

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-102, SUB 1

In the Matter of
Application of Pitt Solar, LLC, for a) CONSENT MOTION TO
Certificate of Public Convenience and) PROCEED ON RECORD
Necessity to Construct a 150-MW)
Solar Facility in Pitt County, North)
Carolina)

NOW COMES Applicant Pitt Solar, LLC¹ (“Applicant” or “Pitt Solar”), by and through its undersigned counsel, and pursuant to Commission Rule R1-7 and with the consent of the Public Staff, moves the Commission for an order accepting into the record all pre-filed testimony and exhibits of the Applicant and the Public Staff, and to proceed on the record for disposition of the application for a Certificate of Public Convenience and Necessity (“CPCN”) to construct Phase 1 of the project, a 80-MW solar facility. Based upon recent developments involving the costs of potential transmission upgrades as described herein, the evidence provided by the Applicant in support of its Application and in response to the Orders of the Commission, and the evidence submitted by the Public Staff, the Public Staff now consents to the relief requested by the Applicant, and recommends that the Commission issue a CPCN, subject to certain conditions. The Applicant has accepted those conditions. In the interest of judicial economy, and with the consent of the Public Staff, Pitt Solar respectfully requests that the Commission accept into

¹ The original applicant in this proceeding was Bethel NC 11 Solar, LLC. On October 23, 2020, notice was filed regarding the change of Applicant’s legal name to Pitt Solar, LLC.

the record all pre-filed testimony and exhibits provided by the parties, and decide the matter based on the record.

In support thereof, Applicant states as follows:

1. In this proceeding, Pitt Solar initially requested a CPCN to construct a 150-MW solar photovoltaic electric generating facility proposed to be located in Pitt County, North Carolina (the “Facility”). If approved, the Facility was proposed to interconnect to an existing Dominion Energy North Carolina (“DENC”) transmission line and sell to customer(s) within the PJM market.

2. Pitt Solar initiated its request to the Commission on August 10, 2020, by filing a CPCN application to construct a 150 MW facility pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63 (the “Application”).

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.

4. On October 5, 2020, the Commission issued an Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (“Procedural Order”). The Procedural Order: (1) established a deadline for intervention in this matter on October 29, 2020; (2) scheduled a remote hearing via Webex on November 16, 2020, for the purpose of receiving public witness testimony regarding the Applicant’s application for a CPCN; (3) scheduled a remote hearing via Webex on December 3, 2020 for the

purpose of receiving expert witness testimony regarding the Applicant's application for a CPCN; and (4) required the Applicant to publish Public Notice of the Application once a week for four successive weeks. The Procedural Order further provided that the Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility were filed with the Commission on or before November 13, 2020.

5. On October 30, 2020, the Commission entered an order granting the Public Staff's motion for extension of time to file testimony and canceling the expert witness hearing.

5. On November 12, 2020, Applicant filed an Affidavit of Publication stating that notice of the Application had been published in the Daily Reflector, a daily newspaper of general circulation, printed and published in Greenville, Pitt County, North Carolina, on October 14, 2020, October 21, 2020, October 28, 2020, and November 4, 2020.

6. On November 12, 2020, the Public Staff filed the testimony of Dustin R. Metz, Utilities Engineer, Electric Section, Energy Division.

7. The State Clearinghouse filed comments on the application on November 12, 2020. The Clearinghouse's letter stated that "it has been determined that no further State Clearinghouse review action on your part is needed for compliance with the North Carolina Environmental Policy Act."

8. The public hearing was conducted by videoconference on November 16, 2020, with Hearing Examiner Kathryn Cooper, Presiding.

9. On May 7, 2021, the Commission entered an Order Requiring Further Additional Testimony from Applicant and the Public Staff.

10. On July 7, 2021, the Public Staff filed the supplemental testimony of Dustin R. Metz.

11. On July 22, 2021, Applicant filed the Reply Testimony of Linda Nwadike.

12. On September 28, 2021, the Applicant filed its Amended Application for a CPCN with a capacity of 80 MW AC, referred to as Pitt Solar Phase 1, together with supporting testimony, in accordance with this Commission's order issued on September 14, 2021 (the "Amended Application").

