

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-92, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of NTE Carolinas II, LLC, for a	)
Certificate of Public Convenience and Necessity	)
to Construct a 500-MW Natural Gas-Fueled	)
Merchant Power Plant in Rockingham County,	)
North Carolina	)

ORDER REQUIRING  
ADDITIONAL TESTIMONY

BY THE PRESIDING COMMISSIONER: On September 9, 2020, the Commission issued an Order Requiring the Filing of Additional Testimony, setting forth questions and requiring parties in the docket to file testimony addressing those questions and the motion of NTE Carolinas II, LLC (NTE) for renewal of its certificate of public convenience and necessity (CPCN) for the construction of a 500-MW natural gas-fired merchant power plant to be built in Rockingham County, North Carolina (Rockingham facility), as an electric merchant plant (EMP).

On December 6, 2019, Duke Energy Carolinas, LLC (DEC), filed a petition with the Commission seeking to intervene in this docket. On January 27, 2020, the Commission granted DEC's petition to intervene.

On October 12, 2020, NTE filed the supplemental direct testimony of Michael C. Green. In addition to providing information requested by the Commission, NTE witness Green notes that the interconnection agreement between NTE and DEC has been the subject of a Petition for Declaratory Order at the Federal Energy Regulatory Commission (FERC). NTE witness Green states that the FERC issued an order on May 21, 2020, rejecting DEC's assertion that it can unilaterally terminate its interconnection agreement with NTE, and that therefore DEC's statements in its December 6, 2019 motion to intervene are contrary to the FERC Order.

On November 9, 2020, the Public Staff filed the testimony of Dustin R. Metz. Public Staff witness Metz requested that the Commission require DEC to file certain information. In his testimony, witness Metz stated that the information is necessary for the Commission to have the "most current information prior to making a ruling in this proceeding." Specifically, Public Staff witness Metz requested that the Commission direct DEC to address the following:

1) Explain whether the Applicant has been restored to its original queue position, and the date in which it was restored;

2) Complete a new facility study (or equivalent) based on current information, and file the study with the Commission in this docket. The study should include all updated load data and required system constraints;

3) Describe how the removal of the Applicant's project from the CPRE Tranche 2 baseline influenced or did not influence the power flows and ultimately the bid results. Explain if any of the Applicant's allocated capacity by its initial queue position used in the October 2017 Facility Study was utilized by or set aside to a market participant(s). Explain if CPRE winning projects and post power flow analysis exacerbate or cause the need for higher or more system upgrades be borne by the Applicant;

4) Explain whether this facility is triggering affected system upgrades in neighboring Balancing Areas (BA) (i.e., because this facility is being interconnected in DEC, are there system upgrades triggered in the Duke Energy Progress, LLC (DEP) BA?). If it is, provide a summary of any required upgrades along with associated costs, or at least a date an affected system study is expected to be completed; and

5) Describe whether the addition of this facility, for both the system upgrades and power added onto the grid, will help alleviate potential future upgrades associated with the retirement or partial retirement of DEP's Mayo or Roxboro coal-fired generation units. In responding to this request, Duke should use test years of 2025 and 2030, both with and without the aforementioned coal generation units.

On December 8, 2020, NTE filed the supplemental reply testimony of Michael C. Green. In that testimony NTE witness Green noted the request of the Public Staff to require additional information from DEC and further requested that if the Commission were to require the additional information from DEC that NTE be provided an opportunity to provide a reply to that information.

Based on the filings and the record as a whole, the Presiding Commissioner finds good cause to direct DEC to file the portion of the additional information requested of DEC in Public Staff witness Metz's testimony of November 9, 2020, that is directly related to the outstanding matter in this docket. The outstanding matter in this docket is the renewal of the Applicant's CPCN for the Rockingham facility. DEC has intervened in this docket on December 6, 2019, stating that it has a "real and substantial interest in this proceeding" and that its "interests cannot be adequately represented by any other party." The Commission therefore granted DEC's intervention request and now requires DEC to provide the following information:

1) Explain whether the Applicant has been restored to its original queue position, and the date on which it was restored;

2) Explain whether any new interconnection studies have been conducted for the Rockingham facility after 2016. If new studies have been conducted since 2016, file the new interconnection studies; and

3) Explain if DEC has identified the Rockingham facility as triggering affected

system upgrades in any neighboring system, including Duke Energy Progress, LLC (DEP). If DEC has identified the Rockingham facility as triggering affected system upgrades, please provide any associated Affected System Studies, or provide any information as to when any such Affected System Studies are expected to be completed.

IT IS, THEREFORE, ORDERED as follows:

1. That DEC shall file testimony and exhibits providing the information requested by the Commission in this Order on or before Monday, February 8, 2021;
2. That the Public Staff shall file testimony and exhibits addressing the additional information provided by DEC on or before Monday, February 22, 2021; and
3. That the Applicant may file reply testimony and exhibits on or before Monday, March 8, 2021.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of January, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Joann R. Snyder", is written over a faint, larger version of the same signature.

Joann R. Snyder, Deputy Clerk