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June 14, 2023

North Carolina Utilities Commission
c/o: Ms. Shonta Dunston, Chief Clerk
Dobbs Building
430 North Salisbury Street
Raleigh, NC 27603-5918

RE: Shawboro East Ridge Solar, LLC's Application For Certificate Of Public
Convenience and Necessity – Merchant Plant
Docket No. EMP-117, Sub 0
Our File: 054943.09024

Dear Ms. Dunston:

In accordance with the Commission's Order Requiring Proposed Orders in the above-referenced docket, Shawboro East Ridge Solar, LLC submits the attached proposed order for consideration by the Commission.

By copy of this letter, we are serving counsel for the Public Staff via electronic mail today.

Thank you for your assistance with this filing.

Very truly yours,



Joseph W. Eason

JE:ajh
Enclosure

Cc: Christopher Ayers (w/enc)
Nadia Luhr (w/enc)

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-117, SUB 0

In the Matter of)	
Application of Shawboro East Ridge)	PROPOSED ORDER
Solar LLC, for a Certificate of Public)	ISSUING CERTIFICATE
Convenience and Necessity to)	FOR MERCHANT
Construct a 150-MW Solar Facility)	GENERATING FACILITY
in Currituck County, North Carolina)	WITH CONDITIONS

BY THE COMMISSION: On June 22, 2021, Shawboro East Ridge Solar LLC (Applicant or “Shawboro”) 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) to construct a 150-MW (ac) solar photovoltaic (PV) electric generating facility to be located in Currituck County, North Carolina, and to be operated as a merchant generating facility (Application). On the same date, the Applicant filed the testimony and exhibits of witness Linda Nwadike. Following further proceedings and filings as described herein, in a motion filed by the Applicant on May 8, 2023, the parties participating in this proceeding reportedly concurred that these proceedings relating to the Application are now complete, and that the Application is ready for disposition.

PROCEDURAL HISTORY

On June 22, 2021, the Applicant filed its application for a 150-MW (ac) solar photovoltaic generating facility in this docket (Facility), together with supporting testimony and exhibits as previously described.

On July 7, 2021, the Public Staff filed a Notice of Completeness and Motion to Stay, stating it had reviewed the application as required by Commission Rule R8-63(d) and considered the application to be complete. The Public Staff, however, requested that the Commission stay the proceedings pending the completion of the affected system study for PJB cluster AE1 and the issuance of a ruling by FERC in *Edgecombe Solar Energy LLC v. Duke*

Energy Progress, LLC, Duke Energy Carolinas, LLC and Duke Energy Florida, LLC, FERC Docket No. EL21-73-000.

On July 14, 2021, the Applicant filed its Response to Notice of Completeness and Motion to Stay of the Public Staff and requested that the Commission issue a procedural order setting the matter for hearing, requiring public notice, and addressing any other procedural matters.

On August 12, 2021, the Commission denied the Public Staff's request to stay the proceedings and issued an Order Scheduling Hearings, Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (First Scheduling Order).

On September 13, 2021, the Applicant filed its Motion for Extensions of Time, requesting an extension of time to file its responses to Public Staff Data Request No. 1 and to extend correspondingly the deadlines for subsequent testimony.

On September 14, 2021, Applicant filed an Affidavit of Publication stating that notice of the Application had been published in the Daily Advance, a daily newspaper of general circulation, printed and published in Elizabeth City, Pasquotank County, North Carolina, on August 19, 2021, August 26, 2021, September 2, 2021, and September 9, 2021.

On September 15, 2021, the Commission entered an Order Granting Extensions of Deadlines, extending the deadline for direct testimony and exhibits of the Public Staff and other intervenors to October 5, 2021, and the deadline for the Applicant's rebuttal testimony and exhibits to October 21, 2021.

The State Clearinghouse filed comments on the application on September 15, 2021 and additional comments on September 24, 2021. The Clearinghouse's letters stated that "it has been determined that no further State Clearinghouse review action on your part is needed for compliance with the North Carolina Environmental Policy Act."

On October 1, 2021, the Public Staff filed its Motion of the Public Staff for Extensions of Time, requesting that the deadlines for the filing of the Public Staff's direct testimony and exhibits and the Applicant's filing of rebuttal testimony and exhibits be extended for a two-week period.

On October 5, 2021, the Public Staff filed its Supplement to the Motion of the Public Staff for Extensions of Time, requesting that the Commission reschedule the expert witness hearing to a later date.

