



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

December 1, 2022

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

Re: Docket No. EMP-102, Sub 1
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

Dear Ms. Dunston:

In connection with the above-referenced docket, I transmit herewith for filing on behalf of the Public Staff the attached Proposed Order.

By copy of this letter, I am forwarding a copy to all parties of record by electronic delivery.

Sincerely,
Electronically submitted
/s/ Nadia L. Luhr
Staff Attorney
nadia.luhr@psncuc.nc.gov

Attachment

cc: Parties of Record

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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)

**PROPOSED ORDER
OF THE PUBLIC STAFF**

BY THE COMMISSION: On August 10, 2020, Bethel NC 11 Solar, LLC (Bethel Solar) 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 150-megawatt (MW) solar photovoltaic (PV) electric generating facility in Pitt County, North Carolina. Also on August 10, 2020, Bethel Solar filed the direct testimony of Linda Nwadike in support of its application.

On August 19, 2020, the Public Staff filed a Notice of Completeness stating that it had reviewed the CPCN application as required by Commission Rule R8-63(d) and considered the application to be complete. In addition, the Public Staff requested that the Commission issue a procedural order.

On October 5, 2020, the Commission issued an Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (Scheduling Order). The Scheduling Order: (1) required Bethel Solar to file additional testimony and exhibits addressing questions contained in the Scheduling Order on or before Thursday, October 15, 2020; (2) scheduled a

remote public hearing on Monday, November 16, 2020, at 7:00 p.m. via WebEx for the purpose of receiving public witness testimony regarding the application; (3) scheduled an evidentiary hearing on Thursday, December 3, 2020, at 9:00 a.m. via WebEx for the purpose of receiving expert witness testimony from the parties regarding the application; (4) provided that any person having an interest in this proceeding may file a petition to intervene on or before Thursday, October 29, 2020; (5) required the Public Staff and other intervenors to file direct testimony and exhibits on or before Thursday, October 29, 2020; (6) provided that Bethel Solar may file rebuttal testimony and exhibits on or before Thursday, November 12, 2020; and (7) required Bethel Solar to publish public notice of the application once a week for four successive weeks, and to file affidavits of publication.

On October 16, 2020, Bethel Solar filed the supplemental testimony of Linda Nwadike, responding to the questions in the Commission's Scheduling Order.

On October 23, 2020, Bethel Solar filed a Notice of Name Change and Motion to Amend Application and Caption. In its filing, Bethel Solar explained that at the time it filed its application, it did not have a contract to sell the output of the proposed generating plant. Since that time, however, Bethel Solar had entered into an out-take contract for the output of the proposed plant. In connection with the out-take contract, the counterparty had requested that Bethel Solar change its legal name. Bethel Solar therefore made a filing with the North Carolina Secretary of State changing its legal name to Pitt Solar, LLC (Pitt Solar or Applicant).

On October 26, 2020, the Public Staff filed a motion requesting an extension of time for the filing of the Public Staff's reply testimony to November 12, 2020, and for the filing of the Applicant's rebuttal testimony to November 25, 2020. In support of this motion, the Public Staff noted that the Applicant informed the Public Staff that it intended to file a modified application that would require review and possible investigation by the Public Staff before the filing of testimony. In addition, the Public Staff stated that its testimony and recommendations in the present docket are potentially interrelated with the ongoing proceedings in Docket No. E-100, Sub 170 (*Investigation of Interconnection Issues Related to Electric Merchant Generation Facilities*), in which reply comments were due on October 28, 2020. The Public Staff explained that an extension would allow time for consideration of the comments filed in the E-100, Sub 170 proceeding.

On October 30, 2020, the Commission issued an order granting the requested extensions of time and canceling the expert witness hearing scheduled for December 3, 2020.

On November 12, 2020, the Public Staff filed the testimony of Dustin R. Metz. The testimony of witness Metz recommended that the Commission grant the Applicant's requested CPCN, subject to certain conditions.

Also on November 12, 2020, the Applicant filed an Affidavit of Publication.

Also on November 12, 2020, the State Clearinghouse filed comments. The cover letter indicated that, because of the nature of the comments, no further State

Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On November 16, 2020, the Commission held a public witness hearing, at which one public witness gave a statement.

