

1 PLACE: Washington County Courthouse
2 Plymouth, North Carolina
3 DATE: Tuesday, June 4, 2019
4 TIME: 6:35 p.m. - 7:30 p.m.
5 DOCKET NO: EMP-103, Sub 0
6 BEFORE: Patrick Buffkin, Hearing Examiner
7

8 **IN THE MATTER OF:**

9 Application of Albemarle Solar, LLC
10 for a Certificate of Public Convenience
11 and Necessity to Construct a
12 80-MW Solar Facility in
13 Washington County, North Carolina
14
15
16
17
18
19
20
21
22
23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A P P E A R A N C E S:
FOR ALBEMARLE BEACH SOLAR, LLC:
Karen M. Kemerait, Esq.
Fox Rothschild LLP
434 Fayetteville Street, Suite 2800
Raleigh, North Carolina 27601-2943

FOR THE USING AND CONSUMING PUBLIC:
Megan Jost, Esq.
Public Staff - North Carolina Utilities Commission
4326 Mail Service Center
Raleigh, North Carolina 27699-4300

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

T A B L E O F C O N T E N T S

E X A M I N A T I O N S

BRENDA HARTKOPF

Direct Examination by Ms. Jost..... 14

Cross Examination by Ms. Kemerait..... 17

Direct Statement..... 22

WILLIAM MITCHELL DOTSON

Direct Examination by Ms. Jost..... 19

Examination by Examiner Buffkin..... 21

LINDA NWADIKE

Direct Examination by Ms. Kemerait..... 23

Examination by Examiner Buffkin..... 35

EVAN D. LAWRENCE

Direct Examination by Ms. Jost..... 77

Examination by Examiner Buffkin..... 91

E X H I B I T S

IDENTIFIED/ADMITTED

Nwadike Confidential Direct

Exhibit 1..... --/46

Nwadike Direct Exhibits 2, 3 and 4..... --/46

Nwadike Confidential Amended Direct

Exhibits 1, 5, 9 and 10..... --/60

Nwadike Amended Direct Exhibits 2, 3, 4,
6, 7 and 8..... --/60

1 P R O C E E D I N G S

2 EXAMINER BUFFKIN: Good evening. Let's come
3 to order, please, and go on the record. My name is
4 Patrick Buffkin. I'm a Staff Attorney at the North
5 Carolina Utilities Commission, and the Commission has
6 designated me as Hearing Examiner for this matter.

7 The Commission now calls for hearing Docket
8 Number EMP-103, Sub 0, In the Matter of Application of
9 Albemarle Beach Solar LLC, for a Certificate of Public
10 Convenience and Necessity to Construct an 80-Megawatt
11 Solar Facility in Washington County, North Carolina.

12 Before we call our public witnesses, I will
13 make some introductory comments on the procedural
14 background and the format for this hearing.

15 On September 21, 2015, Albemarle Beach Solar
16 LLC, whom I will refer to as the Applicant, filed with
17 the Commission an Application for a Certificate of
18 Public Convenience and Necessity, which I will refer
19 to as a CPCN, for the construction of an 80-megawatt
20 solar photovoltaic electric generating facility to be
21 located on the south side of Mackeys Road, east and
22 west of Cross Road, and northeast of Woodlawn Road, in
23 Roper, in Washington County, North Carolina.

24 The Applicant stated in its Application that

1 it was in discussions to sell the electricity
2 generated at the facility to Virginia Electric and
3 Power Company, d/b/a Dominion North Carolina Power, or
4 one or more wholesale, retail -- or retail customers
5 in deregulated states that allow for such sales, or
6 into the PJM market.

7 On September 23, 2015, the Commission issued
8 an Order Requiring Publication of Notice, requiring
9 the Applicant to (1) publish notice of the Application
10 in the manner provided by General Statute § 62-82(a)
11 and file an Affidavit of Publication with the
12 Commission, and (2) to mail a copy of the Application
13 and Notice to the electric utility to which the
14 Applicant plans to sell and/or distribute the
15 electricity, and file a signed and verified
16 Certificate of Service that the Application and Notice
17 have been provided to the utility. In addition, the
18 Order directed the Chief Clerk of the Commission to
19 deliver copies of the Notice to the Clearinghouse
20 coordinator of the Office of Policy and Planning of
21 the Department of Administration for distribution by
22 the coordinator to state agencies having an interest
23 in the Application.

24 On September 22, 2016, the Applicant filed

1 an amendment to the Application, removing parcels of
2 land, and adding another parcel to the site of the
3 proposed facility.

4 Complaints were filed in this docket on or
5 after November 5, 2015, by John B. Dunn, Norma Brown,
6 Al and Brenda Hartkopf, and Timothy Pharr.

7 On September 9, 2016, based upon the
8 complaints and the record herein, the Commission
9 issued an Order setting this matter for hearing for
10 the purpose of receiving evidence as to whether the
11 CPCN should be issued to the Applicant, and directing
12 the Applicant to publish notice of the public hearing
13 and to prefile testimony in this docket.

14 On October 6th and October 10, 2016, the
15 Commission issued Orders canceling the hearing
16 previously scheduled and clarifying that all
17 complaints filed in this docket remain pending and
18 that the individuals submitted -- who submitted those
19 complaints are entitled to a hearing in this
20 proceeding. In addition, the October 10 Order noted
21 that the Applicant's plan to add an additional parcel
22 to the site of the proposed facility justified
23 requiring additional public notice and further review
24 of the Application by the State Clearinghouse.

1 Finally, that Order further stated that unless the
2 pending complaints are withdrawn and no further
3 complaints received, a hearing in this matter would be
4 scheduled at an appropriate time and place.

5 On November 12, 2018, the Applicant filed a
6 second amendment to its Application for a CPCN, noting
7 that the location of the site of the proposed facility
8 has changed as a result of the removal of parcels of
9 land from, and the addition of parcels of land to, the
10 site of the proposed facility. In addition, the
11 Applicant states that an E911 address had been
12 assigned to the property, and that the facility would
13 now be planned to come online in phases before
14 December of 2020.

15 On November 29, 2018, the Commission issued
16 an Order determining that the Applicant erred in
17 applying for a CPCN pursuant to Commission Rule R8-64,
18 the rule applicable to CPRE Program participants,
19 qualifying cogeneration facilities, or small power
20 producers, and should have made application for a CPCN
21 pursuant to Commission Rule R8-63, the rule applicable
22 to merchant plant facilities. The Commissioner,
23 therefore, declared the Application to be an
24 application for a CPCN for the construction of an

1 electric generating facility that will be operated as
2 a merchant plant, and, accordingly, directed that
3 Docket Number SP-6476, Sub 0 be closed and that the
4 record in that docket be transferred to the present
5 docket, EMP-103, Sub 0. The Commission further
6 determined that the Application, as transferred, was
7 incomplete and that all complaints filed in Docket
8 SP-6476, Sub 0 remain pending before the Commission.

9 On March 28, 2019, the Applicant filed the
10 direct testimony and exhibits of Linda Nwadike, which
11 was amended by further filings on April 10 and 11,
12 2019.

13 Also, on April 11, 2019, the Public Staff
14 filed the notice required pursuant to Commission Rule
15 R8-63(d), stating that the Public Staff has reviewed
16 the Application and giving notice that the Public
17 Staff considers the Application to be complete. The
18 Public Staff, therefore, requested that the Commission
19 issue a procedural order setting the Application for
20 hearing, requiring public notice thereof, and
21 addressing any other procedural matters.

22 On April 26, 2019, as amended by further
23 Order issued on May 1, 2019, the Commission issued an
24 Order Scheduling Hearing and Requiring Public Notice,

1 setting this matter for hearing on this date, at this
2 time, and in this place, and establishing a procedural
3 schedule to allow for the pre-filing of direct expert
4 testimony and to allow for intervenors to participate
5 in this proceeding. That Order also required the
6 Applicant to publish notice of the hearing in the
7 newspaper which the Applicant previously published
8 notice of the Application, and to mail a copy of the
9 notice of the hearing to each of the individuals that
10 filed a complaint in this proceeding.

11 On May 20, 2019, the Applicant filed a
12 Certificate of Service, evidencing that the notice of
13 the hearing was mailed to each of the individuals that
14 filed a complaint in this proceeding.

15 On May 29, 2019, the Applicant filed an
16 Affidavit of Publication stating that the notice of
17 the hearing had been published in *The Roanoke Beacon*.

18 On May 24, 2019 the Public Staff filed the
19 direct testimony and exhibits of Evan Lawrence.

20 Finally, I note that the Commission has
21 requested comments on the amended Application from
22 state agencies having an interest in the Application,
23 which would be submitted through the State
24 Environmental Review Clearinghouse. The Clearinghouse

1 previously filed comments including the comments of
2 the North Carolina Department of Natural and Cultural
3 Resources recommending that an archaeological survey
4 of the tracts identified in the Application be made
5 prior to any ground disturbing activities to determine
6 whether any portion of the site of the proposed
7 facility may be eligible for inclusion in the National
8 Register of Historic Places and, if so, to develop a
9 mitigation plan. Further, the North Carolina Wildlife
10 Resources Commission, the Department of Environmental
11 Quality, and the Department of Public Safety submitted
12 comments that remain pending in this docket. In
13 addition, on April 26, 2019, the Commission requested
14 additional comments on the amended Application from
15 state agencies having an interest in the Application,
16 and the State Environmental Review Clearinghouse has
17 not yet responded to that request.

18 The Public Staff's right to intervention and
19 participation is recognized pursuant to General
20 Statute § 62-15(d) and Commission Rule R1-119(e)
21 (sic).

22 No other parties have intervened in this
23 matter.

24 And that brings us up to the hearing before

1 us tonight.

2 Pursuant to the State Government Ethics Act,
3 I disclose for the record that I do not have any known
4 conflicts of interest with respect to this matter.

5 And I now call upon counsel to enter their
6 appearances for the record, beginning with the
7 Applicant.

8 MS. KEMERAIT: Good evening, Hearing Officer
9 Buffkin. My name is Karen Kemerait. I'm an attorney
10 with the Law Firm of Fox Rothschild in Raleigh and I'm
11 here on behalf of the Applicant, Albemarle Beach Solar
12 LLC.

13 EXAMINER BUFFKIN: Thank you, Ms. Kemerait.

14 MS. JOST: Good evening. My name is Megan
15 Jost with the Public Staff of the Utilities
16 Commission. With me is Evan Lawrence, we represent
17 the Using and Consuming Public.

18 EXAMINER BUFFKIN: Thank you, Ms. Jost.

19 Now, let's briefly go over the format for
20 this hearing. The purpose of this hearing tonight is
21 two-fold. First, we are here to receive testimony
22 from the public regarding the proposed facility and
23 whether or not the Applicant should be awarded a CPCN
24 for this facility. Second, we are here to receive

1 evidence from the Applicant as to why it should be
2 awarded a CPCN.

3 The public testimony will be taken under
4 oath and transcribed by the Court Reporter. What is
5 said under oath becomes an official part of the record
6 in this matter and will be considered when a
7 determination is made. However, a final determination
8 will not be made here tonight.

9 The Commission functions much like a court.
10 Public witnesses will have to come up and be sworn or
11 affirmed. You'll be seated at the jury box to my
12 left, and counsel for the Applicant and I may ask you
13 questions based on the testimony that you provide.

14 This is the public's opportunity to present
15 evidence, opinions and other thoughts on this project.
16 However, this is not a time to ask questions of or
17 cross examine the Applicant.

18 The Public Staff distributed a sign-up sheet
19 earlier for members of the public who wish to testify,
20 and we will begin with the Public Staff calling
21 witnesses from that list and then I'll check to make
22 sure anyone else isn't present who didn't get a chance
23 to sign up but wants to testify. And following the
24 public testimony portion of the hearing, we will

1 receive expert testimony from the Applicant in support
2 of its Application. In this matter, the Applicant has
3 prefiled its direct testimony. Those testifying from
4 the public are not formal parties to this matter and
5 will not have the opportunity to cross examine the
6 Applicant's witnesses. However, as I mentioned
7 earlier, the Hearing Examiner or counsel for the
8 Public Staff may ask some questions in response to
9 testimony provided by the public, and the Applicant
10 may choose to address new matters in its testimony
11 that were spoken of here tonight. The Applicant has
12 also indicated that its representatives will remain in
13 the room following the conclusion of tonight's hearing
14 and be available to discuss issues or answer questions
15 that those in attendance may have.

