

January 17, 2022

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

Re: Protest of Timbermill Wind, LLC's Certificate of Environmental  
Compatibility and Public Convenience Application

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Dear Ms. Dunston:

On behalf of my wife, Belinda Flynn, and myself, we herewith submit, via  
electronic filing with the Commission, a Protest Petition regarding Docket No.  
EMP-118, Sub 0 and EMP-118, Sub 1.

If you should have any questions concerning this filing, please let me know.

Thank you.

Sincerely,

/s/ Patrick Flynn

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

**Docket No. EMP-118, Sub 0**

**Docket No. EMP-118, Sub 1**

In the Matter of:

Docket No. EMP-118, Sub 0

Docket No. EMP-118, Sub 1

) PROTEST PETITION FOR  
) TIMBERMILL WIND, LLC  
) AND THE PUBLIC STAFF’S  
) JOINT PROPOSED ORDER  
) GRANTING CERTIFICATES  
) FOR  
) TIMBERMILL WIND, LLC’S  
) CERTIFICATE OF  
) ENVIRONMENTAL  
) COMPATIBILITY AND PUBLIC  
) CONVENIENCE APPLICATION

PURSUANT TO N.C. Gen. Stat. § 62-73 and Commission Rules R1-5 and R1-6, Patrick and Belinda Flynn (“Petitioners”) file this protest in response to the Joint Proposed Order Granting Certificates filed on December 20, 2021 for Timbermill Wind, LLC’s Certificate of Environmental Compatibility and Public Convenience Application in dockets EMP-118, Sub 0 and EMP-118, Sub 1.

Patrick and Belinda Flynn (“Petitioners”) herby protest the North Carolina Utilities Commission (“NBUC”) decisions approving this docket’s Certificate of Environmental Compatibility and Public Convenience Application.

In support of this petition, Patrick and Belinda Flynn state the following:

- 1. The name and mailing address of the Petitioners are:

Patrick and Belinda Flynn  
1924 Paradise Road  
Edenton, NC 27932

2. The Petitioners are not represented by an attorney and are individuals who have an interest in promoting the fairness and equality of issues relevant to qualified facility applications, construction and operations in North Carolina, and who are impacted and who will be impacted should Timbermill Wind, LLC industrial turbines be constructed.

3. The petitioners are documented and named opponents of the application to approve the Timbermill Wind, LLC Conditional Use Permit (CUP) in Chowan County in 2016. The CUP document that forms the basis for Timbermill, LLC's application in this docket proves, as CUP opponents, means we have standing wherever that approved CUP document transfers and is utilized, i.e., the Certificate of Environmental Compatibility and Public Convenience Application in this docket. Because our Petition to Intervene in this docket was denied, the NCUC decision to approve Timbermill Wind, LLC's application is protested!

Petitioners were denied opposition to a reopened 2018 Chowan County Timbermill Wind, LLC CUP hearing for standing, where a monitoring facility and transmission lines were added to a project we initially opposed during its original hearing. The Petitioners believe our original status as opponents carried over and created an inherent opposition standing status to the 2<sup>nd</sup> CUP application. Therefore, the Petitioners have qualified standing, which gives them standing in this docket.

4. The petitioners' public comments in this docket still have not been formally addressed. The petitioners' petition added to Docket No. E-100, Sub 171, which challenges the ownership authority of Renewable Energy facilities outside North Carolina, and establishes a filing date that takes precedence over any hearing activity in EMP-118, Sub 0 and EMP-118, Sub 1, which suggests this docket hearing and approval of its Joint Proposed Order Granting Certificates was

premature. Any NCUC decision to approve the Joint Proposed Order Granting Certificates in this docket is protested!

5. In this docket's documents Jeff T. Thomas' said, "The site plan changes did not add or remove any property parcels within the site." The site plan on file with the application shows two parcels were removed to the east of our property on Paradise Road which, when compared to the Timbermill Wind 2021 Update in the slide Boundary Map 2016 vs. Current presented to Chowan County commissioners August 2, 2021, which shows Timbermill Wind, LLC property leases, is in conflict. Because this misrepresentation was not recorded in a CUP hearing before Chowan commissioners Timbermill Wind, LLC's application in this docket is not valid, and our abutting property standing in this matter is still valid. (LINK: Map on the last page of the 2016 Timbermill CUP Hearing testimony,

[https://www.chowancounty-nc.gov/vertical/sites/%7B10E82D50-AAE0-43D7-A98A-](https://www.chowancounty-nc.gov/vertical/sites/%7B10E82D50-AAE0-43D7-A98A-42E82683885E%7D/uploads/All_Minutes_and_minutes_attachments_of_the_Apex_CUP_hearings.pdf)

[42E82683885E%7D/uploads/All\\_Minutes\\_and\\_minutes\\_attachments\\_of\\_the\\_Apex\\_CUP\\_hearings.pdf](https://www.chowancounty-nc.gov/vertical/sites/%7B10E82D50-AAE0-43D7-A98A-42E82683885E%7D/uploads/All_Minutes_and_minutes_attachments_of_the_Apex_CUP_hearings.pdf).) Timbermill Wind, LLC application approval in this docket should have been denied. The NCUC decision in this docket is protested!

6. Thomas answering the question in his testimony, "DOES THE PUBLIC STAFF HAVE ANY CONCERNS ABOUT FACILITY DECOMMISSIONING?" misrepresented the August 2, 2021 discussion of Timbermill Wind, LLC decommissioning. During the 2016 Timbermill CUP Hearing Chowan commissioners negotiated a 20-year decommissioning bond arrangement with Apex Clean Energy Holdings, LLC. In the August 2, 2021 Timbermill update the term of the Timbermill facility was extended to 30 years. Agreeing with Chowan Commissioners the Apex representative said that their bond would have to be renegotiated. The Timbermill Wind, LLC misrepresentation on their application

should have resulted in their application being denied. The NCUC decision in this docket is protested!

7. In his testimony, “ARE THERE ANY OTHER ISSUES TO BRING TO THE COMMISSION’S ATTENTION?” Thomas answered, “First, Timbermill Wind’s CUP to Chowan County stated that the turbines used would be 3.6 MW, but, according to this application, it plans to use 4.2 MW turbines.” Chowan Commissioners pointed out during the August 2, 2021 update that the 2016 CUP hearing assured Timbermill turbines would be no larger than 3.6 MW. This violates the spirit of Timbermill Wind, LLC’s CUP hearing approval. Accordingly, Timbermill Wind, LLC’s application approval in this docket is protested.

8. The proposed order says, “Lastly, the Commission found that N.C.G.S. § 62-2 contains several policies that show the “legislature intends the Commission to encourage cost efficient siting of generation facilities, and thus that the Commission has the authority to consider all costs borne as a result of that siting decision.” Unfortunately, beginning with implementing Timbermill’s turbine facility and then implementing other wind or solar facilities in order to produce 100% Green Energy production in NC that consideration is not cost effective, as sections 11 and 12 illustrate. The proposed order for this docket is protested.

9. The proposed order states, “The load growth projection in the PJM service area in Dominion Energy territory, including North Carolina, is expected to average between 1.2% and 1.4% per year over the next 10 years.” This statement is protested, as Dominion Energy covers 13 states and has nearly 7 million customers. The specific NC energy growth and energy usage Timbermill covers is not explicit within this docket’s application statements, or explicit in relation to overall Dominion Energy operations to which the 1.2% and 1.4% per year refer. What is also not documented is the percentage of the 1.2% and 1.4% per year goal will be met by Timbermill, and at what cost to ratepayers over time.

This order is also unspecific because Dominion Energy North Carolina has 120,000 or 220,000 customers, (depending on the source), where Timbermill might be built. Their application statement is misleading in that NC turbine facility and electricity costs will be borne by those NC utility customers only, the majority of which reside outside of Chowan County. Those ratepayers outside of Chowan County will unfairly bear the majority of project costs and is protested.

10. The proposed order also says, “When considering the demonstration of need, the Commission must also weigh the costs of the Facility, whether and to what extent those costs may be borne by ratepayers, and the benefits provided to those incurring the costs in determining the need for the Facility. Based on the foregoing, the Commission concludes that the interconnection costs associated with the Facility are reasonable and commensurate with the benefits received by those paying the costs.” The total cost of the Timbermill facility construction and its output energy is not specified in Timbermill Wind, LLC’s application whatsoever, or the proposed order for this docket.

This goes to the core of the NCUC’s mission agenda and the untimely motivations behind approval of this docket’s application. Wind Energy is no longer favored in European countries and where it has been implemented ratepayers suffer.

Green Energy has created a pie in the sky mentality where money is first and honest information is secondary. Because Timbermill cost numbers were not included in the proposed order or application, invisible cost numbers were magically conjured to evaluate this docket’s application monetary criteria. NCUC mission priorities were largely ignored. This docket’s decision is protested!

11. Another public comment that went unanswered in this docket is that Dominion Energy, Inc. (Dominion), Timbermill or Apex Clean Energy Holdings, LLC (Apex) did not show that Dominion’s 220,000 utility customers (or 120,00

according to some sources) need Timbermill Wind, LLC turbine energy whatsoever.

Timbermill's estimate of supplying 47,000 homes with electricity unfairly burdens the majority of Dominion's utility customers living outside of Chowan County. Dominion's NC customers residing outside of Chowan County represent the greatest percentage of ratepayers who will be ordered to absorb an estimated \$1.42B in additional utility billings over the life of the facility which will be used to offset the cost of the Timbermill project, (plus the likely cost of a new utility generating plant).

(The Commission has already increased rates in this regard, a decision reached in its Docket No. E-100, Sub 158 and E-100, Sub 167 orders, which increased utility rates because the 2018 Biennial Determination of Avoided Cost Rates for Electric Utility Purchases from Qualifying Facilities increased prices. Another Avoided Cost Rate hearing is scheduled in the very near future, which will likely raise avoided cost rates again.) This again impacts NCUC mission purpose and is protested!

12. The estimated costs of the Governor's 100% energy replacement plan in the Clean Energy Plan means the 253,000,000 BTU per capita yearly NC consumes use must be generated by turbines and/or solar panels. This equals 7415 MW electricity for each individual each year. Wind energy would require every NC citizen to offset over \$1 million-billion dollars (\$1,008,938,727,682,540) using current new wind energy facility construction costs. With 10,453,948 NC citizens this amounts to \$965,126,981 for each citizen, likely unrecoverable in future consumer utility bills. The number of 300 Watt solar panels needed to generate equivalent 100% energy consumption levels will require approximately 19% of NC's land mass, (with even more problems if industrial turbine facilities are utilized).

This cost dilemma strikes at the core of the NCUC mission to NC citizens. The money and land needed for 100% Green Energy usage explains our protest motivation, which we will bear with all NC citizens. Approving this application begins a monetary slide that NC citizens will eventually be unable to afford at \$965,126,981 each. For this reason we protest the decision in this docket.

13. Green Energy construction will create unassumable costs and the unreasonable environmental usage estimated here. This violates several NCUC's mandates: Promote adequate, reliable, and economical utility service; Promote least cost energy planning; Provide just and reasonable rates and charges for public utility services and promote conservation of energy; and Assure that facilities necessary to meet future growth can be financed on reasonable and fair terms.

Unreasonable Green Energy costs create an inherent conflict in the NCUC's application of its mission goals. Green Energy facilities supplying 100% of NC's energy won't provide material or economic advantages for NC ratepayers. The unreasonable costs will be due to the extreme burden of recovering developer costs, daily operating costs for the utility company and their project profits; i.e., an estimated \$1.42 billion to construct and operate 43 Timbermill turbines over their lifetime.

14. We also protest that the Commission did not have any cost figures except for proposed transmission line construction cost. Turbine cost numbers were not included as a part of this docket's application yet the decision to approve the application was determined, with many NCUC mission statements abandoned, as outlined in section 8 of this document, mission parameters that were apparently ignored to blindly approve this docket's application.

15. Using the Chowan CUP hearing's 2.2 MW turbine reference, the 2016 CUP hearing approved 48 turbines (now 43) with total output no larger than 105.6 MW. With this application's turbines rated at 189 MW, each turbine motor is almost two



times larger than those discussed in the 2016 CUP hearing discussions. , which now attempts to “paint” Timbermill in a better economic light with 30-year estimate rather than the hearing’s 20-year estimate discussion originally presented. This dilemma is protested!

The Certificate of Environmental Compatibility and Public Convenience application misinforms to sidestep NCUC mission parameters. The manipulation of information tainted the Chowan CUP hearings, Timbermill’s public exposure, as well as the application in this docket. This disinformation should have invalidated this docket’s application. We hereby protest that it did not!

Petitioners request any notices, filings, or other communications in this petitions should be served on the following:

Patrick Flynn  
1924 Paradise Rd.  
Edenton, NC 27932  
Telephone: 252-334-9071  
E-mail: ncwriter2001@yahoo.com

WHEREFORE, for the foregoing reasons, Patrick and Belinda Flynn respectfully request that the Commission review Petitioner's protest and respond accordingly.

/s/ Patrick Flynn

## CERTIFICATE OF SERVICE

I, Patrick Flynn, hereby certify that a true and exact copy of the foregoing Protest Petition has been duly served by NCUC electronic filing system to the NC Utility Commission.

This the 17<sup>th</sup> day of January, 2022.

/s/ Patrick Flynn