On December 16, 2020, Pitt Solar filed a Verified Motion to Excuse Witnesses, Admit Testimony and Exhibits, and Cancel Hearing. The motion explained that the Applicant is willing to accept a CPCN issued by the Commission subject to the conditions set forth in the testimony of Public Staff witness Metz, that there are no issues among the parties, that the issues raised by the public witness at the November 16, 2020 hearing were generic concerns not specific to the project proposed in this docket, and that the Public Staff has stated that it has no objection to Pitt Solar's motion.

On May 7, 2021, the Commission issued an order requiring the Applicant to file testimony and exhibits addressing the questions set forth therein on or before June 1, 2021, and requiring the Public Staff to file testimony and exhibits addressing the questions set forth therein and the Applicant's testimony on those questions, on or before June 29, 2021. The order further provided that the Applicant may file reply testimony on or before July 13, 2021.

On June 1, 2021, the Applicant filed the supplemental testimony and exhibits of Linda Nwadike.

On June 14, 2021, the Applicant filed a Motion for Leave to Amend One Page of Supplemental Testimony in order to correct an error.

On June 28, 2021, the Public Staff filed a Motion for Extension of Time, requesting that the deadline for the filing of its supplemental testimony be extended to July 7, 2021. On June 30, 2021, the Commission issued an order granting the Public Staff's request for an extension of time, and further extending the deadline for the Applicant's filing of reply testimony to July 21, 2021.

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

On July 21, 2021, the Applicant filed a Motion for Extension of Time, requesting that the deadline for its reply testimony be extended to July 23, 2021. Also on July 21, 2021, the Commission issued an order granting the Applicant's request for an extension of time.

On July 22, 2021, the Applicant filed the reply testimony of Linda Nwadike.

On August 10, 2021, the Applicant filed a Motion to Excuse Witnesses, Admit Testimony and Exhibits, and Cancel Evidentiary Hearing, or Alternatively, Request to Schedule Evidentiary Hearing. Among other things, the Applicant requested that the Commission consider a proposal to split the two portions of its proposed facility, as recommended in its June 1, 2021 testimony.

On September 14, 2021, the Commission issued an Order Requiring Amendment of the Application and Revising Procedural Schedule, providing that

Pitt Solar must file an amended application by September 28, 2021, reflecting a two-state or bifurcated process for the Commission to consider the two different portions of the proposed facility, including provision of a separate Sub number within the EMP-102 docket for consideration of the second portion of the proposed facility. The order also provided that the Public Staff must file, by October 5, 2021, supplemental testimony limited to the issue of bifurcation, and that the Applicant shall file any reply testimony by October 11, 2021.

On September 28, 2021, the Applicant filed an amended application and the direct testimony of Linda Nwadike in support of that application. The amended application reflects a two-stage construction project for the original 150-MW facility, wherein this Sub 1 docket only includes construction of an 80-MW facility, which will be constructed first and coincide with PJM queue AC1-189. Also on September 28, 2021, the Applicant filed in Docket No. EMP-102, Sub 2, an application for a CPCN for the construction of the 70-MW section of the original 150-MW facility, which coincides with PJM queue AF2-080.

On October 1, 2021, the Public Staff filed a Motion for Extension of Time, requesting that the deadline for its filing of supplemental testimony be extended to October 19, 2021, and that the deadline for the filing of the Applicant's reply testimony, if any, be extended to October 25, 2021. On October 5, 2021, the Commission issued an order granting the requested extensions of time.

On October 18, 2021, the Applicant filed the Supplemented and Amended Schedule 2-2 to Exhibit 2 of its amended application.

On October 19, 2021, the Public Staff filed the second supplemental testimony of Dustin R. Metz.

On October 25, 2021, the Applicant filed the reply testimony of Linda Nwadike. On October 26, 2021, the Applicant filed a Motion for Leave to Amend Reply Testimony in order to correct an error in witness Nwadike's October 25, 2021 reply testimony.

On August 1, 2022, the Applicant filed a notice informing the Commission of a change of address.

On August 31, 2022, the Applicant filed a Consent Motion to Proceed on Record.

On November 1, 2022, the Commission issued an Order Requiring Proposed Orders, providing that, should the parties want to provide any supplemental testimony updating the Commission on any further studies or relevant information, the parties should notify the Commission, and the Commission will set an expedited schedule for such supplementation of the record. Otherwise, the Commission required that parties shall file proposed orders or briefs on or before December 1.

