

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-116, Sub 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

**In the Matter of
Application of Juno Solar, LLC for
a Conditional Certificate of Public
Convenience and Necessity to
Construct a 275-MW Solar Facility
in Richmond County, North
Carolina**

**MOTION FOR MODIFICATION TO
HEARING SCHEDULE**

NOW COMES Juno Solar, LLC ("Juno Solar" or "Applicant"), by and through counsel, and hereby moves the Commission for a modification to the hearing schedule provided in the Order Scheduling Hearing ("Order") issued on January 28, 2022. In support of this motion, Juno Solar shows the Commission the following:

1. On July 12, 2021, Juno Solar filed an application pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63 for a conditional certificate of public convenience and necessity ("Conditional CPCN Application") to construct a 275-MWAC solar photovoltaic (PV) electric generating facility to be located in Richmond County, North Carolina.
2. On August 31, 2021, the Commission issued an Order Scheduling Hearings, Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice ("Procedural Order"). The Procedural Order scheduled an expert witness hearing on November 30, 2021. The hearing took place as scheduled on November 30, 2021.

3. Juno Solar is a participant in the Transitional Cluster Study (“TCS”) for interconnection in which Juno Solar and other interconnection customers of Duke Energy Progress, LLC (“DEP” or “Duke”) will be grouped together for the TCS process and will be able to share required system upgrade costs. There are substantial financial security requirements for both “ready” and “non-ready” interconnection customers to enter the Transitional Cluster and proceed through the TCS process. There are significant and increasing security required for both ready and non-ready interconnection customers progressing through Phase 1 and Phase 2 of the TCS process. Ready projects will have to pay more than \$3 million to enter Phase 2 of the TCS, and non-ready projects will have to pay more than \$5 million to participate in Phase 2 of the TCS.

4. Juno Solar describes this situation as leading to a “catch-22” for FERC-jurisdictional customers, like Juno Solar, that must enter the TCS and make substantial financial commitments and face multi-million-dollar penalties if they withdraw from the study process. If the Commission were to deny or revoke its CPCN after it has entered Phase 2 of the TCS, Juno Solar would forfeit millions of dollars. However, Juno Solar cannot determine the amount of its system upgrade costs and its LCOT without completing the study process. Juno Solar proposes to solve the “catch-22” by having the Commission issue a CPCN that is “conditional” and will remain in effect if the LCOT for any required system upgrades assigned to Juno Solar is at or below an acceptable defined amount, which Juno Solar defines as \$4.00/MWh.

5. During the November 30, 2021 hearing, Juno Solar informed the Commission that Duke was expected to publish the Phase 1 Study Report in

March of 2022 and that projects in the TCS would have thirty days from that date to pay deposits for Phase 2 of the TCS.

6. According to Duke, the currently anticipated date for issuance of the Phase 1 Study Report is February 28, 2022, and projects in the TCS will have until March 30, 2022 to pay deposits for Phase 2 of the TCS.

7. In the Commission's January 28, 2022 Order, the Commission stated that it is mindful of the timeline provided during the November 30, 2021 hearing. Based upon that timeline, the Commission ordered the following:

a. An evidentiary hearing will be held on April 4, 2022—after the issuance of the TCS Phase 1 Study Report for the purpose of asking questions of Juno Solar, the Public Staff, and Duke about Phase 1 of the TCS process and information gained therefrom.

b. The parties will have an opportunity to revise and redline their proposed orders and briefs (that are due on February 11, 2022) after the evidentiary hearing and file them no later than April 8, 2022.

8. Given Duke's current TCS timeline, Juno Solar respectfully requests that the Commission issue an Order revising the date for the evidentiary hearing and the deadline for the parties' revisions to their proposed orders and briefs so that it will be possible for the Commission to issue an Order on Juno Solar's Conditional CPCN Application prior to March 30, 2022. Specifically, Juno Solar requests that all dates set forth in the Commission's January 28, 2022 Order be moved up by at least 30 days.

9. Juno Solar has contacted Duke and the Public Staff about this motion, and Duke and the Public Staff have no objection to the motion.

WHEREFORE, Juno Solar respectfully requests that the Commission issue an amended Order Scheduling Hearing with updated dates for the evidentiary hearing and the parties' revisions to their proposed orders and briefs in light of the current TCS timeline.

Respectfully submitted this 3rd day of February, 2022.


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CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing Motion for Modification to Hearing Schedule by first class mail deposited in the U.S. mail, postage pre-paid, or by e-mail transmission to all parties of record.

This the 3rd day of February, 2022.



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