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July 20, 2021

**Via Electronic Filing**

Kimberley Campbell  
Chief Clerk  
North Carolina Utilities Commission  
430 North Salisbury Street  
Raleigh, North Carolina 27603

Re: Docket No. EMP-114, Sub 0  
Oak Trail Solar, LLC

Dear Clerk Campbell:

The Applicant makes this filing in response to the Public Staff's statement in its cover letter<sup>1</sup> to their proposed order filed on July 14, 2021 in the above-referenced docket related to a proceeding that Edgecombe Solar, LLC initiated before the Federal Energy Regulatory Commission (FERC) "challenging certain 2020 amendments DEP and other affiliated utilities made to their Affected System Operating Agreement templates."

With its statement in the cover letter, the Public Staff continues to raise matters with respect to affected systems that are irrelevant to Oak Trail and contrary to evidence submitted in this proceeding. The reason offered by the Public Staff for further delay is a FERC proceeding<sup>2</sup> related to amendments to Affected System Operating Agreement templates. PJM and Duke have determined that there are no affected system impacts

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<sup>1</sup> While Oak Trail does not agree with certain assertions in the Public Staff's proposed order, this filing does not address substantive matters related to the proposed orders. Rather, this filing is narrowly tailored to respond to the new issue raised in the Public Staff's cover letter.

<sup>2</sup> Oak Trail notes that the FERC proceeding initiated by Edgecombe Solar, LLC was filed on May 12, 2021, prior to the evidentiary hearing in this docket held on May 17, 2021. The Public Staff did not ask any questions related to the FERC proceeding and did raise the matter of holding the docket in abeyance before, during, or after the hearing until their cover letter on July 14, 2021, over two months after the FERC proceedings were initiated.

associated with Oak Trail, and thus the outcome of the FERC proceeding does not impact Oak Trail.

Holding Oak Trail's Certificate of Public Convenience and Necessity (CPCN) application in abeyance for an indefinite amount of time will cause Oak Trail significant and potentially irreparable harm to this late-stage, fully contracted project. In addition, abeyance would be prejudicial to the commercial and legal interests and rights of Oak Trail, including its right to receive fair and timely decision on its application to construct the proposed project in accordance with the directive of N.C. Gen. Stat. § 62-82(a)<sup>3</sup>.

Oak Trail respectfully requests that the Commission not hold the application in abeyance and issue the CPCN as quickly as possible.

Please contact me if you have any questions.

Sincerely,

/s/ E. Merrick Parrott

cc: Reita Coxtan (via email [Reita.Coxton@psncuc.nc.gov](mailto:Reita.Coxton@psncuc.nc.gov))

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<sup>3</sup> “The Commission or panel shall require that briefs and oral arguments in such cases be submitted within 30 days after the conclusion of the hearing, and the Commission or panel shall render its decision in such cases within 60 days after submission of such briefs and arguments.”