

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-110, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application of Sumac Solar LLC for a)	MOTION OF THE
Certificate of Public Convenience and)	PUBLIC STAFF FOR
Necessity to Construct a 120-MW Solar)	FURTHER EXTENSION
Facility in Bertie County, North Carolina)	OF TIME

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully moves the North Carolina Utilities Commission (Commission) to extend the Public Staff’s time to file its recommendation and supporting testimony in response to the Commission’s Order filed in this docket on July 22, 2020. In support of this motion, the Public Staff respectfully shows the Commission the following:

1. On April 16, 2020, Sumac Solar filed an application in accordance with N.C. Gen. § 62-20.1 and Commission Rule R8-63 for a certificate of public convenience and necessity (CPCN) to construct a 120-MW_{AC} solar photovoltaic (PV) electric generating facility to be located in Bertie County, North Carolina, operated as a merchant generating facility (“Project”).

2. On April 23, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff had reviewed the application and considered the application to be complete.

3. On April 28, 2020, the Commission issued its *Order Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice* (“Procedural Order”). The Procedural Order: (1) established a deadline for intervention in this matter on May 29, 2020; (2) scheduled a public hearing on Tuesday, June 23, 2020, at 6:00 p.m. at the Bertie County Courthouse, for the purpose of receiving public witness testimony regarding the Applicant’s application for a CPCN; (3) scheduled a hearing on Monday, July 13, 2020 at 2:00 p.m. for the purpose of receiving expert witness testimony regarding the Applicant’s application for a CPCN; and (4) required the Applicant to publish Public Notice of the Application once a week for four successive weeks. The Procedural Order further provided that the Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility are filed with the Commission on or before ten days following the last day of the publication of notice.

4. On June 16, 2020, the Commission issued an Order noting that it had not received any written complaints regarding the proposed facility and that no party had requested to intervene in this proceeding, and cancelling the public witness hearing scheduled for June 23, 2020

5. On June 22, 2020, the Commission issued an *Order Cancelling Expert Witness Hearing and Requiring Additional Testimony* (“Supplemental Testimony Order”), cancelling the scheduled expert witness hearing and directing the Applicant to file additional testimony and exhibits addressing a number of questions posed by the Commission. The Supplemental Testimony Order established a deadline of July 22, 2020, for the Applicant’s additional testimony

and exhibits; August 5, 2020, for direct testimony and exhibits by the Public Staff; and August 12, 2020, for rebuttal testimony and exhibits by the Applicant.

6. On July 20, 2020, the Applicant requested a three-week extension of the time of the deadlines for supplemental testimony noting that the complexity of the underlying issues related to the PJM interconnection process and that the parent company, Greenex Solar LLC, was simultaneously preparing supplemental testimony in Docket No. EMP-111, Sub 0.

7. On July 22, 2020, the Commission issued an Order granting the request for extension filing additional testimony and exhibits to August 12, 2020, the Public Staff and Intervenors' testimony and exhibits deadline to August 26, 2020, and the Applicant's rebuttal testimony and exhibits to September 2, 2020.

8. On August 12, 2020, the Applicant filed the additional testimony and exhibits of Donna Robichaud.

9. On August 25, 2020, the Public Staff requested a further extension of time to file its testimony due to the press of business in the currently ongoing rate cases for Duke Energy Carolinas, LLC (DEC); and Duke Energy Progress, LLC (DEP), and the complexity of the issues related to the PJM interconnection process presented in the Applicant's supplemental testimony. On August 26, 2020, the Applicant filed a letter proposing an alternative extension schedule. The alternative proposal of the Applicant proposed that the Public Staff file its recommendation and supporting testimony by September 25, 2020, and that the Applicant file rebuttal testimony by October 9, 2020.

10. On August 27, 2020, the Commission issued an Order granting the further extension of time for filing the testimony and exhibits of the Public Staff to September 25, 2020, and the date for filing rebuttal testimony of the Applicant to October 9, 2020.

11. As noted in the testimony of Public Staff witness Jay Lucas in Docket No. EMP-111, Sub 0 filed on September 18, 2020, DEP anticipates completing affected system studies for Clusters AC2, AD1, and AD2, on October 1, 2020. The applications for both facilities in Docket Nos. EMP-110, Sub 0 and EMP-111, Sub 0 are being studied as part of Cluster AD1.

12. Additionally, on September 16, 2020, in Docket No. E-100, Sub 170, the Commission issued an *Order Requiring Comments and Reply Comments Regarding Affected System Study Process and Cost Allocation* (September 16 Order) to receive comments in response to questions regarding the affected system study process and electric merchant generation. At this time, both the Public Staff and the Applicant believe it would be beneficial to allow additional time prior to filing testimony to review the affected system study to be released by DEP and to review comments addressing specific questions in response to the September 16 Order due for the electric utilities by October 7, 2020 and reply comments filed by other interested parties due by October 14, 2020, in Docket E-100, Sub 170.

13. Based on the foregoing, the Public Staff requests an extension of time to Monday, October 26, 2020 to file its recommendation and supporting testimony in response to the Commission's Order of July 22, 2020.

14. The undersigned counsel for the Public Staff has contacted counsel for the Applicant and the Applicant supports the request for extension and requests a similar extension of time to file rebuttal testimony to Friday, November 6, 2020.

WHEREFORE, the Public Staff requests that the Commission enter an order granting an extension of time to Monday, October 26, 2020, for the Public Staff to file its recommendation and supporting testimony and to Friday, November 6, 2020, for the Applicant to file its rebuttal testimony.

This the 25th day of September, 2020.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Dianna W. Downey
Chief Counsel

Electronically submitted
/s/ Layla Cummings
Staff Attorney

4326 Mail Service Center
Raleigh, North Carolina 27699-4300
Telephone: (919) 733-6110
Email: layla.cummings@psncuc.nc.gov

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Motion on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 25th day of September, 2020.

Electronically submitted
/s/ Layla Cummings