On October 7, 2021, the Commission issued its Order Granting Motion for Extensions of Deadlines, Rescheduling Expert Witness Hearing, and Establishing Remote Procedures for Expert Witness Hearing, extending the deadline for the Public Staff's direct testimony and exhibits to October 19, 2021 (the Second Scheduling Order); the deadline for the Applicant's rebuttal testimony and exhibits to November 4, 2021; and rescheduling the expert witness hearing to November 23, 2021 and to be conducted remotely via Webex.

On October 8, 2021, the Public Staff filed its Motion to Cancel Public Hearing, stating that neither the Public Staff nor the Commission had received any complaints regarding the proposed facility.

On October 12, 2021, the Commission issued its Order Canceling Public Witness Hearing.

On October 19, 2021, the Public Staff filed the Testimony of Jay B. Lucas, Manager of the Electric Section-Operations and Planning in the Public Staff's Energy Division.

On November 4, Applicant filed the reply testimony of Linda Nwadike.

Both the Public Staff and the Applicant filed their respective consents to remote hearing on November 16, 2021.

The public hearing was conducted by videoconference on November 23, 2021, with then-Hearing Examiner Kimberly W. Duffley, Presiding.

On February 3, 2022, the Applicant filed its Motion for Leave to Submit Additional Supplemental Testimony, with Additional Supplemental Testimony of Linda Nwadike attached, to provide the Commission with the January 2022 PJM System Impact Study Report and a recalculation of the project's levelized cost of transmission (LCOT).

On February 11, 2022, the Commission issued its Order Granting Motion for Leave to Submit Supplemental Testimony and Providing Public Staff an Opportunity to File Testimony in Response.

On February 25, 2022, the Public Staff filed the supplemental testimony of Jay B. Lucas, Manager, Electric Section-Operations and Planning, Energy Division.

On November 1, 2022, the Commission issued its Order Requiring Supplemental Information, requiring that all final reports from the retooling of the PJM AE1 cluster and the revised Duke Energy Progress Affected System study report based on the PJM retool be filed; if not yet available, the Applicant was required to provide the Commission with an update as to when the Applicant expected them to be available.

On November 14, 2022, Applicant submitted its "Report ... in Response to Order Requesting Supplemental Information Issued on November 1, 2022".

On January 20, 2023, Applicant filed the Generator Interconnection Affected System Study Report, PRM Interconnection Cluster AE1, issued by the Duke Energy Progress Transmission Department on December 27, 2022.

On February 14, 2023, Applicant filed its Motion for Leave to Submit Supplemental Testimony with additional supplemental testimony of Rob Price attached.

On February 21, 2023, the Commission issued its Order Allowing Supplemental Testimony, allowing the supplemental testimony of witness Price and providing for supplemental testimony by the Public Staff, with reply testimony from the Applicant.

On March 23, 2023, the Public Staff filed the Second Supplemental Testimony of Jay B. Lucas, Manager, Electric Section-Operations and Planning, Energy Division.

On March 30, 2023, Applicant filed the Generator Interconnection Affected System Study Report, PJM Interconnection Cluster AE1, Revision 1-based on PJM cluster as of 2/2023.

On May 8, 2023, Applicant, without objection from the Public Staff, filed its Motion For Order Requiring Submission of Proposed Orders.

On May 15, 2023, the Commission entered its Order Requiring the Submission of Proposed Orders, requiring proposed orders from the participating parties.

FINDINGS OF FACT

1. Shawboro East Ridge Solar, LLC is a North Carolina limited liability company with its principal place of business in Stamford, Connecticut. SunEnergy1 is the direct parent of Shawboro. SunEnergy1 is a solar developer and an engineering, procurement, and construction company. It has ownership interests in and/or the ability to control through leases or contracts numerous solar generating facilities in the Southeastern Electric Reliability Council region.

2. In compliance with N.C.G.S. § 62-110.1 and Commission Rule R8-63, Shawboro filed with the Commission an application on June 22, 2021 for a CPCN authorizing construction of the Facility on a site bound on the east by East Ridge Road and on the west by Shawboro and Indiantown Roads in the Town of Shawboro, Currituck County, North Carolina. It involves the construction of 150 MW of generation and was assigned to PJM queue position AE1-072. The project will be located on several parcels in Currituck County, North Carolina. The site is comprised of rural land, some of which is currently used for agricultural purposes. The parcel landowners have given Shawboro the right to develop and use the property for solar energy purposes.

