

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 Certificate)	
of Public Convenience and Necessity to)	RENEWED MOTION TO EXCUSE
Construct a 150MW Solar Facility in Pitt)	WITNESSES, ADMIT TESTIMONY AND
County, North Carolina)	EXHIBITS, AND CANCEL EVIDENTIARY
)	HEARING, OR ALTERNATIVELY,
)	REQUEST TO SCHEDULE EVIDENTIARY
		HEARING

NOW COMES Pitt Solar, LLC, (the "Applicant"), by and through its undersigned counsel, and moves the Commission (1) to excuse all witnesses, admit into the record without cross-examination all of the pre-filed testimony and exhibits submitted by any party to this proceeding, and cancel any further evidentiary hearings on the Applicant's application for a certificate of public convenience and necessity (the "CPCN"), as Applicant requested on December 16, 2020; or, alternatively, (2) to schedule a hearing to receive all pre-filed testimony and exhibits into evidence, in order to permit this Commission to rule on the application for the requested CPCN, but subject to certain conditions made by Public Staff Metz which were previously accepted by the Applicant, as well as an additional condition/option for the Commission to choose, as recommended by the Applicant in its June 1, 2021 testimony . Accordingly, the Applicant shows unto the Commission the following:

1. On August 10, 2020, an application for a CPCN to construct a 150 MW renewable electric merchant plant was filed pursuant to N.C. Gen. Stat. § 62-110.1 and NCUC Rule R8-63 on behalf of Bethel NC 11 Solar, LLC. The application was supported by the pre-filed testimony and exhibits of Linda Nwadike filed with the Commission on the same day in accordance with NCUC Rule R8-63.
2. At the time the application was filed, the Applicant did not have a contract to sell the output of the proposed solar generation plant.
3. On August 19, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff had reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considered the application to be complete. In addition, the Public Staff requested that the Commission issue a procedural order setting the application for hearing, requiring public notice pursuant to N.C.G.S. § 62-82, and addressing any other procedural matters.

4. On October 5, 2020, the Commission issued an *Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice*.

5. On October 16, 2020, the Applicant pre-filed the supplemental testimony of witness Nwadike.

6. On October 26, 2020, the Public Staff filed a motion for extension of time to file testimony and rebuttal testimony, which was granted by Commission Order dated October 30, 2020. The Commission's October 30th Order also canceled the scheduled hearing in the docket and stated the hearing would be rescheduled by subsequent order of the Commission.

7. On November 11, 2020, the Applicant filed an Affidavit of Publication indicating that public notice was given as required.

8. Since the filing of the application, the Applicant has entered into an out-take contract for the output of the proposed project. In connection with the making of the out-take contract, the counterparty requested that the Applicant change its legal name. The Applicant agreed to effect a change of its legal name.

9. The current legal name of the Applicant is Pitt Solar, LLC. The application and caption in this proceeding has been adjusted to conform to the new legal name of the Applicant, Pitt Solar, LLC.

10. 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, among other things, recommended that the Commission grant the requested CPCN, subject to certain conditions as set out on pages 16-19 of that testimony.

11. On November 16, 2020, a public hearing was held on the application in this docket. Only one person registered to speak at the public hearing. That individual raised concerns about solar generation resources generally and the use of avoided costs to develop prices for the output of some solar generation resources. That individual confirmed on cross-examination that the issues and concerns about solar electric generation that had been raised by him were generic concerns, not concerns about the Applicant or the specific project proposed by the Applicant in this docket.

12. On December 16, 2020, the Applicant filed its Verified Motion to Excuse Witnesses, Admit Testimony and Exhibits, And Cancel Hearings, which motion, among other things, requested that the Commission cancel any further evidentiary hearings in this docket and issue the CPCN as requested by the Applicant, but subject to the conditions identified in the aforesaid testimony of Public Staff Witness Metz. At that time, the Applicant had the consent of the Public Staff to represent that "...the Public Staff has no objection to the Commission granting the relief requested by the Applicant subject to the conditions recommended in the aforesaid testimony of Public Staff witness Metz." (Verified Motion, December 16, 2020, ¶ 15).

13. On May 7, 2021, the Commission issued its Order Requiring Further Additional Testimony from the Applicant and the Public Staff to address specific issues identified therein. The Commission sought such additional testimony, at least in part, because of its conclusion that “[t]he Commission is unable to evaluate the construction costs for the Facility because the full network upgrade costs on PJM member systems and the Affected System costs on the DEP system have not been provided.” (Order Requiring Further Additional Testimony, page 4).

14. On June 1, 2021, the Applicant filed public and confidential supplemental testimony of Ms. Nwadike to address the questions raised by the Commission in its Order dated May 7, 2021. On June 14, 2021, the Applicant also filed a motion to amend and correct one line on one page of the pre-filed testimony filed on June 1, 2021.

15. On June 28, 2021, the Public Staff requested an extension of time to file its testimony in response to the questions of the Commission as stated in its order issued on May 7, 2021, which motion for an extension was granted by the Commission by its Order Granting Extension of Time entered on June 30, 2021.

16. On July 7, 2021, the Public Staff submitted the supplemental testimony of its Witness Dustin Metz addressing the questions posed by the Commission in its Order entered on May 7, 2021. Among other things, the Public Staff proposed that all applications in all pending EMP dockets be abated for an indefinite period of time for the reasons stated therein.

17. On July 21, 2021, the Applicant filed its Motion For Extension of Time to submit testimony in reply to the supplemental testimony of Public Staff witness Metz, which motion was granted by the Commission’s Order Granting Extension of Time entered on July 21, 2021.

18. On July 22, 2021, the Applicant submitted the Pre-Filed Rebuttal Testimony of Ms. Nwadike to respond to the supplemental testimony of Public Staff Witness Metz. Among other things, the Applicant, through said Reply testimony, reiterated its continued willingness to accept the CPCN subject to the conditions identified in the original pre-filed testimony of Public Staff witness Metz, and its willingness to include an additional condition/option for the Commission to consider, allowing Applicant to only commence construction on the 80 MW portion of the proposed 150MW Facility in PJM’s AC1 cluster and defer construction on the remaining 70MW of the facility until the Applicant submits the Facilities Study it is awaiting from PJM; or, the Commission could consider issuing the CPCN in stages based on the two different PJM queues involved, and thereby defer any decision by the Commission associated with the portion of the proposed facility subject to the greater level of uncertainties in connection with Network Upgrades and Affected System Costs .

19. The Applicant remains willing to accept a CPCN issued by this Commission subject to the conditions as stated in the aforesaid testimony of Public Staff witness Metz.

20. The Applicant acknowledges 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.

21. The Applicant respectfully submits that there are no disputed factual issues material to the first 80 MW phase of the application for a CPCN that requires an evidentiary hearing before this Commission in order for the Commission to rule on that portion of the application for a CPCN, and in any event, the Applicant waives its right to cross-examine Witness Metz, the only witness other than Witness Nwadike that has submitted pre-filed testimony in this docket.

22. The Public Staff was provided a copy of this motion before it was filed. The Public Staff has authorized the undersigned to state that the Public Staff takes no position on this motion or the relief requested herein.

23. As a result of the "outtake" contract referenced above, the Applicant faces substantial, adverse economic consequences from a failure to timely construct and operate the 80 MW portion of the facility referred to in paragraphs 18 and 21. And in light of the conditions accepted by Applicant, the acknowledgments stated by Applicant, and the undertaking of the Applicant to pay, if necessary, all network and affected system upgrade costs without reimbursement, the definite potential prejudice to the interests of the Applicant should be found to exceed the relatively small risk that any North Carolina ratepayer will be required to contribute toward any costs for the upgrades identified in the studies conducted by PJM or by Duke Energy Progress necessary for the Applicant to interconnect a 80 MW facility.

WHEREFORE, the Applicant respectfully prays that the Commission:

1. Admit into evidence all of the pre-filed testimony, including all exhibits thereto, submitted on behalf of the Applicant or on behalf of the Public Staff in this docket, without cross examination; excuse all of the witnesses from appearing at any scheduled hearings; and cancel any further evidentiary hearings in this docket on the Applicant's application for a certificate of public convenience and necessity (the "CPCN"), as Applicant requested on December 16, 2020; or,
2. Alternatively, that the Commission schedule an evidentiary hearing to receive all pre-filed testimony and exhibits into evidence, in order to permit this Commission to rule on the application for the requested CPCN, but subject to certain conditions previously accepted by the Applicant, and options proposed by the Applicant to grant a reduced-in-size CPCN of 80 MW, for the reasons stated in the last round of testimony submitted on behalf of the Applicant; and,
3. Issue a CPCN for 80 MW of the facility as requested by the Applicant, in accordance with the choice and decision of the Commission, also subject to the conditions identified in the aforesaid testimony of Public Staff witness Metz, and the other acknowledgements and undertakings referred to herein.

Respectfully submitted this 10th day of August, 2021.



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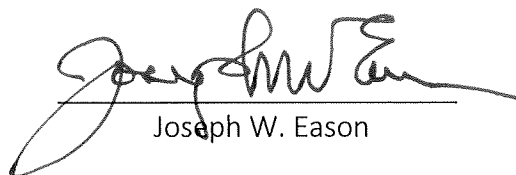
CERTIFICATE OF SERVICE

The undersigned certifies that the forgoing RENEWED MOTION TO ADMIT TESTIMONY AND EXHIBITS WITHOUT CROSS AND TO CANCEL HEARING, OR ALTERNATIVELY, TO SCHEDULE EVIDENTIARY HEARING was served upon the following by electronic mail:

Christopher Ayers, Esq.
Executive Director-NC Public Staff
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This the 10th day of August, 2021.


Joseph W. Eason