

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-6476, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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

BY THE HEARING EXAMINER¹: On September 21, 2015, Albemarle Beach Solar, LLC, filed an application seeking a certificate of public convenience and necessity (CPCN) pursuant to G.S. 62-110.1(a) for construction of an 80-MW solar photovoltaic generating facility to be located on both sides of Mackeys Road and Albemarle Beach Road in Roper, Washington County, North Carolina. The Applicant states that it is in discussions to sell the electricity generated at its facility to Dominion North Carolina Power, to one or more retail customers in deregulated states that allow for such sales, or to the PJM Market.

On September 23, 2015, the Commission issued an Order Requiring Publication of Notice requiring the Applicant (1) to publish notice of the application in the manner required by G.S. 62-82(a) and file an affidavit of publication with the Commission, and (2) to mail a copy of the application and notice to the electric utility to which the Applicant plans to sell and distribute the electricity, and file a signed and verified certificate of service that the application and notice have been provided to the utility. In addition, the Order directed the Chief Clerk of the Commission to deliver copies of the notice to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration for distribution by the Coordinator to State agencies having an interest in the application.

Complaints were filed in this docket on or after November 5, 2015 by John B. Dunn; Norma Brown; Al and Brenda Hartkopf; and by Timothy J. Pharr (Complainants). On September 9, 2016, based on the complaints and the record in this docket, the Commission issued an Order Scheduling Hearing and Requiring Public Notice, scheduling a public hearing for Thursday, November 3, 2016, to receive evidence as to whether a CPCN should be awarded to the Applicant.

On September 22, 2016, Applicant filed an amended application for a CPCN adding additional parcels to the proposed facility site.

¹ The Order Cancelling Hearing issued in this docket on October 6, 2016 erroneously stated that the Order was issued by the Chairman. The October 6, 2016 Order Cancelling Hearing was, in fact, issued by the Hearing Examiner.

On October 5, 2016, the Applicant contacted the Commission to request that the hearing be cancelled. On October 6, 2016, the Commission issued an Order Cancelling Hearing. Also, on October 6, 2016, Applicant contacted the Commission and indicated its intent to file a second amended application for a CPCN that would reflect Applicant's ongoing negotiations with landowners and attempts to address the Complainants' concerns.

After due consideration of the record herein, the Hearing Examiner finds good cause to clarify several issues in this matter not addressed in the Order Cancelling Hearing issued on October 6, 2016. First, unless Applicant withdraws its application entirely, the complaints filed in this docket remain pending and the Complainants are entitled to a hearing in this matter pursuant to Commission Rule R8-64(c)(4). Second, the Applicant's plans to add parcels of land to this project justifies and requires additional publication of notice pursuant to Commission Rule R8-64(c)(1) as well as further review by the State Clearinghouse. Third, unless the complaints filed in this docket are withdrawn and, after the additional publication of notice, no further complaints received, the Hearing Examiner will schedule a hearing in this matter based upon the complaints already filed in this docket. The place and time for the hearing have yet to be determined. Finally, the Complainants who received copies of the September 9, 2016 Order Scheduling Hearing and Requiring Public Notice should similarly receive a copy of this order and the Order Cancelling Hearing.

IT IS, THEREFORE, ORDERED as follows:

1. Consistent with the Order Cancelling Hearing issued in this docket on October 6, 2016, the public hearing for the purpose of receiving public witness testimony and expert testimony from the parties scheduled for November 3, 2016, at 6:00 pm at the Washington County Courthouse, 120 Adams Street, Plymouth, North Carolina shall be, and is hereby, cancelled;

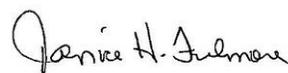
2. The Commission will proceed as appropriate, including, potentially scheduling a public hearing at a time and place to be determined, following the filing of Albemarle Beach Solar LLC's second amended application for CPCN; and

3. The Chief Clerk of the Utilities Commission shall send a copy of this Order and the Order Cancelling Hearing to the Complainants via electronic and U.S. Postal Service.

ISSUED BY ORDER OF THE COMMISSION.

This the 10th day of October, 2016.

NORTH CAROLINA UTILITIES COMMISSION



Janice H. Fulmore, Deputy Clerk