

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-102, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Pitt Solar, LLC, for a) MOTION OF THE
Certificate of Public Convenience and) PUBLIC STAFF FOR
Necessity to Construct a 150-MW Solar) EXTENSION OF TIME
Facility in Pitt County, North Carolina)

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully moves the North Carolina Utilities Commission (Commission) to extend the Public Staff’s time to file its supplemental testimony in the above-referenced docket. In support of this motion, the Public Staff respectfully shows the Commission the following:

1. On October 5, 2020, the Commission issued an *Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice* (Procedural Order) which, among other things, directed Pitt Solar to file additional testimony on or before October 15, 2020, and the Public Staff to file direct testimony and exhibits on or before Thursday, October 29, 2020. The Commission’s Procedural Order also directed the parties to address in their respective testimony, questions on various topics, including network upgrade costs.

2. On October 16, 2020, the Applicant filed the supplemental testimony of Linda Nwadike.

3. On October 26, 2021, the Public Staff filed a motion for extension of time to file its testimony and recommendations, which was granted by the Commission on October 30, 2021.

4. On November 12, 2020, the Public Staff filed the direct testimony of Dustin R. Metz, an engineer in the Electric Section of the Public Staff's Energy Division. The Public Staff, through witness Metz, recommended that the Commission grant the requested CPCN, subject to certain conditions as set out on pages 16-19 of that testimony.

5. On December 16, 2020, the Applicant filed a *Verified Motion to Excuse Witnesses, Admit Testimony and Exhibits, and Cancel Hearing*. The Applicant stated in its motion that it is willing to accept a CPCN issued by the Commission, subject to the conditions as stated in the testimony of Public Staff witness Metz. The Applicant also acknowledged that under Duke's Affected Systems Business Procedure and PJM's OATT as currently in force, the Applicant, as the Interconnection Customer, is responsible for all affected system Network Upgrade costs assigned to the Applicant's proposed facility, if any, without reimbursement.

6. On May 7, 2021, the Commission issued an *Order Requiring Further Additional Testimony*, which required the Applicant to file testimony and exhibits addressing five enumerated questions on or before June 1, 2021. The Commission's May 7th Order also required the Public Staff to file testimony and exhibits addressing those questions and the Applicant's testimony on the questions on or before June 29, 2021.

7. On May 12, 2021, Edgecombe Solar LLC (Edgecombe Solar) filed a complaint at the Federal Energy Regulatory Commission (FERC) appealing Duke's Affected Systems Business Procedures and revised Affected Systems Operating Agreement (ASOA), arguing that is inconsistent with the utility's Open Access Transmission Tariff (OATT).¹

8. On June 1, 2020, the Applicant filed the supplemental testimony of witness Linda Nwadike, which responded to the Commission's questions. On June 14, 2021, the Applicant filed corrections to its supplemental testimony.

9. Due to the nature of some of the Applicant's statements in its supplemental testimony and, in consideration of, the recent complaint filing at the FERC by Edgecombe Solar, the Public Staff needs additional time to discuss with the Applicant its positions with regard to the herein application.

10. The Public Staff has contacted counsel for the Applicant and is authorized to represent that the Applicant does not object to the requested extension.

WHEREFORE, the Public Staff requests that the Commission issue an order extending the Public Staff's time to file its supplemental comments to and including July 7, 2021.

¹ Edgecombe Solar Energy LLC v. Duke Energy Progress, LLC, Duke Energy Carolinas, LLC, and Duke Energy Florida, LLC, FERC Docket No. EL21-73-000. Edgecombe received a CPCN to construct a 75-MW solar facility in Edgecombe County, North Carolina in Docket No. EMP-101 by Commission Order dated November 13, 2020. The Public Staff is monitoring the status of the Edgecombe complaint at FERC.

Respectfully submitted this 28th day of June, 2021.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

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Chief Counsel

Electronically submitted
/s/ Gina C. Holt
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CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Motion on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 28th day of June, 2021.

Electronically submitted
/s/ Gina C. Holt