

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-117, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Shawboro East Ridge	)	ORDER SCHEDULING
Solar, LLC, for a Certificate of Public	)	HEARINGS, FILING OF TESTIMONY,
Convenience and Necessity to Construct	)	ESTABLISHING PROCEDURAL
a 150-MW Solar Facility in Currituck	)	GUIDELINES, AND REQUIRING
County, North Carolina	)	PUBLIC NOTICE

BY THE PRESIDING COMMISSIONER: On June 22, 2021, Shawboro East Ridge Solar, LLC (Applicant), filed an application pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63 for a certificate of public convenience and necessity (CPCN) to construct a 150-MW<sub>AC</sub> solar photovoltaic (PV) electric generating facility to be located in Currituck County, North Carolina (Facility).

In support of its Application, the Applicant filed the direct testimony of Linda Nwadike. In summary, construction of the 150-MW<sub>AC</sub> facility is anticipated to begin in the second quarter of 2022 with the expected commercial operation beginning in the fourth quarter of 2022. The Facility is intersected and bound on the east by East Ridge Road, bound on the west by Shawboro and Indiantown Roads in Shawboro, Currituck County, North Carolina. The expected life of the Facility is approximately 40 years.

The project will interconnect with the electric transmission system owned by Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC) via a new three breaker ring bus switching station that connects on DENC's Shawboro to Sligo 230 kV line #269. This interconnection will provide the Facility with direct access to PJM Interconnection (PJM).

On July 7, 2021, the Public Staff filed a Notice of Completeness and Motion to Stay (Notice of Completeness) stating that the Public Staff reviewed the application as required by Commission Rule R8-63(d) and considers the application to be complete. However, in the Notice of Completeness the Public Staff requests that the Commission to stay this proceeding and not issue a procedural order. The Public Staff notes that the Applicant provided the estimated construction cost for the Facility in its application but that the potentially affected system, Duke Energy Progress, LLC (DEP), has not completed an affected system study that includes the Facility. The Public Staff further noted in its Notice of Completeness that on October 1, 2020, DEP and other Duke companies revised its policy regarding the assignment of affected system network upgrade costs. A complaint regarding this change in policy has been filed at the Federal Energy Regulatory Commission (FERC) by Edgecombe Solar (Edgecombe). The Public Staff recommends

that the Commission stay this proceeding pending the completion of the affected system study for the Facility and a ruling by FERC on the complaint filed by Edgecombe.

On July 14, 2021, the Applicant filed a response to the request of the Public Staff to stay this proceeding. The Applicant noted it is not a party to the Edgecombe complaint at the FERC. The Applicant also asserted that issuing a scheduling order will allow the Applicant to publish public notice of the Facility and allow North Carolina state agencies to review and comment on the proposed Facility.

Based on the filings by the Applicant, and the entire record the Presiding Commissioner finds good cause to deny the Public Staff's request to stay the proceedings. The Presiding Commissioner also finds good cause to schedule a hearing to receive public witness testimony and a hearing to receive expert witness testimony regarding the application. The public witness hearing shall be held at 12:00 p.m. on Thursday, October 14, 2021, at the Currituck County Courthouse, Courtroom A, 2802 Caratoke Highway, Currituck, North Carolina. The expert witness hearing shall be held at 1:30 p.m. on October 28, 2021, in Commission Hearing Room 2115, 430 North Salisbury St., Dobbs Building, Raleigh, North Carolina.

The Presiding Commissioner notes that the Commission has seen an increase in the number of merchant plant facility applications. Due to the increase in non-utility generation on the North Carolina system and the Commission's statutory duty to examine the long-range needs for the generation of electricity in North Carolina, the Presiding Commissioner finds good cause to require the filing of additional testimony and exhibits in this proceeding addressing the following questions, to the extent that they are not answered in the application:

1. Are there any network upgrades to DENC's or any affected system's transmission system required to accommodate the operation of the Applicant's proposed facility? If so, provide the amount of network upgrades on DENC's or any affected system's transmission system, if any, required to accommodate the operation of the Applicant's proposed facility.
2. If there are any required system upgrades, does the Applicant have Levelized Cost of Transmission (LCOT) information for the system upgrades? If so, provide the LCOT information for any required transmission system upgrades or modifications.
3. Is there any interconnection study available for the proposed facility? If so, provide any interconnection study received for the proposed facility. If the Applicant has not received a study, provide a date by when the study is expected to be completed.
4. Is the Applicant aware of any system other than the studied system that is or will be affected by the interconnection? If yes, explain the impact and basis.

5. Is the Applicant proposing to sell energy and capacity from the facility to a distribution facility regulated by the Commission? If so, provide a discussion of how the facility's output conforms to or varies from the regulated utility's most recent integrated resource plan (IRP).
6. Is the Applicant proposing to sell energy and capacity from the proposed facility to a purchaser who is subject to a statutory or regulatory mandate with respect to its energy sourcing (e.g., a REPS requirement or Virginia's new statutory mandate for renewables)? If so, explain how, if at all, the proposed facility will assist or enable compliance with that mandate. In addition, provide any contracts that support that compliance.
7. Does the Applicant have a Power Purchase Agreement (PPA), REC sale contracts or contracts for compensation for environmental attributes for the output of the proposed facility? If so, provide any PPA agreements, REC sale contracts, or contracts for compensation for environmental attributes for the output of the facility.

In addition, the Presiding Commissioner finds good cause to apply the following guidelines regarding discovery in this docket, subject to modification for good cause shown:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least seven days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.
2. Any motion for subpoena of a witness to appear at the evidentiary hearing shall be filed with the Commission before the deadline for filing of Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.
3. Formal discovery requests related to the application and the Applicant's prefiled direct testimony shall be served on the Applicant not later than fourteen days prior to the deadline for filing of Public Staff and intervenor testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten days prior to the deadline for filing of Public Staff and intervenor testimony.

4. Formal discovery requests of the Public Staff or intervenors shall be served not later than three days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than five days after that party's testimony was filed.
5. Formal discovery requests related to the Applicant's prefiled rebuttal testimony shall be served on the Applicant not later than two days after such testimony is filed. The party served shall have up to two calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three days after the rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery from the Applicant.
6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two days to file a motion to compel with the Commission, and the party objecting to discovery shall have one day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.
7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Presiding Commissioner recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS, THEREFORE, ORDERED as follows:

1. That a public witness hearing for the purpose of receiving public witness testimony regarding Shawboro's CPCN application shall be, and is hereby, scheduled to begin at 12:00 p.m. on October 14, 2021, at the Currituck County Courthouse, Courtroom A, 2802 Caratoke Highway, Currituck, North Carolina. However, the public witness hearing may be cancelled if no significant protests are filed with the Commission subsequent to the publication of Public Notice;

2. That an expert witness hearing, solely for the purpose of receiving expert witness testimony from the parties, shall be held at 1:30 p.m. on October 28, 2021, in the

Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina for the purpose of considering the Applicant's application for a CPCN;

3. That the Applicant shall file the additional testimony described herein on or before Tuesday, August 24, 2021;

4. That any person having an interest in this proceeding may file a petition to intervene stating such interest on or before Tuesday, September 21, 2021;

5. That the direct testimony and exhibits of the Public Staff and other intervenors shall be filed on or before Tuesday, September 21, 2021;

6. That the Applicant may file rebuttal testimony and exhibits on or before Thursday, October 7, 2021;

7. That the Chief Clerk of the Commission shall deliver copies of the application and the Public Notice attached hereto as Appendix A to the Clearinghouse Coordinator of the Office of Policy and Planning and the Department of Administration for distribution by the Coordinator to State agencies having an interest in the application;

8. That the Applicant shall publish the Public Notice attached hereto as Appendix A in a newspaper having general circulation in Currituck County once a week for four successive weeks beginning at least 30 days prior to Thursday, September 23, 2021;

9. That the Applicant shall file affidavits of publication demonstrating that the application was published pursuant to this order on or before Wednesday, October 6, 2021; and

9. That the parties shall comply with the discovery guidelines established herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 12th day of August, 2021.

NORTH CAROLINA UTILITIES COMMISSION

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

Joann R. Snyder, Deputy Clerk

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. EMP-117, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Shawboro East Ridge	)	
Solar, LLC, for a Certificate of Public	)	
Convenience and Necessity to Construct	)	PUBLIC NOTICE
a 150-MW Solar Facility in Currituck	)	
County, North Carolina	)	

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has scheduled a public hearing to be held Thursday, October 14, 2021 at 12:00 p.m. at the Currituck County Courthouse, Courtroom A, 2802 Caratoke Highway, Currituck, North Carolina. The purpose of the hearing is to receive public witness testimony regarding the application of Shawboro East Ridge Solar, LLC (Applicant) for a certificate of public convenience and necessity (CPCN) to construct a 150-MW<sub>AC</sub> solar photovoltaic (PV) electric generating facility to be located in Currituck County, North Carolina (the Facility).

In support of its Application, the Applicant filed the direct testimony of Linda Nwadike. In summary, construction of the 150-MW<sub>AC</sub> facility is anticipated to begin in the second quarter of 2022 with the expected commercial operation beginning in the fourth quarter of 2022. The Facility is intersected and bound on the east by East Ridge Road, bound on the west by Shawboro and Indiantown Roads in Shawboro, Currituck County, North Carolina. The expected life of the Facility is approximately 40 years.

On July 7, 2021, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete.

Additional information about the applications is available for review by the public on the Commission's website and online docket system at [www.ncuc.net](http://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, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to [utilityAGO@ncdoj.gov](mailto: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, September 21, 2021. 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, September 21, 2021.

The Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility are received by the Commission's Chief Clerk on or before Thursday October 7, 2021.

ISSUED BY ORDER OF THE COMMISSION.

This the 12th day of August, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Joann R. Snyder", is written over a faint, circular official seal of the North Carolina Utilities Commission.

Joann R. Snyder, Deputy Clerk