

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-110, SUB 0  
DOCKET NO. EMP-111, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. EMP-110, SUB 0	)	
	)	
In the Matter of	)	
Application of Sumac Solar LLC for a	)	
Certificate of Public Convenience and	)	
Necessity to Construct a 120-MW Solar	)	
Facility in Bertie County, North Carolina	)	MOTION OF THE
	)	PUBLIC STAFF FOR
DOCKET NO. EMP-111, SUB 0	)	EXTENSIONS OF TIME
	)	
In the Matter of	)	
Application of Sweetleaf Solar LLC for a	)	
Certificate of Public Convenience and	)	
Necessity to Construct a 94-MW Solar	)	
Facility in Halifax County, North Carolina	)	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully moves the North Carolina Utilities Commission (Commission) to extend the Public Staff’s time to file its testimony and exhibits in Docket Nos. EMP-110, Sub 0, and its supplemental testimony and exhibits in EMP-111, Sub 0. In support of this motion, the Public Staff respectfully shows the Commission the following:

1. On April 16, 2020, in Docket No. EMP-110, Sub 0, Sumac Solar LLC (Sumac Solar or Applicant) filed an application pursuant to N.C.G.S. § 62-20.1 and Commission Rule R8-63 for a CPCN to construct a 120-MW<sub>AC</sub> solar PV electric generating facility to be located in Bertie County, North Carolina, and to be

operated as a merchant generating facility. The Public Staff filed a Notice of Completeness on April 23, 2020. On May 29, 2020, the Public Staff filed the testimony of Evan D. Lawrence. On June 22, 2020, the Commission issued an *Order Cancelling Expert Witness Hearing and Requiring Additional Testimony* (Order for Additional Testimony) which, among other things, directed the Applicant to file additional testimony and exhibits addressing a number of questions posed by the Commission on or before July 22, 2020. The Order for Additional Testimony also directed the Public Staff to file testimony and exhibits addressing the questions posed by the Commission on or before August 5, 2020. On July 22, 2020, the Commission issued an Order granting the Applicant's request for extension of time to file its testimony and exhibits to August 12, 2020. Pursuant to that Order, the Public Staff's deadline to file its testimony and exhibits was extended to August 26, 2020. On August 12, 2020, the Applicant filed the additional testimony and exhibits of Donna Robichaud. On August 25, 2020, the Public Staff requested a further extension of time to five business days following the conclusion of the hearings in the Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP), rate cases to file its testimony. On August 26, 2020, the Applicant filed a letter proposing an alternative extension schedule whereby the Public Staff would file its testimony by September 25, 2020. On August 27, 2020, the Commission issued an Order granting an extension of time to on or before September 25, 2020, for the Public Staff to file its testimony. On September 25, 2020, the Public Staff filed a motion for a further extension of time to file its testimony to October 26, 2020. In its motion, the Public Staff noted that DEP

anticipated completing affected system studies for Clusters AC2, AD1, and AD2, on October 1, 2020, and that the Applicant's facility was being studied as part of Cluster AD1. The Public Staff further noted that the Commission had issued an *Order Requiring Comments and Reply Comments Regarding Affected System Study Process and Cost Allocation* in Docket No. E-100, Sub 170, on September 16, 2020, to investigate and receive comments regarding the affected system study process and electric merchant generation. The Public Staff indicated that it and Sumac Solar believed it would be beneficial to allow additional time prior to filing testimony to review DEP's affected system study and the comments due to be filed by the electric utilities by October 7, 2020, and reply comments filed by other interested parties due by October 14, 2020, in Docket No. E-100, Sub 170. The Commission issued an Order granting the Public Staff's motion on September 25, 2020. On October 15, 2020, the Applicant filed a letter in Docket No. EMP-110, Sub 0, notifying the Commission pursuant to Commission Rule R8-63(e)(4) of the sale of the facility seeking the CPCN in the docket to EDF Renewables Development, Inc. (EDF). The Applicant indicated in the letter that it would provide supplemental testimony concerning EDF, and that the Applicant and Public Staff had conferred and would inform the Commission as to whether they believed any further changes to the deadlines for filing testimony would be necessary.

2. On June 2, 2020, in Docket No. EMP-111, Sub 0, Sweetleaf Solar LLC (Sweetleaf Solar or Applicant) filed an application pursuant to N.C.G.S. § 62-110.1 and Commission Rule R8-63 for a CPCN for a 94-MW solar photovoltaic electric generating facility to be located in Halifax County, North Carolina, and to

be operated as a merchant generating facility. The Public Staff filed a Notice of Completeness on June 15, 2020. On July 8, 2020, the Commission issued a Procedural Order which, among other things, directed the Applicant and the Public Staff to file additional testimony addressing questions posed by the Commission on various topics, including network upgrade costs, by July 21, 2020, and August 10, 2020, respectively. On July 21, 2020, the Applicant requested a three-week extension of the time of the deadlines for supplemental testimony noting that the complexity of the underlying issues related to the PJM interconnection process and that the parent company, Geenex Solar LLC, was simultaneously preparing supplemental testimony in Docket No. EMP-110, Sub 0. On July 22, 2020, the Commission issued an Order granting the request and extending the deadlines for filing the Applicant's additional testimony and exhibits to August 11, 2020, and for the filing of the Public Staff's testimony and exhibits to August 31, 2020. On August 11, 2020, the Applicant filed the additional testimony and exhibits of Donna Robichaud. On August 24, 2020, the Commission held the public witness hearing remotely via WebEx. On August 25, 2020, the Public Staff requested a further extension of time to five business days following the conclusion of the hearings in the DEC and DEP rate cases to file its testimony. On August 26, 2020, the Applicant filed a letter proposing an alternative extension schedule whereby the Public Staff would file its testimony by September 18, 2020. On September 1, 2020, the Commission issued an Order granting an extension of time to on or before September 18, 2020, for the Public Staff to file its testimony. On September 18, 2020, the Public Staff filed the testimony and exhibits of Jay B. Lucas. Witness

