



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

July 21, 2022

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

Re: Docket No. E-2, Sub 1289 – Duke Energy Progress, LLC – Application of Duke Energy Progress, LLC, for a Certificate of Environmental Compatibility and Public Convenience and Necessity to Construct Approximately 2.1 Miles of New 230-kV Transmission Line in Wake County, North Carolina

Dear Ms. Dunston:

On April 14, 2022, Duke Energy Progress, LLC (DEP or the Company) filed an application pursuant to N.C. Gen. Stat. § 62-100 *et seq.*, for a certificate of environmental compatibility and public convenience and necessity to construct 2.1 miles of new 230kV transmission line in Wake County, North Carolina.

On May 9, 2022, the application was submitted to the State Clearinghouse. On June 14, 2022, the Clearinghouse filed a letter indicating that no further action was required for compliance with the North Carolina Environmental Policy Act.

On July 13, 2022, DEP filed a Motion to Proceed with Initial Clearing, Excavation and Construction for Transmission Line pursuant to N.C.G.S. § 62-101(e) that authorizes the Commission to permit an applicant to proceed with initial clearing, excavation, and construction before receiving a certificate when justified by the public convenience and necessity and a showing that circumstances require immediate action.

In its Motion, DEP indicates that to meet the in-service date of August 2023 to serve Fuji Film Diosynth Biotechnologies' proposed biopharmaceutical manufacturing facility and to prepare for construction activities in late 2022, it is necessary to begin clearing, grading, and excavating land to clear the right-of-way

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on August 1, 2022. DEP also indicates that this initial work will take place entirely on Company-owned land and DEP acknowledges it is acting at its own risk with no guaranty of a certificate ultimately being issued by the Commission.

N.C.G.S. § 62-101(e) also provides that, in so proceeding with initial construction, the applicant acts at its own risk, and by granting such permission the Commission does not commit to ultimately grant a certificate for the transmission line.

Based upon a review of DEP's filing, the Public Staff agrees that circumstances require immediate action and that granting DEP's motion is justified by the public convenience and necessity.

Therefore, the Public Staff recommends that the Commission issue an order to allow initial construction activities.

Sincerely,

Electronically submitted
/s/ William E. H. Creech
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cc: Parties of Record