3. The Application has met all requirements for publication of notice.

4. Shawboro is financially and operationally able to undertake the construction and operation of the Facility.

5. The Facility is a solar energy facility and will be interconnected to the transmission grid owned by Dominion Energy North Carolina ("DENC"). Shawboro proposes to interconnect 150 MW of solar generation capacity to the DENC transmission grid to sell wholesale power from the Facility located within in the PJM footprint.

6. The State Clearinghouse has concluded that no further action by Shawboro is necessary to comply with the NCEPA.

7. PJM estimates that costs for the PJM Network Upgrades associated with the Facility are \$ 2,328,614.

8. Duke Energy Progress, LLC (DEP) completed an affected system study to determine the necessary upgrades to accommodate PJM cluster AE1. The upgrades identified by DEP would be necessary to maintain system reliability.

9. The Affected System Costs for the AE1 cluster's impact on the DEP system are \$19,350,000, which are needed to resolve an overload on the Greenville-Everetts (DEP) 230 KV line, but no cost responsibility for these upgrades have been assigned to the Facility.

10. Based on retooled or updated studies of PJM and DEP submitted via supplemental testimony in February 2022 and February 2023, the calculated Levelized Cost of Transmission (LCOT) for the Facility, which previously was calculated as \$ 6.07/ MWh, initially decreased to \$ 2.53/MWh, and as of year-end 2022, has decreased further to \$ 1.25/MWh.

11. The record shows that PJM has projected regional load growth and regional generation requirements sufficient to demonstrate that the construction of the project would be consistent with the public convenience and necessity, and not contrary to the public interest.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 1-3

These findings of fact are essentially informational, procedural, and jurisdictional in nature and are not in dispute. The original Application, the various filed testimonies of Shawboro witnesses Nwadike and Price, and the Affidavit of Publication support these findings.

The Applicant filed a copy of the Articles of Organization for Shawboro East Ridge Solar, LLC, filed with the North Carolina Secretary of State on August 29, 2014, in the docket on June 22, 2021 as an exhibit to the Facility CPCN Application.

An examination of the Application and the exhibits of Shawboro's witnesses confirms that the Applicant has complied with all filing

requirements of the law and Commission rules associated with applying for a certificate to construct a merchant plant in North Carolina.

On September 14, 2021, Applicant filed an Affidavit of Publication stating that notice of the Application had been published in the Daily Advance, a daily newspaper of general circulation, printed and published in Elizabeth City, Pasquotank County, North Carolina, on August 19, 2021, August 26, 2021, September 2, 2021, and September 9, 2021. The Commission concludes that the Applicant timely and adequately published the Public Notice.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NO. 4

The evidence supporting this finding of fact is in the Application and the testimony of Shawboro witness Nwadike. No party disputes this finding.

According to witness Nwadike, SunEnergy1 is a top five U.S. solar developer, owner, and operator of utility-scale solar projects, having installed over 1 GW of solar power. SunEnergy1 has pioneered large-scale solar power on the East Coast for nearly a decade and has developed record-breaking solar projects in the Southeast region. SunEnergy1 is vertically integrated and controls all stages of development in-house.

Based on the foregoing, the Commission concludes that SunEnergy1's experience in the construction and operational control of solar energy facilities demonstrates that its affiliate, Shawboro, has the financial and operational capabilities necessary to successfully construct the Facility.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 5

The evidence supporting this finding of fact is in the Application and the testimony of Shawboro witnesses Nwadike and Price.

According to the Application and the testimony of Shawboro Solar witness Nwadike, Shawboro will locate the Facility on several parcels of land in Currituck County, North Carolina. The site is primarily rural and some of the land is used for agricultural purposes. The parcel landowners have provided Shawboro with the right to develop and use the property for solar energy purposes, including the installation of solar panels, inverters,

transformers, and other elements of the facility. Shawboro included a site plan for the proposed project as an exhibit with the CPCN Application, and later submitted updated site plans and layouts.

