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May 15, 2019

Ms. M. Lynn Jarvis  
Chief Clerk  
North Carolina Utilities Commission  
430 N. Salisbury Street  
Raleigh, NC 27603

**RE: *Application for Certificate of Public Convenience and Necessity for Friesian Holdings, LLC to construct a 70-MW Solar Facility in Scotland County, North Carolina***  
***Docket No. EMP-105, Sub 0***  
***Docket No. SP-8467, Sub 0***

Dear Ms. Jarvis:

On behalf of Friesian Holdings, LLC, we herewith submit an Application for Certificate of Public Convenience and Necessity to construct a 70-MW Solar Facility in Scotland County, North Carolina, in the above-referenced EMP docket. Confidential Exhibits to the Application will be filed under separate cover.

An application for same was originally filed in Docket SP-8467, Sub 0 on September 9, 2016. That application was submitted as an application for a Small Power Producer, but it should have been filed as an application for a Merchant Plant as the size of the solar farm is 70 MW. We therefore request that the Commission accept this CPCN application in Docket No. EMP-105, Sub 0, and withdraw the application previously filed in Docket SP-8467, Sub 0.

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



Fox Rothschild LLP  
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Ms. M. Lynn Jarvis  
Page Two  
May 15, 2019

If you should have any questions concerning this application being filed in Docket No. EMP 105, Sub 0, and / or the request to withdraw the application filed in SP-8467, Sub 0, please do not hesitate to contact me.

Thank you for your assistance with this filing and request.

Sincerely,

*/s/ Karen M. Kemerait*

Karen M. Kemerait

pbb

Enclosures

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. EMP-105, Sub 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of the Application of  
Friesian Holdings, LLC for a Certificate of  
Public Convenience and Necessity

APPLICATION FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE  
AND NECESSITY  
FOR A MERCHANT PLANT

Friesian Holdings, LLC ("Friesian" or the "Applicant"), through counsel, hereby applies to the North Carolina Utilities Commission (the "Commission") pursuant to G.S. § 62110.1 and Commission Rule R8-63 for a Certificate of Public Convenience and Necessity authorizing construction of solar photovoltaic ("PV") facility with a capacity up to 70-MW<sub>Ac</sub> to be located in Scotland County, North Carolina (the "Facility").

In support of this application, Friesian provides the below information and attached exhibits in compliance with Rule R8-63.

WHEREFORE, Friesian Holdings, LLC respectfully requests that the Commission issue a Certificate of Public Convenience and Necessity pursuant to G.S. § 62-110.1 and Commission Rule R8-63 for the Facility, as more specifically described herein.

Respectfully submitted this 15<sup>th</sup> day of May, 2019.

By: Karen M. Kemerait  
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*Attorneys for Friesian Holdings, LLC*

**I. Friesian Holdings, LLC Application Exhibit 1**

(i) The Applicant's full and correct name, business address, and business telephone number are:

Friesian Holdings, LLC 1125  
E. Morehead St., Suite 202  
Charlotte, NC 28204  
(704) 644-7733  
team@birdseyeenergy.com

The electronic mailing address for purposes of this filing is:

[KKemerait@foxrothschild.com](mailto:KKemerait@foxrothschild.com)

(ii) Friesian is a North Carolina limited liability company that was formed on March 30, 2015. A true and correct copy of the Application for Certificate of Authority is included as **Application Exhibit 1**. Friesian's officers and principal participants are Brian C. Bednar-President, Peden Harris-Chief Operating Officer, Eric Panicco-Director of Strategy, Luke Rogers-Project Manager, and Brooks Camp-Project Developer.

Correspondence, documents, and filings regarding this application should be sent as follows:

Friesian Holdings, LLC  
1125 E. Morehead St.,  
Suite 202  
Charlotte, NC 28204  
(704) 644-7733  
team@birdseyeenergy.com

with copies to:

Karen M. Kemerait  
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Telephone: 919-755-8764

(iii) A copy of the most recent balance sheet and income statement of Birdseye Renewable Energy, LLC (“Birdseye”), the parent company of Friesian, are being provided confidentially and under seal because they constitute confidential and proprietary information within the scope of G.S. §132.1.2 and have been labeled **Confidential Application Exhibit 2.**

(iv) Birdseye, Friesian’s parent company, has an ownership interest in and/or and operates a number of solar generating facilities in the Southeastern Electric Reliability Council region that are listed in **Confidential Application Exhibit 3.**

## **II. Friesian Holdings, LLC Application Exhibit 2**

(i) Friesian proposes to construct a 70-MW<sub>Ac</sub> solar PV facility to be constructed on 543.71 leased acres of the 965.89-acre parent tracts, which constitute the "Facility Site" and is the subject of this CPCN application.

The nameplate generating capacity of the Facility will be 70-MW<sub>Ac</sub>. Friesian will interconnect with the transmission grid owned by Duke Energy Progress, LLC (“DEP”), and be classified as a Distributed Network Resource (“DNR”) of the North Carolina Electric Membership Corporation, Inc. (“NCEMC”). Specifically, Friesian’s facility transformers will connect the solar inverters to the Laurinburg 230 kV transmission line that will connect to the Bennettsville substation. DEP has presented to Friesian a Federal Regulatory Energy Commission (FERC)-jurisdictional Interconnection Agreement. Friesian will enter into an Interconnection Service Agreement and Interconnection Customer Agreement with DEP (Queue No. Q380) on May 31, 2019.

