

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-33082, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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| In the Matter of | | |
| Application of Filo Solar, LLC, for a Certificate |) | SECOND AMENDED ORDER |
| of Public Convenience and Necessity to |) | REQUIRING PUBLICATION |
| Construct a 70 MW Solar Facility in |) | OF NOTICE |
| Montgomery County, North Carolina |) | |

BY THE COMMISSION: On October 12, 2021, the Commission issued an Order granting Filo Solar, LLC (Applicant), a certificate of public convenience and necessity (CPCN) for the construction of an 80 MW solar generating facility to be located along Coggins Road, near the City of Biscoe, Montgomery County, North Carolina. In addition, the Commission accepted registration of the facility as a new renewable energy facility. Applicant stated that it plans to sell the electricity to Duke Energy Progress, LLC.

On October 5, 2022, Applicant filed a request to amend the CPCN. Applicant stated, among other things, that a new parcel of land had been added to the facility site and the capacity of the facility had been reduced to 75 MW. Applicant further stated that these changes were necessitated by topographical issues and wetland areas identified on the project site.

On October 21, 2022, the Commission issued an Amended Order Requiring Publication of Notice and Further Clearinghouse Review.

On November 29, 2022, the State Clearinghouse filed comments and a letter stating that because of the nature of the comments it had been determined that no further State Clearinghouse review action by the Commission was needed for compliance with the North Carolina Environmental Policy Act.

On March 24, 2023, Applicant filed a letter informing the Commission that due to zoning proceedings, Applicant has not yet published the Public Notice. Applicant further stated that it wishes to continue with the Public Notice process and that although the footprint of the project remains the same, the capacity of the facility has been further reduced to 70 MW.

On the basis of the application to amend the CPCN, the Commission concludes that Applicant should be required (1) to publish notice of the application in the manner required by N.C. Gen. Stat. § 62-82(a) and file an affidavit of publication with the Commission and (2) to mail a copy of the application and notice, no later than the first date that such notice is published, 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.

If a complaint is received within ten days after the last date of the publication of the notice, the Commission will schedule a public hearing to determine whether an amended certificate should be awarded, will give reasonable notice of the time and place of the hearing to the Applicant and to each complaining party, and will require the Applicant to publish notice of the hearing in the newspaper in which the notice of the application was published. If no complaint is received within the time specified above, the Commission may, upon its own initiative, order and schedule a hearing to determine whether an amended certificate should be awarded. If the Commission orders a hearing upon its own initiative, it will require notice of the hearing to be published by the Applicant in the newspaper in which the notice of the application was published. If no complaint is received within the time specified and the Commission does not order a hearing upon its own initiative, the Commission will enter an order awarding the amended certificate.

The Commission cannot take any action until after the Applicant has filed both the affidavit of publication and the certificate of service. Pursuant to Commission Rule R8-64(c)(2), the Commission will automatically dismiss the amendment to the application, without prejudice to refile, if the Applicant does not file the affidavit of publication and certificate of service within twelve months of the date of this Order.

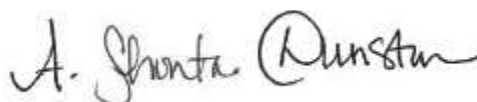
IT IS, THEREFORE, ORDERED as follows:

1. That the Applicant shall publish the Public Notice, attached as Attachment A hereto, once each week for four successive weeks in the manner required by N.C.G.S. § 62-82(a) and shall file an affidavit of publication with the Commission;
2. That the Applicant shall mail a copy of the amended application and notice, no later than the first date that such notice is published, 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;
3. That Applicant shall not begin construction on the additional land proposed for the facility until the Commission issues an amended certificate of public convenience and necessity, or otherwise grants authority for such construction; and
4. That the Commission will proceed as it deems appropriate after the filing of the affidavit of publication and the certificate of service.

ISSUED BY ORDER OF THE COMMISSION.

This the 27th day of March, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "A. Shonta Dunston". The signature is fluid and cursive, with the first name "A." and last name "Dunston" clearly distinguishable.

A. Shonta Dunston, Chief Clerk

PUBLIC NOTICE

DOCKET NO. SP-33082, SUB 0
APPLICATION OF FILO SOLAR, LLC
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE IS HEREBY GIVEN that on May 14, 2021, Filo Solar, LLC (Applicant), filed an application, as amended on October 5, 2022, and March 24, 2023, seeking a certificate of public convenience and necessity pursuant to N.C.G.S. § 62-110.1(a) for the construction of a 70 MW solar generating facility to be located along NC Highway 24-27 and Coggins Road, near the City of Biscoe, Montgomery County, North Carolina. Applicant's site layout illustrating the footprint of the facility may change to some degree based on government land use requirements, interconnection requirements, or similar factors. Applicant stated that it plans to sell the electricity to Duke Energy Progress, LLC.

Details of the application may be obtained from the Office of the Chief Clerk of the North Carolina Utilities Commission, 430 N. Salisbury Street, 5th Floor, Dobbs Building, Raleigh, North Carolina 27603 or 4325 Mail Service Center, Raleigh, North Carolina 27699-4300 and on the Commission's website at www.ncuc.net.

If a complaint is received within ten days after the last date of the publication of this notice, the Commission will schedule a public hearing to determine whether an amended certificate should be awarded, will give reasonable notice of the time and place of the hearing to the Applicant and to each complaining party, and will require Applicant to publish notice of the hearing in this newspaper. If no complaint is received within the time specified above and if the Commission does not order a hearing upon its own initiative, the Commission will enter an order awarding the amended certificate sought by Applicant.

Persons desiring to lodge complaints may file statements to that effect with the Commission. Such statements should reference Docket No. SP-33082, Sub 0 and be addressed as follows: Chief Clerk, North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300.

Statements may also be directed to Christopher J. Ayers, Executive Director, Public Staff - North Carolina Utilities Commission, 4326 Mail Service Center, Raleigh, North Carolina 27699-4300 or to The Honorable Josh Stein, Attorney General of North Carolina, c/o Consumer Protection-Utilities, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001. Written statements may be emailed to utilityAGO@ncdoj.gov.

NOTE TO PRINTER: Advertising cost shall be paid by the Applicant. It is required that the Affidavit of Publication be filed with the Commission by the Applicant.