16 Additionally, the Commission's actions do
17 not preempt any other local, state or federal
18 regulations or requirements. Finally, it is noted
19 that the full contents of the docket including the
20 Application, the letters of complaint, and, once it is
21 transcribed, the transcript of tonight's hearing are
22 available for public view on the Commission's website
23 at www.ncuc.net.

24 Before we begin the public witness

1 testimony, are there any preliminary matters we need
2 to address?

3 MS. KEMERAIT: Not from the Applicant.

4 MS. JOST: Not from the Public Staff.

5 EXAMINER BUFFKIN: Thank you. Then,
6 Ms. Jost, please call your first public witness.

7 MS. JOST: Brenda Hartkopf, if you will come
8 up.

9 THE WITNESS: I couldn't get my phone to cut
10 off. I hope it doesn't go off when I'm up here.

11 UNKNOWN SPEAKER: I'll answer it for you.

12 EXAMINER BUFFKIN: Hey there, come on around
13 and have a seat --

14 THE WITNESS: Okay.

15 EXAMINER BUFFKIN: -- in the witness box,
16 please. And if you would --

17 THE WITNESS: I've never been in a witness
18 box.

19 BRENDA HARTKOPF;
20 having been duly sworn,
21 testified as follows:

22 EXAMINER BUFFKIN: Ms. Jost.

23 DIRECT EXAMINATION BY MS. JOST:

24 Q Would you please state your name and address for

1 the record?

2 A My name is Brenda Hartkopf. I live at 23
3 Albemarle Beach Road, Roper.

4 Q And do you have a statement that you would like
5 to present?

6 A Yes, I do.

7 Q Please proceed.

8 A As a citizen and taxpayer -- and I don't live far
9 from what all is -- the solar panels that are
10 going up. I would like to know is there any
11 radiation from the panels? Are there any
12 environmental regulations? If so, I want to
13 know; if not, I want to know why. And what is
14 the proof that there are no environmental
15 concerns? Who's responsible for the clean up of
16 the property in case -- at this place because I
17 understand if a panel breaks someone needs to be
18 there to clean it up? So I don't know if -- how
19 that works. What will -- will the installation
20 of this business affect the property? What are
21 my property taxes going to be? What are the
22 regulations dealing with agricultural property?
23 How will it impact Washington County taxes,
24 employment and so on? I want to know how many

1 employees that will be there, their jobs, how
2 long it will last, and the taxes. My concern is
3 that if the electric company has to buy this,
4 they're going to have to somehow recoup this
5 money, is that going to affect our electric
6 bills? Okay. And will the ground will be
7 sprayed with chemicals to get this on the ground.
8 And what happens to the structures if the land --
9 if the Company goes bankrupt? And who's
10 responsible for repairing the homeowner's
11 property if we have a tornado and things go bad?
12 And, also, I'd like know if sometimes -- as
13 soon -- is there any letters that was written to
14 the County Commissioners saying in the future
15 that they might happen to buy more land on
16 Albemarle Beach Road from SunEnergy --
17 SunEnergy1? And I'd like all of this -- these
18 answered. I'd like to have a copy and copies
19 sent to all the County Commissioners.

20 Q Does that conclude your statement?

21 A I think so. I just -- anyway, I'm a little
22 nervous. But I'm concerned because I live near
23 this property and I'm just concerned what it
24 might do to the value of my property and taxes.

1 That's it.

2 EXAMINER BUFFKIN: Well, don't be nervous.

3 A I am. I'm sorry.

4 EXAMINER BUFFKIN: That's all right. Any
5 further questions, Ms. Jost, for this witness?

6 MS. JOST: I do not.

7 EXAMINER BUFFKIN: Ms. Kemerait, do you have
8 any questions for this witness?

9 MS. KEMERAIT: Just briefly.

10 CROSS EXAMINATION BY MS. KEMERAIT:

11 Q Ms. Hartkopf --

12 A Yes.

13 Q -- did I pronounce your name correctly?

14 A Yes, that's correct.

15 Q And, of course, I certainly don't want to make
16 you nervous but I just have a couple of
17 questions. The Washington County Planning Board
18 did conduct two public hearings on the Special
19 Use Permits that were requested for the solar
20 site; is that your understanding?

21 A No, ma'am.

22 Q How many hearings were conducted?

23 A I do not know.

24 Q Did you attend either of the hearings --

1 A Not the panel -- not on the Planning Board, no.

2 Q Okay.

3 A When I found out about this it was in the paper
4 about them buying the land from Mr. Small.
5 That's the first I heard of it.

6 Q Thank you very much.

7 A Also -- oh gosh, I had another question I wanted
8 them to answer but I can't think of it right now.

9 EXAMINER BUFFKIN: That's all right. Take
10 your time.

11 THE WITNESS: I might think of it later when
12 I'm not up here.

13 EXAMINER BUFFKIN: That's all right. We'll
14 be here til we finish.

15 THE WITNESS: Okay. Thank you, sir.

16 EXAMINER BUFFKIN: Anything else?

17 THE WITNESS: Not that I can think of right
18 now. I had another question but at 78 your mind goes
19 sometimes.

20 EXAMINER BUFFKIN: All right. You're
21 excused, and thank you.

22 THE WITNESS: Thank you.

23 (The witness is excused)

24

1 MS. JOST: The next name we have is Mitch
2 Dotson.

3 MR. DOTSON: I really don't --

4 MS. JOST: So Mr. Dotson has indicated that
5 he doesn't --

6 EXAMINER BUFFKIN: I think he's changed his
7 mind.

8 MS. JOST: Okay.

9 WILLIAM MITCHELL DOTSON;
10 having been duly sworn,
11 testified as follows:

12 DIRECT EXAMINATION BY MS. JOST:

13 Q Would you please state your name and address for
14 the record?

15 A It's William Mitchell Dotson and 2334 Tarlanding
16 Road in Williamston.

17 Q And, Mr. Dotson, do you have a statement that you
18 would like to present?

19 A I really was -- it's kind of the cart before the
20 horse thing. I don't have the complaints,
21 letters in front of me or anything. I own
22 property there. I have an interest in it going
23 through and not to complain about it being there.
24 And if I could affirm some of her things, the

1 contracts that we had with the -- what do you
2 call them?

3 EXAMINER BUFFKIN: The Applicant.

4 A The Applicant, okay.

5 EXAMINER BUFFKIN: Albemarle Beach Solar.

6 A The way I understand their system or business
7 model is that they only buy a certain amount in
8 each county. I don't know whether this is --
9 that's what we were told. And that the idea
10 behind that was they would buy -- let's say if
11 they bought 1000 acres in one they don't continue
12 to buy which doesn't change property values and
13 that the taxes for the surrounding properties
14 wouldn't change because they're not competing for
15 that land.

16 I can't think of her other
17 questions. But they've been good to deal with
18 for us. They've done everything they've said.

19 Q Anything further?

20 A No, I don't think. Thank you all.

21 EXAMINER BUFFKIN: Ms. Kemerait, do you have
22 any questions for Mr. --

23 MS. KEMERAIT: No questions. Thank you.

24 EXAMINER BUFFKIN: I have just one just to

1 be clear.

2 EXAMINATION BY EXAMINER BUFFKIN:

3 Q You support the granting of the CPCN? You're in
4 favor of the project being developed?

5 A Yes. And I supported it -- I had concerns such
6 as hers with -- this is the third company that
7 we've talked to briefly about the land. This was
8 the only one we considered dealing with because
9 the other ones were -- the only way I can put it
10 is sketchy, you know. And I had the same -- some
11 of the same concerns that she had and there
12 weren't really answers to your questions, and
13 they've answered every question I've asked and in
14 a way that I was satisfied with them.

15 EXAMINER BUFFKIN: Thank you. Any questions
16 on my questions?

17 MS. JOST: No.

18 MS. KEMERAIT: No.

19 EXAMINER BUFFKIN: All right. Thank you.

20 THE WITNESS: All right. Thank you.

21 (The witness is excused)

22 MS. JOST: Those are all of the people who
23 indicated that they would like to make a statement.

24 EXAMINER BUFFKIN: All right.

1 MS. HARTKOPF: I thought of my question.

2 EXAMINER BUFFKIN: Yes, ma'am. Come on back
3 around.

4 MS. HARTKOPF: Do I swear in again?

5 EXAMINER BUFFKIN: No, you're still under
6 oath.

7 BRENDA HARTKOPF;
8 having been previously sworn,
9 testified as follows:

10 DIRECT STATEMENT:

11 I would also like to know why we can't find
12 out who owns the Company. And if there are heavy
13 metals -- or what kind of metals are in the panels.
14 All this, like I said, I want it written down in a
15 letter sent to the County Commissioners.

16 EXAMINER BUFFKIN: All right.

17 THE WITNESS: I think that's it.

18 EXAMINER BUFFKIN: Let's see if the lawyers
19 have got any questions for you.

20 THE WITNESS: Oh, I'm sorry.

21 MS. KEMERAIT: No questions.

22 MS. JOST: No.

23 EXAMINER BUFFKIN: It looks like they don't.

24 Thank you very much.

1 (The witness is excused)

2 EXAMINER BUFFKIN: Let's see if anybody came
3 in after the sign-up sheet had been distributed or did
4 anybody change your mind and decide you want to
5 provide some public testimony tonight?

6 (No response)

7 Seeing none, then I hereby close the public
8 portion of our hearing. And now, turning to the
9 Applicant, does your witness wish to offer further
10 testimony in this matter?

11 MS. KEMERAIT: Yes, briefly. I will call
12 Linda Nwadike as the witness for the Applicant.

13 EXAMINER BUFFKIN: If you would please state
14 your name and address for the record?

15 MS. NWADIKE: Sure. My name is Linda
16 Nwadike. And my office address is 192 Raceway Drive
17 in Mooresville, North Carolina.

18 EXAMINER BUFFKIN: Thank you.

19 LINDA NWADIKE;
20 having been duly sworn,
21 testified as follows:

22 EXAMINER BUFFKIN: Thank you. Ms. Kemerait.

23 DIRECT EXAMINATION BY MS. KEMERAIT:

24 Q Ms. Nwadike, I'm going to be fairly brief in my

1 questions. You've already stated your name and
2 address. Can you briefly describe what your
3 professional experience is in your capacity with
4 the Applicant?

5 A Sure. So I was hired three years ago at
6 SunEnergy1 as a Project Manager. I have kind of
7 moved over to becoming the Director of Permits
8 for SunEnergy1 and also the Company Relations
9 Personnel for SunEnergy1.

10 Q And you've just spoken about SunEnergy1 and I'm
11 going to ask you in a minute about the actual
12 Applicant, Albemarle Beach Solar LLC, but can you
13 first describe what SunEnergy1 as a company is?

14 A Sure. SunEnergy1 is the top five solar developer
15 in the United States. They -- they develop
16 engineer -- utility-scale solar facilities all
17 around the country.

18 Q And how is Albemarle Beach Solar LLC, related to
19 SunEnergy1?

20 A Sure. SunEnergy1 is the developer of Albemarle
21 Beach Solar which is a fleet of SunEnergy1.

22 Q And maybe you should speak just a little bit more
23 slowly so that the --

24 A More slowly, sure.

1 Q And, Ms. Nwadike, can you describe the Applicant,
2 Albemarle Beach Solar LLC?

3 A Sure, yes. Albemarle Beach Solar LLC, wishes to
4 construct an 80-megawatt solar facility project
5 here in Albemarle -- in Washington County. The
6 site is located south of Mackeys Road -- Mackeys
7 Road and also east and west of Cross Road here in
8 the county.

9 Q And approximately how many acres are located on
10 the site for the Albemarle Beach Solar facility?

11 A It's a little bit over a thousand acres.

12 Q And what is the current land use on the property?

13 A The property and some of the other projects I
14 utilize are agricultural and the rest are kind of
15 rural sites with trees and things of that nature
16 on there.

17 Q And then what will be the land use after the
18 solar facility is constructed? I think that's an
19 easy question that -- I think, for the record.