The Network Integration Transmission Services Agreement (NITSA) between DEP and the NCEMC will cover the power transfer costs between the two entities. Once the purchase power agreement (“PPA”) between Friesian and the NCEMC is executed, the NCEMC will begin the process of applying for DNR status.

The anticipated beginning date for construction is the summer of 2023, and the expected commercial operation date is December, 2023. The estimated construction costs are One Hundred Million Dollars. The expected life of the Facility is twenty (20) years.

(i) Attached as **Application Exhibit 4** is a color map in compliance with the requirements for Rule R8-63-(b)(2)(ii). The map reflects the preliminary layout of the Facility, including the solar arrays, inverters, the collection system, access roads, interconnection facilities, the substation area, and the POI. A diagram showing the location of the 230 kV transmission line and the POI substation is attached hereto as **Application Exhibit 5**. The Facility will consist of approximately two hundred ninety thousand (290,000) PV solar modules affixed to ground mounted racks supported on driven piles. The Facility will utilize approximately thirty (30) 2,500 kV inverters, generator step-up (“GSU”) transformers, racking, posts, wiring, utility poles, communication poles, security camera, collector station, and accessories.

(ii) Scotland County has assigned the following e911 street address to the Facility: the address for the main entrance is 8960 Leisure Road, Laurinburg, North Carolina 28352, and the secondary address is 10061 Leisure Road, Laurinburg, North Carolina 28352.

The Facility is located on three parcels (identified as Scotland County Parcels 04019601060, 04019601018, and 040193A01001) located along Leisure Road, north and

south of Leisure Road's intersection with Academy Road, and southwest of Laurinburg, County, North Carolina.

(iv) The Facility is not a natural gas fired facility.

(v) The following permits are required for the Facility and are attached as

**Application Addendum 6.**

On June 5, 2018, the Scotland County Board of Commissioners voted unanimously to approve the Conditional Use Permit application, and issued the Conditional Use Permit on that date. In addition to the Conditional Use Permit, Scotland County will require that Friesian obtain a Building Permit and Electrical Permit from the County.

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

In regard to federal permits and approvals, a Phase I Environmental Site Assessment was conducted for the project on January 11, 2019, and a Limited NEPA Assessment was performed on May 30, 2018. On May 23, 2018, the US Army Corps of Engineers ("USACE") verified the wetland delineation for the entire site. Notice of Jurisdictional Determination of the wetlands on the site was provided on June 11, 2018.

(vi) The Facility will interconnect to the newly constructed 34.5 kV collector station directly adjacent to the Duke Energy Progress, LLC ("DEP") Laurinburg-Bennettsville 230 kV transmission line. The facility will connect to the POI via a single 230/34.5 kV wye grounded main power transformers with a rating of 45/60/75 MVA. The POI will be located at the site-owned 230 kV substation. A diagram showing the location of the 230 kV transmission line and the POI substation is attached hereto as Exhibit 5. Friesian's affiliate leases the current parcel where the collector station will be

located, which includes a right-of-way easement for the DEP Laurinburg-Bennettsville 230 kV line. Therefore, no additional right-of-way is needed.

The individual blocks of tracker with solar modules will be connected through medium-voltage cable runs through the parcels. These connections either will use overhead poles or buried cable installed in culverts or via directional boring.

### **III. Friesian Holdings, LLC Application Exhibit 3**

Friesian and the NCEMC have entered into an agreement for Friesian to sell the full output of the Facility to the NCEMC under a purchase power agreement (“PPA”). Friesian anticipates that the PPA will be fully executed by the parties on or before May 31, 2019. The draft PPA is filed confidentially and under seal as Confidential Exhibit 7.

Under North Carolina’s Renewable Energy and Energy Efficiency Portfolio Standard (“REPS” or “Senate Bill 3”), investor-owned utilities in North Carolina are required to meet up to 12.5% of their energy needs through renewable energy resources or energy efficiency measures by 2021. Rural electric cooperatives and municipal electric suppliers are subject to a 10% REPS requirement, which must be met by 2018. G.S. § 62-133.8(8) defines solar as a renewable energy resource. The Facility will provide a significant amount of RECS for use by the NCEMC to demonstrate compliance with Senate Bill 3.



STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. EMP-105, Sub 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of the Application of  
Friesian Holdings, LLC for a Certificate  
of Public Convenience and Necessity

VERIFICATION

I, Brian C. Bednar, being duly sworn, do hereby declare that I am duly authorized to act on behalf of the Applicant, that I am familiar with the facts, have reviewed the foregoing Application for a Certificate of Public Convenience and Necessity for an Electric Merchant Plant and attest that the matters and statements contained therein are true to the best of my personal knowledge.

This the 15<sup>th</sup> day of May, 2019.



Brian C. Bednar, President  
Birdseye Renewable Energy, LLC

State of North Carolina

Mecklenburg County

Sworn to and subscribed before me  
this 15<sup>th</sup> day of May, 2019.

  
Notary Public

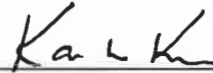
My Commission Expires: June 9, 2020



CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing Application for Certificate of Public Convenience and Necessity for an Electric Merchant Plant by first class mail deposited in the U. S. mail, postage pre-paid, or by e-mail transmission to all parties of record.

This the 15<sup>th</sup> day of May, 2019.



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