

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-5434, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Johannes Gutenberg Solar)
LLC for a Certificate of Public Convenience)
and Necessity to Construct a 74.9-MW Solar) ORDER ISSUING CERTIFICATE
Facility in Northampton County,)
North Carolina)

BY THE COMMISSION: On March 30, 2015, as amended June 8, 2015, Johannes Gutenberg Solar LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to G.S. 62-110.1(a) for construction of a 74.9-MW_{AC} solar photovoltaic electric generating facility to be located east and west of Cornwallis Road (SR-1301) within an approximately 1.5 mile radius of the intersection of Cornwallis Road and NC Highway 186 in an unincorporated area of Garysburg Township Extra Territorial Jurisdiction, Northampton County, North Carolina. The Applicant plans to sell the electricity generated by this facility to Virginia Electric and Power Company, d/b/a Dominion North Carolina Power (DNCP) or to other wholesale or retail customers where allowed.

On April 1, 2015, the Commission issued an Order Requiring Publication of Notice.

On May 5, 2015, the Applicant filed a certificate of service stating that a copy of the application and the related public notice were provided to DNCP on April 1, 2015.

On May 13, 2015, the State Clearinghouse filed comments. The comments included a letter from the Department of Agriculture and Consumer Services (DACS) dated April 22, 2015, which stated its general concern with the conversion of land from agricultural production to nonagricultural use, and the resulting impacts on agribusiness jobs and associated economic activity. The letter stated that the "total negative impact on the environmental and agribusiness economy will be proportionately related to the total acres of farm and forest land taken out of production." Because of the nature of the comments, the cover letter indicated that no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On June 8, 2015, the Applicant filed an affidavit of publication from The Daily Herald (Roanoke Rapids, North Carolina) stating that the publication of notice was completed on April 28, 2015.

The Public Staff presented this matter to the Commission at its Regular Staff Conference on July 6, 2015. The Public Staff stated that it had reviewed the application and determined it to be in compliance with the requirements of G.S. 62-110.1(a) and Commission Rule R8-64. Therefore, the Public Staff recommended approval of the certificate for the facility.

The Public Staff noted that Exhibit 3 of the application indicated that the Applicant “plans to sell the output pursuant to a negotiated Power Purchase Agreement to DNCP or one or more wholesale or retail customers in deregulated states that allow for such sales, or to sell the output in the PJM market.” Pursuant to Commission Rule R8-64(b)(6)(i)(c), however, an applicant for a CPCN for a solar facility exceeding 25-MW_{AC} in capacity must submit “[a] statement obtained by the applicant from the electric utility to which the applicant plans to sell the electricity to be generated setting forth an assessment of the impact of such purchased power on the utility’s capacity, reserves, generation mix, capacity expansion plan, and avoided costs.” The Applicant therefore requested a waiver of this requirement, since the Applicant has not yet determined to which entity the output of the facility will be sold.

The Public Staff indicated that it supports the Applicant’s request for a waiver, due to the uncertainty at this time as to which entity the applicant plans to sell the power, and also because DNCP’s obligation under the Public Utility Regulatory Policies Act of 1978 (PURPA) to purchase energy and capacity from QFs is limited to QFs with a net capacity of 20 MW or less. See Virginia Electric and Power Company, 124 FERC 61,045 (2008). Since DNCP does not have a mandatory purchase obligation for this facility, requiring the utility to prepare a statement of this nature seems unnecessary, unless DNCP ultimately does become the purchaser of the facility. The Public Staff therefore requests that the Commission require the applicant, upon determining to which entity the output of the facility will be sold, to make a supplemental filing of this information to the Commission.

After careful consideration, the Commission finds good cause to approve the application and issue the attached certificate for the proposed solar photovoltaic electric generating facility.

IT IS, THEREFORE, ORDERED as follows:

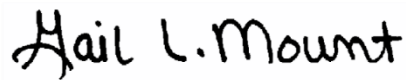
1. That the application of Johannes Gutenberg Solar LLC for a certificate of public convenience and necessity shall be, and is hereby, approved.
2. That the Applicant’s request for a waiver from the requirements of Rule R8-64(b)(6)(i)(c) is granted, on condition that the Applicant make a supplemental filing with the Commission identifying to which entity the output of the facility will be sold, once that determination is made.

3. That Appendix A shall constitute the certificate of public convenience and necessity issued to Johannes Gutenberg Solar LLC for the 74.9-MW_{AC} solar photovoltaic electric generating facility located just east and west of Cornwallis Road (SR-1301) within an approximately 1.5 mile radius of the intersection of Cornwallis Road and NC Highway 186 in an unincorporated area of Garysburg Township Extra Territorial Jurisdiction, Northampton County, North Carolina.

ISSUED BY ORDER OF THE COMMISSION.

This the 8th day of July, 2015.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Gail L. Mount". The signature is written in a cursive, flowing style.

Gail L. Mount, Chief Clerk

Commissioner Susan W. Rabon did not participate in this decision.

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-5434, SUB 0

Johannes Gutenberg Solar LLC
7804-C Fairview Road, #257
Charlotte, North Carolina 28226

is hereby issued this

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO G.S. 62-110.1**

for an 74.9-MW_{AC} solar photovoltaic electric generating facility

located

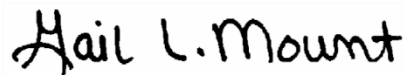
just east and west of Cornwallis Road (SR-1301) within an approximately 1.5 mile
radius of the intersection of Cornwallis Road and NC Highway 186 in an unincorporated
area of Garysburg Township Extra Territorial Jurisdiction, Northampton County,
North Carolina,

subject to all orders, rules, regulations and conditions
as are now or may hereafter be lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the 8th day of July, 2015.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Gail L. Mount". The signature is written in a cursive, flowing style.

Gail L. Mount, Chief Clerk