Lucas concluded in his testimony that there was insufficient information regarding the total costs to construct the Applicant's facility, including costs related to interconnection and construction of any necessary transmission network upgrades, to recommend approval of the CPCN for the facility. Witness Lucas noted that DEP anticipated completing affected system studies for Cluster AD1, the cluster in which Applicant's facility is included, on October 1, 2020, and that the Commission had issued an *Order Requiring Comments and Reply Comments Regarding Affected System Study Process and Cost Allocation* in Docket No. E-100, Sub 170, on September 16, 2020, directing the electric utilities to file comments by October 7, 2020, and other interested parties to file reply comments by October 14, 2020. Witness Lucas recommended that the Commission hold Sweetleaf Solar's application in abeyance until such time as the affected system study costs for Cluster AD1 and the filings in Docket No. E-100, Sub 170 could be reviewed and evaluated. On September 28, 2020, Sweetleaf Solar filed a motion requesting that the Commission issue an order amending and extending the procedural schedule in the case to allow the parties to review and provide testimony concerning the affected system study costs for Cluster AD1 and the filings in Docket No. E-100, Sub 170. Sweetleaf Solar further requested that the Commission issue an order directing, among other things, that the Public Staff file supplemental testimony and a recommendation on the Applicant's application on or before October 23, 2020. On September 29, 2020, the Commission issued an Order directing the Public Staff to file additional supplemental testimony and exhibits on or before October 23, 2020, directing the Applicant to file reply

testimony and exhibits on or before October 30, 2020, and cancelling the expert witness hearing scheduled for October 29, 2020. On October 13, 2020, the Commission issued an Order rescheduling the expert witness hearing for December 8, 2020. On October 15, 2020, the Applicant filed a letter notifying the Commission, pursuant to Commission Rule R8-63(e)(4), of the sale of the facility seeking the CPCN in the docket to EDF. The Applicant indicated in the letter that it would provide supplemental testimony concerning EDF, and that the Applicant and Public Staff had conferred and would inform the Commission as to whether they believed any further changes to the deadlines for filing testimony would be necessary.

3. The Public Staff's testimony and recommendations due to be filed in Docket Nos. EMP-110, Sub 0, and EMP-111, Sub 0, are interrelated to its reply comments and the reply comments of other interested parties in Docket No. E-100, Sub 170. As noted above, the deadline for reply comments in Docket No. E-100, Sub 170, was originally October 14, 2020. However, on October 14, 2020, the Commission issued an order extending to October 28, 2020, the deadline for interested parties to file reply comments in the docket.

4. Furthermore, in order to better understand the total costs to construct the Applicants' facilities, including costs related to interconnection and construction of any necessary transmission network upgrades, the Public Staff has requested from DEP but has not yet received affected system studies for a number of clusters, including Cluster AD1, which was originally scheduled to be completed on October 1, 2020. On October 21, 2020, DEP indicated that it cannot provide an

updated estimate regarding the schedule for completion of the affected system study for Cluster AD1.

5. Due to the delays in the availability of the foregoing information, which the Public Staff contends is relevant to its testimony and recommendations due to be filed in Docket Nos. EMP-110, Sub 0, and EMP-111, Sub 0, the Public Staff contends that it is appropriate to extend by three weeks the current deadlines for the filing of its testimony and recommendations in these dockets, and therefore, requests that the Commission extend the current deadlines as follows:

<b>Docket:</b>	<b>Current Due Date for Public Staff's Testimony:</b>	<b>Extension for Public Staff Testimony Requested to and Including:</b>	<b>Current Due Date for Applicant's Reply/Rebuttal Testimony:</b>	<b>Due Date for Applicant's Reply Testimony With Extension:</b>
EMP-110, Sub 0	October 26, 2020	November 16, 2020	November 6, 2020	November 27, 2020
EMP-111, Sub 0	October 23, 2020	November 13, 2020	October 30, 2020	November 20, 2020

6. The undersigned counsel for the Public Staff have contacted counsel for the Applicants in Docket Nos. EMP-110, Sub 0, and EMP-111, Sub 0, and the Applicants do not object to the extended deadlines described by the Public Staff above.

WHEREFORE, the Public Staff requests that the Commission enter orders as follows:

1. In Docket No. EMP-110, Sub 0, an Order extending the Public Staff's time to file its testimony and exhibits to and including November 16, 2020, and

extending the Applicant's time to file its reply testimony and exhibits to and including November 27, 2020; and

2. In Docket No. EMP-111, Sub 0, an Order extending the Public Staff's time to file its supplemental testimony and exhibits to and including November 13, 2020, and extending the Applicant's time to file its reply testimony and exhibits to and including November 20, 2020.

This the 22nd day of October, 2020.

PUBLIC STAFF  
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Electronically submitted  
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## **CERTIFICATE OF SERVICE**

I certify that I have served a copy of the foregoing Motion on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 22nd day of October, 2020.

Electronically submitted  
/s/ Megan Jost