In her prefiled direct testimony filed on June 18, 2021 with the Application, witness Nwadike states that the project corresponds to PJM queue AE1-072. The facility will be a single-axis tracking, ground-mounted solar PV system, and the facility will be comprised of solar arrays, inverters, generator step-up (“GSU”) transformers, racking, posts, wiring, utility poles, communication poles, security cameras and accessories. Nwadike further states that the Facility will interconnect with the ITO transmission system via a new three breaker ring switching station that connects to Dominion’s Shawboro to Sligo kV line # 269.

The Commission notes that Shawboro will not be able to meet the dates for beginning construction and for commercial operation predicted in the Application. Shawboro has not provided the Commission with updated timelines for beginning construction and achieving commercial operation, but in the original timeline in the Application, Shawboro predicted that the duration of the construction process would be approximately nine (9) months.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 6

The evidence supporting this finding of fact is in the State Clearinghouse comments filed on September 15 and September 24, 2021. The NC DOA, through the State Clearinghouse, stated in its correspondence that because of the nature of the comments filed by various North Carolina state government agencies, NC DOA had determined that no further review action by Shawboro was necessary for compliance with the NCEPA. The various agencies commenting included the North Carolina Department of Environmental Quality (NCDEQ) Division of Environmental Assistance and Customer Service, North Carolina Wildlife Resources Commission, NCDEQ Division of Waste Management, North Carolina Department of Transportation, North Carolina Department of Public Safety Division of Emergency Management, and North Carolina Department of Natural and Cultural Resources State Historic Preservation Office.

Considering the foregoing, the Commission concludes that Shawboro has complied with the NCEPA and that the Act does not prohibit or impede issuance of a certificate to construct the Facility.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 8-12

The evidence supporting these findings of fact is in the Application, the testimonies of Shawboro witnesses Nwadike and Price, the Public Staff testimony of witness Lucas, in orders of Federal Energy Regulatory Commission (FERC), and in filings made in Commission Docket No. E-100, Sub 170, Investigation of Interconnection Issues Related to Electric Merchant Generating Facilities.

North Carolina General Statute § 62-110.1(a) provides that no generating facility may be constructed without first obtaining from the Commission a certificate stating that public convenience and necessity requires, or will require, such construction. N.C.G.S. § 62-110.1(e) provides that “no certificate shall be granted unless the Commission has approved the estimated construction costs and made a finding that the construction will be consistent with the Commission’s plan for expansion of electric generating capacity. Commission Rule R8-63 also requires a merchant plant application to include a description of the need for the facility in the “state and/or region.” This requirement is an outgrowth of the 1991 Empire Power Company case in Docket No. SP-91, Sub 0. In 2001, the Commission initiated a generic proceeding in Docket No. E-100, Sub 85, to consider changes in the certification requirements for merchant plants.

In its Order adopting the certification rule, the Commission stated “[i]t is the Commission’s intent to facilitate, and not to frustrate, merchant plant development. Given the present statutory framework, the Commission is not in a position to abandon any showing of need or to create a presumption of need. However, the Commission believes that a flexible standard for the showing of need is appropriate.” Order Adopting Rule, *Investigation of Certification Requirements for New Generating Facilities*, No. E-100, Sub 85, at 7 (N.C.U.C. May 21, 2001). Although previously emphasized in the Order adopting the certification rule, the Commission emphasizes again that the analysis of whether the public convenience and necessity requires the construction of a specific merchant facility is flexible and, to this end, must focus on the facts and circumstances presented by the application and additionally must evolve as North Carolina’s electric system evolves. Thus, while it is not the Commission’s intent to frustrate merchant plant development, the Commission has a statutory obligation to determine whether granting an application for a CPCN is in the public interest. *See*

Order Granting Certificate, *Application of Rowan Generating Company, LLC, for a Certificate of Public Convenience and Necessity to Construct a Generating Facility in Rowan County, North Carolina*, No. EMP-3, Sub 0, at 8 (N.C.U.C. October 12, 2001) (stating that the Commission is “mindful that issues regarding the appropriate amount of merchant plant generation in the State remain to be decided.”).