FINDINGS OF FACT

1. Pitt Solar is a North Carolina limited liability company. SunEnergy1, LLC (SunEnergy1) is a direct parent and affiliate of Pitt Solar and is registered to do business in the State of North Carolina.

2. In compliance with N.C.G.S. § 62-110.1 and Commission Rule R8-63, the Applicant filed with the Commission an application and amended application for a CPCN authorizing the construction of an 80-MW solar PV electric generating facility located east of NC 11 South and north of NC 30 in the town of Bethel, Pitt County, North Carolina.

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

4. The facility will be an 80-MW_{AC} PV array with fixed tilt ground-mounted panels.

5. The facility comprises Phase I of a 150-MW project. The application for the Phase II 70-MW facility was filed in Docket No. EMP-102, Sub 2.

6. The facility will be interconnected to the grid operated by Dominion Energy North Carolina (DENC).

7. No further State Clearinghouse review action by the Commission is required for compliance with the North Carolina Environmental Policy Act.

8. Pitt Solar is financially and operationally able to undertake the construction and operation of the facility.

9. Based on the September 2020 System Impact Study (SIS) Report, Pitt Solar has cost responsibility for \$8,922,829 in PJM network upgrade costs, which will be funded by Pitt Solar without reimbursement from PJM or DENC. Pitt

Solar anticipates a reduction in these costs of approximately \$7,160,235 in part due to its decision to self-build several of the identified upgrades.

10. The facility has a Levelized Cost of Transmission (LCOT) of \$1.94 per megawatt-hour (MWh) based on its allocated costs for PJM network upgrades.

11. Pitt Solar is in the PJM AC1 cluster, which triggers affected system costs of an estimated \$31,285,275 in DEP territory. Edgecombe Solar Energy LLC (Edgecombe), the developer of another project in the AC1 cluster, has signed an Affected System Operating Agreement (ASOA) with DEP to provide the funds for the construction of these upgrades.

12. Pitt Solar has shown a need based on projected load growth in the PJM region and projections for demand for renewable energy in the southeast over the lifetime of the facility.

13. Pitt Solar has entered into a PPA for the output of the proposed facility and the associated Renewable Energy Certificates (RECs).

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 1-6

These findings of fact are essentially informational, procedural, and jurisdictional in nature and are not in dispute. These findings are supported by the application, the amended application, and the testimony of Pitt Solar witness Nwadike.

The Commission notes that in its amended application filed on September 28, 2021, Pitt Solar estimated that construction would begin during the second quarter of 2022, and that commercial operation would be achieved by the fourth quarter of 2022. Adherence to these dates is no longer possible due to the passage of time since the filing of Pitt Solar's amended application, but the Commission has received no updated timelines from the Applicant.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 7

The evidence supporting this finding of fact is located in the State Clearinghouse comments filed in this docket.

On November 12, 2020, the State Clearinghouse filed a letter in this docket that included comments from multiple state agencies. The letter stated that, because of the nature of the comments, no further State Clearinghouse review action was needed for compliance with the North Carolina Environmental Policy Act. No further filings have been made in this docket by the State Clearinghouse.

Based on the foregoing and the entire record in this proceeding, the Commission concludes that no further State Clearinghouse review action by the Commission is required for compliance with the North Carolina Environmental Policy Act.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 8

The evidence supporting this finding of fact is located in the application, the amended application, and the testimony of Pitt Solar witness Nwadike. This finding of fact is not disputed by any party.

SunEnergy1 is a direct parent and affiliate of Pitt Solar. Pitt Solar witness Nwadike testified regarding SunEnergy1's technical experience and financial capabilities to own and operate the facility. She stated that SunEnergy1 is a top U.S. solar developer, owner, and operator of utility-scale solar projects, with over 1 GW of installed solar power. She added that SunEnergy1 is vertically integrated and controls all stages of development in-house. The amended application further stated that SunEnergy1 is one of the largest solar developers and engineering, procurement, and construction companies in the U.S. In the Schedule 1-3 filed with its amended application, Pitt Solar provided a table of SunEnergy1's completed solar generating facilities in the Southeastern Electric Reliability Council (SERC) region, listing 41 projects. Schedule 1-4 filed with the amended application shows that SunEnergy1 also has nine other projects currently in development in the SERC region. Financial statements for SunEnergy1 were provided as Confidential Schedule 1-2.

