



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

June 20, 2023

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

Re: Docket No. SP-33082, Sub 0 – Application of Filo Solar, LLC, for a Certificate of Public Convenience and Necessity to Construct an 80-MW Solar Facility in Montgomery County, North Carolina

Dear Ms. Dunston:

On October 5, 2022, and March 24, 2023, Filo Solar, LLC (Applicant) filed notices in the above-captioned docket that the facility's footprint had been changed and that the facility's capacity had been reduced from 80-MW_{AC} to 75-MW_{AC} and later to 70-MW_{AC}. The Public Staff has reviewed the amendment, comments from the State Clearinghouse, the Applicant's verified certificate of service, and the affidavit of publication and determined these materials to be in compliance with the requirements of N.C. Gen.Stat. § 62-110.1(a) and Commission Rule R8-64. Therefore, the Public Staff recommends that the Commission issue an amended CPCN to the Applicant.

Attached for filing is the Public Staff's Proposed Order Issuing Amended Certificate of the Public Staff in the above-referenced docket.

By copy of this letter, I am forwarding a copy to all parties of record by electronic delivery.

Sincerely,

Electronically submitted
/s/ Anne M. Keyworth
Staff Attorney
anne.keyworth@psncuc.nc.gov

cc: Parties of Record

Executive Director
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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-33082, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Filo Solar, LLC, for a Certificate)	
of Public Convenience and Necessity to)	PROPOSED ORDER ISSUING
Construct an 80-MW Solar Facility in)	AMENDED CERTIFICATE
Montgomery County, North Carolina)	

BY THE COMMISSION: On October 12, 2021, the Commission issued an order granting Filo Solar, LLC (Applicant) a certificate of public convenience and necessity (CPCN), pursuant to N.C. Gen. Stat. § 62-110.1, for construction of an 80-MW_{AC} solar photovoltaic generating facility to be located along Coggins Road, near the City of Biscoe, Montgomery County, North Carolina. The Commission previously accepted registration of the facility as a new renewable energy facility.

On October 5, 2022, the Applicant filed a notice that the facility's footprint had been changed and that the facility's capacity had been reduced from 80-MW_{AC} to 75-MW_{AC}.

On October 21, 2022, the Commission issued an Amended Order Requiring Publication of Notice and Further Clearinghouse Review.

On November 29, 2022, the State Clearinghouse filed comments. Because of the nature of the comments, the cover letter indicated that no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On March 24, 2023, the Applicant filed notice that the capacity of the facility had been further reduced from 75-MW_{AC} to 70-MW_{AC}.

On March 27, 2023, the Commission issued a Second Amended Order Requiring Publication of Notice.

On April 11, 2023, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to Duke Energy Progress, LLC, on March 24, 2023.

On May 24, 2023, the Applicant filed an affidavit of publication from the Montgomery Herald (Troy, North Carolina) stating that the publication of notice was completed on May 3, 2023. No complaints have been received.

On June 20, 2023, the Public Staff filed a letter indicating that it reviewed the amendment, comments from the State Clearinghouse, the Applicant's verified certificate of service, and the affidavit of publication and determined these materials to be in compliance with the requirements of N.C.G.S. § 62-110.1(a) and Commission Rule R8-64. Therefore, the Public Staff recommended that the Commission issue an amended CPCN to the Applicant.

After careful consideration, the Commission finds good cause to approve the application and issue the attached amended certificate for the solar photovoltaic generating facility.

IT IS, THEREFORE, ORDERED as follows:

1. That the application of Filo Solar, LLC, for an amended certificate of public convenience and necessity shall be, and is hereby, approved;
2. That Appendix A shall constitute the certificate of public convenience and necessity issued to Filo Solar, LLC, for the 70-MW_{AC} solar photovoltaic generating facility to be located along Coggins Road, near the City of Biscoe, Montgomery County, North Carolina; and
3. That the amended certificate of public convenience and necessity shall expire five years following the date of the issuance of the original or renewal Order if construction has not begun, unless it is revoked pursuant to Commission Rule R8-64(d)(1).

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of June, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

APPENDIX A

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-33082, SUB 0

Filo Solar, LLC
130 Roberts Street
Asheville, North Carolina 28801

is hereby issued this

AMENDED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO N.C. GEN. STAT. § 62-110.1

for a 70-MW_{AC} solar photovoltaic generating facility

located

along Coggins Road, near the City of Biscoe,
Montgomery County, North Carolina,

subject to all orders, rules, regulations, and conditions
as are now or may hereafter be lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of June, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk