

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-108, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of American Beech Solar, LLC,	)
for a Certificate of Public Convenience and	)
Necessity to Construct a 110-MW Solar	)
Facility in Halifax County, North Carolina	)
	ORDER REQUIRING ADDITIONAL TESTIMONY

BY THE PRESIDING COMMISSIONER: On January 28, 2020, American Beech 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 110-MW solar photovoltaic (PV) electric generating facility to be located in Halifax County, North Carolina, and operated as a merchant generating facility.

On February 6, 2020, 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. In addition, the Public Staff requested that the Commission issue a procedural order setting the application for hearing, requiring public notice pursuant to N.C.G.S. § 62-82, and addressing other procedural matters.

On March 12, 2020, the Commission issued an Order Scheduling Hearing, Requiring Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (Scheduling Order). The Scheduling Order, among other things, scheduled a hearing on Wednesday, May 20, 2020, at 7:00 p.m. at the Halifax County Historic Courthouse, in Halifax, North Carolina, for the purpose of receiving public witness testimony regarding the application, and required the Applicant to publish public notice of the hearing in a newspaper having general circulation in Halifax County once a week for four consecutive weeks. Further, the Scheduling Order provided that the Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility were filed on or before ten days following the last day of publication of the notice.

On April 15, 2020, the Public Staff filed the testimony of Jay B. Lucas, an engineer in the Electric Division of the Public Staff. In his affidavit, Mr. Lucas stated that, upon review of the application, the Public Staff concluded that Applicant had satisfied the requirements to obtain a CPCN pursuant to N.C.G.S. § 62-110.1 and Commission Rule R8-63. Further, Mr. Lucas stated that the Public Staff recommended that the Commission issue the requested CPCN to the Applicant with certain conditions.

On May 13, 2020, the Applicant filed a request to reschedule the hearing date because due to an administrative error the published notice did not meet the requirements of the Scheduling Order. On May 15, 2020, the Commission issued an Order Cancelling Hearings, Rescheduling Public Witness Hearing, and Requiring Public Notice. In the Rescheduling Order, the Commission scheduled the public witness hearing on Wednesday, June 24, 2020, at 7:00 p.m. at the Halifax County Historical Courthouse in Halifax, North Carolina, and required the Applicant to publish public notice of the hearing in a newspaper having general circulation in Halifax County once a week for four consecutive weeks. Further, in the Rescheduling Order the Commission provided that the public witness hearing may be cancelled if no substantial written complaints regarding the proposed facility were filed on or before ten days following the last day of publication of the notice.

On June 9, 2020, the Applicant filed an affidavit of publication, evidencing that the Applicant caused to be published notice of the hearing in The Daily Herald as required by the Scheduling Order. On June 15, 2020, the Applicant filed a Motion to Cancel Hearing requesting that the Commission cancel the public witness hearing scheduled for June 24, 2020. The Applicant states that the Public Staff consents to the cancellation of the public witness hearing.

On June 19, 2020, the Commission issued an Order Cancelling Public Witness Hearing.

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:

1. Provide the Levelized Cost of Transmission (LCOT) information for any required transmission system upgrades or modifications.
2. Provide any interconnection study received for the proposed facility. If you have not received a study, provide a date by when the study is expected to be completed.
3. Are you 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.
4. If the Applicant proposes to sell energy and capacity from the facility to a distribution utility regulated by the Commission, provide a discussion of how the facility's output conforms to or varies from the regulated utility's most recent IRP.
5. If the Applicant proposes to sell energy and capacity from the facility to a distribution utility not regulated by the Commission but serving retail customers in North Carolina (e.g., a co-op or muni), provide a discussion of how the facility's output conforms to or varies from the purchasing distribution utility's long-range resource plan.

6. If the Applicant proposes to sell energy and capacity from the 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), explain how, if at all, the facility will assist or enable compliance with that mandate. Provide any contracts that support that compliance.

7. Provide any PPA agreements, REC sale contracts, or contracts for compensation for environmental attributes for the output of the facility.

IT IS, THEREFORE, ORDERED as follows:

1. That the Applicant shall file testimony and exhibits addressing the questions set forth herein on or before Wednesday, July 8, 2020;

2. That the Public Staff shall file testimony and exhibits addressing the questions set forth herein on or before Wednesday, July 22, 2020;

3. That the Applicant may file rebuttal testimony and exhibits on or before Wednesday, July 29, 2020;

ISSUED BY ORDER OF THE COMMISSION.

This the 22nd day of June, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Joann R. Snyder", is written over a light gray circular stamp.

Joann R. Snyder, Deputy Clerk