20 A Sure. The use will change from agricultural, of
21 course, to commercial/industrial for the use of
22 the solar facility.

23 Q Thank you.

24 UNKNOWN SPEAKER: I'm sorry. I didn't hear

1 that.

2 A The use would change from agricultural since it
3 will be a solar facility, and it might be changed
4 to commercial or industrial per the county
5 requirements or what the county desires to do.

6 BY MS. KEMERAIT:

7 Q And what is the capacity for the solar facility?

8 A It's an 80-megawatt solar project.

9 Q And can you describe the basic components for the
10 solar facility?

11 A Sure. The components consist of solar panels,
12 posts which will be driven down to the ground
13 with rods right on top of it, and the solar
14 panels will be right on top of it. There will be
15 a collector station, which will be constructed
16 adjacent to the existing Mackeys -- Dominion's
17 Mackeys 230-kV substation which is where the
18 transmission line will go through to power this
19 facility.

20 Q And I wanted to ask you a question about the
21 solar panel and what it's comprised of in
22 relation to a question by Ms. Hartkopf. And she
23 had previously asked that we provide information
24 on the record about whether the solar panels will

1 contain the following two metals: Cadmium, that's
2 C-A-D-M-I-U-M, telluride, or gallium,
3 G-A-L-L-I-U-M, arsenide, A-R-S-E-N-I-D-E. Can
4 you state whether the solar panels will have
5 either of those two metals?

6 A No, it will not. The panels that we're going to
7 utilize is silicon-based panels. They've had the
8 technology since the 1950's, made with sand and
9 glass usually. The panels that she's talking
10 about is -- will not be utilized at the site.
11 It's a different type of panels, which is called
12 Banfilm.

13 Q So there are no toxic materials --

14 (WHEREUPON, the Court Reporter
15 requested the witness to clarify.)

16 THE WITNESS: Banfilm panels. Banfilm.

17 BY MS. KEMERAIT:

18 Q So the solar panels contain no toxic materials?

19 A That is correct.

20 Q And can you describe how the solar facility will
21 be interconnected to the grid?

22 A Sure. I stated previously there'll be a
23 collector station built right adjacent to the
24 Dominion substation. So the collector station

1 and panels will be routed through the collector
2 station and the collector station will be brought
3 through Dominion's substation and that's how
4 power will get into the grid.

5 Q A substation owned by Dominion; is that correct?

6 A That is correct; an existing substation owned by
7 Dominion.

8 Q And one of the questions that was asked and
9 described in your direct testimony is about the
10 need for this facility. And can you describe for
11 the record the need for this facility and whether
12 there has been a PPA, a Purchase Power Agreement
13 that's been entered into?

14 A Yes. There is a Purchase -- a PPA that is
15 entered into with Digital Realty on behalf of
16 Facebook. So those are the persons that will be
17 purchasing the power from this site.

18 Q And then, also, in regard to land use and
19 environmental permits and approval, can you
20 describe for the record what permits and approval
21 have already been obtained for this project?

22 A Sure. There has been various permits. As you
23 know, for a solar facility to be constructed
24 there are various requirements in regards to

1 that, particularly in regards to environmental.
2 As mentioned previously, there was archaeological
3 and an architectural survey that was required
4 when the site was going to the Clearinghouse. So
5 those -- Phase one and Phase two has been --
6 process has been completed. For the new parcels
7 that we're adding, we're going through the Phase
8 one process right now. The erosion and control
9 permits are in process at the moment. We have
10 already done the Phase one, which is the initial
11 environmental analysis of the property which have
12 been completed. We have done wetland
13 delineation, and the U.S. Army Corps of Engineers
14 have been on the site. So those are some of the
15 major items.

16 We have also contacted CAMA in
17 regards to it, the site, and that is -- we're
18 okay with that. So those are the major permits
19 that are required.

20 Q And in regard to the land use permit, has a
21 conditional use -- Special Use Permit been
22 obtained?

23 A Yes. Two Special Use Permits have been obtained.
24 The first one was for the original site and the

1 second one was for the amended sites that we
2 added later on during the project.

3 Q And from whom were the Special Use Permit
4 approvals obtained?

5 A From Washington County Planning Board.

6 Q And do you recall the dates that the Special Use
7 Permits were obtained?

8 A I can definitely find out. I have some paperwork
9 in regards to that.

10 Q Subject to check, would you agree that Washington
11 County Planning Board approved the Special Use
12 Permit on January 12, 2017, and a revision to the
13 Special Use Permit on December 21st of 2018?

14 A That is correct.

15 Q And what permits still need to be obtained as you
16 were saying?

17 A The building permit needs to be obtained; erosion
18 and control, we're still in process with that at
19 the moment; in addition, stormwater is still in
20 process right now for the site.

21 Q And does Washington County have a development
22 ordinance that contains solar regulations and
23 requirements?

24 A Yes, it does.

1 Q And can you describe what the setback
2 requirements are for solar farms in Washington
3 County?

4 A Yes. Washington County has a 300-foot setback on
5 residential properties and a 75-foot setback on
6 other properties that are not residential.

7 Q And does Washington County also require
8 landscaping to be installed around the solar
9 farm?

10 A Yes, it does. Washington County requires a
11 continuous evergreen vegetative buffer to be
12 planted all around the facility where there is no
13 natural vegetation already in place.

14 Q And, in regard to any potential concerns about
15 flooding in the area, does Washington County have
16 a flood damage prevention ordinance?

17 A Yes, they do. And, also, in regards to
18 application, you do have to do an application if
19 your solar facility is in a flood zone, and,
20 also, we are utilizing elevation as a
21 mitigation -- a mitigating factor for that.

22 Q And would you have to obtain a Floodplain
23 Development Permit before you can begin
24 constructing the solar farm?

1 A Yes. It has to be signed by the Washington
2 County Building Permit personnel and that is
3 given once we apply for the building permit.

4 Q And can you describe the elevation that will be
5 required by the Floodplain Development Permit
6 that will have to be utilized by the solar farm?

7 A Yes. There's an application that we have to
8 submit to the Washington County Building Permit
9 for that permit. In addition to that, for the
10 elevation for any electrical component we elevate
11 it about 6-feet high so it can stay away from any
12 floods in case it happens.

13 Q And does the County have a fencing requirement
14 around the solar farm and, if so, can you
15 describe the height of the fence that is
16 required?

17 A Sure. The fence will be a 6-foot chain-link
18 fence, and that's actually the national code that
19 is required for all solar facilities. In
20 addition to that, there will be a 1-foot barbed
21 wire above that 6-foot fence, and that includes
22 the whole solar facility.

23 Q And does Washington County have any
24 decommissioning requirements for solar farms in

1 its jurisdiction?

2 A Yes, Washington County does. It requires a
3 decommissioning plan and, also, a bond. And the
4 Planning Board approves those items, which they
5 have for this solar project.

6 Q And I think you might have said this but in case
7 you have not, can you describe whether you are
8 required to obtain an Erosion Control Permit from
9 the North Carolina Department of Environmental
10 Quality?

11 A Yes, we are.

12 Q And to respond to some of the questions that were
13 previously asked, can you describe or provide
14 information about the maintenance that will be
15 provided for the site once the solar facility has
16 been constructed?

17 A Sure. The maintenance of the site, we have
18 dedicated personnel that are in charge of
19 maintenance of all of our sites. Our sites are
20 actually composed of a SCADA system so it's
21 monitored remotely. So in case there's any
22 issues, we will know from the office and, if
23 there's an issue with X,Y and Z panel, and we
24 send out the technicians to go out there and take

1 a look at the exact problem and fix it as need
2 be. And the technicians all live around the area
3 that we have sites at.

4 Q And there's also a question about disposal of any
5 damaged or non-functioning solar panels. And can
6 you describe what the process would be for
7 disposal of any solar panels that are no longer
8 necessary for the solar facility?

9 A Sure. The panels that we utilize are recyclable
10 so, if there are any issues with those panels, we
11 will definitely have the technicians take it
12 out -- take it out to outside the site and
13 dispose of it properly by recycling that will be
14 applicable for the solar facility.

15 Q And so the components of the solar panels are
16 fully recyclable?

17 A That is correct.

18 Q And then one other question was asked about
19 whether you spray with chemicals on the solar
20 farm as part of the maintenance?

21 A We usually don't try to spray any item, but
22 like -- it would be like a -- an agricultural
23 farm in case they utilize hepacides and other
24 things of that nature, but we usually don't like

1 to spray any items; we actually mow.

2 Q You provide mowing for maintenance?

3 A That's correct.

4 MS. KEMERAIT: That's all the questions I
5 have for you. Thank you very much.

6 THE WITNESS: Thank you.

7 MS. JOST: I do not have any cross.

8 EXAMINER BUFFKIN: All right. I have just a
9 few questions.

10 EXAMINATION BY EXAMINER BUFFKIN:

11 Q Can you tell me a little bit more -- Ms. Kemerait
12 was asking you about the setback and buffer
13 requirements on the Special Use Permit required
14 from the County Planning Board. Can you tell
15 me -- refresh my memory, how big are those
16 setbacks?

17 A So there's a 75-foot setback from all property
18 boundaries and 300-foot setback from any
19 residential property boundaries.

20 Q And you've got your permit so you agreed to those
21 setbacks?

22 A Yes, sir.

23 Q And those setbacks are in addition to or they
24 incorporate the vegetative buffer that's also

1 required by the zoning order?

2 A They are in addition to the vegetative buffer as
3 well.

4 Q Okay. So would there be some cases where the
5 setback would be larger than the 75 or the 300?

6 A There would be some cases where they would be a
7 little larger, but we must meet the 300 -- the
8 300 in terms of residential and 75 in other
9 areas.

10 Q All right. And there are adjoining residential
11 properties to the site?

12 A There are a couple of residential properties that
13 are adjoined to the site.

14 Q And so you, of course, as you said would have the
15 300-foot buffer between those residential
16 neighbors and --

17 A Yes.

18 Q -- on that 300-foot buffer there would be the
19 evergreen -- excuse me, on the 300-foot setback
20 there would be the evergreen buffer --

21 A Yeah --

22 Q -- where vegetation wasn't already present; is
23 that right?

24 A That is correct, sir.

1 Q All right. And then looking at the facility from
2 the residential sites, what would you see?

3 A Once the trees are fully mature, you would just
4 see trees, greenery and that's really about it,
5 when they're fully mature. However, once you --
6 after you planted it -- they have to be a little
7 low at planting, they might be able to see the
8 panels at that point.

9 Q Understood. And, again, from the adjoining
10 residences is there any noise from the operation
11 of the facility --

12 A No.

13 Q -- setting aside, let's say, the construction
14 phase when there would be some normal
15 construction noise, but during the operation of
16 the facility?

17 A Outside the fence line, sir, you will not hear
18 any noise.

19 Q All right. Let me continue then with some more
20 detail on the bond amount and decommissioning the
21 plant that you were discussing with Ms. Kemerait.

22 A Yes, sir.

23 Q This is a part of the local ordinance?

24 A Yes, sir.

1 Q These are requirements, I mean, of the local
2 ordinance?

3 A Yes, sir.

4 Q What is that bond amount?

5 A The county actually determines what the bond
6 amount is. And for this practical site they told
7 us we have to pay \$50,000 for the site.

8 Q Okay. And tell me a little bit more about the
9 decommissioning plan.

10 A The decommissioning plan that's come about -- the
11 plan in regards to how we'll decommission to
12 bring the site back to agricultural use at the
13 end of my -- at the end of life of the solar
14 facility, that consists of removing all the
15 panels, any new roads that we add, if we do add,
16 taking all of the equipment out of that area to
17 put it back into agricultural use at the end of
18 life.

19 Q And so this plan gets filed with the County, is
20 it --

21 A Part of the Application is the plan so the County
22 actually reviews the plan as well and approves it
23 or says yes to it, and that determines the bond
24 that they will set.

1 Q Got ya. Thank you for that. Is there any
2 radiation emitted by the solar panels?

3 A No, sir, there is none.

4 Q We talked about environmental impacts, and you
5 have the requirement to get a solar -- a Soil and
6 Erosion Permit from the Department of
7 Environmental Quality.

