

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-93, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of Wilkinson Solar)	
LLC for a Certificate of Public Convenience)	RESPONSE TO MOTION TO
and Necessity to Construct a 74-MW Solar)	CONTINUE HEARING AND
Facility in Beaufort County, North Carolina)	PRODUCE DOCUMENTS

NOW COMES WILKINSON SOLAR LLC (“Wilkinson” or the “Applicant”), by and through its counsel, and respectfully requests the Commission deny the motion for continuance and limit Intervenor’s Data Request No. 1 in the above-referenced docket.

In support of this motion, Wilkinson shows the following:

1. On October 11, 2017, the Commission issued an Order granting Wilkinson a Certificate of Public Convenience and Necessity to construct a 74-MW Solar Facility in Beaufort County, North Carolina (the “Facility”).
2. On November 29, 2017, Wilkinson filed a site layout amendment.
3. On February 7, 2018, the Commission issued an Order scheduling further hearings (the “Scheduling Order”), which required that other persons having an interest in the proceeding and desiring to become formal participants and parties of record to file verified petitions to intervene on or before March 9, 2018. The Order allowed Wilkinson the opportunity to file rebuttal testimony and exhibits on or before March 16, 2018. The evidentiary hearing was scheduled for March 21, 2018, five calendar days after the Applicant’s rebuttal deadline.
4. On March 16, 2018, the Commission issued an Order Rescheduling the evidentiary hearing to April 11, 2018, due to scheduling conflicts.

5. On April 5, 2018, Wilkinson filed supplemental testimony. The filing was made six calendar days before the rescheduled evidentiary hearing.

6. Intervenors' argument that they do not have sufficient time to respond to Wilkinson's supplemental testimony is without merit. The Scheduling Order provided for five calendar days between the original rebuttal testimony deadline and the evidentiary hearing. The supplemental testimony filed by Wilkinson was filed on April 5, 2018, six calendar days before the rescheduled evidentiary hearing on April 11, 2018. Opposing counsel has, in fact, more time to consider the Applicant's supplemental testimony than he would have under the Scheduling Order.

7. In the interest of time and to avoid further delay, Wilkinson responds to Intervenor's Data Request No. 1 in the paragraphs below.

8. Contemporaneous with this filing, Applicant is providing Intervenors' counsel via email with the geotechnical engineering study requested in the third item in Intervenor's Data Request No. 1. The Applicant objects to providing "all working papers, conclusions, calculations and materials gathered for the study" as overbroad and unduly burdensome.

9. Further, Applicant objects to items one and two of Intervenor's Data Request No. 1 on the grounds of relevancy. The testimony of Joe von Wahlde is intended solely to rebut the allegations of public witness William Wescott that there had been no coordination between Wilkinson and the Army Corps of Engineers. The import of Mr. von Wahlde's testimony is that Wilkinson had coordinated with the Corps and that the jurisdictional determinations had been completed in accordance with the methodology agreed to by the Corps. The content of the jurisdictional determinations are not relevant

to the Commission's decision in this docket. In addition, the Applicant's existing CPCN is conditioned on the Applicant constructing and operating the Facility in strict accordance with applicable laws and regulations, including environmental permitting requirements. *See* Order Issuing Certificate of Public Convenience and Necessity, p. 15. If the Commission were to issue an Amended CPCN, as requested, the Applicant expects the same condition would be imposed.

WHEREFORE, Wilkinson Solar LLC respectfully requests that the Commission enter an order denying the request for continuance and limiting the data request to the geotechnical engineering study.

Respectfully submitted this the 6th day of April, 2018.

WILKINSON SOLAR LLC

/s/ Henry C. Campen, Jr.

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CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing Response To Motion To Continue Hearing And Produce Documents on the below parties of record in this proceeding or their attorneys of record and to the petitioners by causing a copy to be deposited in the United States Mail, postage prepaid, properly addressed to each or by electronic delivery upon agreement from the parties:

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This the 6th day of April, 2018.

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