

Direct Testimony of Cullen Morris

Docket No. SP-11723, Sub 0

Exhibit 1

EXHIBIT 1

Direct Testimony of Cullen Morris
Docket No. SP-11723, Sub 0
07/02/2020



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KAREN M. KEMERAIT
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September 6, 2019

Ms. Janice Fulmore
Deputy Clerk
North Carolina Utilities Commission
430 N. Salisbury Street
Raleigh, NC 27603

RE: *In the matter of the Application of Apex Solar, LLC to Amend the CPCN to construct a 30-MW Solar Facility in Cleveland County, NC*
Docket No. SP-11723, Sub 0

Dear Ms. Fulmore:

On behalf of Apex Solar, LLC, (Applicant") we hereby submit applicant's **Motion to Amend Certificate of Public Convenience and Necessity** in the above referenced matter.

Should you have any questions concerning this Certificate of Service or exhibits attached thereto, please do not hesitate to contact me.

Sincerely,

/s/ Karen M. Kemerait

Karen M. Kemerait

Enclosures

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

Direct Testimony of Cullen Morris
Docket No. SP-11723, Sub 0
07/02/2020

DOCKET NO. SP-11723, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Apex Solar, LLC to Amend
the Certificate of Public Convenience and
Necessity to Construct an
30-MW Solar Facility in Cleveland
County, North Carolina

**MOTION TO AMEND CERTIFICATE
OF PUBLIC CONVENIENCE AND
NECESSITY**

NOW COMES Apex Solar, LLC (“Apex Solar” or “Applicant”), by and through its undersigned counsel, and respectfully requests that the North Carolina Utilities Commission (“Commission”) amend the Certificate of Public Convenience and Necessity (“CPCN”) for Apex Solar in the above-referenced docket. In support of this request, the Applicant shows the following:

1. On May 7, 2018, the Applicant filed an application seeking a certificate of public convenience and necessity (“CPCN”) for construction of a 30-MW solar generating facility to be located on the west side of Plainsville Church Road, approximately 0.5 miles west of the intersection with East Stage Coach Trail, Lawndale, Cleveland County, North Carolina. The Applicant plans to sell the electricity to Duke Energy Carolinas, LLC.
2. On July 23, 2018, the Commission issued an Order Issuing Certificate (“Order”).
3. After the Commission’s Order was issued, Silver Creek Energy, LLC, a North Carolina limited liability company, obtained ownership of the Applicant. Updated

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Sep 13 2019

information about the owner of the facility is attached hereto as Exhibit 1, and information about the experience and expertise of Silver Creek Energy, LLC is attached hereto as Exhibit 6.

4. After the Commission's Order was issued, the Apex Solar facility has been amended to add additional land to the facility. The amended color site map, attached hereto as Exhibit 2, shows the updated project boundary and the additional land that is part of the facility.

5. Also, the updated date on which the project is expected to be placed in service is November 2, 2021.

6. In compliance with Rule R8-64(d)(3), this Application lists all significant changes in the information set forth in subsections (b)(1) through (b)(5) of Rule R8-64 that was provided in the original application for a CPCN.

WHEREFORE, the Applicant respectfully requests that the Commission issue an order amending the Apex Solar CPCN to reflect the new owner of the facility and to include the additional land as depicted in the attached color map

Respectfully submitted this 13th day September, 2019.

FOX ROTHSCHILD LLP
/s/ Karen M. Kemerait

Karen Kemerait
Partner
Fox Rothschild LLP
434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
(919) 755-8764 - direct

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*Attorneys for Apex Solar, LLC and Silver Creek
Energy, LLC*

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Sep 13 2019

COUNTY OF WAKE

VERIFICATION

STATE OF NORTH CAROLINA

I, Matt McGovern, Principal of Silver Creek Energy, LLC, verify that I have read the foregoing Application for Amendment to Certificate of Public Convenience and Necessity, and know the contents thereof as they pertain to Silver Creek Energy, LLC, and that the same are true of my own knowledge.


Matt McGovern

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles

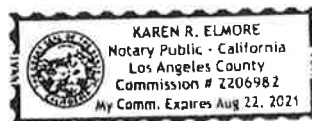
Subscribed and sworn to (or affirmed) before me on this 12th day of September , 2019 ,

(1) Matthew McGovern

proved to me on the basis of satisfactory evidence to be the person~~s~~ who appeared before me.

Signature


Signature of Notary Public



Place Notary Seal and/or Stamp Above

CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing **MOTION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY** by first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission to all parties of record.

This the 13th day of September, 2019.