8 A Yes, sir.

9 Q Are there any other environmental impacts or
10 permits?

11 A Right now the only environmental -- other than
12 that there is a -- like I mentioned, the
13 archaeological and architectural that we're
14 trying to close that with the Clearinghouse. We
15 have already started all of these studies and
16 surveys in there and because we added some new
17 land we need to kind of finish up with the new
18 parcels and then we will get that approved by the
19 applicable party.

20 Q Understood. And would you commit to filing that
21 archaeologist report with the Commission?

22 A Yes.

23 Q Thank you. Now, you discussed in your prefiled
24 testimony impacts of -- benefits to the local

1 community. One of the questions we heard tonight
2 was how many folks are going to be working at
3 this facility, how many are going to work on it
4 during the construction phase and things like
5 that. Could you provide some of those details
6 now?

7 A Yes, sir. For this construction we'll have
8 approximately -- over 1200 people -- up to 1200
9 people working on the site doing construction at
10 different phases of construction.

11 Q Are those local folks or do they come in from out
12 of town?

13 A It's a little bit of both. We usually try to do
14 a -- if they conduct a job fair -- if I can get
15 my words correct -- at the local county to get as
16 much people as we can. And, of course, if we
17 can't get a lot of people that we need we have to
18 go outside the county lines. And one of the
19 issues that we have found actually is they have
20 to pass the alcohol and drug exams and that's
21 kind of one of the reasons we have to go outside
22 because sometimes they -- some people do not pass
23 those.

24 Q All right. Now, you've developed projects like

1 this before, based on your experience after the
2 construction phase is over, what impacts are
3 there on adjoining properties due to the
4 operation -- the ongoing operation of this?

5 A There is none.

6 Q Are you aware of any impacts, positive or
7 negative, on property values of any particular
8 adjoining residences?

9 A I haven't seen any. For all the construction we
10 have had we haven't seen any negative impact or
11 even -- or for any properties nearby, because
12 this -- put it like this, it provides job growth
13 and things of that nature, and also provides
14 economic -- a lot of economic support to the
15 County, so we have seen a lot of that. But in
16 regards to nearby properties there's really no
17 impact to it, positive or negatively.

18 Q Thank you for that. Now, you've already
19 discussed that this -- the area where the
20 facility is going to be located is mostly
21 agriculture and residential?

22 A There's a few residential properties, not a lot,
23 but it's mostly agricultural and rural area.

24 Q Understood. So can you give us an idea of the

1 impact on the agricultural output of the
2 community? Obviously, these approximately a
3 thousand acres will not be productive for
4 agricultural purposes as long as the facility is
5 there. And what kind of impact might that have
6 on the local economy?

7 A Locally it doesn't because the landowner has
8 decided not to farm those parcels. That's the
9 landowner's choice, so they have decided not to,
10 so they might not even be farming at this time so
11 it doesn't really affect it.

12 Q All right. What impact then on -- one of the
13 public witnesses asked about the impact on
14 electric rates. What impact will the operation
15 of this facility and the purchase of the power
16 have on electric rates that folks pay in this
17 community?

18 A It will not. The electric rates are actually
19 determined by the Utilities Commission so not us.
20 So for a facility like this it will not impact
21 them, so we do not set the rates.

22 Q Tell me a little bit more about -- I think you've
23 described the arrangement for sale or the output
24 of this facility as a virtual PPA; is that right?

1 A That is correct, sir.

2 Q What does that mean to you?

3 A So the power -- Facebook is -- if you're not
4 familiar with Facebook, they are the ones that
5 will be at the -- the end users of this in terms
6 of they will be utilizing the power because they
7 want to go 100 percent renewable energy. So they
8 are the ones that purchase the power, the Power
9 Purchase Agreement with Digital Realty who is
10 representing them and that would -- and so
11 Facebook is trying to go green and that's the
12 reason they did this.

13 Q Okay. And tell me a little bit more about
14 Digital Realty. How are they involved in this
15 arrangement?

16 A They represent Facebook so that's --

17 Q Understood. So they negotiated on Facebook's
18 behalf and signed the deal?

19 A That's correct, sir.

20 Q I'm getting close to the end of my questions and
21 I appreciate you providing these answers.

22 Now, one concern that I think I
23 understood was here we are in a coastal county,
24 and this area experiences high winds and

1 hurricanes and occasionally tornadoes. Do you do
2 any testing or modeling about what might happen
3 to the solar panels on the facility in the event
4 this area is hit by a hurricane or a tornado?

5 A Yes, sir. For Washington County, they do have a
6 110, I believe, wind speed or wind load that we
7 must adhere to and our panels must meet or exceed
8 it, and our system must meet or exceed that
9 number. So, in terms of any issues regarding if
10 there is a tornado or hurricane that happens and
11 a panel is damaged, we will come out there, take
12 a look at it, and remove the applicable panel
13 that is damaged. So that's kind of how we handle
14 that.

15 Q Okay. That's well enough for repairing your
16 facility. What if those panels became detached?
17 Well, let me ask first, would it be possible for
18 one of those panels to detached and become
19 airborne?

20 A It hasn't been seen -- I mean, we must have
21 something drastic that happened for it to be
22 detach and become airborne. It hasn't been seen
23 around this area because we have hurricanes and
24 we have solar sites nearby here. But if that

1 happens, again, our personnel will go out there
2 and anything, even if it's on a neighbor's
3 property, and pick it up if need be.

4 Q Okay. Well, what if it caused damage to a
5 neighbor's property, how would you handle that
6 situation?

7 A We do have some insurance and we will mitigate
8 the factor if it does happen.

9 Q Thank you for that. And I think I'll get to my
10 final question. Typically, the Commission has
11 issued certificates conditioned on compliance
12 with local zoning ordinances and environmental
13 regulations, and in some cases where there has
14 been archaeologist reports involved in
15 recommendations, the Commission has conditioned
16 the certificate on compliance with those
17 recommendations as well or implementation of
18 those recommendations. Would the Applicant be
19 willing to agree to those types of conditions on
20 the certificate you've requested here?

21 A Yes, sir.

22 Q Thank you.

23 EXAMINER BUFFKIN: That's all the questions
24 I have. Ms. Kemerait, do you have any questions on my

1 questions?

2 MS. KEMERAIT: No questions. But I would
3 move that the prefiled testimony and exhibits filed on
4 March 28, 2019, and the amended prefiled testimony and
5 exhibits filed on March 10, 2019 (sic), be admitted
6 into evidence.

7 EXAMINER BUFFKIN: Without objection, so
8 ordered.

9 (WHEREUPON, Nwadike Confidential
10 Direct Exhibit 1, and Nwadike
11 Direct Exhibits 2, 3 and 4 are
12 received into evidence.)

13 (WHEREUPON, the prefiled direct
14 testimony of LINDA NWADIKE is
15 copied into the record as if given
16 orally from the stand.)

17
18
19
20
21
22
23
24

INTRODUCTION

1
2 **Q. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS.**

3 .A. My name is Linda Nwadike. I am a Project Manager for SunEnergy1, LLC
4 (“SunEnergy1” or the “Company”), an affiliate of the Applicant Albemarle Beach
5 Solar, LLC (“Albemarle Beach Solar” or “Applicant”). Albemarle Beach Solar is
6 a North Carolina limited liability company that was formed on May 29, 2015. My
7 business address is 192 Raceway Drive, Mooresville, North Carolina 28117.

8

9 **Q. PLEASE DESCRIBE YOUR EDUCATION AND PROFESSIONAL**
10 **EXPERIENCE.**

11 A. I obtained a Bachelor of Science degree in Chemical Engineering with a
12 concentration in Biological Technology, and I am a licensed project manager
13 professional.

14

15 Prior to joining SunEnergy1, I worked in the nuclear energy industry as a project
16 manager and instrumentation and controls engineer. I worked with many large-
17 scale utility providers, including Duke Energy Progress, LLC, Duke Energy
18 Carolinas, LLC, Virginia Electric and Power Company d/b/a Dominion Energy
19 North Carolina (“Dominion”), Florida Power & Light Company, and NextEra
20 Energy, Inc. on various projects. I have also conducted material procurement and
21 logistics on various oil and gas projects.

22

1 At SunEnergy1, I conduct project development and permitting activities for utility-
2 scale solar renewable energy facilities. I am the liaison between SunEnergy1 and
3 local community and government officials, and I present information about projects
4 to local government officials at quasi-judicial public hearings and to adjacent
5 property owners at community meetings. I obtain federal, state, and local permits
6 necessary for the solar facilities, and I coordinate and lead the SunEnergy1's project
7 development team and sub-contractors in relation to achieving project goals.
8

9 **Q. PLEASE SUMMARIZE YOUR CURRENT RESPONSIBILITIES WITH**
10 **SUNENERGY1.**

11 **A.** My current employment responsibilities are as follows:

- 12
- 13 • Conduct project development and permitting activities on utility-scale solar
14 renewable energy facilities.
- 15 • Lobby and act as the liaison between SunEnergy1 and local community and
16 government officials.
- 17 • Present SunEnergy1 projects at quasi-judicial public hearings and community
18 meetings.
- 19 • Communicate and perform required activities needed to obtain federal, state,
20 and local permits.
- 21 • Work with federal, state, and local governmental agencies, including mayors,
22 county managers, boards of commissioners, and planning boards on solar
23 projects.
- 24 • Coordinate and lead internal project development team and sub-contractors
25 across broad technical, financial, and business disciplines to achieve project
26 goals.
- 27 • Focus team on project objectives, and track progress to ensure project
28 milestones are completed on time, on budget, and with the desired outcome.
- 29 • Anticipate and manage changes effectively in a rapidly evolving business
30 environment.
- 31 • Report and escalate issues to upper management and stakeholders as needed.

1 Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS COMMISSION?

2 A. No

3

4 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

5 A. To satisfy the requirements of Commission Rule R8-63 under which this
6 Application for a Certificate of Public Convenience and Necessity ("CPCN") is
7 being requested.

8

9 Q. PLEASE STATE THE PARENT COMPANY OF THE APPLICANT.

10 A. As mentioned previously, SunEnergy1 is the parent company of the Applicant.

11

12 COMPANY BACKGROUND AND PROJECT FINANCE

13 Q. PLEASE DESCRIBE THE COMPANY'S PERSONNEL, TECHNICAL
14 EXPERIENCE, AND FINANCIAL CAPABILITY TO OWN AND
15 OPERATE THE PROJECT.

16 A. SunEnergy1 is a top five U.S. solar developer, owner, and operator of utility-scale
17 solar projects with close to 1 GW of installed solar power. SunEnergy1 has
18 pioneered large-scale solar power on the East Coast for nearly a decade, and has
19 developed numerous record-breaking solar projects in the region. SunEnergy1 is
20 vertically integrated and controls all stages of development in-house. SunEnergy1
21 has the financial strength to own and maintain a 5 GW pipeline of solar-ready
22 development sites and over 250 MW of owned solar facilities. SunEnergy1's

1 financial statements are filed confidentially and under seal as Confidential Exhibit
2 1.

3
4 SunEnergy1's professional team works closely with manufacturers, utilities, and
5 industry groups to ensure the safety, performance, and cost efficiency of its
6 projects. The Company's employees work closely with the National Electric Code
7 (NEC), National Fire Protection Association (NFPA) 70E, and other government
8 agencies to ensure that safety in the solar industry continues to improve.

9
10 Kenny Habul, SunEnergy1's CEO and President, has been involved in photovoltaic
11 ("PV") solar and solar thermal since 1996, and has established himself as a leader
12 in the field of sustainable construction technologies. Prior to forming SunEnergy1,
13 Mr. Habul was a partner in Habul Brothers Luxury Home Construction, one of the
14 most prominent and innovative builders in Queensland, Australia. Mr. Habul has
15 vast experience in commercial and residential construction, and has a passion for
16 sustainable construction practices and solar energy. He holds a Bachelor of Laws
17 degree from Bond University in Australia.

