

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-105, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Friesian Holdings, LLC, for)
a Certificate of Public Convenience and) ORDER SCHEDULING
Necessity to Construct a 70-MW Solar) ORAL ARGUMENTS
Facility in Scotland County, North Carolina)
)

BY THE CHAIR: On May 15, 2019, in the above-captioned proceeding, Friesian Holdings, LLC (Applicant), filed an application pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63 for a certificate of public convenience and necessity (CPCN) to construct a 70-MWAC solar photovoltaic (PV) electric generating facility located in Scotland County, North Carolina.

On August 5, 2019, the Commission issued an Order suspending the procedural schedule previously established in this proceeding and allowing the parties to file briefs addressing the following issues:

- (1) The appropriate standard of review for the Commission to apply in determining the public convenience and necessity (CPCN) for a certificate to construct a merchant generating facility pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63;
- (2) Whether the Commission has authority under state and federal law to consider as part of its review of the CPCN application the costs associated with the approximately \$227 million dollars in transmission network upgrades and interconnection facilities necessary to accommodate the FERC-jurisdictional interconnection of the merchant generating facility, and the resulting impact of those network costs on retail rates in North Carolina; and
- (3) Whether the allocation of costs associated with interconnecting the Friesian project and any resulting additional capacity made available that is then utilized by State-jurisdictional interconnection projects is consistent with the Commission's guidance provided in the Commission's June 14, 2019, Order Approving Revised Interconnection Standard and Requiring Reports and Testimony, issued in Docket No. E-100, Sub 101, in which the Commission directed the utilities as follows: "to the greatest extent possible, to continue to seek to recover from Interconnection Customers all expenses

... associated with supporting the generator interconnection process under the NC Interconnection Standard.”

On August 26, 2019, the Applicant, DEP, the Public Staff, and NCCEBA filed briefs; and on September 9, 2019, the Applicant, DEP, the Public Staff, and NCCEBA and NCSEA (jointly) filed reply briefs.

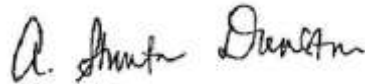
The Commission finds good cause to schedule oral arguments in this proceeding where the parties will be expected to address only the issues noted in the Commission’s August 5 Order, and, additionally, the questions of whether and, if so, how the July 14, 2017 decision of the U.S. Court of Appeals for the D.C. Circuit in Orangeburg v. FERC, 862 F.3d 1071 (2017) applies to the issues noted in the Commission’s August 5 Order.

IT IS, THEREFORE, ORDERED that this matter shall be, and is hereby, scheduled for oral argument on October 21, 2019, at 2:00 p.m., in the Commission Hearing Room, 2115 Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

ISSUED BY ORDER OF THE COMMISSION.

This the 3rd day of October, 2019.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Deputy Clerk