

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-110, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Sumac Solar, LLC for a) ORDER EXCUSING WITNESSES,
Certificate of Public Convenience and) ACCEPTING TESTIMONY, CANCELING
Necessity to Construct an 80 MW Solar) EXPERT WITNESS HEARING, AND
Facility in Bertie County, North Carolina) REQUIRING PROPOSED ORDERS

BY THE PRESIDING COMMISSIONER: On April 16, 2020, Sumac Solar, LLC (Sumac or Applicant), filed an application for a certificate of public convenience and necessity (CPCN) to construct a solar energy facility with a capacity of 120 MW in Bertie County, North Carolina.¹

On July 25, 2022, the Public Staff filed a Consent Motion for Procedural Order in Docket Nos. EMP-110, Sub 0; EMP-111, Sub 0; and EMP-119, Subs 0 and 1. Docket No. EMP-111, Sub 0 involves an application filed by Sweetleaf Solar, LLC, for a CPCN to construct a 94 MW solar facility in Halifax County, North Carolina. Docket No. EMP-119, Subs 0 and 1 involve applications filed by Macadamia Solar, LLC, for a CPCN to construct a 484 MW solar facility in Washington County, North Carolina (Sub 0) and for a Certificate of Environmental Compatibility and Public Convenience and Necessity (CECPCN) to construct a transmission line in Washington County, North Carolina (Sub 1). On June 14, 2022, the Commission had issued an Order Scheduling Hearing and the Filing of Testimony, scheduling an expert witness hearing in Docket No. EMP-119, Subs 0 and 1 for September 6, 2022, at 1:00 p.m. in Commission Hearing Room 2115.

In its motion, the Public Staff noted that all three projects referenced in its motion: (1) are in the PJM AD1 cluster; (2) trigger the same Affected System Upgrade on the Everetts-Greenville transmission line in Duke Energy Progress, LLC (DEP), territory; and (3) are owned by or being developed primarily by Geenex Solar, LLC (Geenex). The Public Staff further noted that there was overlap of expert witnesses filing testimony in all three CPCN dockets. For these reasons, the Public Staff moved to hold all three CPCN hearings and the CECPCN hearing on the same day, September 6, 2022, the date already chosen for the hearing for EMP-119, Subs 0 and 1. The Public Staff also proposed a schedule for the filing of supplemental direct and reply testimony.

¹ In prefiled supplemental testimony of witnesses Donna Robichaud and Amanda Mack filed on June 1 and June 2, 2022, the Applicant stated that Sumac had downsized its proposed Facility from 120 MW to 80 MW.

On August 5, 2022, the Commission issued an Order Accepting Testimony, Requiring Further Testimony, and Scheduling Hearings (August 5 Order) in Docket Nos. EMP-110, Sub 0 and EMP-111, Sub 0. The August 5 Order accepted supplemental testimony filed in Docket Nos. EMP-110, Sub 0 and EMP-111, Sub 0; set a date for the filing of supplemental reply testimony in those dockets; scheduled the expert witness hearing in Docket No. EMP-110, Sub 0 to immediately follow the expert witness hearing in Docket No. EMP-119, Subs 0 and 1 on September 6, 2022; and scheduled the expert witness hearing in EMP-111, Sub 0 to immediately follow the hearing for Docket No. EMP-110, Sub 0.

Sumac filed second supplemental testimony of witness Donna Robichaud on August 12, 2022, in accordance with the schedule established in the August 5 Order.

On August 30, 2022, the Public Staff filed a Motion for Leave to File Joint Supplemental Testimony and the Joint Supplemental Testimony of Public Staff witnesses Jay B. Lucas and Evan D. Lawrence in Docket Nos. EMP-110, Sub 0; EMP-111, Sub 0; and EMP 119, Subs 0 and 1.

On September 2, 2022, the Commission issued an Order (September 2 Order) accepting the joint supplemental testimony of Public Staff witnesses Lucas and Lawrence into each respective docket. The Commission also directed the Applicants and the Public Staff to produce witnesses at the hearings on September 6, 2022, to provide testimony in each respective docket addressing specific questions that were listed in the September 2 Order.

On September 2, 2022, the Public Staff filed a letter in all three dockets providing an update on its negotiations regarding and resolution of outstanding issues between the Public Staff and the Applicants to the respective dockets.

On September 6, 2022, the Commission convened the hearing for Docket No. EMP-119, Subs 0 and 1 in Commission Hearing Room 2115 at 1:00 p.m. as scheduled. Upon opening the hearing, the Chair noted that the parties waived cross-examination of each other's witnesses and that the witnesses were being presented solely for the purpose of answering the questions posed by the Commission in its September 2 Order. Because the issues to be addressed by those questions are common among the three dockets, the Commission found good cause to consolidate the proceedings in Docket Nos. EMP-110, Sub 0; EMP-111, Sub 0; and EMP-119, Subs 0 and 1 solely to receive testimony on the Commission questions. The Commission noted that a copy of the transcript of the consolidated hearing would be placed in all three dockets and that the Commission would issue a subsequent order in each respective docket accepting into the record the testimony and exhibits of the parties' witnesses filed in each docket.

At the September 6, 2022 consolidated hearing for the purpose of addressing the questions in the September 2 Order, the attorney for the Applicant made a motion to cancel any subsequent hearings to be held in Docket Nos. EMP-110, Sub 0 and

EMP-111, Sub 0. Based on the foregoing and the record, the Commission finds good cause to excuse all witnesses from testifying at a further expert witness hearing in Docket No. EMP-110, Sub 0 and to receive the witnesses' prefiled testimony, exhibits, and affidavits into the record. Further, the Commission finds good cause to cancel the previously scheduled expert witness hearing and to require that the parties file proposed orders, or a joint proposed order, on or before 30 days from notice of the transcript of the consolidated hearing held on September 6, 2022, and briefs by the same date, if they desire to file briefs.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 8th day of September, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Erica N. Green". The signature is written in a cursive style with a large, stylized initial "E".

Erica N. Green, Deputy Clerk