/s/ Karen M. Kemerait
FOX ROTHSCCHILD LLP

Karen Kemerait
Partner
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*Attorneys for Apex Solar, LLC and Silver Creek
Energy, LLC*

Application of Apex Solar, LLC to Amend the CPCN Application

Docket No. SP-11723, Sub 0

EXHIBIT 1

The full and correct name, business address, business telephone number, and electronic mailing address of the McCraw Solar, LLC facility owner is:

Apex Solar, LLC
3402 Pico Boulevard, Suite 200
Santa Monica, CA 90405

Telephone Number: 424-284-9080

Mike McGovern
mcgovern@silvercreekenergyllc.com

Mike Cohen
mcohen@silvercreekenergyllc.com

Jon Buttles
buttles@fcmservices.com

Exhibit 6

Silver Creek Energy, LLC (“Silver Creek”) is the new owner of Apex Solar, LLC. Silver Creek will manage the development process, and Pine Gate Renewables will construct the project.

| | |
|---------------|------------------------|
| Matt McGovern | Co-Founder & Principal |
| Mike Cohen | Co-Founder & Principal |

Matt McGovern was most recently the co-founder and CEO of Cypress Creek Renewables. Prior to forming Cypress, he served as the CFO of Paramount Equity from December 2012 through April 2014. Before joining Paramount, he was the CFO of Gehrlicher Solar America Corporation from 2009 to 2012, where he developed and financed a large portfolio of utility-scale and commercial solar projects. From 2001 through 2008 McGovern was a Managing Director of SBI Group, an investment banking and asset management firm. Before joining SBI Group, McGovern was a member of Cap Gemini Ernst & Young's private equity arm. McGovern holds a master's degree in Organizational Behavior and a doctorate in Organizational Development from the College of Organizational Studies at CSPP. McGovern received his BS from Miami University, in Oxford, Ohio.

Mike Cohen was most recently the co-founder and President of Cypress Creek Renewables. Prior to Cypress, Mike led business development and project finance for Strata Solar from 2011 to 2014. Before leading Strata's development and project finance activities he was an attorney with Kirkland & Ellis from 2008 to 2011, where he focused on the development, financing and purchase/sale of renewable energy projects both domestically and abroad. Cohen has a J.D. from Georgetown University Law School, as well as a Masters and Bachelors in Accounting from the University of Florida.

Pine Gate Renewables develops, owns, and operates utility-scale solar farms across the U.S. Pine Gate specializes in project siting, development, financing, construction, and operation. Pine Gate Renewables has 400+ MW of operational solar farms across the country.



Fox Rothschild LLP
ATTORNEYS AT LAW

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September 13, 2019

Ms. Janice Fulmore
Deputy Clerk
North Carolina Utilities Commission
430 N. Salisbury Street
Raleigh, NC 27603

**RE: *In the Matter of: Application of Apex Solar, LLC to Amend the
CPCN to construct a 30-MW Solar Facility in Cleveland County, NC
ENLARGED, HIGH RESOLUTION SITE PLAN EXHIBIT 2 TO CPCN
NCUC Docket No. SP-11723, Sub 0***

Dear Ms. Fulmore:

On behalf of Apex Solar, LLC (“Applicant”), attached is the high resolution, high density, enlarged Site Plan Exhibit 2 to the Applicant’s Motion to Amend the Certificate of Public Convenience and Necessity filed in the above-referenced docket earlier this afternoon.

If you have any questions or comments regarding this filing, please do not hesitate to call me.

Thank you in advance for your assistance.

Sincerely,

/s/ Karen M. Kemerait

Karen M. Kemerait

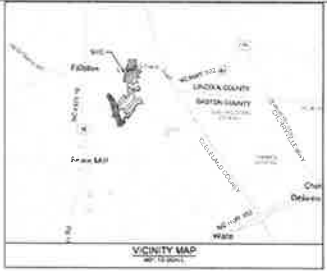
pbb

Enclosure

cc: All Parties of Record



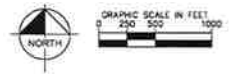
SHEET # 00000001 NO. OF SHEETS 0001



| SITE DATA TABLE | |
|------------------|-----------------------------|
| PROJECT LOCATION | N39°25'12.02" W81°28'37.30" |
| JURISDICTION | CLEVELAND COUNTY |

| LEGEND | |
|--------|-------------------------|
| | PROJECT AREA |
| | ORIGINAL PROJECT AREA |
| | ADDITIONAL PROJECT AREA |

- NOTES
1. THE LOCATION OF PROPOSED EQUIPMENT INCLUDING BUT NOT LIMITED TO FENCING, SOLAR ARRAY BACKING, ELECTRICAL EQUIPMENT, OVERHEAD POLES AND LINE, ETC. SHOWN ARE APPROXIMATE AND MAY BE SUBJECT TO MODIFICATIONS DUE TO SITE CONDITIONS, ADDITIONAL PERMITTING REQUIREMENTS, EQUIPMENT AND/OR OTHER CONSTRAINTS.
 2. PROPERTY BOUNDARIES, TOPOGRAPHIC DATA AND EXISTING IMPROVEMENTS SHOWN ARE APPROXIMATE PER AERIAL PHOTOGRAPHY AND GIS MAPS.
 3. THIS PLAN IS PRELIMINARY AND WILL NOT BE RELEASED FOR CONSTRUCTION.



| | |
|------|----------|
| DATE | 2019 |
| BY | 48180000 |
| NO. | 00000001 |

Kimley»Horn
 600 WEST MAIN STREET, SUITE 200, WASHINGTON, NC 27578
 PHONE: 919.433.7000 FAX: 919.433.7001

PRELIMINARY
NOT FOR
CONSTRUCTION

| | |
|------|------------|
| DATE | 05/13/2019 |
| BY | 48180000 |
| NO. | 00000001 |

CPCN EXHIBIT

APEX SOLAR
 CLEVELAND COUNTY NORTH CAROLINA

SHEET NUMBER
EX1.0