

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-116, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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| In the Matter of |) | |
| Application of Juno Solar, LLC, for a |) | ORDER SCHEDULING |
| Conditional Certificate of Public |) | HEARINGS, FILING OF TESTIMONY, |
| Convenience and Necessity to Construct |) | ESTABLISHING PROCEDURAL |
| a 275-MW Solar Facility in Richmond |) | GUIDELINES, AND REQUIRING |
| County, North Carolina |) | PUBLIC NOTICE |

BY THE PRESIDING COMMISSIONER: On July 12, 2021, Juno Solar, LLC (Applicant), filed an application pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63 for a conditional certificate of public convenience and necessity (CPCN) to construct a 275-MW_{AC} solar photovoltaic (PV) electric generating facility to be located in Richmond County, North Carolina (the Facility).

In support of its Application, the Applicant filed the direct testimony of Piper Miller. On July 19, 2021, the Public Staff sent the Applicant an email correspondence requesting additional information needed to review the application. The Applicant filed revised prefiled direct testimony and additional supplemental information, including a revised site plan, on July 27, 2021. In summary, according to the Applicant, the construction of the 275-MW_{AC} facility is anticipated to begin in the second quarter of 2023 with the expected commercial operation beginning in the third quarter of 2024. The Applicant states that the Facility consists of twenty-five parcels, or a portion thereof, located along McFarland Road and Green Chapel Church Road in Marks Creek Township, Richmond County, North Carolina, and that the expected life of the Facility is approximately 40 years.

On July 27, 2021, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete. However, the Public Staff also moves the Commission to stay this proceeding pending the completion of interconnection studies by DEP and any affected system studies by potential affected systems. The Public Staff states that until FERC approves queue reform and the cluster studies that will include the proposed Facility are completed, the network upgrade costs for the Facility will be unknown. The Public Staff is concerned because the costs associated with network upgrades could ultimately be passed on to the using and consuming public pursuant to DEP's OATT.

The Presiding Commissioner finds good cause at this time to deny the Public Staff's motion to stay this proceeding and to schedule a hearing to receive public witness testimony and a hearing to receive expert witness testimony regarding Juno Solar's conditional CPCN application. The Presiding Commissioner will entertain future motions closer in time to the expert witness hearing date once the testimony required by this order is filed. A remote public witness hearing shall be held via Webex at 7:00 p.m. on

Wednesday, November 3, 2021, for the purpose of receiving public witness testimony regarding the Applicant's application for a conditional CPCN. The expert witness hearing shall be held at 10:00 a.m. on Tuesday, November 30, 2021, in Commission Hearing Room 2115, 430 North Salisbury St., Dobbs Building, 2nd Floor, Raleigh, North Carolina.

The Presiding Commissioner notes that the Commission has seen an increase in the number of merchant plant facility applications. Due to the increase in non-utility generation on the North Carolina system and the Commission's statutory duty to examine the long-range needs for the generation of electricity in North Carolina, the Presiding Commissioner finds good cause to require the filing of additional testimony and exhibits in this proceeding addressing the following questions, to the extent that they are not answered in the application:

1. Are there any network upgrades to DEP's or any affected system's transmission system required to accommodate the operation of the Applicant's proposed facility? If so, provide the amount of network upgrades on DEP's or any affected system's transmission system, if any, required to accommodate the operation of the Applicant's proposed facility.
2. Provide any information and supporting documentation regarding the proposed Levelized Cost of Transmission (LCOT) of \$4.00/MWh upon which you ask the Commission to condition any CPCN granted in this case.
3. Is there any interconnection study available for the proposed facility? If so, provide any interconnection study received for the proposed facility. If the Applicant has not received a study, provide a date by when the study is expected to be completed.
4. Is the Applicant aware of any system other than the studied system that is or will be affected by the interconnection? If yes, explain the impact and basis.
5. Is the Applicant proposing to sell energy and capacity from the facility to a distribution facility regulated by the Commission? If so, provide a discussion of how the facility's output conforms to or varies from the regulated utility's most recent integrated resource plan (IRP).
6. Is the Applicant proposing to sell energy and capacity from the proposed facility to a purchaser who is subject to a statutory or regulatory mandate with respect to its energy sourcing (e.g., a REPS requirement or Virginia's new statutory mandate for renewables)? If so, explain how, if at all, the proposed facility will assist or enable compliance with that mandate. In addition, provide any contracts that support that compliance.
7. Does the Applicant have a Power Purchase Agreement (PPA), REC sale contracts or contracts for compensation for environmental attributes for the output of the proposed facility? If so, provide any PPA agreements, REC sale contracts, or contracts for compensation for environmental attributes for the output of the facility.

