

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1257

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Duke Energy Progress, Inc. for) ORDER SCHEDULING PUBLIC
a Certificate of Public Convenience and) HEARING TO BE HELD REMOTELY
Necessity to Construct a 5-MW Solar) AND REQUIRING REVISED PUBLIC
Photovoltaic Generating Facility in Buncombe) NOTICE
County, North Carolina)

BY THE CHAIR: On August 6, 2020, the Commission issued an Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines and Requiring Public Notice (Scheduling Order) in this docket. The Scheduling Order scheduled a hearing for the purpose of receiving public witness testimony to be held on Thursday, October 8, 2020, in Asheville, North Carolina, and a hearing to be held on Thursday, November 5, 2020, in Raleigh, North Carolina for the purpose of receiving expert witness testimony.

In March through July 2020, Governor Roy Cooper issued a progression of Executive Orders that declared a State of Emergency in North Carolina to coordinate response and protective actions to prevent the spread of coronavirus (COVID-19). The Executive Orders place restrictions on business operations and mass gatherings including limiting face-to-face meetings to no more than ten people and requiring social distancing between individuals of at least six feet. On August 5, 2020, Governor Cooper issued Executive Order No. 155 that declared these restrictions would remain in effect until September 11, 2020, unless repealed or modified by a subsequent Executive Order.

Based on the record and the current state of uncertainty regarding future requirements to assist in preventing the spread of COVID-19, the Chair finds good cause to declare that the hearing for the purpose of receiving public witness testimony scheduled for Thursday, October 8, 2020, at 7:00 p.m. will be held remotely via WebEx. In addition, due to a scheduling conflict the hearing for the purpose of expert witness testimony shall be rescheduled to be held on Wednesday, November 18, 2020, at 10:00 a.m. The expert witness hearing will either be held in person in Raleigh, North Carolina, or remotely via WebEx. Finally, the Chair finds good cause to direct that all other dates and procedural guidelines in the Scheduling Order remain in effect.

IT IS, THEREFORE, ORDERED as follows:

1. That the public witness hearing to be held on Thursday October 8, 2020, at 7:00 p.m., for the purpose of receiving public witness testimony regarding DEP's

application for a CPCN shall be held remotely via WebEx. A link to view the hearing will be available at www.ncuc.net. Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on Monday, October 5, 2020, by contacting the Public Staff via email at WoodfinSolarPublicHearing@psncuc.nc.gov or by calling 866-380-9816. When registering, provide your name, docket number (E-2, Sub 1257), telephone number, and the topic of your testimony.

Only individuals registered with the Public Staff by 5:00 p.m. on Monday, October 5, 2020, will be allowed to testify at the hearings.

2. That the expert witness hearing solely for the purpose of receiving expert testimony of the parties shall be held on Wednesday, November 18, 2020, at 10:00 a.m. for the purpose of considering DEP's application for a CPCN, and will be either held remotely via WebEx, or in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. The Commission will issue a subsequent order setting forth the procedures for a remote expert witness hearing, or confirming that the expert witness hearing will be held in the Commission Hearing Room;

3. That DEP shall publish the revised Public Notice attached hereto as Appendix A in a newspaper having general circulation in Buncombe County once a week for four successive weeks, with the first publication being at least 30 days prior to the public witness hearing;

4. That DEP shall file affidavits of publication on or before the date of the expert witness hearing;

5. That the Commission may cancel the public witness and expert witness hearings if no substantial written complaints regarding the proposed facility are received by the Commission's Chief Clerk on or before Monday, October 5, 2020; and

6. That all other dates and procedural guidelines established in the Scheduling Order shall remain in effect.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of August, 2020.

NORTH CAROLINA UTILITIES COMMISSION



Janice H. Fulmore, Deputy Clerk

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DOCKET NO. E-2, SUB 1257

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Duke Energy Progress, Inc. for a)
Certificate of Public Convenience and) PUBLIC NOTICE
Necessity to Construct a 5-MW Solar)
Photovoltaic Generating Facility in Buncombe)
County, North Carolina)

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has scheduled a public hearing on Thursday, October 8, 2020, at 7:00 p.m., to be held remotely via WebEx. The purpose of the hearing is to receive public witness testimony regarding the application of Duke Energy Progress, LLC (DEP), filed on July 27, 2020, for a certificate of public convenience and necessity (CPCN) to construct a 5-MW solar photovoltaic electric generating facility to be located at 2720 Riverside Drive, Woodfin, Buncombe County, North Carolina. Public witness testimony will be received in accordance with Commission Rule R1-21(g).

A link to view the public witness hearing will be available at www.ncuc.net. Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on Monday, October 5, 2020, by contacting the Public Staff via email at WoodfinSolarPublicHearing@psncuc.nc.gov or by calling 866-380-9816. When registering, provide your name, docket number (E-2, Sub 1257), telephone number, and the topic of your testimony. **Only individuals registered with the Public Staff by 5:00 p.m. on Monday, October 5, 2020, will be allowed to testify at the public witness hearing.**

The hearing will resume in Raleigh on Wednesday, November 18, 2020 at 10:00 a.m. solely for the purpose of receiving expert testimony from the parties. The expert witness hearing will either be held remotely via WebEx, or in the Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. The Commission will issue a subsequent order setting forth the procedure for a remote hearing or confirming that the hearing will be held in the Commission Hearing Room.

In summary, DEP stated in the application that the facility, known as the Woodfin Solar Generating Facility (Woodfin Solar Facility), will be built at a closed landfill owned by Buncombe County. DEP stated that the Woodfin Solar Facility is consistent with the Commission's March 28, 2016 Order Granting Application, in Part, with Conditions, and Denying Application in Part in Docket No. E-2, Sub 1089, and DEP's efforts working with government and other organizations in the Western Carolinas Modernization Project. In addition, DEP's application sets forth in detail DEP's position regarding the need for the facility and the cost justification for the facility.

Specific information about DEP's application for a CPCN may be obtained from the Office of the Chief Clerk, North Carolina Utilities Commission, Raleigh, North Carolina, where a copy of DEP's application and supporting documents are available for review by the public, and on the Commission's website at www.ncuc.net.

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, c/o Consumer Protection – Utilities, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to utilityAGO@ncdoj.gov.

Written statements will be considered by the Commission in reaching its decision but do not receive the same consideration as testimony provided by public witnesses at a hearing.

Any person desiring to intervene in the proceeding as a formal party of record should file a petition under North Carolina Utilities Commission Rules R1-5 and R1-19 on or before Tuesday, October 20, 2020. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325. The direct testimony and exhibits of expert witnesses to be presented by intervenors should also be filed with the Commission on or before Tuesday, October 20, 2020.

The Commission may cancel the public witness and expert witness hearings if no substantial written complaints regarding the proposed Woodfin Solar Facility are received by the Commission's Chief Clerk on or before Monday, October 5, 2020.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of August, 2020.

NORTH CAROLINA UTILITIES COMMISSION



Janice H. Fulmore, Deputy Clerk

NOTE TO PRINTER: DEP shall pay advertising costs. It is required that an Affidavit of Publication be filed with the Commission by DEP.