In fulfilling these obligations imposed by statute and rule, the Commission has determined, in the context of CPCN applications for merchant plant facilities, that “it is appropriate for the Commission to consider the total construction costs of a facility, including the cost to interconnect and to construct any necessary transmission Network Upgrades, when determining the public convenience and necessity of a proposed new generating facility.” *See* Order Denying Certificate of Public Convenience and Necessity for Merchant Plant Generating Facility, *In the Matter of Application of Friesian Holdings, LLC for a Certificate of Convenience and Necessity to Construct a 70-MW Solar Facility in Scotland County, North Carolina*, No. EMP-105 Sub 0, at 6 (N.C.U.C. June 11, 2020), *aff’d State et rel. Utils. Comm’n v. Friesian Holdings, LLC*, 281 N.C. App. 391, 869 S.E.2d 327. Further, the Commission has decided, at the present time, that “the use of the levelized cost of transmission (LCOT) provides a benchmark as to the reasonableness of the transmission Network Upgrade cost associated with interconnecting a proposed new generating facility.” *Id.*

The Commission has explained that “the very reason the CPCN statute was enacted was to stop the costly overexpansion of facilities to serve areas that did not need them.” *Id.* at 17. *See also* *High Rock Lake Ass’n*, 97 N.C. App. at 140-41, 245 S.E.2d at 790; *State ex rel. Utils. Comm’n v. Empire Power*, 112 N.C. App. 265, 280, 435 S.E.2d 553, 561 (1994). The Commission has noted, based on policies established explicitly in N.C.G.S. § 62-2, that the “legislature intends the Commission to encourage cost-efficient siting of generating facilities, and thus that the Commission has the authority to consider all costs borne as a result of that siting decision.” *Id.* at 17-18.

The PJM estimates of the Network Upgrades required to accommodate interconnection of the proposed generation facility fell substantially while the application was pending. In her initial direct testimony filed with the Application in June of 2021, Shawboro witness Nwadike stated that PJM in 2019 estimated the costs of the Network Upgrades to be \$ 30,812,444. In her supplemental testimony filed in February of 2022, she testified PJM’s estimate had fallen to \$ 2,328,614 due to transmission facility upgrades

associated with other causes. In February 2022, she calculated that the Levelized Cost of Transmission (LCOT) for the Facility had decreased from \$ 6.07/ MWh to \$ 2.53/MWh. According to the Supplemental Testimony of Shawboro Witness Price submitted in February of 2023, which was based on studies retooled or updated during 2022, the LCOT for the Facility has decreased further to \$ 1.25/MWh. Under the applicable regulatory paradigm, Shawboro will be responsible for paying interconnection costs for Network Upgrades on the PJM system, and will also bear all the costs associated with the construction of the proposed generation facility; North Carolina ratepayers will not bear any of these costs.

Forecasts of the Affected System Costs on the DEP transmission system to accommodate the proposed Facility likewise have diminished over time. The initial testimony of Shawboro Witness Nwadike indicated that PJM estimated the AE group of projects could impact a relevant line of DEP that would require upgrade costs of approximately \$10,000,000, but that those costs had not been assigned to Applicant because the upgrades were deemed to be caused by other proposed projects. Public Staff witness Lucas, in his initial 2021 testimony, stated that DEP, in response to an interrogatory, stated that DEP assumed it would have to construct upgrades on the Everetts-Greenville 230 kV line to accommodate a facility for Sumac Solar, VLLC, which was in PJM group AD1, and thus had ascribed no upgrade costs to Shawboro's Facility.

Witness Lucas of the Public Staff also described certain proceedings at the FERC regarding reimbursement of an Interconnection Customer for Affected System Upgrade Costs, and related concerns of the Public Staff regarding possible stranded upgrade investments if developers included in any particular study later withdrew their requests for interconnection, and also regarding potentially wasted future upgrade investments if subsequent requests for interconnection resulted in further upgrades before the end of the useful life of the first-generation upgrades.

These disagreements over DEP's prior policy of reimbursement of Interconnection Customers found their way to the FERC. On October 1, 2020, Duke revised its AOSA template to assign the costs of Affected System Network Upgrades for a specific project in PJM Group AC1 to the Interconnection Customer American Beech, but in a departure from its prior policy of repayment to the Interconnection Customer for Affected System Upgrade Costs, executed and filed an ASOA with American Beech without any provision for reimbursement. The FERC rejected that ASOA.

Subsequently, on May 6, 2022, Edgecombe (another AC1 project) signed its own ASOA with DEP for the upgrade that provided for reimbursement of the upgrades by DEP, and that ASOA was filed unexecuted by DEP with the FERC and this Commission because DEP is litigating the issue of whether the FERC can require DEP to provide reimbursement. FERC accepted the Edgecombe ASOA on July 5, 2022. DEP's litigation continues.

Regarding his other concerns, Public Staff Lucas recommended that disposition of the Application should be deferred pending the completion and filing of "retooled" PJM Group studies and updated DEP forecasts during 2022. Afterwards, this Commission issued its Order Requiring Additional Information on November 1, 2022, requiring the Applicant to file the retooled PJM AE1 cluster study and the updated 2022 DEP Affected System Study, or to state when those studies would be available for filing. As previously mentioned, on February 14, 2023, Shawboro witness Price filed his supplemental testimony which provided the updated 2022 DEP study based on the 2022 PJM "retooled" AE1 study, along with an exhibit showing his calculation that the LCOT had decreased further to \$ 1.25/MWh.

Witness Price also stated that PJM had assigned zero Affected System Upgrade Costs to Applicant because it assumed DEP would make the required upgrades to accommodate other solar projects, such as those of Sumac Solar, LLC (Sumac) and Sweetleaf Solar, LLC (Sweetleaf). He explained that Sumac had signed an ASOA with DEP to pay the estimated \$150,000 now forecast as DEP's remaining Affected System Upgrade Costs. The Public Staff's witness Lucas, in his second round of supplemental testimony filed in March, 2023, concurred with the testimony of Shawboro witness Price, and recommended approval of the Application, subject to conditions. Whereafter this Commission entered an uncontested order requiring the submission of proposed orders in this docket.

The foregoing discussion supports the conclusions that the Applicant has demonstrated that granting the Application and issuing the requested CPCN, subject to the conditions previously proposed by the Public Staff and agreed upon by the Applicant, is consistent with the public convenience and necessity, and not contrary to the public interest. In its analysis of public convenience and necessity in the context of merchant generating facilities, the Commission has considered the long-term energy and capacity needs in the State and region, as well as system reliability concerns.

In view of the total cost of the Facility, including the Network Upgrades and the DEP Affected System Upgrade Costs, the Commission concludes that the siting of the Applicant's Facility in this area is not inconsistent with the Commission's obligation under N.C.G.S. § 62-110.1(d) for the provision of "reliable, efficient, and economical service" in the region.

After having carefully considered and weighed the evidence presented in this proceeding and using a case-specific and flexible standard, the Commission concludes that granting the CPCN for the Facility is in the public convenience and necessity, and is not contrary to the public interest. However, as the Public Staff recommends, the Commission will condition the certificate in the manner described below to ensure that the Commission is notified of any future material revisions in the cost estimates for any costs, including but not limited to Network Upgrades, Attachment Facilities, and Affected System Upgrades.

IT IS, THEREFORE, ORDERED as follows:

1. That a certificate of public convenience and necessity shall be issued to Shawboro East Ridge Solar, LLC for the construction of a 150 MW solar PV merchant generating facility to be located in Currituck County, North Carolina. This certificate is subject to the following conditions:

- (i) The Applicant will construct and operate the Facility in strict accordance with applicable laws and regulations, including any local zoning and environmental permitting requirements.
- (ii) The CPCN shall be subject to Commission Rule R8-63(e) and all orders, rules, regulations as are now or may hereafter be lawfully made by the Commission;
- (iii) The Applicant shall file with the Commission in this docket any significant revisions in the cost estimates for the construction of the Facility itself, interconnection facilities, network upgrades, or affected system upgrades, or any other significant change in costs, within 30 days of becoming aware of such revisions.
- (iv) The Applicant shall file a copy of any executed Affected System Operating Agreement with the Commission at the same time

such filing is made at the Federal Energy Regulatory Commission (at least 61 days prior to commencing construction on the upgrades); and

- (v) If, at any time, the Applicant seeks reimbursement for any interconnection facilities, network upgrade costs, affected system costs, or other costs required to allow energization and operation of the Facility, it shall notify the Commission no later than 60 days before seeking reimbursement; and

- 2. That Appendix A hereto shall constitute the certificate of public convenience and necessity issued for the Facility.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

APPENDIX A

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-117, SUB 0

Shawboro East Ridge Solar, LLC
595 Summer Street, 4th Floor
Stamford, CT 06901

is hereby issued this

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

For a 150-MW solar energy facility

located

Bound on the East by East Ridge Road and on the West by
Shawboro and Indiantown Roads
in Currituck County and the town of Shawboro, North Carolina

subject to receipt of all federal and state permits as required by existing and future regulations prior to beginning construction and further subject to all other 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 _____, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk