

STATE OF NORTH CAROLINA

UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-101, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the matter of)	
)	
Application of Edgecombe Solar LLC)	MOTION FOR LIMITED
for a Certificate of Public Convenience and)	CONSTRUCTION
Necessity to Construct a 75-MW Solar)	AUTHORITY
Facility in Edgecombe County, North Carolina)	

Edgecombe Solar LLC ("Edgecombe Solar") by and through its undersigned counsel, hereby moves the Commission to permit Edgecombe Solar to begin limited construction activities, including the construction of minimal pile installations and associated erosion control measures ("Limited Construction"), on the portions of the Application for a Certificate of Public Convenience and Necessity to construct a Merchant Plant ("Application") site layout filed on October 5, 2018 that are outside of the areas that remain under study by the Department of Cultural Resources State Historic Preservation Office ("SHPO") (the "Limited Construction Area").

On October 5, 2018, Edgecombe Solar filed the Application and Registration as a New Renewable Energy Facility in the above-referenced docket.

On December 18, 2018, Clearinghouse comments were filed and the Clearinghouse determined that no further State Clearinghouse review action was required. On December 28, 2018, additional Clearinghouse comments were filed. The December 28, 2018 filing included comments from the State Historic Preservation Office, which requested a comprehensive archaeological survey of the project area be conducted prior to initiation of ground disturbing activities and consultation with the Office of State

Archaeology (“OSA”) prior to the archaeological field investigation. Therefore, the Clearinghouse requested such additional information be provided for review.

In consultation with OSA, Edgecombe Solar’s consultant conducted a Phase I archeological survey of the project area. Methodology for the survey was approved by OSA on February 11, 2019 and the survey was conducted between February, 2019 and May, 2019 (“Phase I”). During Phase I, thirty archaeological sites were identified and analyzed. On October 7, 2019, the consultant submitted an archaeological report and site forms. After review by the OSA, the OSA determined that twelve of the archaeological sites are not eligible for listing in the National Register of Historic Places. On November 12, 2019, SHPO provided additional comments, confirming that no further evaluation was required on those twelve Phase I sites. See **Exhibit A**. On November 14, 2019, Edgecombe Solar’s consultant provided OSA a map showing the areas still under study, attached hereto as **Exhibit B**, and requested confirmation that there would be no concerns with Edgecombe Solar proceeding with limited construction activity within the site layout but outside of the areas still under study as reflected in the map.¹ On November 14, 2019, OSA confirmed that “[t]he survey work that has been done to date is sufficient to demonstrate that no significant archaeological sites are located [in the Limited Construction Area], so we are ok with construction proceeding in the areas indicated on the map.” **Exhibit C**.

Beginning construction of the facility in 2019 is critical to completing construction in accordance with timing requirements established pursuant to contractual obligations of Edgecombe Solar and its affiliates and for federal tax credit purposes. Edgecombe Solar has completed all application steps necessary for receipt of its Certificate of Public

¹ The areas still under study are the eighteen areas shown on Exhibit B in solid yellow (“Archaeological Site”) or yellow striped (“Site studied for Phase II”).

Convenience and Necessity (“CPCN”) other than receipt of final Clearinghouse comments indicating no additional review is required by SHPO. In order to meet these critical construction timeframes, Edgecombe Solar requests that the Commission authorize it to proceed with Limited Construction in the Limited Construction Area, as reflected on Exhibit B, as soon as possible.

In support of its motion, Edgecombe Solar shows the Commission the following:

1. Edgecombe Solar filed an application for a CPCN on October 5, 2018.
2. On November 8, 2018, the Commission entered an order in the above-referenced docket, which, in part, directed the Chief Clerk to deliver copies of the filing to the Clearinghouse for distribution and review.
3. On December 18, 2018, Clearinghouse comments were filed and the Clearinghouse determined that no further State Clearinghouse review action was required.
4. On December 28, 2018, Clearinghouse comments from SHPO were filed, which requested that a comprehensive archaeological survey of the project area be conducted prior to initiation of ground disturbing activities. The comments also requested consultation with the OSA prior to the archaeological field investigation.
5. Beginning in February, 2019, a consultant for Edgecombe Solar has been in consultation with OSA and has been conducting the comprehensive archaeological survey of the project area. On October 7, 2019, the consultant submitted an archaeological report and site forms.
6. On November 12, 2019, SHPO provided the consultant for Edgecombe Solar with additional comments, confirming that no further evaluation was required on twelve of the Phase I sites.

7. On November 14, 2019, OSA confirmed that “[t]he survey work that has been done to date is sufficient to demonstrate that no significant archaeological sites are located [in the Limited Construction Area], so we are ok with construction proceeding in the areas indicated on the map.”

8. The Limited Construction requested is limited to the construction of minimal pile installations and associated erosion control measures related to the four SOC Inverter locations as shown on Exhibit B. Each SOC Inverter location is within the project area, but outside of the areas still under study by SHPO. Edgecombe Solar will mark off all areas still under study by SHPO to ensure that the Limited Construction activity will not encroach on any of those areas.

9. Edgecombe Solar understands and commits that any construction pursuant to the requested Limited Construction will be undertaken without prejudice to any Commission action concerning Edgecombe Solar’s application and construction of the Facility. Edgecombe Solar assumes all risks regarding the Commission’s disposition of the Application before the Commission in this docket.

10. Edgecombe Solar submits that the grant of the requested Limited Construction authority during pendency of its application is in the public interest and will lead to the timely construction of a new renewable energy generation facility and increased investment in North Carolina. The requested relief is critical to completing construction of the Facility in accordance with timing requirements established pursuant to contractual obligations of Edgecombe Solar and its affiliates. Further, no risk to North Carolina utility ratepayers or the environment will result from granting the requested relief, as Edgecombe Solar commits to proceed with Limited Construction at its own risk subject to future Commission action.

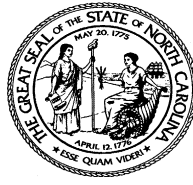
11. Edgecombe Solar has shared this Motion for Limited Construction Authority with the Public Staff prior to filing, and the Public Staff has authorized Edgecombe Solar to indicate that it does not have any objections to the requested motion.

WHEREFORE, Edgecombe Solar respectfully requests that the Commission issue an order granting the Limited Construction authority requested herein. Movant further requests expedited approval of the instant motion so that it may begin the Limited Construction activities on the Limited Construction Area before the end of the year and as soon as possible.

This the 19th day of November, 2019.

Edgecombe Solar LLC

/s/ Katherine E. Ross
Katherine E. Ross
N.C. State Bar # 38468
E. Merrick Parrott
N.C. State Bar # 47999
Parker, Poe, Adams & Bernstein LLP
301 Fayetteville Street
Suite 1400
Raleigh, NC 27601
Tel: (919) 828-0564
Fax: (919) 834-4564



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper
Secretary Susi H. Hamilton

Office of Archives and History
Deputy Secretary Kevin Cherry

November 12, 2019

Jonathan Libbon
SWCA Environmental Consultants
80 Emerson Lane, Suite 1306
Bridgeville, Pennsylvania 15017

jlibbon@swca.com

Re: Phase I Archaeological Survey Report, 75 MW Edgecombe Solar Project, US 64 Alternate,
Kingsboro, Edgecombe County, CH 18-3970

Dear Mr. Libbon:

Thank you for your October 7, 2019, letter transmitting the archaeological report and site forms for the above-referenced project. We have reviewed the information provided and offer the following comments.

A total of 30 archaeological sites have been identified in the subject parcel, 24 of which are documented in the Phase I report. One of these sites (31ED476) yielded pre-colonial American Indian artifacts and a soil anomaly which may be evidence of intact cultural deposits.

While further work would be necessary to determine whether site 31ED476 is eligible for listing in the National Register of Historic Places (NRHP), you indicate that a transmission line for the proposed project is planned to cross a portion of 31ED476 that has low artifact density. Since it is unlikely that this portion of the site would yield important information about the past, it would not contribute to the National Register eligibility of the site. This office concurs with this recommendation and finds that construction of the transmission line as currently planned is unlikely to affect the site.

The remaining 23 archaeological sites documented in the Phase I report are not considered eligible for listing in the NRHP due to their limited artifact assemblages and lack of subsurface deposits. We concur that archaeological sites 31ED477, 31ED478, 31ED481, 31ED487, 31ED491, 31ED497, 31ED498, 31ED500, 31ED502, 31ED504, and 31ED505 are not eligible for listing in the National Register, and do not recommend additional work at these 11 sites.

The submitted documentation indicates that subsurface testing at 12 sites was not consistent with the Office of State Archaeology (OSA) Standards and Guidelines https://files.nc.gov/dncr-arch/OSA_Guidelines_Dec2017.pdf (page 10) with regard to the investigation of sites identified by pedestrian survey. Therefore, we cannot make determinations of NRHP eligibility for the following 12 sites: 31ED482, 31ED484 - 31ED486, 31ED489, 31ED490, 31ED492 - 31ED495, 31ED499, and 31ED501. Additional testing at these sites is necessary to determine their NRHP eligibility. Per OSA guidelines, we recommend these sites be investigated with shovel tests at a density of no less than 4 per acre, roughly comparable to shovel tests at 30-meter intervals.

We also request that a revised report be submitted that contains the following information and revisions:

- Diameter of the augers used to test for deeply buried soil horizons (page 24)
- Revision of site maps such that positive shovel tests are labeled with context designations (Appendix B)
- Revision of site map for 31ED476 to show whether combined shovel/auger tests yielded artifacts (Appendix B)
- Revision of site map for 31ED481 showing shovel test excavated in the site area (Appendix B)
- Revision of total artifact count shown in table for site 31ED494 (page 39)

Finally, you indicate that the landowner has requested artifacts be returned after completion of the project. We recommend that all materials – including artifacts, along with related documentation such as original field notes, maps, photographs, artifact inventory lists, and analysis forms – recovered and created for purposes of compliance with state and federal regulations be permanently curated in an approved archaeological repository, preferably in the state of North Carolina (OSA Guidelines, p. 19). This ensures that these materials will be publicly accessible and available for research in perpetuity.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

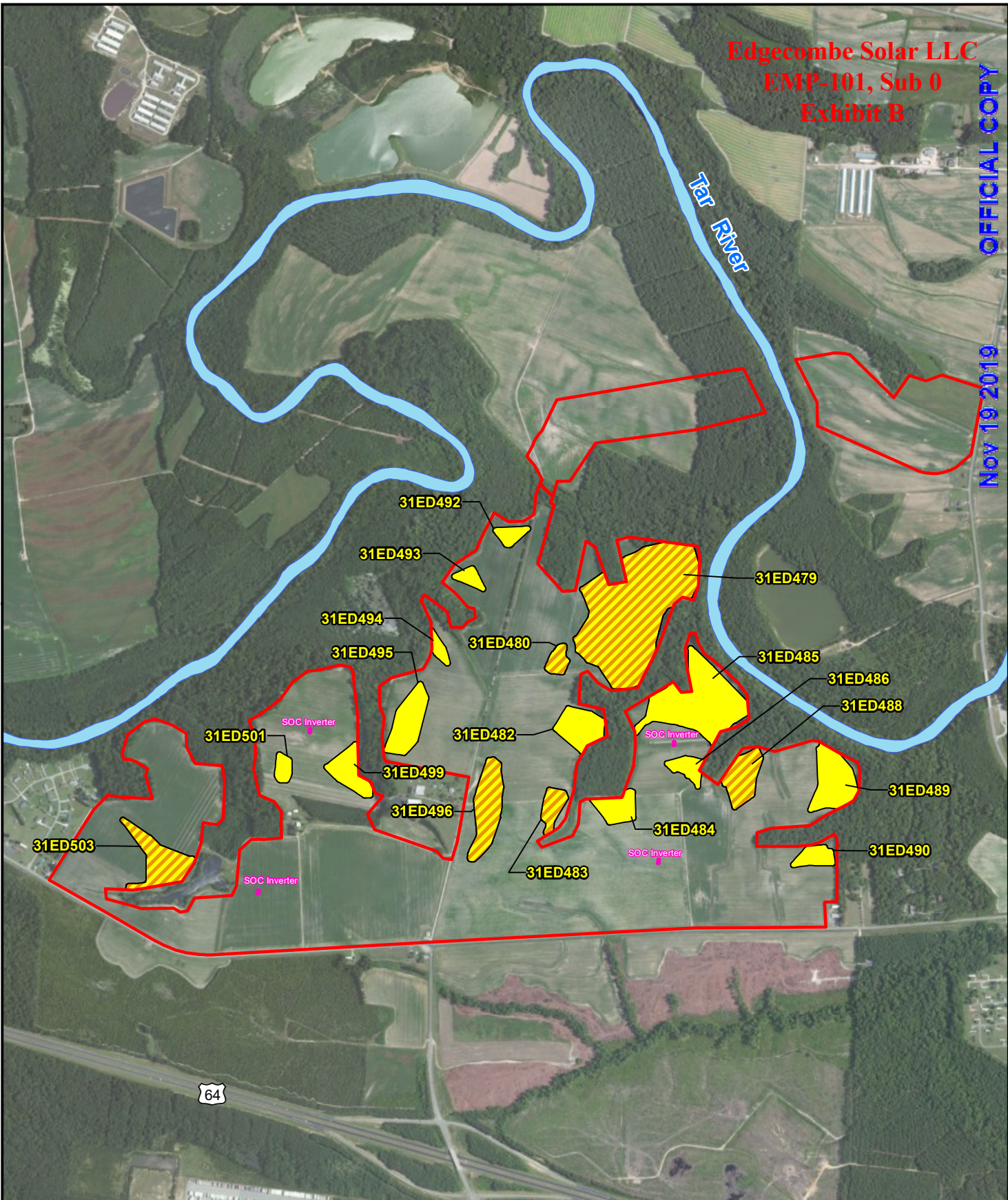
Sincerely,



 Ramona M. Bartos
Deputy State Historic Preservation Officer

Edgecombe Solar LLC
EMP-101, Sub 0
Exhibit B

OFFICIAL COPY
Nov 19 2019



80 Emerson Lane, Suite 1306
Bridgeville, PA 15017
(412) 839-1001 phone
(412) 839-1005 fax
www.swca.com

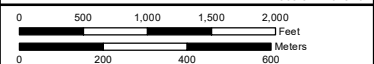
**EDGECOMBE SOLAR PROJECT
SOC INVERTER LOCATIONS**

PHASE II ARCHAEOLOGICAL SURVEY
USGS 7.5-MINUTE TOPOGRAPHIC
EDGECOMBE COUNTY, NORTH CAROLINA
HARTSEASE USGS 7.5-MIN QUADRANGLE

- SOC Inverter Location
- Tar River
- Project Area
- Site studied for Phase II
- Archaeological Site



Background:	ESRI World Imagery (Clarity)
Scale:	1:18,000
Created By:	JLZ
Approved By:	JRL
SWCA Project No.:	045342.00
Date Produced:	November 13, 2019
NAD 1983 UTM Zone 18N	



