

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-103, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Amended Application of)
Albemarle Beach Solar, LLC for a)
Certificate of Public Convenience and)
Necessity to Construct a 140-MW Solar)
Facility in Washington County,)
North Carolina)

MOTION TO STAY
PROCEEDINGS

Now Comes the Applicant, by and through its undersigned counsel, and respectfully moves this Commission to stay all activities in this docket until further order of the Commission, and in support thereof, shows unto the Commission as follows:

1. This docket was opened by the Commission by its Order Transferring Record, Closing Docket, And Finding Application Incomplete entered on November 29, 2018. In that Order the Commission concluded, among other things, that "... Commission Rule R8-63 is the rule governing the present application." [Order dated November 29, 2018, p. 4.] Rule R8-63 is applicable to electric merchant plants. NCUC Rule R8-63.
2. On July 15, 2019, the Recommended Order Issuing Certificate was issued by the Commission, granting a Certificate of Public Convenience and Necessity for the construction of an 80 MWac solar generation facility as a merchant plant, subject to the conditions therein stated. The Recommended Order has become final. Construction of the portion of the facility within the footprint of the original plan has commenced and is ongoing.

3. The Applicant thereafter proposed to amend the Certificate to increase the authorized capacity of the generation facility to 140 MWac.
4. Following various filings and proceedings, the Commission issued its Order Determining Amended Application To Be Incomplete dated August 13, 2020, directing, among other things, that the Applicant file additional information addressing certain topics identified in the order, and ordering that the Applicant, on or before Friday, October 16, 2020, "...file the additional information necessary to complete the application, or the amended application pending in this proceeding will be deemed withdrawn."
5. On September 16, 2020, following the prior submission of testimony on behalf of the Public Staff in Docket EMP-107, Sub 0, the Commission issued its order initiating proceedings in E-100, Sub 170, entitled as the "Investigation of Interconnection Issues Related to Electric Merchant Generating Facilities" (hereinafter "sub-docket 170").
6. Earlier this month the Applicant was advised that certain PJM studies associated with potential transmission upgrades that may become relevant to the proposed uprate of the capacity of the facility have not been completed, and will not be available before an indefinite date in 2021.
7. The Public Staff previously recommended in Docket EMP-107, Sub 0, that the Commission "refrain from issuing decisions..." on the application in this EMP docket "... until the issue of affected system upgrades...is resolved by the Commission."
[EMP-107, Sub 0, Supplemental Testimony of Jay B. Lucas filed July 24, 2020, p. 14.]
8. The upstream parent of the Applicant, SunEnergy1, has three other projects at various stages of the CPCN process which, for commercial reasons, are viewed as higher priorities for purposes of the personnel and other resources of SunEnergy1, such as the applications

in dockets EMP-102, Sub 1 (“Bethel”) and EMP-112, Sub 0 (Gaston Green Acres”). The Applicant will continue with the applications in those other dockets, providing responses to data requests of the Public Staff and developing additional information for consideration by the Commission. The Applicant respectfully submits that those other projects are more deserving of timely consideration than the uprate of the Applicant’s facility at Albemarle Beach, and that no adverse consequences to the public will ensue from staying activities in docket EMP-103 until further order of the Commission.

9. The Applicant has incurred and is incurring substantial expense to construct the initial 80MWac portion of the facility that was previously certificated, and those activities are producing construction jobs and increasing the tax base in the community where that project is sited, all in the public interest as already found by the Commission.
10. For the foregoing reasons, Applicant respectfully prays that this proceeding be stayed pending further order of the Commission, and not dismissed, and that no supplementation of the application or further activities be required during the period of the stay.
11. The Public Staff, through its assigned counsel, has consented to the Commission granting the relief requested herein.

Done this 15th day of October, 2020.



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CERTIFICATE OF SERVICE

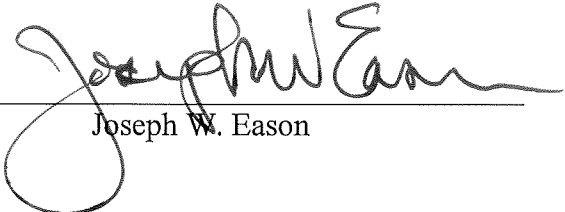
The undersigned certifies that this Motion for Stay was served this day by U.S. Mail, by depositing a copy of same in a depository of the U.S. Postal Service in a pre-addressed and postage-prepaid envelope and addressed as shown below, or by providing electronic service to those as shown below:

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This 15th day of October, 2020.



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