18
19 Bradley Fite is SunEnergy1's Chief Operations Officer, and he holds an
20 Unlimited/Master Electrical License in multiple states. He is certified through the
21 Underwriter's Laboratory (UL) as a professional PV installer and holds several
22 certifications through the North American Board of Certified Energy Practitioners

1 (NABCEP). He is an active member of the Institute of Electrical and Electronics
2 Engineers Association (IEEE) and NFPA, and he works closely with utilities and
3 manufacturers to stay on the leading edge of the PV industry. Mr. Fite is directly
4 involved with all aspects of the Company and oversees projects from the initial
5 development through construction, operations, and maintenance. He has over 20
6 years of construction experience, and has built more than 500 MW AC of solar
7 PV projects.

8
9 Kevin Chen is SunEnergy1's Chief Commercial Officer. Prior to joining
10 SunEnergy1, he had a number of leadership positions in the power industry. He
11 has worked in the business from leading global technology and equipment supply,
12 large utility transmission and distribution operation, and generation project
13 development. His solar development experience has grown from 250 MW of DG
14 portfolio to community solar and utility-scale projects. Mr. Chen received his
15 master's degree in electric power from Iowa State University and his MBA from
16 University of California at Los Angeles.

17
18 Brian Kennedy, is SunEnergy1's Vice President of Business Development, and he
19 brings over 25 years of energy industry experience to SunEnergy1. Prior to
20 joining the Company, Mr. Kennedy initiated and established the solar enterprise
21 for the largest utility company in the country. As such, he was directly
22 responsible for the development of dozens of utility-scale solar projects across the

1 country, totaling nearly 1 GW of installed capacity and representing over \$1
2 billion worth of investment. Mr. Kennedy holds an MBA from Xavier
3 University.

4
5 Joel Sossamon is SunEnergy1's Vice President of Field Operations. He has held
6 an unlimited electrical license in the State of North Carolina for more than three
7 decades, and is responsible for the overall management of the solar installation
8 projects for SunEnergy1 from ground-mount systems to rooftop arrays. He brings
9 more than 40 years of electrical contracting experience in both commercial and
10 industrial settings. Mr. Sossamon is adept at managing large teams of personnel
11 and contractors to ensure SunEnergy1's projects are built to the highest standards
12 and with the utmost efficiency.

13
14 **Q. WHAT IS THE CONSTRUCTION TIMELINE FOR THE FACILITY?**

15 A. The project is projected to be placed in-service in various phases before December
16 2020.

17
18 **SITE AND FACILITY DESCRIPTION**

19 **Q. WHERE IS THE PROJECT LOCATED?**

20 A. The project is located south side of Mackeys Road, east/west of Cross Road, and
21 northeast of Woodlawn Road, in the Town of Roper, Washington County, North
22 Carolina.

1

2 **Q. WHAT IS THE CURRENT LAND USE AND ANTICIPATED USE?**

3 A. The project will be located on several parcels in Washington County, North
4 Carolina in the location described above and as shown on layout map attached
5 hereto as Exhibit 2. The site is comprised of rural land, some of which is utilized
6 for agricultural purposes. SunEnergy1's affiliate, VL Director Land Holdings,
7 LLC, owns the majority of the site and has site control of the parcels. VL Director
8 Land Holdings, LLC has provided Albemarle Beach Solar with the right to develop
9 and use the property for solar energy purposes, including the installation of solar
10 panels, inverters, transformers, and other elements of the facility described in the
11 Application.

12

13 **Q. HOW WILL THE PROJECT BE INTERCONNECTED TO THE GRID?**

14 A. Albemarle Beach Solar will interconnect with the Dominion transmission grid, and
15 Albemarle Beach Solar will sell the electricity generated at its facility at wholesale
16 to a retail customer.

17

18 **Q. WHAT IS THE FACILITY'S ANTICIPATED ELECTRICITY
19 PRODUCTION CAPACITY?**

20 A. The maximum gross power production capacity of the facility is 80 MW.

21

22

1 Q. PLEASE DESCRIBE THE BASIC COMPONENTS OF THE FACILITY.

2 A. Albemarle Beach Solar is an 80-MW PV array, and the source of its power is solar
3 energy. The facility is a single-axis tracking, ground-mounted solar PV system,
4 and the facility will be comprised of solar panels, inverters, transformers, racking,
5 posts, wiring, utility poles, communication poles, security camera, collector station,
6 and accessories.

7

8 Q. PLEASE EXPLAIN THE NEED FOR THE FACILITY.

9 A. Please see the Officer's Certificate and Digital Realty Press Release filed as Exhibit
10 3. As noted in the Release, Digital Realty, a leading global provider of data center,
11 colocation and interconnection solutions, has entered into a purchase power
12 agreement ("PPA") on behalf of Facebook to support Facebook's renewable energy
13 goals at data center facilities leased from Digital Realty. SunEnergy1 and Digital
14 Realty have entered into a long-term PPA for SunEnergy1 to deliver 80 MW of
15 solar power capacity to Facebook. Under the terms of the agreement, all renewable
16 energy certificates and environmental claims will be delivered to Facebook.

17

18 **REGULATORY APPROVALS AND PERMITS**

19

20 Q. DOES WASHINGTON COUNTY HAVE A SOLAR ENERGY
21 ORDINANCE?

22

1 A. Yes. Washington County adopted its Solar Development Ordinance on July 7,
2 2014 as Article 13 of the Zoning Ordinance for Washington County. The Solar
3 Development Ordinance was adopted by the Washington County Board of
4 Commissioners pursuant to the authority and provisions of N.C. Gen. Stat. §
5 153A-121 (general ordinance-making power), N.C. Gen. Stat. § 153A-340 (grant
6 of power), and other applicable law, provided nothing shall be interpreted to
7 conflict with or supersede any provision of N.C. Gen. Stat. § 153A-144
8 (limitations on regulating solar collectors). The Solar Development Ordinance
9 was further amended, and the amendments were adopted and approved by the
10 Washington County Board of Commissioners on December 7, 2015.

11
12 **Q. DESCRIBE THE PERMITS AND APPROVALS YOU ANTICIPATE**
13 **WILL BE NECESSARY TO COMMENCE CONSTRUCTION OF THE**
14 **FACILITY.**

15 A. Albemarle Beach Solar has obtained a Special Use Permit (“SUP”), as required
16 by the Washington County zoning requirements. The Washington County Board
17 of Commissioners, which has final authority to approve the SUP, unanimously
18 voted to approve the SUP at a public hearing, and the final Order approving the
19 SUP is attached hereto as Exhibit 4. In addition to the SUP, Washington County
20 participates in the National Flood Insurance Program and enforces a Flood
21 Damage Prevention Ordinance that requires a Floodplain Development Permit to
22 be issued for all development located in the Special Flood Hazard Area (“SFHA”)

1 within its jurisdiction. Washington County's Floodplain Administrator will
2 review and advise if permits will be needed for each part of the project within the
3 SFHA. Albemarle Beach Solar will also obtain a Building Permit from
4 Washington County.

5
6 From the State of North Carolina, the facility will require a driveway permit from
7 the North Carolina Department of Transportation, and approval of an erosion and
8 sedimentation control plan from the NC Department of Environmental Quality
9 ("NCDEQ").

10
11 In regard to federal permits and approvals, Albemarle Beach Solar has submitted
12 a self-certification package to United States Fish and Wildlife Service
13 ("USFWS") for a wildlife analysis, which was approved by the USFWS on
14 November 30, 2018. Additionally, Phase I and Phase II cultural resource
15 assessments were conducted on the original footprint of the project on September
16 1, 2016. A Phase I assessment on the new parcels is currently being conducted. A
17 wetland delineation for the entire site was confirmed by the US Army Corps of
18 Engineers ("USACE") in November, 2019. Albemarle Beach Solar has received a
19 preliminary jurisdictional determination from the USACE.

20
21 Additionally, Albemarle Beach Solar may apply for a Market-Based Rate
22 Authorization from the Federal Energy Regulatory Commission ("FERC"),

1 pursuant to Sections 205 and 206 of the Federal Power Act, and may seek to self-
2 certify with FERC as an Exempt Wholesale Generator pursuant to the Public
3 Utility Holding Company Act of 2005. The facility will also be registered as a
4 Generator-Owner with the North American Electric Reliability Corporation
5 (“NERC”).
6

7 **COMMUNITY**

8 **Q. PLEASE DESCRIBE THE ANTICIPATED BENEFITS OF THE**
9 **FACILITY TO FACEBOOK AND THE LOCAL COMMUNITY.**

10 A. The Albemarle Beach Solar facility will benefit Facebook by enabling Facebook
11 to meet its renewable energy goal of supporting all of its operations with 100%
12 renewable energy. With delivery of renewable energy from the SunEnergy1
13 facility to Facebook, Facebook’s quality standards for new renewable energy
14 projects within the same power grid as the data center load will be met.
15

16 The Albemarle Beach Solar facility also bring a variety of financial benefits to
17 Washington County. Albemarle Beach Solar anticipates that the County will
18 realize property and real estate tax revenues from the project. Aside from these
19 financial benefits, Albemarle Beach Solar will also create community benefits.
20 Albemarle Beach Solar will enhance the County’s reputation as an attractive and
21 friendly environment for advanced manufacturing, technology, and related jobs.
22 Local contractors and businesses such as installation, fencing, landscaping, and

1 machine rental companies will receive sales opportunities from the facility
2 construction and operations. During the approximately year-long construction
3 process, the facility will offer full-time construction jobs. Albemarle Beach Solar
4 expects to hire up to 1,200 workers for the duration of the construction phase.
5 Increased economic activity in the area is expected to increase revenue for local
6 hotels, restaurants, service stores, and other vendors.
7

8 **Q. WHAT ARE THE EXPECTED ENVIRONMENTAL IMPACTS OF THE**
9 **FACILITY?**

10 A. By design and by its nature as a solar PV facility, the facility will provide clean
11 renewable power with minimal environmental impacts. The facility will create no
12 air or water emissions and no environmental contamination. There will be no
13 noise impact after construction outside of the fence line. At the end of the
14 facility's useful life, materials can be recycled or sold for scrap, and the land can
15 be returned to agricultural use.
16

17 **OFF-TAKE PLANS**

18 **Q. WHAT ARE THE LONG-TERM PLANS FOR OWNERSHIP OF THE**
19 **PROJECT?**

20 A. Currently, Albemarle Beach Solar will own 100% of the generated power from this
21 project. In the event of any change in ownership interest, the Applicant will notify
22 the Commission.

1

2 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

3 A. Yes.

4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

(WHEREUPON, Nwadike Confidential Amended Direct Exhibits 1, 5, 9 and 10, and Nwadike Amended Direct Exhibits 2, 3, 4, 6, 7 and 8 are received into evidence.)

(WHEREUPON, the prefiled amended direct testimony of LINDA NWADIKE is copied into the record as if given orally from the stand.)

1

INTRODUCTION2 **Q. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS.**

3 .A. My name is Linda Nwadike. I am a Project Manager for SunEnergy1, LLC
4 (“SunEnergy1” or the “Company”), an affiliate of the Applicant Albemarle Beach
5 Solar, LLC (“Albemarle Beach Solar” or “Applicant”). Albemarle Beach Solar is
6 a North Carolina limited liability company that was formed on May 29, 2015. My
7 business address is 192 Raceway Drive, Mooresville, North Carolina 28117.

8 **Q. PLEASE DESCRIBE YOUR EDUCATION AND PROFESSIONAL**
9 **EXPERIENCE.**

10 A. I obtained a Bachelor of Science degree in Chemical Engineering with a
11 concentration in Biological Technology, and I am a licensed project manager
12 professional.

13 Prior to joining SunEnergy1, I worked in the nuclear energy industry as a
14 project manager and instrumentation and controls engineer. I worked with many
15 large-scale utility providers, including Duke Energy Progress, LLC, Duke Energy
16 Carolinas, LLC, Virginia Electric and Power Company d/b/a Dominion Energy
17 North Carolina (“Dominion”), Florida Power & Light Company, and NextEra
18 Energy, Inc. on various projects. I have also conducted material procurement and
19 logistics on various oil and gas projects.

20 At SunEnergy1, I conduct project development and permitting activities for
21 utility-scale solar renewable energy facilities. I am the liaison between SunEnergy1
22 and local community and government officials. I present information about projects

1 to local government officials at quasi-judicial public hearings and to adjacent
2 property owners at community meetings. I obtain federal, state, and local permits
3 necessary for the solar facilities, and I coordinate and lead the SunEnergy1's project
4 development team and sub-contractors in relation to achieving project goals.

