



**NORTH CAROLINA  
PUBLIC STAFF  
UTILITIES COMMISSION**

February 7, 2020

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

Re: Docket No. EMP-104, Sub 0 – Fern Solar, LLC  
Application for Certificate of Public Convenience and Necessity 100 MW<sub>AC</sub>  
solar photovoltaic generating facility located in Edgecombe County, North  
Carolina

Dear Ms. Campbell:

On June 7, 2019, the Commission granted Fern Solar, LLC (Applicant) a Certificate of Public Convenience and Necessity (CPCN) pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63.

On January 31, 2020, the Applicant filed an updated site plan accompanied by a letter explaining the reason for the changes. The Applicant states the total area covered by panels will decrease by approximately 15% but approximately 1.08% of the paneled area will now extend beyond the fence line of the original site plan. The Applicant also has noted that six of the access points have now changed locations in response to requests of landowners in the area. The Applicant requests that the CPCN amendment be approved without additional public notice or further clearinghouse review. In support of the request, letter noticing the change to the site plan states:

(1) the *de minimis* nature of the changes to the site plan, which are entirely within the parcel boundaries previously identified in the original CPCN application; (2) the fact that all access point changes have been reviewed and approved by the site landowners as well as adjacent landowners; (3) the extensive review that has already been conducted of the revised site plan; and (4) the Project's lack of proximity to any residential neighborhoods or other stakeholders that might be particularly sensitive to small changes in the site's layout.

Executive Director  
(919) 733-2435

Communications  
(919) 733-2810

Economic Research  
(919) 733-2902

Legal  
(919) 733-6110

Transportation  
(919) 733-7766

Accounting  
(919) 733-4279

Consumer Services  
(919) 733-9277

Electric  
(919) 733-2267

Natural Gas  
(919) 733-4326

Water  
(919) 733-5610

Ms. Kimberly A. Campbell  
Page Two  
February 7, 2020

In light of the previous approvals, and the involvement with the potentially impacted landowners, the Public Staff agrees with the Applicant's request. Additionally, the Applicant requests that should the Commission require further public notice, or review by the State Clearinghouse, that it should be allowed to begin construction on the previously approved land area. The Public Staff agrees that this is appropriate, and notes that the previously approved CPCN is not in question and stands as if the request for the amendment were not filed.

The Public Staff respectfully recommends that the Commission issue the amended certificate without requiring further public notice or State Clearinghouse review. Should the Commission feel further public notice or State Clearinghouse review is necessary, the Public Staff recommends the Applicant be allowed to undertake limited construction activities on the previously approved land area.

Regards,

Electronically submitted  
/s/ Layla Cummings  
Staff Attorney  
layla.cummings@psncuc.nc.gov

cc: Benjamin Snowden