

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-102, SUB 1
DOCKET NO. EMP-112, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. EMP-102, SUB 1

In the Matter of
Application of Bethel NC 11 Solar, LLC, for)
a Certificate of Public Convenience and)
Necessity to Construct a 150-MW Solar)
Facility in Pitt County, North Carolina)

DOCKET NO. EMP-112, SUB 0

In the Matter of)
Application of Gaston Green Acres Solar,)
LLC, for a Certificate of Public)
Convenience and Necessity to Construct a)
300-MW Solar Facility in Northampton)
County, North Carolina)

MOTION OF THE
PUBLIC STAFF FOR
EXTENSIONS OF TIME

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-102, Sub 1, and EMP-112, Sub 0. In support of this motion, the Public Staff respectfully shows the Commission the following:

1. On August 10, 2020, in Docket No. EMP-102, Sub 1, Bethel NC 11 Solar, LLC (Bethel Solar or Applicant), filed an application pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63 for a Certificate of Public Convenience and Necessity (CPCN) to construct a 150-MW_{AC} solar photovoltaic

(PV) electric generating facility to be located in Pitt County, North Carolina, and to be operated as a merchant generating facility. The Public Staff filed a Notice of Completeness on August 19, 2020. On October 5, 2020, the Commission issued an *Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice* (Procedural Order) which, among other things, directed Bethel Solar to file additional testimony on or before October 15, 2020, and the Public Staff to file direct testimony and exhibits on or before Thursday, October 29, 2020. The Commission's Procedural Order also directed the parties to address in their respective testimony, questions on various topics, including network upgrade costs.

2. On July 15, 2020, in Docket No. EMP-112, Sub 0, Gaston Green Acres Solar, LLC (Gaston Green Acres 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 300-MW_{AC} solar PV electric generating facility to be located in Northampton County, North Carolina, and to be operated as a merchant generating facility. The Public Staff filed a Notice of Completeness on July 29, 2020. On September 28, 2020, the Commission issued a Procedural Order which, among other things, directed the Applicant to file additional testimony and the Public Staff to file direct testimony and exhibits by October 19, 2020, and November 2, 2020, respectively. The Commission's Procedural Order also directed the parties to address in their respective testimony, questions on various topics, including network upgrade costs.

3. On September 16, 2020, the Commission issued an *Order Requiring Comments and Reply Comments Regarding Affected System Study Process and Cost Allocation* in Docket No. E-100, Sub 170, to investigate and receive comments regarding the affected system study process and electric merchant generation. The Order directed the electric utilities to file comments by October 7, 2020, and other interested parties to file reply comments by October 14, 2020. 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. The Public Staff's testimony and recommendations due to be filed in Docket Nos. EMP-102, Sub 1, and EMP-112, Sub 0, are potentially 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 is October 28, 2020.

5. Additionally, the Applicants have informed the Public Staff that they intend to file modifications to their applications in Docket Nos. EMP-102, Sub 1, and EMP-112, Sub 0, and these modifications will require review and possible investigation by the Public Staff before it files its testimony.

6. Due to the impending modifications to the referenced applications, and to allow time for consideration of comments filed by the Public Staff and other interested parties in Docket No. E-100, Sub 170, which the Public Staff contends is relevant to its testimony and recommendations due to be filed in Docket Nos. EMP-102, Sub 1, and EMP-112, Sub 0, the Public Staff contends that it is appropriate to extend by two 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:

Docket:	Current Due Date for Public Staff Testimony:	Extension for Public Staff Testimony Requested to and Including:	Current Due Date for Applicant's Reply/Rebuttal Testimony:	Due Date for Applicant's Reply Testimony With Extension:
EMP-102, Sub 1	October 29, 2020	November 12, 2020	November 12, 2020	November 25, 2020
EMP-112, Sub 0	November 2, 2020	November 16, 2020	November 16, 2020	November 30, 2020

7. The undersigned counsel for the Public Staff have contacted counsel for the Applicants in Docket Nos. EMP-102, Sub 1, and EMP-112, Sub 0. The Applicants are not parties to Docket No. E-100, Sub 170, and reserve all objections, but do not object to the extended deadlines described by the Public Staff above because the Applicants' intended modifications of their respective applications will require further review on the part of the Public Staff, and because the Applicant in EMP-112, Sub 0, does not intend to continue pursuit of its application as originally filed.

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

1. In Docket No. EMP-102, Sub 1, an Order extending the Public Staff's time to file its testimony and exhibits to and including November 12, 2020, and

extending the Applicant's time to file its rebuttal testimony and exhibits to and including November 25, 2020; and

2. In Docket No. EMP-112, 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 30, 2020.

This the 26th day of October, 2020.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

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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 26th day of October, 2020.

Electronically submitted

/s/ Nadia Luhr
Staff Attorney