Based on the foregoing and the entire record in this proceeding, the Commission concludes that Pitt Solar is financially and operationally able to undertake the construction and operation of the facility.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 9-13

The evidence supporting these findings of fact is located in the application, the amended application, the testimony and exhibits of Pitt Solar witness Nwadike, and the testimony of Public Staff witness Metz.

N.C.G.S. § 62-110.1(e) states 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, which requires an independent power producer (IPP) to obtain a contract or a written commitment from a utility to demonstrate need.

In 2001, the Commission initiated a generic proceeding in Docket No. E-100, Sub 85 to consider changes to the certification requirements for merchant plants. As impetus for its Order, the Commission cited the Energy Policy Act of 1992, which encouraged independent power production and competition in the wholesale power market through the creation of exempt wholesale generators and the ability of FERC to issue wheeling orders requiring utilities to allow access to their transmission grids for wholesale power transactions.¹ Further, the

¹ Order Initiating Further Proceedings, *Investigation of Certification Requirements for New Generating Capacity in North Carolina*, Docket No. E-100, Sub 85, at 3 (N.C.U.C. February 7, 2001).

Commission cited FERC Order 2000 as “encouraging the formation of regional transmission organizations which would operate interconnected transmission systems, reduce the cost of transmitting power to more distant markets, and further enhance wholesale competition.”² In the E-100, Sub 85 Order, the Commission ordered the Public Staff to file a proposal for certification requirements for merchant plants.³ In its proposal, the Public Staff recommended that the Commission address in its proceeding how the public convenience and necessity for an IPP would be demonstrated “when the facility is intended in whole or in part to serve . . . load outside of North Carolina, on varying bases and for varying duration.”⁴

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.”⁵

The Commission has determined in previous merchant plant proceedings that “it is appropriate for the Commission to consider the total construction costs

² *Id.*

³ *Id.*

⁴ Public Staff’s Initial Comments, *Investigation of Certification Requirements for New Generating Facilities*, Docket No. E-100, Sub 85, at 8 (January 10, 2000).

⁵ 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).

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.”⁶

The Commission has also determined 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.”⁷ Further, 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.”⁸ Lastly, 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.”⁹

The proposed Pitt Solar facility holds one position in the PJM interconnection queue: AC1-189. The Generation Interconnection Feasibility Study Report, Generation Interconnection SIS Report, and Generation Interconnection Facility Study Report for AC1-189 are attached to witness

⁶ 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*, Docket No. EMP-105 Sub 0, at 6 (N.C.U.C. June 11, 2020).

⁷ *Id.*

⁸ *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).

⁹ *Id.* at 17-18.

Nwadike's October 15, 2020 supplemental testimony as Exhibits 3, 4, and 5, respectively.

The SIS Report for AC1-189 was last revised in September 2020. In her testimony filed September 28, 2021, witness Nwadike explained that the upgrades for the 80 MW phase of the facility are currently estimated by PJM to be \$8,922,829. She further stated that the PJM cost estimate will be reduced in part because Pitt Solar has opted to self-build some of the attachment facilities that were included in the original study at an estimated cost of \$685,295 and has opted to self-build the new switching station, which had an estimated cost of \$6,474,940.

In her October 16, 2020 testimony and Exhibit 1 to that testimony, Pitt Solar witness Nwadike calculated the LCOT for the allocated cost of PJM network upgrades to be \$1.94/MWh. In his July 7, 2021 testimony, Public Staff witness Metz stated that the Applicant's methodology for calculating the LCOT is generally consistent with the methodology utilized by the Public Staff, but also stated that he had conducted additional calculations with realistic alternative inputs. These sensitivities resulted in LCOTs of \$2.01 and \$2.31, respectively. Because these network upgrades are part of the PJM system, Pitt Solar will be responsible for paying these interconnection-related costs and there is no cost allocation to DEP's ratepayers. For this reason, the estimated LCOT for PJM network upgrades in this proceeding does not raise concerns for the Commission.

In his November 12, 2020 testimony, witness Metz explained that DEP had conducted an affected system interconnection study for PJM's AC1 cluster and

had determined that it will likely have to construct network upgrades to its Rocky Mount-Battleboro 115 kV transmission line to accommodate the interconnection of the projects in the AC1 cluster. In her June 1, 2021 testimony, Pitt Solar witness Nwadike stated that the estimate for DEP's affected system upgrades was currently \$31,285,275. She added that American Beech Solar, LLC (American Beech), another AC1 cluster project, had entered into an ASOA to cover the cost of the upgrades.