13. On October 19, 2021, the Public Staff filed the second supplemental testimony of Dustin R. Metz.

14. On October 25, 2021, the Applicant filed its Reply Testimony of Linda Nwadike.

15. On October 26, 2021, Applicant filed a Motion for Leave to Amend Reply Testimony.

16. The proposed 80 MW facility which is the subject of the Amended Application will be interconnected to the transmission system of DENC operated by PJM. For purposes of the studies required to interconnect the proposed facility to that transmission system, Phase 1 of the project was included in PJM study cluster AC1. One of the primary issues addressed by the pre-filed testimony in this proceeding pertains to potential "affected system" costs on the transmission system

owned and operated by Duke Energy Progress (“DEP”) resulting from the five (5) proposed projects included in PJM cluster AC1.

17. As a result of recent developments connected with filings at the Federal Energy Regulatory Commission of Affected System Operating Agreements made by DEP and other developers of NC-sited projects included in PJM cluster AC1, the Public Staff now recommends that CPCNs for the projects included in PJM cluster AC1 be approved, subject to conditions, based on the following conclusion:

“If FERC approves the ASOA and DEP builds the necessary system upgrades, all five projects in PJM cluster AC1...can begin commercial operation without negative impacts on DEP’s system.”

Third Supplemental Testimony of Jay B. Lucas, Public Staff-North Carolina Utilities Commission, filed June 27, 2022, in NCUC Docket No. EMP-108, Sub 0, pp. 13-15.

18. The Public Staff has reviewed this Motion prior to its filing and has authorized the Applicant to state that the Public Staff consents to the filing of this consent motion and the issuance of the CPCN requested in the Amended Application, subject to the following conditions previously described in the testimony of record in this docket, which are consistent with those in the cited testimony in NCUC Docket No. EMP-108, Sub 0:

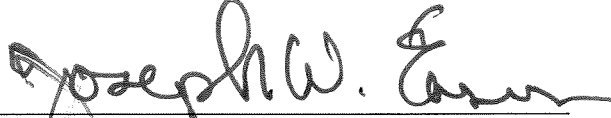
1. The Applicant shall construct and operate the Facility in strict accordance with applicable laws and regulations, including any local zoning and environmental permitting requirements.

2. The CPCN shall be subject to Commission Rule R8-63(e) and all orders, rules and regulations as are now or may hereafter be lawfully made by the Commission.
3. The Applicant shall file with the Commission in this docket any significant revisions in the cost estimates for the construction of the Facility itself, interconnection facilities, network upgrades, or affected system upgrades, or any other significant change in costs, within 30 days of becoming aware of such revisions.
4. The Applicant shall file a copy of any executed Affected System Operating Agreement with the Commission at the same time such filing is made at the Federal Energy Regulatory Commission (at least 61 days prior to commencing construction on the upgrades).
5. If at any time the Applicant seeks reimbursement for any interconnection facilities, network upgrade costs, affected system costs, or other costs required to allow energization and operation of the Facility, the Applicant shall notify the Commission no later than 60 days before seeking reimbursement.

WHEREFORE, the Applicant respectfully requests that the Commission accept into the record all pre-filed testimony and exhibits of the Applicant and the Public Staff, and proceed on the record to grant the CPCN which is the subject of the Amended Application, subject to the conditions proposed by the Public Staff as enumerated above and accepted by the Applicant.

Respectfully submitted this 31st day of August, 2022.

NELSON MULLINS RILEY & SCARBOROUGH LLP

A handwritten signature in black ink that reads "Joseph W. Eason". The signature is written in a cursive style and is positioned above a horizontal line.

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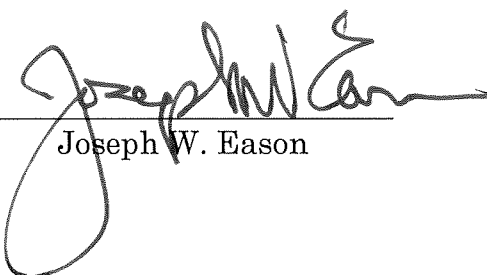
CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Consent Motion to Proceed on Record was served upon the following by electronic mail:

Christopher Ayers, Esq.
Executive Director-NC Public Staff
Chris.Ayers@psncuc.nc.gov

Gina Holt, Esq.
NC Public Staff-Legal Division
Gina.Holt@psncuc.nc.gov

This the 31st day of August, 2022.



Joseph W. Eason