5 **Q. PLEASE SUMMARIZE YOUR CURRENT RESPONSIBILITIES WITH**
6 **SUNENERGY1.**

7 A. My current employment responsibilities are as follows:

- 8
- 9 • Conduct project development and permitting activities on utility-scale solar
10 renewable energy facilities.
 - 11 • Lobby and act as the liaison between SunEnergy1 and local community and
12 government officials.
 - 13 • Present SunEnergy1 projects at quasi-judicial public hearings and community
14 meetings.
 - 15 • Communicate and perform required activities needed to obtain federal, state,
16 and local permits.
 - 17 • Work with federal, state, and local governmental agencies, including mayors,
18 county managers, boards of commissioners, and planning boards on solar
19 projects.
 - 20 • Coordinate and lead internal project development team and sub-contractors
21 across broad technical, financial, and business disciplines to achieve project
22 goals.
 - 23 • Focus team on project objectives, and track progress to ensure project
24 milestones are completed on time, on budget, and with the desired outcome.
 - 25 • Anticipate and manage changes effectively in a rapidly evolving business
26 environment.
 - 27 • Report and escalate issues to upper management and stakeholders as needed.

28 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS COMMISSION?**

29 A. No

30 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

1 A. To satisfy the requirements of Commission Rule R8-63 under which this
2 Application for a Certificate of Public Convenience and Necessity (“CPCN”) is
3 being requested.

4 **Q. PLEASE STATE THE PARENT COMPANY OF THE APPLICANT.**

5 A. SunEnergy1 is the parent company of the Applicant.

6 **COMPANY BACKGROUND AND PROJECT FINANCE**

7 **Q. PLEASE DESCRIBE THE COMPANY’S PERSONNEL, TECHNICAL**
8 **EXPERIENCE, AND FINANCIAL CAPABILITY TO OWN AND**
9 **OPERATE THE PROJECT.**

10 A. SunEnergy1 is a top five U.S. solar developer, owner, and operator of utility-scale
11 solar projects with close to 1 GW of installed solar power. SunEnergy1 has
12 pioneered large-scale solar power on the East Coast for nearly a decade, and has
13 developed numerous record-breaking solar projects in the region. SunEnergy1 is
14 vertically integrated and controls all stages of development in-house. SunEnergy1
15 has the financial strength to own and maintain a 5 GW pipeline of solar-ready
16 development sites and over 250 MW of owned solar facilities. SunEnergy1’s
17 financial statements are filed confidentially and under seal as Confidential Exhibit
18 1.

19 SunEnergy1’s professional team works closely with manufacturers,
20 utilities, and industry groups to ensure the safety, performance, and cost efficiency
21 of its projects. The Company’s employees work closely with the National Electric
22 Code (NEC), National Fire Protection Association (NFPA) 70E, and other

1 government agencies to ensure that safety in the solar industry continues to
2 improve.

3 Kenny Habul, SunEnergy1's CEO and President, has been involved in
4 photovoltaic ("PV") solar and solar thermal since 1996, and has established himself
5 as a leader in the field of sustainable construction technologies. Prior to forming
6 SunEnergy1, Mr. Habul was a partner in Habul Brothers Luxury Home
7 Construction, one of the most prominent and innovative builders in Queensland,
8 Australia. Mr. Habul has vast experience in commercial and residential
9 construction, and has a passion for sustainable construction practices and solar
10 energy. He holds a Bachelor of Laws degree from Bond University in Australia.

11 Bradley Fite is SunEnergy1's Chief Operations Officer, and he holds an
12 Unlimited/Master Electrical License in multiple states. He is certified through the
13 Underwriter's Laboratory (UL) as a professional PV installer and holds several
14 certifications through the North American Board of Certified Energy Practitioners
15 (NABCEP). He is an active member of the Institute of Electrical and Electronics
16 Engineers Association (IEEE) and NFPA, and he works closely with utilities and
17 manufacturers to stay on the leading edge of the PV industry. Mr. Fite is directly
18 involved with all aspects of the Company and oversees projects from the initial
19 development through construction, operations and maintenance. He has over 20
20 years of construction experience, and has built more than 500 MW AC of solar
21 PV projects.

1 Kevin Chen is SunEnergy1's Chief Commercial Officer. Prior to joining
2 SunEnergy1, he had a number of leadership positions in the power industry. He
3 has worked in the business from leading global technology and equipment supply,
4 large utility transmission and distribution operation, and generation project
5 development. His solar development experience has grown from 250 MW of DG
6 portfolio to community solar and utility-scale projects. Mr. Chen received his
7 master's degree in electric power from Iowa State University and his MBA from
8 University of California at Los Angeles.

9 Brian Kennedy, is SunEnergy1's Vice President of Business
10 Development, and he brings over 25 years of energy industry experience to
11 SunEnergy1. Prior to joining the Company, Mr. Kennedy initiated and
12 established the solar enterprise for the largest utility company in the country. As
13 such, he was directly responsible for the development of dozens of utility-scale
14 solar projects across the country, totaling nearly 1 GW of installed capacity and
15 representing over \$1 billion worth of investment. Mr. Kennedy holds an MBA
16 from Xavier University.

17 Joel Sossamon is SunEnergy1's Vice President of Field Operations. He
18 has held an unlimited electrical license in the State of North Carolina for more
19 than three decades, and is responsible for the overall management of the solar
20 installation projects for SunEnergy1 from ground-mount systems to rooftop
21 arrays. He brings more than 40 years of electrical contracting experience in both
22 commercial and industrial settings. Mr. Sossamon is adept at managing large

1 teams of personnel and contractors to ensure SunEnergy1's projects are built to
2 the highest standards and with the utmost efficiency.

3 **Q. WHAT IS THE CONSTRUCTION TIMELINE FOR THE FACILITY?**

4 A. The project is projected to be placed in-service in various phases before December
5 2020.

6 **Q. WHAT ARE THE ESTIMATED CONSTRUCTION COSTS FOR THE
7 FACILITY?**

8 A. The estimated construction costs are provided confidentially and under seal as
9 Confidential Exhibit 5.

10 **Q. DOES THE APPLICANT HAVE OWNERSHIP INTEREST IN AND/OR
11 THE ABILITY TO CONTROL GENERATING FACILITIES IN THE
12 SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL REGION?**

13 A. Yes. The Applicant's affiliate, SunEnergy1, has ownership interest in and/or the
14 ability to control through leases or contracts numerous solar generating facilities in
15 the Southeastern Electric Reliability Council ("SERC") region. Please see a list of
16 generating facilities that SunEnergy1 owns or controls through leases or contracts
17 in the SERC region attached hereto as Exhibit 6.

18 **SITE AND FACILITY DESCRIPTION**

19 **Q. WHERE IS THE PROJECT LOCATED?**

20 A. The project is located south side of Mackeys Road, east/west of Cross Road, and
21 northeast of Woodlawn Road, in the Town of Roper, Washington County, North
22 Carolina.

1 **Q. WHAT IS THE CURRENT LAND USE AND ANTICIPATED USE?**

2 A. The project will be located on several parcels in Washington County, North
3 Carolina in the location described above and as shown on layout map attached
4 hereto as Exhibit 2. The site is comprised of rural land, some of which is utilized
5 for agricultural purposes. SunEnergy1's affiliate, VL Director Land Holdings,
6 LLC, owns the majority of the site and has site control of the parcels. VL Director
7 Land Holdings, LLC has provided Albemarle Beach Solar with the right to develop
8 and use the property for solar energy purposes, including the installation of solar
9 panels, inverters, transformers, and other elements of the facility described in the
10 Application.

11 **Q. WHAT IS THE FACILITY'S ANTICIPATED ELECTRICITY**
12 **PRODUCTION CAPACITY?**

13 A. The maximum gross power production capacity of the facility is 80 MW.

14 **Q. PLEASE DESCRIBE THE BASIC COMPONENTS OF THE FACILITY.**

15 A. Albemarle Beach Solar is an 80-MW PV array, and the source of its power is solar
16 energy. The facility will be a single-axis tracking, ground-mounted solar PV
17 system, and the facility will be comprised of solar arrays, inverters, generator step-
18 up ("GSU") transformers, racking, posts, wiring, utility poles, communication
19 poles, security camera, collector station, and accessories. A color map showing the
20 proposed site boundary, layout with all major equipment, roads, and, and electric
21 facilities is attached hereto as Exhibit 7.

1 Q. PLEASE DESCRIBE THE TRANSMISSION FACILITIES TO WHICH
2 THE FACILITY WILL INTERCONNECT AND HOW THE PROJECT
3 WILL BE INTERCONNECTED TO THE GRID?

4 A. The GSU transformers will connect the solar inverters to the newly constructed
5 34.5 kV collector station directly adjacent to the Virginia Electric and Power
6 Company, d/b/a Dominion Energy North Carolina (“Dominion Energy” or
7 “Dominion”) Mackeys 230 kV substation. The facility will connect to the Point of
8 Interconnection (“POI”) via two 230/34.5 kV wye grounded main power
9 transformers with a rating of 26.88/35.84/44.8 MVA. The POI will be at the
10 existing Mackeys 230 kV substation. A diagram showing the location of the
11 collector station and the Mackeys 230 kV substation is attached hereto as Exhibit
12 8.

13 Albemarle Beach Solar’s affiliate owns the current parcel where the
14 collector station will be located, which is directly adjacent to Mackeys 230 kV
15 substation. Therefore, no additional right-of-way is needed.

16 Albemarle Beach Solar will interconnect with the transmission grid owned
17 by Dominion Energy. Albemarle Beach Solar has entered into an Interconnection
18 Service Agreement and Interconnection Construction Agreement with Dominion
19 and PJM Interconnection, LLC (“PJM”) (PJM Queue No. AA2-178), and those
20 agreements provide the terms and conditions under which the project will
21 interconnect. The Interconnection Service Agreement is attached confidentially

1 and under seal as Confidential Exhibit 9, and the Interconnection Construction
2 Agreement is attached confidentially and under seal as Confidential Exhibit 10.

3 The project is located on a number of parcels of land. The individual blocks
4 of trackers with solar modules will be connected through medium-voltage cable
5 runs through the parcels. These connections will either use overhead poles or
6 buried cable installed in culverts or via directional boring. The project has a
7 minimum setback of 75 feet from all property boundaries and 300 feet from all
8 residential property boundaries, and the inverters will be located no less than 100
9 feet from any dwelling unit.

10 NEED FOR THE FACILITY

11 **Q. PLEASE EXPLAIN THE NEED FOR THE FACILITY.**

12 A. Albemarle Solar will interconnect with the Dominion Energy transmission grid,
13 affording it access to PJM, a Regional Transmission Organization (“RTO”) in
14 which Dominion participates. PJM coordinates the movement of electricity
15 through all or parts of thirteen states (Delaware, Illinois, Indiana, Kentucky,
16 Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee,
17 Virginia, West Virginia) and the District of Columbia. See [https://pjm.com/-](https://pjm.com/-/media/library/reports-notices/load-forecast/2019-rpm-load-forecast.ashx?la=en)
18 [/media/library/reports-notices/load-forecast/2019-rpm-load-forecast.ashx?la=en](https://pjm.com/-/media/library/reports-notices/load-forecast/2019-rpm-load-forecast.ashx?la=en).

19 Albemarle Beach Solar believes that there are strong market conditions in
20 the PJM market that will create sustainable off-take for its power production.
21 Demand for renewable energy is expected to increase in the southeast over the
22 expected lifetime of the project. Dominion Energy has committed to increasing its

1 use of renewable power to generate 5,000 MW of electricity by 2028. Dominion's
2 commitment to renewable power is consistent with state-level policy set by the
3 Virginia Assembly, which affirmed the importance of renewable energy generation
4 in passing the Grid Transformation and Security Act of 2018 ("GTSA"), signed
5 into law on March 9, 2018. The GTSA finds that up to an additional 5,000 MW of
6 utility-scale electric generating facilities powered by solar and wind energy is in
7 the public interest, along with up to an additional 500 MW of non-utility scale solar
8 or wind generating facilities, including rooftop solar installations.