In addition, the Presiding Commissioner finds good cause to apply the following guidelines regarding discovery in this docket, subject to modification for good cause shown:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least seven days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.
2. Any motion for subpoena of a witness to appear at the evidentiary hearing shall be filed with the Commission before the deadline for filing of Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.
3. Formal discovery requests related to the application and the Applicant's prefiled direct testimony shall be served on the Applicant not later than fourteen days prior to the deadline for filing of Public Staff and intervenor testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten days prior to the deadline for filing of Public Staff and intervenor testimony.
4. Formal discovery requests of the Public Staff or intervenors shall be served not later than three days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than five days after that party's testimony was filed.
5. Formal discovery requests related to the Applicant's prefiled rebuttal testimony shall be served on the Applicant not later than two days after such testimony is filed. The party served shall have up to two calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three days after the rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery from the Applicant.
6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are

due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two days to file a motion to compel with the Commission, and the party objecting to discovery shall have one day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Presiding Commissioner recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS, THEREFORE, ORDERED as follows:

1. A remote public witness hearing shall be held via Webex at 7:00 p.m. on Wednesday, November 3, 2021, for the purpose of receiving public witness testimony regarding the Applicant's application for a conditional CPCN. A link to view the hearing will be available at www.ncuc.net. The remote hearing for the purpose of receiving public witness testimony shall be subject to the following conditions:

- (1) On or before Wednesday, October 20, 2021, all parties shall file a statement consenting to holding the public witness hearing by remote means, or a statement objecting to same;
- (2) On or before Wednesday, October 20, 2021, all parties shall send the name, phone number, and email address of each attorney that will participate in the hearing on the party's behalf directly to the Commission via email at ncucwebex@ncuc.net; and
- (3) Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on Wednesday, October 27, 2021, by contacting the Public Staff via email at PublicHearings@psncuc.nc.gov or by calling 919-733-6110. When registering, provide your name, docket number (EMP-116, Sub 0), telephone number, and the topic of your testimony. Only individuals registered with the Public Staff by 5:00 p.m. on Wednesday, October 27, 2021, will be allowed to testify at the public witness hearing.

2. That the Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility are filed with the Commission on or before Wednesday, October 27, 2021.

3. That an expert witness hearing, solely for the purpose of receiving expert witness testimony from the parties, shall be held at 10:00 a.m. on Tuesday, November 30, 2021, in the Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina for the purpose of considering the Applicant's application for a conditional CPCN.

4. That the Applicant shall file the additional testimony described herein on or before Tuesday, September 14, 2021;

5. That any person having an interest in this proceeding may file a petition to intervene stating such interest on or before Tuesday, October 12, 2021;

6. That the direct testimony and exhibits of the Public Staff and other intervenors shall be filed on or before Tuesday, October 12, 2021;

7. That the Applicant may file rebuttal testimony and exhibits on or before Tuesday, October 26, 2021;

8. That the Chief Clerk of the Commission shall deliver copies of the application and the Public Notice attached hereto as Appendix A to the Clearinghouse Coordinator of the Office of Policy and Planning and the Department of Administration for distribution by the Coordinator to State agencies having an interest in the application;

9. That the Applicant shall publish the Public Notice attached hereto as Appendix A in a newspaper having general circulation in Richmond County once a week for four successive weeks beginning at least 30 days prior to Thursday, October 7, 2021;

10. That the Applicant shall file affidavits of publication demonstrating that the application was published pursuant to this order on or before Wednesday, October 20, 2021;

11. That the parties shall comply with the discovery guidelines established herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 31st day of August, 2021.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Chief Clerk

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-116, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Juno Solar, LLC, for a)
Conditional Certificate of Public)
Convenience and Necessity to) PUBLIC NOTICE
Construct a 275-MW Solar Facility in)
Richmond County, North Carolina)

NOTICE IS HEREBY GIVEN that the Commission has scheduled a remote public witness hearing to be held via Webex at 7:00 p.m. on Wednesday, November 3, 2021, for the purpose of receiving public witness testimony regarding Juno Solar, LLC's application for a conditional certificate of public convenience and necessity (CPCN) to construct a 275-MW_{AC} solar photovoltaic (PV) electric generating facility to be located in Richmond County, North Carolina (the Facility). A link to view the hearing will be available at www.ncuc.net.

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Additional information about the applications is available for review by the public on the Commission's website and online docket system at www.ncuc.net.

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of

the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to utilityAGO@ncdoj.gov.

Written statements will be considered by the Commission in reaching its decision but do not receive the same consideration as testimony provided by public witnesses at a hearing.

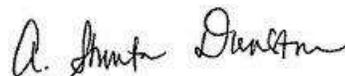
Any person desiring to intervene in the proceeding as a formal party of record should file a petition under North Carolina Utilities Commission Rules R1-5 and R1-19 on or before Tuesday, October 12, 2021. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325. The direct testimony and exhibits of expert witnesses to be presented by intervenors should also be filed with the Commission on or before October 12, 2021.

The Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility are received by the Commission's Chief Clerk on or before Wednesday, October 27, 2021.

ISSUED BY ORDER OF THE COMMISSION.

This the 31st day of August, 2021.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Chief Clerk