

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-107, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Halifax County Solar LLC	)	ORDER ISSUING
for a Certificate of Public Convenience and	)	CERTIFICATE FOR MERCHANT
Necessity to Construct a 80-MW Solar	)	GENERATING FACILITY
Facility in Halifax County, North Carolina	)	

BY THE COMMISSION: On August 30, 2019, Halifax County 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 80-MW<sub>AC</sub> solar photovoltaic (PV) electric generating facility (Facility) to be located in Halifax County, North Carolina, and to be operated as a merchant generating facility together with the supporting testimony of Christopher Killenberg.

On September 16, 2019, 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 September 25, 2019, the Commission, acting through a Hearing Examiner, issued an Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (Scheduling Order). Among other things, the Scheduling Order set dates and locations for a public witness hearing and an expert witness hearing on the Facility and required the Applicant to publish notice of the public witness hearing.

On October 25, 2019, the Public Staff filed the testimony of Jay B. Lucas, an engineer in the Electric Division of the Public Staff. In his testimony, witness Lucas stated that, upon review of the application, the Public Staff concluded that the Applicant had satisfied the requirements to obtain a CPCN pursuant to N.C.G.S. § 62-110.1 and Commission Rule R8-63. Further, witness Lucas stated that the Public Staff recommended that the Commission issue the requested CPCN to the Applicant with certain conditions.

On October 28, 2019, the Applicant filed an affidavit of publication from The Daily Herald stating that publication of notice of the public witness hearing was completed on October 22, 2019.

The Commission did not receive complaints about the Facility within the time prescribed pursuant to the Scheduling Order.

On November 6, 2019, the Commission, acting through a Hearing Examiner, issued an Order Cancelling Hearing and Admitting Pre-filed Testimony following a telephone conference between Commission Staff and counsel for the parties who consented to the cancellation of the hearing and the waiving of cross-examination of the other party's witness. Further, the Commission stated that upon receipt of the State Clearinghouse's information it would proceed as appropriate in considering the application.

On November 6, 2019, the State Clearinghouse filed comments. In its comments, the State Clearinghouse requested that a supplemental document providing additional information requested by the Department of Cultural Resources be submitted to the Clearinghouse for further review and comment.

On March 13, 2020, the State Clearinghouse filed additional comments. The additional comments included those of the State Historic Preservation Office acknowledging that the Applicant will use high-visibility fencing during construction. In addition, cemetery 31HX570 will be located outside of the security fencing for the solar array, allowing access to cemetery 31HX570 from Neville Farm Road. The State Clearinghouse's cover letter indicated that because of the nature of the comments, no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On April 1, 2020, the Public Staff filed a letter stating that it had reviewed the application and determined it to be in compliance with the requirements of N.C.G.S. § 62-110.1(a) and Commission Rule R8-63. In addition, the Public Staff states that it has not received any protests or other comments on the application for a CPCN. Therefore, the Public Staff recommends that the Commission issue the CPCN for the Facility.

After careful consideration the Commission finds good cause to approve the application and issue the requested CPCN for the Facility, subject to the conditions recommended by the Public Staff. In reaching this determination the Commission finds that the uncontested evidence demonstrates that there is a need for the Facility in the region, in accord with the provisions of Commission Rule R8-63(b)(3). Supporting this finding is the Applicant's verified application and the testimony of Applicant's witness Killenberg, which speaks to the present and growing demand for renewable energy in the region, represents that the Applicant is actively negotiating a power purchase agreement with an out-of-state corporate buyer for the full output of the Facility, and further represents that the Applicant is confident in its ability to secure customers for all of the energy and capacity from the Facility in the PJM regional market based on projections of future load growth in the PJM market area and a growing demand for renewable energy from corporate customers in that market. Mr. Killenberg also notes Dominion Energy's commitment to increase its use of renewable energy resources to generate 5,000 MW of

electricity by 2028, consistent with Virginia's policy goals enacted in the Virginia Grid Transformation and Security Act of 2019.

The Commission has also reviewed this application in light of its mandate under N.C.G.S. § 62-110.1(c) to analyze and plan for the long-range need for generating resources in North Carolina and to evaluate CPCN applications for new generating facilities in North Carolina in light of such analysis and plan. Based upon the evidence of record the Commission finds that due to the Applicant's plans for the sale of energy and capacity from the Facility to an out-of-state customer or, alternatively, into the PJM market, it does not appear that the Facility will have any material impact on the long-range balance of demand for electricity and the generation resources available to meet that demand in North Carolina. In addition, the Commission notes that, based on the evidence of record, the Facility will not affect the projections of load or the identification of needed generating resources set forth in the integrated resource plans for any public utility subject to the Commission's jurisdiction.

Finally, based on the testimony of Applicant witness Killenberg and Public Staff witness Lucas, the Commission finds that the Applicant does not expect to fund any costs for transmission network upgrades and that any potentially necessary network upgrade costs paid by the Applicant to PJM would not be eligible for reimbursement. The evidence indicates that the possibility the Facility will require any transmission network upgrades is remote because the Applicant will be constructing a new substation on the 115-kV transmission line to which it will be connected, and that substation will be for the sole use of the Facility.

In summary the Commission finds and concludes that the Facility is for the public convenience and necessity as required by N.C.G.S. § 62-110.1. The Commission concludes due to the siting of the Facility, the Facility is consistent with an orderly expansion of electricity generating capacity in the region, presents no risk of service degradation or any financial impact on North Carolina's electricity generation, transmission and distribution infrastructure and no risk of overbuilding of generation facilities in this region of North Carolina.

IT IS, THEREFORE, ORDERED as follows:

1. That a certificate of public convenience and necessity shall be, and is hereby, issued to Halifax County Solar LLC for the construction of a 80-MW<sub>AC</sub> solar PV merchant generating facility to be located in Halifax County, North Carolina, and to be operated as a merchant plant. This certificate is subject to the following conditions:

- (a) Halifax County Solar LLC will construct and operate the generating facility in strict accordance with applicable laws and regulations, including any local zoning and environmental permitting requirements;

- (b) Halifax County Solar LLC will not assert that the issuance of the certificate in any way constitutes authority to exercise any power of eminent domain, and it will abstain from attempting to exercise such power; and
- (c) The certificate is subject to Commission Rule R8-63 and all orders, rules, regulations and conditions as are now or may hereafter be lawfully made by the Commission.

2. That Halifax County Solar LLC shall file with the Commission in this docket a progress report and any revisions in the cost estimates for the facility on an annual basis, with the first report due no later than six months from the date of issuance of this Order; and

3. That Appendix A hereto shall constitute the certificate of public convenience and necessity issued for the facility.

ISSUED BY ORDER OF THE COMMISSION.

This the 11th day of June, 2020.

NORTH CAROLINA UTILITIES COMMISSION



Janice H. Fulmore, Deputy Clerk

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-107, SUB 0

Halifax County Solar LLC  
17901 Von Karman Avenue, Suite 1050  
Irvine, California 92614

is hereby issued this

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
PURSUANT TO N.C. GEN. STAT. § 62-110.1**

for a 80-MW<sub>AC</sub> solar photovoltaic electric generating facility

located

on seven contiguous parcels of land approximately 5 miles north of Enfield, North Carolina, on the east side of Beaverdam Road, between the intersections of Beaverdam Road and Neville Farm Road to the south and Richneck Road to the north, in Halifax 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 11th day of June, 2020.

NORTH CAROLINA UTILITIES COMMISSION



Janice H. Fulmore, Deputy Clerk