9 Albemarle Beach Solar anticipates contracting the sale of energy,
10 capacity, and Renewable Energy Credits ("RECs") through PJM. Load growth
11 for the PJM RTO as a whole, and more specifically for the Dominion Virginia
12 power zone, which serves parts of Eastern North Carolina and Virginia is
13 expected to increase over the next ten to fifteen years as described both for winter
14 and summer months. Annual net energy growth rates for PJM over the next ten
15 years is expected to grow by 0.4% for PJM and 1.1% for the Dominion Virginia
16 Power zone. See [https://pjm.com/-/media/library/reports-notice/load-](https://pjm.com/-/media/library/reports-notice/load-forecast/2019-rpm-load-forecast.ashx?la=en)
17 [forecast/2019-rpm-load-forecast.ashx?la=en](https://pjm.com/-/media/library/reports-notice/load-forecast/2019-rpm-load-forecast.ashx?la=en), p. 80. Summer peak load for PJM
18 is expected to grow by 0.9% per year over the next ten years, and the summer
19 peak load for the Dominion Virginia Power zone is expected to grow by 0.9% per
20 year over the next ten years. *Id.* at 43.

21 Winter peak load growth in PJM is expected to average 0.4% per year over
22 the next ten-year period. *Id.* at 47. Winter peak load growth in the Dominion

1 Virginia Power zone is expected to grow by 1.1% per year over the next ten years,
2 *Id.* at 47.

3 **Q. DESCRIBE THE OFF-TAKE PLANS FOR THE PROJECT.**

4 A. As mentioned above, expectations for the purchase of power from the PJM market
5 in the southeast United States are strong. Furthermore, Digital Realty, a leading
6 global provider of data center, colocation and interconnection solutions, has entered
7 into a purchase power agreement (“PPA”) on behalf of Facebook to support
8 Facebook’s renewable energy goals at data center facilities leased from Digital
9 Realty. SunEnergy1 and Digital Realty have entered into a long-term PPA for
10 SunEnergy1 to deliver 80 MW of solar power capacity to Facebook. Under the
11 terms of the agreement, all renewable energy certificates and environmental claims
12 will be delivered to Facebook. Please see the Officer’s Certificate and Digital
13 Realty Release filed as Exhibit 3.

14 **REGULATORY APPROVALS AND PERMITS**

15 **Q. DOES WASHINGTON COUNTY HAVE A SOLAR ENERGY**
16 **ORDINANCE?**

17 A. Yes. Washington County adopted its Solar Development Ordinance on July 7,
18 2014 as Article 13 of the Zoning Ordinance for Washington County. The Solar
19 Development Ordinance was adopted by the Washington County Board of
20 Commissioners pursuant to the authority and provisions of N.C. Gen. Stat. §
21 153A-121 (general ordinance-making power), N.C. Gen. Stat. § 153A-340 (grant
22 of power), and other applicable law, provided nothing shall be interpreted to

1 conflict with or supersede any provision of N.C. Gen. Stat. § 153A-144
2 (limitations on regulating solar collectors). The Solar Development Ordinance
3 was further amended, and the amendments were adopted and approved by the
4 Washington County Board of Commissioners on December 7, 2015.

5 **Q. DESCRIBE THE PERMITS AND APPROVALS YOU ANTICIPATE**
6 **WILL BE NECESSARY TO COMMENCE CONSTRUCTION OF THE**
7 **FACILITY.**

8 A. Albemarle Beach Solar has obtained a Special Use Permit (“SUP”), as required
9 by the Washington County zoning requirements. The Washington County Board
10 of Commissioners, which has final authority to approve the SUP, unanimously
11 voted to approve the SUP at a public hearing, and the final Order approving the
12 SUP is attached hereto as Exhibit 4. In addition to the SUP, Washington County
13 participates in the National Flood Insurance Program and enforces a Flood
14 Damage Prevention Ordinance that requires a Floodplain Development Permit to
15 be issued for all development located in the Special Flood Hazard Area (“SFHA”)
16 within its jurisdiction. Washington County’s Floodplain Administrator will
17 review and advise if permits will be needed for each part of the project within the
18 SFHA. Albemarle Beach Solar will also obtain a Building Permit from
19 Washington County.

20 From the State of North Carolina, the facility will require a driveway
21 permit from the North Carolina Department of Transportation, and approval of an

1 erosion and sedimentation control plan from the NC Department of
2 Environmental Quality (“NCDEQ”).

3 In regard to federal permits and approvals, Albemarle Beach Solar has
4 submitted a self-certification package to United States Fish and Wildlife Service
5 (“USFWS”) for a wildlife analysis, which was approved by the USFWS on
6 November 30, 2018. Additionally, Phase I and Phase II cultural resource
7 assessments were conducted on the original footprint of the project on September
8 1, 2016. A Phase I assessment on the new parcels is currently being conducted. A
9 wetland delineation for the entire site was confirmed by the US Army Corps of
10 Engineers (“USACE”) in November, 2019. Albemarle Beach Solar has received a
11 preliminary jurisdictional determination from the USACE.

12 Additionally, Albemarle Beach Solar may apply for a Market-Based Rate
13 Authorization from the Federal Energy Regulatory Commission (“FERC”),
14 pursuant to Sections 205 and 206 of the Federal Power Act, and may seek to self-
15 certify with FERC as an Exempt Wholesale Generator pursuant to the Public
16 Utility Holding Company Act of 2005. The facility will also be registered as a
17 Generator-Owner with the North American Electric Reliability Corporation
18 (“NERC”).

19 COMMUNITY

20 **Q. PLEASE DESCRIBE THE ANTICIPATED BENEFITS OF THE**
21 **FACILITY TO FACEBOOK AND THE LOCAL COMMUNITY.**

1 A. The Albemarle Beach Solar facility will benefit Facebook by enabling Facebook
2 to meet its renewable energy goal of supporting all of its operations with 100%
3 renewable energy. With delivery of renewable energy from the SunEnergy1
4 facility to Facebook, Facebook's quality standards for new renewable energy
5 projects within the same power grid as the data center load will be met.

6 The Albemarle Beach Solar facility also bring a variety of financial
7 benefits to Washington County. Albemarle Beach Solar anticipates that the
8 County will realize property and real estate tax revenues from the project. Aside
9 from these financial benefits, Albemarle Beach Solar will also create community
10 benefits. Albemarle Beach Solar will enhance the County's reputation as an
11 attractive and friendly environment for advanced manufacturing, technology, and
12 related jobs. Local contractors and businesses such as installation, fencing,
13 landscaping, and machine rental companies will receive sales opportunities from
14 the facility construction and operations. During the approximately year-long
15 construction process, the facility will offer full-time construction jobs. Albemarle
16 Beach Solar expects to hire up to 1,200 workers for the duration of the
17 construction phase. Increased economic activity in the area is expected to
18 increase revenue for local hotels, restaurants, service stores, and other vendors.

19 **Q. WHAT ARE THE EXPECTED ENVIRONMENTAL IMPACTS OF THE**
20 **FACILITY?**

21 A. By design and by its nature as a solar PV facility, the facility will provide clean
22 renewable power with minimal environmental impacts. The facility will create no

1 air or water emissions and no environmental contamination. There will be no
2 noise impact outside of the fence line. At the end of the facility's useful life,
3 materials can be recycled or sold for scrap, and the land can be returned to
4 agricultural use.

5 **OFF-TAKE PLANS**

6 **Q. WHAT ARE THE LONG-TERM PLANS FOR OWNERSHIP OF THE**
7 **PROJECT?**

8 A. Currently, Albemarle Beach Solar will own 100% of the generated power from this
9 project. In the event of any change in ownership interest, the Applicant will notify
10 the Commission.

11 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

12 A. Yes.

13

1 EXAMINER BUFFKIN: Anything further tonight?

2 MS. KEMERAIT: Not from the Applicant.

3 EXAMINER BUFFKIN: Thank you. You're
4 excused.

5 (The witness is excused)

6 EXAMINER BUFFKIN: So that will conclude our
7 evidentiary hearing tonight. We will head --

8 MS. JOST: Hearing Officer Buffkin --

9 EXAMINER BUFFKIN: I'm sorry.

10 MS. JOST: We would like --

11 EXAMINER BUFFKIN: Oh, you need
12 Mr. Lawrence's testimony in the record, don't you?
13 Thank you.

14 MS. JOST: We'd actually like him to provide
15 a summary.

16 EXAMINER BUFFKIN: Oh, yes, of course. Of
17 course.

18 MS. JOST: The Public Staff calls Evan
19 Lawrence.

20 EXAMINER BUFFKIN: Thank you, Mr. Lawrence.
21 Please come on around. And if you would state your
22 name and address for the record, please.

23 MR. LAWRENCE: My name is Evan Lawrence. My
24 business address is 430 North Salisbury Street,

1 Raleigh, North Carolina.

2 EXAMINER BUFFKIN: Thank you.

3 EVAN D. LAWRENCE;

4 having been duly sworn,

5 testified as follows:

6 EXAMINER BUFFKIN: Ms. Jost.

7 DIRECT EXAMINATION BY MS. JOST:

8 Q Mr. Lawrence, would you please state your present
9 position with the Public Staff?

10 A I am an Engineer with the Public Staff's Electric
11 Division.

12 Q Did you prepare and cause to be filed on May 24,
13 2019, testimony in this case consisting of eight
14 pages and an appendix?

15 A Yes, I did.

16 Q Do you have any corrections or changes to this --
17 that testimony at this time?

18 A I do not.

19 Q If the same questions were asked of you today,
20 would your answers be the same?

21 A They would.

22 MS. JOST: I move that the direct testimony
23 of Evan Lawrence filed on May 24, 2019, be copied into
24 the record as if given orally from the stand, and his

1 appendix be premarked as filed.

2 EXAMINER BUFFKIN: Without objection, so
3 ordered.

4 MS. JOST: Thank you.

5 (WHEREUPON, the prefiled direct
6 testimony and Appendix A of EVAN
7 D. LAWRENCE is copied into the
8 record as if given orally from the
9 stand.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. EMP-103, SUB 0**

**Testimony of Evan D. Lawrence
On Behalf of the Public Staff
North Carolina Utilities Commission**

May 24, 2019

1 **Q. PLEASE STATE YOUR NAME AND ADDRESS FOR THE**
2 **RECORD.**

3 A. My name is Evan D. Lawrence. My business address is 430 North
4 Salisbury Street, Raleigh, North Carolina.

5 **Q. WHAT IS YOUR POSITION WITH THE PUBLIC STAFF?**

6 A. I am an engineer in the Electric Division of the Public Staff.

7 **Q. WOULD YOU BRIEFLY DISCUSS YOUR EDUCATION AND**
8 **EXPERIENCE?**

9 A. Yes. My education and experience are summarized in Appendix A to
10 my testimony.

11 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

12 A. The purpose of my testimony is to make recommendations to the
13 Commission on the request for a Certificate of Public Convenience
14 and Necessity (CPCN) filed by Albemarle Beach Solar, LLC
15 (Applicant), to construct an 80 megawatt AC (MW_{AC}) solar
16 photovoltaic (PV) merchant electric generating facility in Washington
17 County, North Carolina (the Facility).

1 The purpose of my testimony is as follows:

- 2 1. To discuss the compliance of the application with N.C. Gen.
3 Stat. § 62-110.1 and Commission Rule R8-63;
4 2. To discuss any concerns raised by the application; and
5 3. To make a recommendation regarding whether the
6 Commission should grant the requested certificate.

7 **Q. PLEASE BRIEFLY DESCRIBE THE GENERATION FACILITY**
8 **PROPOSED TO BE CONSTRUCTED BY THE APPLICANT.**

9 A. The Applicant proposes to construct an 80 MW_{AC} solar PV electric
10 generating facility in Washington County, North Carolina. The Facility
11 will utilize single axis tracking, ground mounted, solar PV modules.
12 Approximately 367,213 solar PV modules will be used along with
13 fifty-four 1.56 MW inverters. A 34.5 kV collector substation will be
14 constructed adjacent to an existing Dominion Energy North Carolina
15 (DENC) 230 kV substation. The point of interconnection (POI) will be
16 located at the existing DENC substation. The Applicant states that
17 either overhead or underground medium-voltage cable will be used
18 to connect the multiple sections of panels. The yearly generation is
19 anticipated to be 193,957 MWh. Due to the fact that solar is an
20 intermittent energy source, the maximum dependable capacity of the
21 plant is 0 MW. The expected life of the facility is a minimum of twenty
22 years.

1 **Q. HAS THE APPLICANT COMPLIED WITH THE COMMISSION'S**
2 **FILING REQUIREMENTS?**

3 A. Yes. The original application for the Facility was filed on September
4 21, 2015, in Docket SP-6476, Sub 0. On November 12, 2018, the
5 Applicant filed an amended application modifying the site layout to
6 reflect both the addition and removal of parcels of land.

7 On November 29, 2018, the Commission issued an Order
8 Transferring Record, Closing Docket, and Finding Application
9 Incomplete. This Order determined that the Applicant erred in
10 applying for a CPCN pursuant to Commission Rule R8-64, the rule
11 governing CPCN applications by CPRE program participants,
12 qualifying cogenerators, or small power producers, and that the
13 application is instead governed by Commission Rule R8-63, the rule
14 governing CPCN applications for merchant plants. Based on this
15 determination, the Order directs that Docket No. SP-6476, Sub 0, be
16 closed, and that the record from that docket be transferred to Docket
17 No. EMP-103, Sub 0. The Order further finds the Applicant's CPCN
18 application, as transferred to Docket No. EMP-103, Sub 0, to be
19 incomplete as it does not include pre-filed direct testimony
20 incorporating and supporting the application, as required by
21 Commission Rule R8-63(b)(5). The Order declares that the
22 Applicant's amended CPCN application filed in Docket No. SP-6476,
23 Sub 0, is an application for a CPCN for the construction of an electric

1 generating facility to be operated as a merchant plant pursuant to
2 Commission Rule R8-63, and that the Commission will consider the
3 application once the Applicant has supplemented it with the pre-filed
4 direct testimony required by Commission Rule R8-63(b)(5).

5 On March 28, 2019, the Applicant filed the direct testimony of Linda
6 Nwadike, Project Manager for SunEnergy1, LLC, along with four
7 accompanying exhibits. On April 11, 2019, the Applicant filed
8 Amended Pre-Filed Direct Testimony of Linda Nwadike along with
9 ten accompanying exhibits.

10 On April 11, 2019, the Public Staff notified the Commission that it
11 considered the application to be complete and requested that the
12 Commission issue a procedural order setting it for hearing. On April
13 26, 2019, the Commission issued an Order requiring public notice,
14 scheduling a hearing on June 4, 2019, for the purpose of receiving
15 public and expert testimony, and addressing other necessary
16 procedural matters. On May 1, 2019, the Commission issued an
17 Amended Order Scheduling Hearing and Requiring Public Notice to
18 correct scrivener's errors in the April 26, 2019, Order.

19 On May 20, 2019, the Applicant filed a certificate of service to show
20 compliance with Ordering Paragraph Number 3 of the Commission's
21 May 1, 2019 Order. This paragraph ordered the Applicant to mail a
22 copy of the public notice, no later than the first day of publication, to

1 each person who has filed a complaint in the proceeding, and to file
2 a certificate of service with the Commission on or before the date of
3 the hearing.

4 **Q. HAS THE APPLICANT SHOWN A NEED FOR ITS PROPOSED**
5 **FACILITY?**

6 A. Yes. The Applicant states that the Facility will interconnect with the
7 transmission system of DENC, which is a member of PJM. The
8 Applicant believes there are strong market conditions in the PJM
9 market that will create sustainable off-take for its power production.
10 The Applicant states that Dominion Energy has committed to
11 increasing its use of renewable power to generate 5,000 MW of
12 electricity by 2028. The Applicant states that it anticipates contracting
13 the sale of energy, capacity, and renewable energy credits (RECs)
14 through PJM. The annual net energy growth rates for PJM over the
15 next ten years is expected to grow by 0.4% for PJM and by 1.1% for
16 the Dominion Virginia Power zone. Summer peak load for PJM and
17 the Dominion Virginia Power zone is expected to grow by 0.9% per
18 year over the next ten years. The winter peak load growth in PJM is
19 expected to grow at an average of 0.4% per year over the next ten
20 year period, and by 1.1% per year for the Dominion Virginia Power
21 zone. The Applicant cites the March 2019 PJM Load Forecast Report
22 to support the growth in PJM, the growth in the Dominion Virginia
23 Power zone, and the need for the facility.

1 **Q. HAS THE STATE CLEARINGHOUSE COMPLETED ITS**
2 **APPLICATION REVIEW?**

3 A. No. The State Clearinghouse has not filed a letter in the docket in
4 response to the Commission's Order Scheduling Hearing and
5 Requiring Public Notice filed on April 26, 2019.

6 **Q. DOES THE PUBLIC STAFF HAVE ANY RECOMMENDATIONS**
7 **REGARDING THE SITING OF THE PROPOSED FACILITY OR ITS**
8 **ENVIRONMENTAL IMPACT?**

9 A. No. The Public Staff has reviewed the consumer statements of
10 position in this docket. With regard to the concerns raised regarding
11 compatibility with existing land uses and environmental impacts, the
12 Public Staff believes that these concerns are more appropriately
13 addressed through the local permitting process and through the
14 environmental permitting process. In its April 24, 2008, Order in
15 Docket No. SP-231, Sub 0, the Commission discussed local
16 authority over the siting of facilities, stating that "such decisions are,
17 in most instances, best left to the local community through the
18 exercise of its zoning authority rather than made by the
19 Commission." The Public Staff notes that, according to the
20 Applicant's witness, Linda Nwadike, Washington County has a Solar
21 Farm Ordinance that requires a solar development permit for all solar
22 projects proposed in the county.

1 In addition, the Public Staff does not have particular expertise in the
2 area of the impacts of electric generation on the environment. Those
3 issues are best left to the purview of environmental regulators who
4 do have this expertise, and who are responsible for issuing specific
5 environmental permits for electric generating facilities. To that end,
6 as stated below, the Public Staff recommends that the Commission
7 require compliance with all permitting requirements as a condition to
8 the issuance of the CPCN.

9 **Q. WHAT IS THE PUBLIC STAFF'S RECOMMENDATION ON THE**
10 **APPLICATION FOR A CPCN AND THE REGISTRATION**
11 **STATEMENT?**

12 A. The Public Staff recommends that the application be approved
13 subject to the following conditions:

- 14 1. The Applicant shall construct and operate the Facility in strict
15 accordance with applicable laws and regulations, including
16 the provisions of all permits issued by the North Carolina
17 Department of Environmental Quality;
- 18 2. The Applicant shall not begin construction until the State
19 Clearinghouse files comments indicating that no further
20 review action by the Commission is required for compliance
21 with the North Carolina Environmental Policy Act;

1 3. The CPCN shall be subject to Commission Rule
2 R8-63(e) and all orders, rules and regulations as are now or
3 may hereafter be lawfully made by the Commission; and

4 4. The Applicant shall file with the Commission in this docket a
5 progress report and any revisions in the cost estimates for the
6 Facility on an annual basis, including any storage systems to
7 be constructed at a later date, with the first report due no later
8 than six months from the date of issuance of the CPCN.

9 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

10 A. Yes, it does.

APPENDIX A

Evan D. Lawrence

I graduated from East Carolina University in Greenville, North Carolina in May of 2016 earning a Bachelor of Science degree in Engineering and a concentration in Electrical Engineering. I started my current position with the Public Staff in September of 2016. Since that time my duties and responsibilities have focused around the review of renewable energy projects, rate design, and renewable energy portfolio standards compliance. I have filed affidavits in Dominion Energy North Carolina's 2017 and 2018 REPS cost recovery proceeding, testimony in New River Light and Power's (NRLP) most recent rate case proceeding, and testimony in additional small power producer and merchant electric generating facilities (EMPs). I have also assisted other Public Staff personnel with the review and investigation of REPS Compliance Plans filed by the electric power suppliers, previous DEC and DEP REPS cost recovery proceedings, and multiple other cases.

1 BY MS. JOST:

2 Q Mr. Lawrence, have you prepared a summary of your
3 testimony?

4 A Yes.

5 Q Would you please provide that summary now?

6 A Yes.

7 (WHEREUPON, the summary of EVAN D.
8 LAWRENCE is copied into the record
9 as read from the witness stand.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

Summary of Testimony of Evan D. Lawrence
Docket No. EMP-103 Sub 0

The purpose of my testimony is to make recommendations to the Commission, based on the Public Staff's review and evaluation, as to whether a Certificate of Public Convenience and Necessity should be granted to Albemarle Beach Solar, LLC for its proposed 80 MW merchant electric generating facility in Washington County, North Carolina.

The Applicant has complied with all of the Commission's filing requirements to date. The Applicant has shown a need for the Facility, citing a need for energy and RECs in North Carolina and the PJM territory. This project will be privately financed and constructed. Any risk of default will be on private financiers and not North Carolina retail electric customers.

The Public Staff has reviewed the consumer statements of position filed in this docket. With regard to the concerns raised concerning compatibility with existing land uses and environmental impacts, the Public Staff believes that these concerns are more appropriately addressed through the local permitting process and through the environmental permitting process. The Public Staff notes that according to the Applicant's witness, Linda Nwadike, Washington County has a Solar Farm Ordinance that requires a solar development permit for all solar projects proposed in the county. In addition, the Public Staff does not have particular expertise in the area of the impacts of electric generation on the environment. Those issues are best left to the purview of environmental regulators, who are responsible for issuing specific environmental permits for electric generating facilities.

Based on the information known to date, I recommend that the application be approved, the certificate of public convenience and necessity be granted subject to the conditions listed in my testimony, including compliance with all permitting requirements.

This completes my summary.

1 MS. JOST: The witness is available for
2 cross examination.

3 MS. KEMERAIT: I have no questions.

4 EXAMINER BUFFKIN: Thank you. I think I
5 have just a few.

6 EXAMINATION BY EXAMINER BUFFKIN:

7 Q Witness Lawrence, could you tell me a little bit
8 more about your understanding of this virtual PPA
9 and the Applicant's plans to sell the output from
10 the facility?

11 A My understanding is that as more and more large
12 organizations are wanting to become 100 percent
13 renewable, and the virtual PPA is you're buying
14 the electricity without the third party reseller
15 issue because you're buying the Renewable Energy
16 Certificates, and with buying those they --
17 you're essentially buying the certificates
18 without the energy, but it's the way to get a --
19 not get around exactly, the way to purchase the
20 renewable energy in a state that doesn't allow
21 resellers.

22 Q Understood. So you agree with the Applicant's
23 witness that this -- the sale of the output of
24 this facility will have no impact on the electric

1 rates that folks pay here in Washington County?

2 A I do agree with that.

3 Q Thank you.

4 EXAMINER BUFFKIN: Any questions on my
5 questions?

6 MS. JOST: No.

7 MS. KEMERAIT: Not from the Applicant.

8 EXAMINER BUFFKIN: Thank you. The witness
9 is excused.

10 (The witness is excused)

11 EXAMINER BUFFKIN: So, with that, we will
12 conclude the evidentiary hearing. We will go back to
13 our office and have the transcript for this hearing
14 transcribed. And usually we ask for proposed orders
15 within 30 days of the transcript being made available.
16 Is that satisfactory?

17 MS. JOST: Yes.

18 MS. KEMERAIT: Yes.

19 EXAMINER BUFFKIN: Thank you. Any other
20 questions before we adjourn this hearing?

21 MS. JOST: No.

22 MS. KEMERAIT: No.

23 EXAMINER BUFFKIN: Hearing none, we stand
24 adjourned pending Commission Order. Thank you both.

1 MS. JOST: Thank you.

2 MS. KEMERAIT: Thank you.

3 EXAMINER BUFFKIN: Thank you to the public
4 witnesses for attending.

5 (The hearing was adjourned at 7:30 p.m.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

C E R T I F I C A T E

I, KIM T. MITCHELL, DO HEREBY CERTIFY that
the Proceedings in the above-captioned matter were
taken before me, that I did report in stenographic
shorthand the Proceedings set forth herein, and the
foregoing pages are a true and correct transcription
to the best of my ability.

*Kim T. Mitchell*_____

Kim T. Mitchell
Court Reporter