Witness Metz explained that on October 1, 2020, Duke had revised its ASOA template to assign the costs of affected system network upgrades directly to the interconnection customer, eliminating its prior policy of repayment to the interconnection customer for the affected system costs. He further testified that American Beech had executed an ASOA with DEP for the construction of the affected system upgrades associated with the AC1 cluster without reimbursement to American Beech. FERC, however, rejected the ASOA for deviating from FERC precedent requiring affected system operators to reimburse interconnection customers for network upgrade costs.¹⁰ DEP filed a Request for Rehearing with FERC on November 1, 2021, requesting reconsideration of its Order Rejecting Affected System Operator Agreement, and on December 2, 2021, FERC issued a Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration.¹¹

¹⁰ *Order Rejecting Affected System Operator Agreement*, FERC Docket No. ER21-1955 (Oct. 1, 2021).

¹¹ See FERC Docket No. ER21-1955. FERC's decision is currently on appeal to the United States Court of Appeals for the District of Columbia Circuit.

Following FERC's rejection of the American Beech ASOA, Edgecombe Solar LLC (Edgecombe), another project in the AC1 cluster, signed an ASOA with DEP providing for the estimated \$31,285,275 upgrade.¹² This ASOA, filed with both the Commission (Docket No. E-100, Sub 170) and FERC on May 6, 2022, provides for reimbursement to Edgecombe of the affected system costs and was accepted by FERC on July 5, 2022.¹³ DEP filed this ASOA with FERC unexecuted and is actively litigating the issue of whether it is appropriate for FERC to require DEP to provide reimbursement.¹⁴ If DEP builds the affected system upgrades to interconnect Edgecombe, there will be no marginal cost to interconnect the Pitt Solar facility or the other AC1 cluster projects. Therefore, the evidence before the Commission is that there are currently no affected system costs assigned to Pitt Solar.

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. As described in Exhibit 3 to the original application, the project will interconnect with the DENC transmission grid, providing it with direct access to PJM, which coordinates the movement of electricity through all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District

¹² See FERC Docket No. ER22-1807.

¹³ *Order Accepting Affected System Operator Agreement*, FERC Docket No. ER22-1807 (July 5, 2022).

¹⁴ See *Copy of Petition for Review*, FERC Docket No. ER22-1807 (Nov. 3, 2022).

of Columbia. Exhibit 3 to the original application also states that strong market conditions in the PJM market will create sustainable off-take for its renewable power production and the associated RECs, and that demand for renewable energy is expected to increase in the southeast over the expected lifetime of the facility.

According to Exhibit 3 to the amended application, summer peak load for PJM's Dominion zone is projected to grow by 0.5% per year over the next ten to 15 years, and winter peak load is projected to grow by 0.9% per year over the next ten to 15 years. In addition, the annual net energy in PJM's Dominion Zone is expected to grow by 0.6% per year over the next ten to 15 years. Furthermore, as stated in the October 16, 2020 testimony of witness Nwadike, the Applicant has entered into a PPA with a Fortune 100 company for the output of the proposed facility and the associated RECs.

As the history of Commission Rule R8-63(b)(3) described above makes clear, the statement of need requirement is a "flexible standard" that is consistent with the Commission's Order Adopting Rule in Docket No. E-100, Sub 85 issued on May 21, 2001. When considering the demonstration of need, the Commission must also weigh the costs of the facility, whether and to what extent those costs may be borne by ratepayers, and the benefits provided to those incurring the costs in determining the need for the facility. Therefore, for all the reasons explained in this Order, the Commission finds that the construction of the facility is in the public interest and meets the public convenience and necessity as required by N.C.G.S. § 62-110.1. However, the certificate will be conditioned in the manner described

below to ensure that the Commission is notified of any future material revisions in the cost estimates for the interconnection facilities and network upgrades, including network upgrades on affected systems.

IT IS, THEREFORE, ORDERED as follows:

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

1. The Applicant shall construct and operate the facility in strict accordance with applicable laws and regulations, including any local zoning and environmental permitting requirements.
2. The CPCN shall be subject to Commission Rule R8-63(e) and all orders, rules, and regulations as are now or may hereafter be lawfully made by the Commission.
3. 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.
4. The Applicant shall file a copy of any 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 prior to commencing construction of the upgrades).

5. 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 ____ day of _____ 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk