

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1289

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Duke Energy Progress, LLC,)	
for a Certificate of Environmental)	ORDER GRANTING MOTION TO
Compatibility and Public Convenience and)	PROCEED WITH INITIAL
Necessity to Construct Approximately)	CLEARING, EXCAVATION, AND
2.1 Miles of New 230 kV Transmission Line)	CONSTRUCTION
in Wake County, North Carolina)	

BY THE COMMISSION: On April 14, 2022, Duke Energy Progress, LLC (DEP or Applicant), filed an application pursuant to Article 5A of Chapter 62 of the North Carolina General Statutes for a certificate of environmental compatibility and public convenience and necessity (CPCN) to construct approximately 2.1 miles of new 230 kV transmission line in Wake County, North Carolina.

On April 22, 2022, the Commission issued an Order Scheduling Hearings and Requiring Public Notice. That Order scheduled a public witness hearing for Monday, August 22, 2022, and an expert witness hearing for Monday, September 12, 2022.

On July 13, 2022, the Applicant filed a Motion to Proceed with Initial Clearing, Excavation, and Construction. The Applicant states that N.C. Gen. Stat. § 62-101(e) authorizes the Commission to permit an applicant to proceed with initial clearing, excavation, and construction before receiving a CPCN when justified by the public convenience and necessity and a showing that circumstances require immediate action. The Applicant repeats the assertion found in the application that the new transmission line is needed to serve Fuji Film Diosynth Biotechnologies' (Fuji) proposed biopharmaceutical manufacturing facility in Holly Springs, North Carolina. The proposed transmission line will tap the existing Harris Plant–Wake 230 kV transmission line and extend to a new proposed 230 kV/23kV transmission-to-distribution substation with a capacity of 28 megawatts.

The Applicant states that construction of the substation and the transmission line is scheduled to begin in late 2022 with an in-service date of August 2023.¹ These deadlines result from DEP's contractual commitments to Fuji and from the Job Development Investment Grant approved by North Carolina's Investment Committee

¹ The Applicant states that its application inadvertently informed the Commission that the in-service deadline is September 2023, but that the committed service date is actually August 1, 2023. DEP currently is planning an in-service date of June 7, 2023, which allows a buffer period for unforeseen delays.

under the Department of Commerce. The Applicant asserts that to meet the August 2023 in-service date and to prepare for construction activities in late 2022, it needs to begin clearing, grading, and excavating land to clear the right-of-way on August 1, 2022. Although the application indicates that DEP will be acquiring some of land necessary for construction of the transmission line, the Applicant states that the initial work will be entirely on Company-owned land. The Applicant requests that the Commission grant its motion to proceed, entirely at the Company's own risk, on an expedited basis by August 1, 2022, before the Applicant has obtained a CPCN.

On July 21, 2022, the Public Staff filed a letter stating that it agrees with the Applicant that circumstances require immediate action and that granting DEP's motion is justified by the public convenience and necessity.

Considering the foregoing, the Commission finds good cause to grant the Motion to Proceed with Initial Clearing, Excavation, and Construction, subject to the Applicant's understanding that any construction or other work performed before the Commission's granting of a CPCN for the proposed Facility is at the Applicant's own risk and subject to the Commission's future actions on the application. Further, the authority granted in this Order only applies to land that is owned by DEP or a DEP-affiliated company.

IT IS, THEREFORE, ORDERED as follows:

1. That Applicant is hereby granted the authority to engage in initial clearing, excavation, and construction on land owned by DEP or Duke prior to receiving a CPCN for the proposed transmission line;
2. That Applicant shall bear all costs and other risks of the limited clearing, excavation, and construction activities in the area, and specifically, the risk that the Commission may deny Applicant's application for a certificate of public convenience and necessity to construct the transmission line; and
3. That this Order is based on the unique facts and circumstances involved in this docket and shall not be cited by Applicant or any other party as precedent in support of a request for future Commission action.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of July, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Joann R. Snyder", is written over a light blue horizontal line.

Joann R. Snyder, Deputy Clerk