

October 4, 2021

Ms. A. Shonta Dunston, Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4300

Re: Timbermill Wind, LLC's (Timbermill) Certificate of Environmental  
Compatibility and Public Convenience Application and Hearing

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Dear Ms. Dunston:

On behalf of my wife, Belinda Flynn, and myself, we herewith submit, via electronic filing with the Commission, a Petition regarding Docket No. EMP-118, Sub 0 and EMP-118, Sub.

If you should have any questions concerning this filing, please let me know.

Thank you.

Sincerely,

/s/ Patrick Flynn

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION  
**Docket No. EMP-118, Sub 0**  
**Docket No. EMP-118, Sub 1**

In the Matter of: ) PETITION FOR INVESTIGATION  
Docket No. EMP-118, Sub 0 ) AND RULEMAKING OF  
Docket No. EMP-118, Sub 1 ) TIMBERMILL WIND, LLC’S  
 ) CERTIFICATE OF  
 ) ENVIRONMENTAL  
 ) COMPATIBILITY AND PUBLIC  
 ) CONVENIENCE APPLICATION

Patrick And Belinda Flynn (“Petitioners”) petition the North Carolina Utilities Commission (“Commission”) to investigate the issues surrounding Timbermill Wind, LLC’s Certificate of Environmental Compatibility and Public Convenience Application. We also question Jeff T. Thomas’s testimony regarding this matter.

In support of this petition, Patrick and Belinda Flynn state the following:

1. The name and mailing address of the Petitioners are:

Patrick and Belinda Flynn  
1924 Paradise Road  
Edenton, NC 27932

2. The Petitioners are not represented by an attorney and are individuals who have an interest in promoting the fairness and equality of issues relevant to qualified facility applications, construction and operations in North Carolina, and are impacted and will be impacted should Timbermill Wind, LLC be built.
3. A petition added to Docket No. E-100, Sub 171 has not been addressed.
4. A petition added to these dockets, EMP-118, Sub 0 and EMP-118, Sub 1, has not been addressed.

5. The petition added to these dockets, EMP-118, Sub 0 and EMP-118, Sub 1, was not mentioned in the Testimony of Jeff T. Thomas for the N.C. Utility Commission’s Public Staff regarding the Timbermill Wind, LLC application.

I. PETITIONERS maintain:

1. Our petition added to Docket No. E-100, Sub 171 has not been addressed.

The filing date for this petition takes precedence over the EMP-118, Sub 1 application. This petition challenges the ownership authority of Renewable Energy facilities outside North Carolina. Implementing REPS in NCUC DOCKET NO. E-100, SUB 113 did not change this analysis.

2. Using the Public Utility Regulatory Policies Act of 1978 (PURPA) to support the petition in Docket No. E-100, Sub 171 ownership authority for Renewable Energy facilities does not exist outside of North Carolina. The Utility Commission staff cited SENATE BILL 3, REPS, as justification for “WHY IS THE FACILITY NEEDED”. Again, the petition in E-100, Sub 171 negates ownership of Renewable Energy facilities outside of North Carolina.

Under the Public Utility Regulatory Policies Act (PURP A) the North Carolina (NC) legislature and federal authority producing/requiring the implementation of PURPA, a State regulatory authority regulating utility rates in one state applies energy regulations to that state only and does not exercise energy regulatory standing in any other state. Our E-100, Sub 171 petition supersedes and impacts the Timbermill Wind, LLC application/hearing application, which suggests its application/hearing is premature and should be denied.

3. In Jeff T. Thomas’ testimony regarding the Timbermill Wind, LLC application he said, “The site plan changes did not add or remove any property parcels within the site.” The site plan on file with the application shows two parcels removed to the east of our property on Paradise Road when compared to

the Timbermill Wind 2021 Update, in the slide Boundary Map 2016 vs. Current, which was presented to Chowan County commissioners August 2, 2021, showing Timbermill Wind, LLC property leases. Because this misrepresentation was not recorded in a CUP hearing before Chowan commissioners Timbermill Wind, LLC's application is not valid, and my abutting property standing in this matter is still valid. LINK: Map on the last page of the 2016 Timbermill CUP Hearing testimony,

[https://www.chowancounty-nc.gov/vertical/sites/%7B10E82D50-AAE0-43D7-A98A-42E82683885E%7D/uploads/All\\_Minutes\\_and\\_minutes\\_attachments\\_of\\_the\\_Apex\\_CUP\\_hearings.pdf](https://www.chowancounty-nc.gov/vertical/sites/%7B10E82D50-AAE0-43D7-A98A-42E82683885E%7D/uploads/All_Minutes_and_minutes_attachments_of_the_Apex_CUP_hearings.pdf).

4. Thomas Answering the question, “DOES THE PUBLIC STAFF HAVE ANY CONCERNS ABOUT FACILITY DECOMMISSIONING?” misrepresented the August 2, 2021 discussion of Timbermill Wind, LLC decommissioning. During the 2016 Timbermill CUP Hearing Chowan commissioners negotiated a 20-year decommissioning bond arrangement with Apex Clean Energy Holdings, LLC. In the August 2, 2021 Timbermill update the term of the Timbermill facility was extended to 30 years. The Apex representative agreed that this would have to be renegotiated.

5. In answering, “ARE THERE ANY OTHER ISSUES TO BRING TO THE COMMISSION’S ATTENTION?” Thomas answered, “First, Timbermill Wind’s CUP to Chowan County stated that the turbines used would be 3.6 MW, but, according to this application, it plans to use 4.2 MW turbines.” Commissioners pointed out during the August 2, 2021 update that the 2016 CUP hearing assured that Timbermill turbines would be no larger than 3.6 MW.

II. PETITIONERS motion that the NC Utility Commission:

1. Until FERC standards are established for energy facilities connecting to the US electrical GRID in all states the Apex Clean Energy Holdings, LLC application for Timbermill Wind, LLC should be denied, especially after the May 7, 2021 ransomware cyberattack of the Colonial Pipeline that impacted computerized equipment managing it, (an American oil pipeline system that originates in Houston, Texas, and carries gasoline and jet fuel mainly to the Southeastern United States. Also, consider the Texas power outage last winter. Not a good precedent to follow!)

2. A proposed energy facility developed by an in-state or out-of-state company, needs the NC Utility Commission to investigate and write appropriate regulations regarding PURPA and FERC implementation considering Docket No. E-100, Sub 171 issue resolution.

3. Failure to address these limitations within NC's legal and energy regulations will violate the due process rights of the Petitioners and/or any NC citizen opposing the approval, construction and/or operation of energy facilities in North Carolina now, or in the future. Timbermill Wind, LLC's Certificate of Environmental Compatibility and Public Convenience is not a public Convenience.

#### IV. Petitioners request:

Any notices, filings, or other communications in this petitions should be served on the following:

Patrick Flynn  
1924 Paradise Rd.  
Edenton, NC 27932  
Telephone: 252-334-9071  
E-mail: ncwriter2001@yahoo.com

WHEREFORE, for the foregoing reasons, Patrick and Belinda Flynn respectfully request that the Commission review Petitioner's request to investigate and resolve the matters presented in this petition.

BY: /s/ Patrick Flynn

## CERTIFICATE OF SERVICE

I, Patrick Flynn, hereby certify that a true and exact copy of the foregoing Petition to Intervene has been duly served by email to the NC Utility Commission.

This the 4<sup>th</sup> day of October, 2021.

BY: /s/ Patrick Flynn