

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-118, SUB 0
DOCKET NO. EMP-118, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. EMP-118, SUB 0)
)
In the Matter of)
Application of Timbermill Wind, LLC, for)
a Certificate of Public Convenience and)
Necessity to Construct a Merchant Plant)
Wind Energy Facility in Chowan County,)
North Carolina and Registration as a)
New Renewable Energy Facility)
)
DOCKET NO. EMP-118, SUB 1)
)
In the Matter of)
Application of Timbermill Wind, LLC, for a)
Certificate of Environmental Compatibility)
and Public Convenience and Necessity to)
Construct a Transmission Line in Chowan)
County, North Carolina)

**MOTION TO CANCEL
EVIDENTIARY HEARING**

NOW COMES TIMBERMILL WIND, LLC (“Timbermill”), by and through its counsel, and respectfully moves the Commission to cancel the evidentiary hearing before the Commission scheduled for October 27, 2021. In support of this motion, Timbermill shows the following:

1. On June 14, 2021, Timbermill filed an Application for Certificate of Public Convenience and Necessity (“CPCN Application”) to construct a merchant plant wind energy facility with a capacity up to 189 MW_{AC} to be located in

Chowan County (the “Facility”) in Docket EMP-118, Sub 0. Timbermill simultaneously submitted its Registration as a New Renewable Energy Facility.

2. On June 21, 2021, Timbermill filed an Application for Certificate of Environmental Compatibility and Public Convenience and Necessity (“CECPCN Application”) in Docket EMP-118, Sub 1 to construct an approximately 6-mile 230kV transmission (the “Transmission Line”) to allow interconnection of the Facility to the existing 230kV Winfall-Mackeys transmission line operated by Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina.

3. On June 22, 2021, the Commission issued an Order Scheduling Public Hearing, Requiring Public Notice, and Requiring Clearinghouse Review related to the CECPCN Application.

4. On June 28, 2021, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considers the CPCN Application to be complete.

5. On July 22, 2021, the Commission issued an Order Consolidating Dockets, Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (“Procedural Order”). The Procedural Order: (1) consolidated the CPCN Application and CECPCN Application dockets; (2) established a deadline for intervention in this matter of September 29, 2021; (3) scheduled a public hearing on October 14, 2021, at 7:00 p.m. at the Chowan County Courthouse, for the purpose of receiving public

witness testimony regarding the proposed Facility and Transmission Line; (4) scheduled an evidentiary hearing on October 27, 2021 for the purpose of receiving expert witness testimony from the parties concerning both the CPCN Application and the CECPCN Application; and (5) required Timbermill to publish Public Notice of the Applications once a week for four successive weeks.

6. On September 29, 2021, the Public Staff filed the Testimony of Public Staff Witness Jeff T. Thomas. In his testimony, Mr. Thomas recommends, on behalf of the Public Staff, that the Commission grant both the CPCN and CECPCN, subject to certain conditions.

7. The deadline for intervention established by the Commission has passed. Mr. Patrick Flynn filed a petition to intervene on July 27, 2021; however, on October 8, 2021, the Commission issued an Order Acknowledging Filings as Public Comments which denied the petition to intervene. Consequently, the only parties to the docket are Timbermill and the Public Staff, and no party has filed comments or testimony in opposition to the Applications.

8. Timbermill consents to the imposition of the conditions proposed by the Public Staff in Mr. Thomas' testimony.

9. The Public Staff has been consulted prior to the filing of this Motion and states that it does not object to the cancellation of the evidentiary hearing as requested herein.

WHEREFORE, Timbermill Wind, LLC respectfully requests that the Commission: (1) cancel the evidentiary hearing scheduled for October 27, 2021;

and (2) accept into the record all prefiled testimony and exhibits of Timbermill and the Public Staff.

Respectfully submitted this the 15th day of October, 2021.

TIMBERMILL WIND, LLC

/s/ Katherine E. Ross

Katherine E. Ross
N.C. State Bar No. 38468
E. Merrick Parrott
N.C. State Bar No. 47999
Parker Poe Adams & Bernstein LLP
PNC Plaza
301 Fayetteville Street, Suite 1400
Raleigh, North Carolina 27601
Tel. 919-828-0564
Fax 919-834-4564
Email: katherineross@parkerpoe.com
merrickparrott@parkerpoe.com

Attorneys for Timbermill Wind, LLC

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing MOTION TO CANCEL EVIDENTIARY HEARING on the below party of record in this proceeding by causing a copy to be deposited in the United States Mail, postage prepaid, properly addressed or by electronic delivery upon agreement from the parties:

Robert Josey
Public Staff – North Carolina Utilities Commission
Staff Attorney
Email: robert.josey@psncuc.nc.gov

This the 15th day of October, 2021.

/s/ Katherine E. Ross

Katherine E. Ross
N.C. State Bar No. 38468
Parker Poe Adams & Bernstein LLP
PNC Plaza
301 Fayetteville Street, Suite 1400
Raleigh, North Carolina 27601
Tel. 919-828-0564
Fax 919-834-4564
Email: katherineross@parkerpoe.com

Attorneys for Timbermill Wind, LLC