

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-103, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of Albemarle Beach Solar,	)	
LLC, for a Certificate of Public	)	NOTICE OF
Convenience and Necessity to	)	COMPLETENESS
Construct an 80-MW Solar Facility in	)	
Washington County, North Carolina	)	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission, by and through its Executive Director, Christopher J. Ayers, and provides the notice required by Commission Rule R8-63(d) with respect to the completeness of the application filed by Albemarle Beach Solar, LLC (Applicant).

On September 21, 2015, in Docket No. SP-6476, Sub 0, the Applicant filed an application for a certificate of public convenience and necessity (CPCN) pursuant to N.C. Gen. Stat. § 62-110.1(a) and Commission Rule R8-64 for construction of an 80-MW<sub>AC</sub> solar photovoltaic electric generating facility to be located in Washington County, North Carolina. The application indicates that the Applicant is in discussions to sell the electricity generated at the facility to Dominion Energy North Carolina or to one or more retail customers in deregulated states allowing such sales, or in the PJM market.

On September 23, 2015, the Commission issued an Order Requiring Publication of Notice.

On September 9, 2016, following the filing of several complaints, the Commission issued an Order setting this matter for hearing to receive evidence as to whether the CPCN should be issued to the Applicant and requiring the Applicant to publish notice of the hearing and pre-file testimony. After the Applicant filed an amendment to its application adding an additional parcel of land to the site of the proposed facility, the Commission issued Orders on October 6, 2016, and October 10, 2016, cancelling the hearing, stating that the amendment to Applicant's application necessitated additional publication of notice and State Clearinghouse review, and clarifying that a hearing would be scheduled at a future date unless all pending complaints were withdrawn and no additional complaints were filed.

On November 12, 2018, the Applicant filed a second amendment to its application indicating, among other things, that the location of the proposed facility had changed due to the removal of some parcels of land to the site of the proposed facility and the addition of other parcels.

On November 29, 2018, in this docket and in Docket No. SP-6476, Sub 0, the Commission issued an Order Transferring Record, Closing Docket, and Finding Application Incomplete. The Order determines that the Applicant erred in applying for a CPCN pursuant to Commission Rule R8-64, the rule governing CPCN applications by CPRE program participants, qualifying cogenerators, or small power producers, and that the application is instead governed by Commission Rule R8-63, the rule governing CPCN applications for merchant plants. Based on this determination, the Order directs that Docket No. SP-6476, Sub 0, be closed, and that the record from that docket be transferred to Docket

No. EMP-103, Sub 0. The Order further finds the Applicant's CPCN application, as transferred to Docket EMP-103, Sub 0, to be incomplete as it does not include pre-filed direct testimony incorporating and supporting the application, as required by Commission Rule R8-63(b)(5). The Order declares that the Applicant's amended CPCN application filed in Docket No. SP-6476, Sub 0, is an application for a CPCN for the construction of an electric generating facility to be operated as a merchant plant pursuant to Commission Rule R8-63, and that the Commission will consider the application once the Applicant has supplemented it with the pre-filed direct testimony required by Commission Rule R8-63(b)(5).

On March 28, 2019, the Applicant filed the direct testimony and exhibits of Linda Nwadike, Project Manager for SunEnergy1, LLC, parent company of the Applicant. On April 11, 2019, the Applicant filed the amended direct testimony and exhibits of Linda Nwadike.

The Public Staff has reviewed the application as required by Commission Rule R8-63(d) and hereby notifies the Commission that it considers the application to be complete.

WHEREFORE, the Public Staff respectfully requests that the Commission consider the application of Albemarle Beach Solar, LLC, to be complete and issue a procedural order setting it for hearing, requiring public notice, and addressing any other procedural matters.

Respectfully submitted this the 11<sup>th</sup> day of April, 2019.

PUBLIC STAFF  
Christopher J. Ayers  
Executive Director

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Electronically submitted  
/s/ Megan Jost  
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**CERTIFICATE OF SERVICE**

I certify that I have served a copy of the foregoing NOTICE on all parties of record in this proceeding, or their attorneys of record, in accordance with NCUC Rule R1-39, by mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 11<sup>th</sup> day of April, 2019.

/s/ Megan Jost  
Staff Attorney