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May 20, 2022

Ms. A. Shonta Dunston  
Chief Clerk  
N.C. Utilities Commission  
430 N. Salisbury Street  
Room 5063  
Raleigh, NC 27603-5919

**Re: In the Matter of**  
**Application of American Beech Solar LLC for a Certificate of Public**  
**Convenience and Necessity to Construct a 110-MW Solar Facility in**  
**Halifax County, North Carolina**  
**NCUC Docket No. EMP-108, Sub 0**  
***Applicant's Consent Motion for Procedural Order***

Dear Ms. Dunston:

On behalf of American Beech Solar LLC ("American Beech" or "Applicant"), we herewith submit Applicant's Consent Motion for Procedural Order in the above referenced docket.

Thank you, and please contact me if you have any questions.

Sincerely,

*/s/ Benjamin L. Snowden*

Benjamin L. Snowden

pbb

Attachment

Copy to: Counsel of Record  
Parties of Record

OFFICIAL COPY

May 20 2022

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. EMP-108 SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of American Beech Solar	)	
LLC for a Certificate of Public	)	
Convenience and Necessity to Construct	)	<b>APPLICANT'S CONSENT MOTION</b>
a 110-MW Solar Facility in Halifax	)	<b>FOR PROCEDURAL ORDER</b>
County, North Carolina	)	

NOW COMES American Beech Solar LLC ("American Beech" or the "Applicant"), by and through its undersigned counsel, and pursuant to Commission Rule R1-7, moves the Commission for an order adopting the procedural schedule set forth below, which has been agreed to with the Public Staff. In support of its motion, Applicant states the following:

1. This matter relates to American Beech's request for approval to construct a solar photovoltaic electric generating facility proposed to be located in Halifax County, North Carolina (the "Facility"). To support the request, American Beech Solar 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") on January 28, 2020 (the "Application").

2. Since the filing of the Application, the Commission has entered various orders pertaining to hearings and testimony in this docket, as described below.

- On May 15, 2020, the Commission issued an *Order Cancelling Hearings, Rescheduling Public Witness Hearing, and Requiring Public Notice*, which rescheduled the public witness hearing and cancelled the expert witness hearing, noting it would be rescheduled by further order of the Commission.
- On June 19, 2020, the Commission cancelled the public hearing, upon Applicant's motion citing that no complaints were received.
- On June 22, 2020, the Commission issued an *Order Requiring Additional Testimony* from the parties relating to issues including affected system upgrade costs and other interconnection costs associated with the Facility. The parties complied with the latter by filing prefilled supplemental testimony.

3. Applicant entered into an affected system operating agreement with Duke Energy Progress, LLC ("DEP") on May 21, 2021 (the "DEP ASOA") providing for an estimate of costs associated with the construction of Affected System Upgrades within the AC1 cluster and providing, further, that American Beach would not be entitled to reimbursement of these costs.

4. On June 25, 2021, American Beach filed a motion to stay the instant proceeding pending a decision by the Federal Energy Regulatory Commission ("FERC") on pending proceedings relating to reimbursement for Affected System Upgrades under the DEP ASOA.

5. On August 9, 2021, the Commission entered its *Order Denying Stay and Requesting Further Information*, which: (1) denied Applicant's motion to stay the proceeding and (2) required American Beach to (a) file interconnection and affected system cost studies; (b) provide testimony related to cost estimates for system upgrades, inclusive of affected system costs; and (c) provide calculations of the levelized cost of transmission for the Facility.

6. Applicant has received final interconnection studies and agreements for the proposed Project and another entity, Edgecombe Solar LLC has entered into an ASOA with DEP, which provides for the construction of Affected System Upgrades required to interconnect certain projects in the AC1 and AC2 clusters. American Beech now has sufficient information to provide additional testimony addressing the questions set forth in the *Order Denying Stay and Requesting Further Information*.

7. Applicant and the Public Staff have discussed and agreed upon an appropriate procedural schedule for this matter going forward, as follows:

- a. Applicant's Second Prefiled Supplemental Testimony shall be filed on or before May 23, 2022;
- b. The Public Staff's Second Prefiled Rebuttal Testimony shall be filed on or before June 22, 2022;
- c. Applicant's Second Prefiled Reply Testimony shall be filed on or before July 6, 2022; and
- d. An expert witness hearing, if required, shall be held in July or August 2022, in accordance with the Commission's schedule.

WHEREFORE, American Beach respectfully requests that the Commission enter an Order adopting the procedural schedule proposed above.

Respectfully submitted this the 20th day of May 2022.

By: /s/ Benjamin L. Snowden  
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**CERTIFICATE OF SERVICE**

I certify that I have this day served a copy of the foregoing APPLICANT'S  
CONSENT MOTION FOR PROCEDURAL ORDER on each of the parties of record by  
United States mail, first class mail, or by means of electronic delivery upon agreement of  
the receiving party.

This 20th day of May 2022.

By: /s/ Benjamin L. Snowden  
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May 20 2022