



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

August 28, 2020

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

Re: Docket No. SP-11723, Sub 0
Application of Apex Solar, LLC, for a Certificate of Public
Convenience and Necessity to Construct a 30-MW Solar Facility in
Cleveland County, North Carolina

Dear Ms. Campbell:

On February 28, 2017, the Commission issued an order granting Apex Solar, LLC (Applicant), a certificate of public convenience and necessity (CPCN) for the construction of a 30-MW solar generating facility to be located on the west side of Plainsview Church Road, approximately 0.5 miles west of the intersection with East Stage Coach Trail, Lawndale, Cleveland County, North Carolina.

On September 13, 2019, the Applicant filed an amendment to its application. The amendment stated that additional land has been added to the facility. In addition, the Applicant filed an updated site plan map showing the new boundaries of the facility, as well as information about the new owner of the Applicant, Silver Creek Energy, LLC.

On September 18, 2019, the Commission issued an Order Requiring Publication of Notice requiring the Applicant (1) to publish notice of the application in the manner required by N.C. Gen. Stat. § 62-82(a) and file an affidavit of publication with the Commission, and (2) to mail a copy of the application and notice to the electric utility to which the Applicant plans to sell and distribute the electricity, and file a signed and verified certificate of service that

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Communications
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Economic Research
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Legal
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(919) 733-7766

Accounting
(919) 733-4279

Consumer Services
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the application and notice have been provided to the utility. In addition, the Order Requiring Publication of Notice directed the Chief Clerk of the Commission to deliver copies of the notice to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration (State Clearinghouse) for distribution by the Coordinator to State agencies having an interest in the application.

On or after September 26, 2019, the following individuals filed complaints in this docket: Carrie and Gene Daves, Ronald Ingram, Dana Donaldson, Tom and Karen Bess (collectively, the Complainants).

On September 27, 2019, the Applicant filed a verified certificate of service evidencing that the application and notice were mailed to Duke Energy Carolinas, LLC, on September 18, 2019.

On October 29, 2019, the State Clearinghouse filed comments of state agencies. The cover letter indicated that, because of the nature of the comments, no further State Clearinghouse review is required for compliance with the North Carolina Environmental Policy Act.

On October 31, 2019, the Applicant filed an affidavit of publication evidencing that the notice of the amended application for a CPCN was published in The Star, a newspaper published in Cleveland County, North Carolina, in the manner prescribed by the Commission's September 18 Order Requiring Publication of Notice.

On November 6, 2019, the State Clearinghouse filed additional comments of state agencies. The cover letter indicated that, because of the nature of the comments, no further State Clearinghouse review is required for compliance with the North Carolina Environmental Policy Act.

On June 26, 2020, the Hearing Examiner scheduled a remote hearing for July 22, 2020, for the purpose of receiving public and expert witness testimony regarding the Applicant's application for a CPCN. The Hearing Examiner further required the Applicant to publish notice of the public hearing and to prefile testimony in this docket.

On July 2, 2020, the Applicant filed the direct testimony and corrected direct testimony and exhibits of Cullen Morris, the direct testimony and exhibits of Richard Kirkland, and the direct testimony of Chris Sandifer.

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On July 10, 2020, the Public Staff filed the direct testimony and exhibits of Jay B. Lucas.

On July 16, 2020, the Applicant filed rebuttal testimony and exhibits of Cullen Morris.

On July 17, 2020, the Applicant filed a Certificate of Service, evidencing that the notice of hearing was mailed to DEC.

On July 20, 2020, the Applicant filed an Affidavit of Publication stating that the notice of the hearing had been published in The Star.

On July 22, 2020, the matter came on for hearing as ordered. Two public witnesses testified regarding the proposed facility. The Applicant presented the testimony and exhibits of Cullen Morris, Richard Kirkland, and Chris Sandifer. The Public Staff presented the testimony and exhibits of Jay B. Lucas.

On August 28, 2020, the Applicant filed a Proposed Order in this docket that, if issued by the Commission, would approve the application filed by the Applicant and grant the amended CPCN subject to certain conditions.

Based on the information in the record, the Public Staff believes that the Applicant has met the requirements for a CPCN in Commission Rule R8-64, and recommends that the Commission approve the application and grant the amended CPCN, subject to the conditions stated in the testimony of Public Staff witness Lucas and included in the Applicant's Proposed Order.

I am forwarding a copy of this letter to all parties of record.

Sincerely,

Electronically submitted
/s/ Nadia L. Luhr
Staff Attorney
nadia.luhr@psncuc.nc.gov

c: Parties of Record