

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1257

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application of Duke Energy Progress, LLC,)	
for a Certificate of Public Convenience and)	ORDER DENYING REQUEST
Necessity to Construct a 5-MW Solar)	TO SCHEDULE ADDITIONAL
Photovoltaic Generating Facility in)	PUBLIC WITNESS HEARING
Buncombe County, North Carolina)	

BY THE COMMISSION: On August 14, 2020, the Commission issued an Order Scheduling Public Hearing to Be Held Remotely and Requiring Revised Public Notice (Public Hearing Order), in the above-captioned docket. In summary, the Public Hearing Order scheduled a public witness hearing on the application of Duke Energy Progress, LLC (DEP), for a certificate of public convenience and necessity to construct a 5-MW solar facility at 2720 Riverside Drive, Woodfin, Buncombe County, North Carolina. The Public Hearing Order scheduled the public witness hearing to be held remotely via Webex on Thursday, October 8, 2020, at 7:00 p.m., and stated that persons desiring to testify at the hearing should register with the Public Staff by contacting the Public Staff's Consumer Services Division by email or telephone no later than 5:00 p.m. on Monday, October 5, 2020. Finally, the Public Hearing Order required DEP to publish a Public Notice about the public witness hearing, and stated that the Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility were received by the Commission's Chief Clerk on or before Monday, October 5, 2020.

On October 6, 2020, the Public Staff filed a motion requesting that the public witness hearing be canceled. The Public Staff stated that as of 5:00 p.m. on October 5, 2020, no one had contacted the Public Staff to register to speak at the public witness hearing, and that counsel for DEP had no objection to canceling the public witness hearing.

Based on the Public Staff's motion, the fact that no complaints had been filed with the Commission's Chief Clerk, and the record, on October 7, 2020, the Commission issued an Order Canceling Remote Public Witness Hearing.

On November 17, 2020, Southern Environmental Law Center (SELC), filed a letter on behalf of MountainTrue and Sierra Club requesting that the Commission schedule an additional public witness hearing. In summary, SELC stated that on the scheduled date for the public witness hearing the Public Staff had not yet filed testimony opposing the project, and that as evidenced by the numerous consumer statements of position filed since that time there is significant interest in the project among members of the public, many of whom are ratepayers of DEP.

No person filed a petition to intervene in this docket. On November 18, 2020, the Commission held the expert witness hearing. Expert witnesses for DEP and the Public Staff provided testimony and exhibits, and responded to questions from the Commission.

Based on the foregoing and the record, the Commission is not persuaded that there is good cause to schedule an additional public witness hearing in this docket. As noted by SELC, the Commission has received a large number of consumer statements of position. All of these statements will be considered by the Commission. In addition, the record remains open for interested persons to submit written statements of position.

Further, the Commission received expert witness testimony from DEP and the Public Staff. Other than perhaps requesting additional technical information from DEP or the Public Staff, the Commission concludes that it has a fully developed record on which to make its decision.

IT IS, THEREFORE, ORDERED that SELC's request for an additional public witness hearing is denied.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of December, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Janice H. Fulmore".

Janice H. Fulmore, Deputy Clerk

Commissioners Jeffrey A. Hughes and Floyd B. McKissick, Jr., dissent for the reasons stated in the attached joint dissenting opinion.

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Commissioners Jeffrey A. Hughes and Floyd B. McKissick, Jr., dissenting:

We do not take issue with the reasoning of the Commission majority in deciding to deny SELC's request for an additional public witness hearing. Nevertheless, we would allow the request based on the impressive amount of public interest shown in the proposed project, and the fact that an additional public witness hearing would not unduly delay a decision or prejudice any person.

 /s/ Jeffrey A. Hughes
Commissioner Jeffrey A. Hughes

 /s/ Floyd B. McKissick, Jr.
Commissioner Floyd B. McKissick, Jr.