**Edgecombe Solar LLC
EMP-101, Sub 0
Exhibit C**

OFFICIAL COPY

Nov 19 2019

From: Fitts, Mary E <MaryBeth.Fitts@ncdcr.gov>
Sent: Thursday, November 14, 2019 8:02 AM
To: Jonathan Libbon <JLibbon@swca.com>
Cc: Van Portfliet, Ryan <RVanPortfliet@invenergylc.com>
Subject: [EXTERNAL] RE: [External] Edgecombe Solar (CH 18-3970)

Hi Jon,

Yes that is correct, our concern is only with the specified archaeological site areas. The survey work that has been done to date is sufficient to demonstrate that no significant archaeological sites are located elsewhere in the project area, so we are ok with construction proceeding in the areas indicated on the map.

Thank you for checking and please let me know if you have any additional questions.

Sincerely,
Mary Beth

Mary Beth Fitts, Ph.D
Office of State Archaeology
Assistant State Archaeologist
(919) 814-6554

109 East Jones Street | 4619 Mail Service Center | Raleigh, North Carolina 27699-4619



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From: Jonathan Libbon <JLibbon@swca.com>
Sent: Thursday, November 14, 2019 8:12 AM
To: Fitts, Mary E <MaryBeth.Fitts@ncdcr.gov>
Cc: Van Portfliet, Ryan <RVanPortfliet@invenergylc.com>
Subject: [External] Edgecombe Solar (CH 18-3970)

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Good Morning Mary Beth,

After reviewing the North Carolina State Historic Preservation Office's November 12, 2019 letter (attached), I wanted to follow-up with you regarding any concerns you may have outside of the 12 archaeological sites that require further testing (31ED482, 31ED484 – 31ED486, 31ED489, 31ED490, 31ED492 – 31ED495, 31ED499 & 31ED501) and the 6 archaeological sites (31ED479, 31ED480, 31ED483, 31ED488, 31ED496, and 31ED503) not included in the Phase I report submitted to your office on October 7, 2019.

Edgecombe Solar LLC would like to start limited construction on the portions of the project outside of the 12 sites that require further testing and the 6 sites that have yet to be reported on. Attached is a map showing the location of where the proposed limited construction would take place, as well as the location of the 12 archaeological resources that require further testing and the 6 sites that were not included in the Phase I report. Could you please reply to this email and confirm that SHPO does not have any concerns with Edgecombe Solar LLC proceeding with the limited construction activity as reflected in the attached map, simultaneous with undertaking the further testing and reporting SHPO has requested?

Thanks,

Jon

Jonathan R. Libbon, RPA
Cultural Resources Team Lead

SWCA Environmental Consultants
80 Emerson Lane, Suite 1306
Bridgeville, Pennsylvania 15017
P 724.316.5547 | O 412.839.1001 ext. 5509



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STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

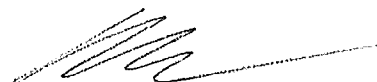
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In the Matter of the Application of)	
Edgecombe Solar LLC for a)	VERIFICATION FOR MOTION FOR
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Facility in Edgecombe County, North)	
Carolina)	

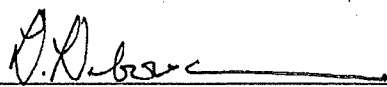
I, Michael Kaplan, being duly sworn, do hereby declare that I am duly authorized to act on behalf of the Applicant, that I am familiar with the facts, have read the foregoing Motion for Limited Construction Authority, and the matters and statements contained therein are true to the best of my personal knowledge.

This 18th day of November, 2019.



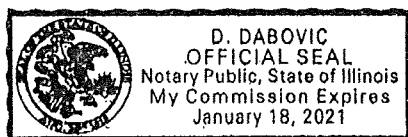
Michael Kaplan, Vice President
Edgecombe Solar LLC

Sworn and subscribed to before me this 18th day of November, 2019.



Notary Public [Signature of Notary Public]

[Notary Seal]



D. Dabovic

Name of Notary Public [typewritten or printed]
My Commission expires 1/18/21