5. Formal discovery requests related to the Applicant's prefiled rebuttal testimony shall be served on the Applicant not later than two days after such testimony is filed. The party served shall have up to two calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three days after the rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery from the Applicant.
6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two days to file a motion to compel with the Commission, and the party objecting to discovery shall have one day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.
7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Chair recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS, THEREFORE, ORDERED as follows:

1. That the application in Docket No. EMP-119, Sub 0, for a CPCN to construct the Facility shall be, and is hereby, consolidated with the application in EMP-119, Sub 1, for a CPCN to construct a transmission line for the interconnection of that Facility;
2. That a public witness hearing for the purpose of receiving public witness testimony regarding Macadamia's CPCN application shall be held contemporaneously with the public witness hearing in Docket No. EMP-119, Sub 1 scheduled to be held remotely via Webex at 7:00 p.m. on Tuesday, November 2, 2021. However, the public witness hearing may be cancelled if no significant protests are filed with the Commission subsequent to the publication of Public Notice;
3. That an expert witness hearing, solely for the purpose of receiving expert witness testimony from the parties, shall be held on Tuesday, January 25, 2022, at 10:00 a.m. in the Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina for the purpose of considering the Applicant's application for a CPCN (Sub 0 Application) and the Applicant's application for a CPCN (Sub 1 Application);
4. That the Applicant shall file testimony and exhibits addressing the questions set forth herein on or before October 22, 2021;
5. That any person having an interest in this proceeding may file a petition to intervene stating such interest on or before Thursday, October 28, 2021;
6. That the direct testimony and exhibits of the Public Staff and other intervenors shall be filed on or before Tuesday, November 23, 2021;
7. That the Applicant may file rebuttal testimony and exhibits on or before Tuesday, December 7, 2021;
8. That the Chief Clerk of the Commission shall deliver copies of the application and the Public Notice attached hereto as Appendix A to the Clearinghouse Coordinator of the Office of Policy and Planning and the Department of Administration for distribution by the Coordinator to State agencies having an interest in the application;

9. That the Applicant shall publish the Public Notice attached hereto as Appendix A in a newspaper having general circulation in Washington County once a week for four successive weeks beginning at least 30 days prior to October 28, 2021;

10. That the Applicant shall file affidavits of publication demonstrating that the application was published pursuant to this Order; and

11. That the parties shall comply with the discovery guidelines established herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 24th day of September, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-119, SUB 0
DOCKET NO. EMP-119, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. EMP-119, SUB 0)	
)	
In the Matter of)	
Application of Macadamia Solar, LLC, for)	
a Certificate of Public Convenience and)	
Necessity to Construct a Merchant Plant)	
Solar Energy Facility in Washington)	
County, North Carolina)	PUBLIC NOTICE
)	
DOCKET NO. EMP-119, SUB 1)	
)	
In the Matter of)	
Application of Macadamia Solar, LLC for a)	
Certificate of Environmental Compatibility)	
and Public Convenience and Necessity to)	
Construct Transmission Line in)	
Washington County, North Carolina)	

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has scheduled a public hearing to be held Tuesday, November 2, 2021, at 7:00 p.m. remotely via Webex. The public witness hearing may be cancelled if no significant protests are filed with the Commission after the publication of the Public Notice.

The purpose of the hearing is to receive public witness testimony regarding the application of Macadamia Solar, LLC (Applicant), for a certificate of public convenience and necessity (CPCN) to construct a merchant plant solar energy facility (Facility) with a capacity of up to 484 MW_{AC} to be located in Washington County, North Carolina (Sub 0 Application). The proceeding to consider the application for this Facility has been consolidated with the proceeding to consider the Applicant's request for a certificate of environmental compatibility and public convenience and necessity (CPCN) to construct an approximately 6.53-mile 230kV transmission line (Macadamia Line). The Macadamia line will allow the Applicant's proposed Facility to interconnect to the transmission grid via an existing 230kV/115kV Trowbridge Substation operated by Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC) (Sub 1 Application).

On September 15, 2021, the Commission issued an order in the Sub 1 docket scheduling a public hearing and requiring public notice and clearinghouse review. The public witness hearing for the Sub 1 Application will take place remotely via Webex on Tuesday, November 2, 2021, at 7:00 p.m., for the purpose of receiving public witness testimony regarding the Applicant's CPCN application for the transmission line in the Sub 1 docket. The public witness hearing may be cancelled if no significant protests are filed with the Commission after the publication of the Public Notice.

In support of its Sub 0 Application, the Applicant filed the direct testimony of Kara Price and Donna Robichaud. In summary, construction of the 484 MW_{AC} merchant plant solar energy facility is anticipated to begin in the fourth quarter of 2023 with the expected commercial operation date being in the fourth quarter of 2025. The Facility is to be located on approximately 4,813 fenced areas of privately-owned land located generally on and around Highway 32 and Highway 99 outside of Plymouth in Washington County, North Carolina. The Facility will interconnect, via the 6.53-mile 230kV transmission line for which the Applicant is seeking a CPCN in EMP-119, Sub 1, to the transmission grid via an existing 230kV/115kV Trowbridge Substation operated by DENC. The expected life of the Facility is 35 years.

On September 9, 2021, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed Sub 0 Application as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete.

Additional information about the applications is available for review by the public on the Commission's website and online docket system at www.ncuc.net.

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to utilityAGO@ncdoj.gov.

Written statements will be considered by the Commission in reaching its decision but do not receive the same consideration as testimony provided by public witnesses at a hearing.

Any person desiring to intervene in the proceeding as a formal party of record should file a petition under North Carolina Utilities Commission Rules R1-5 and R1-19 on or before Thursday, October 28, 2021. Such petitions should be filed with the Chief Clerk

of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325. The direct testimony and exhibits of expert witnesses to be presented by intervenors should also be filed with the Commission on or before Tuesday, November 23, 2021.

The Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility or proposed transmission line are received by the Commission's Chief Clerk on or before Friday, October 29, 2021.

ISSUED BY ORDER OF THE COMMISSION.

This the 24th day of September, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk