

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-118, SUB 0  
DOCKET NO. EMP-118, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. EMP-118, SUB 0	)	
	)	
In the Matter of	)	
Application of Timbermill Wind, LLC, for	)	
a Certificate of Public Convenience and	)	
Necessity to Construct a Merchant Plant	)	
Wind Energy Facility in Chowan County,	)	ORDER CONSOLIDATING
North Carolina and Registration as a	)	DOCKETS, SCHEDULING
New Renewable Energy Facility	)	HEARINGS, REQUIRING FILING
	)	OF TESTIMONY, ESTABLISHING
DOCKET NO. EMP-118, SUB 1	)	PROCEDURAL GUIDELINES,
	)	AND REQUIRING PUBLIC NOTICE
In the Matter of	)	
Application of Timbermill Wind, LLC, for a	)	
Certificate of Environmental Compatibility	)	
and Public Convenience and Necessity to	)	
Construct a Transmission Line in Chowan	)	
County, North Carolina	)	

BY THE CHAIR: On June 14, 2021, Timbermill Wind, 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 merchant plant wind energy facility with a capacity up to 189 MW<sub>AC</sub> to be located in Chowan County, North Carolina (Facility) (Sub 0 Application). The Applicant also submitted its Registration as a New Renewable Energy Facility pursuant to Commission Rule R9-66.

On June 21, 2021, the Applicant filed an application pursuant to N.C.G.S. §§ 62-101, 62-102, and 62-104 and Commission Rule R8-62 for a certificate of environmental compatibility and public convenience and necessity (CEPCN) to construct an approximately 6-mile 230kV transmission line (Timbermill Line) to allow interconnection of the Applicant's proposed Facility to the existing 230kV Winfall-Mackeys transmission line (Winfall Line) operated by Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC) (Sub 1 Application).

On June 22, 2021, the Commission issued an order in the Sub 1 docket scheduling a public hearing and requiring public notice and clearinghouse review. The public witness hearing for the Sub 1 Application will take place on Thursday, October 14, 2021, at

7:00 p.m. at the Chowan County Courthouse, 101 South Broad Street, Edenton, North Carolina, for the purpose of receiving public witness testimony regarding the Applicant's CECPCN application. The public witness hearing may be cancelled if no significant protests are filed with the Commission after the publication of the Public Notice.

In support of its Sub 0 Application, the Applicant filed the direct testimony of Jimmy Merrick, Deepesh Rana, Ellen Balfrey, Emmanuel Wemakoy and Jeremy Spaeth. In summary, construction of the 189 MW<sub>AC</sub> merchant plant wind energy facility is anticipated to begin on or about November 2022 with the expected commercial operation date being October 2023. The Facility is located east of Sandy Ridge Road, southwest of Center Hill Highway, and north of US Highway 17 in Chowan County. The Facility will interconnect, via the 6-mile 230kV transmission line for which the Applicant is seeking a CECPCN in EMP-118 Sub 1, to the interconnection switching station and the Winfall Line owned by DENC. The expected life of the Facility, with future upgrades, is 35 years or longer.

On June 28, 2021, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed Sub 0 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 any other procedural matters.

Due to the overlapping nature of the Applicant's requested CPCN for the Facility and the CECPCN for the Timbermill Line to interconnect the Facility, efficiency and judicial economy will be served by consolidating the applications in Docket Nos. EMP-118, Subs 0 and 1. Therefore, the Chair finds good cause to consolidate the Applicant's request for a CPCN for the Facility and the CECPCN for the Timbermill Line.

The Chair finds good cause to schedule a hearing for the purpose of receiving public witness testimony regarding the Sub 0 Application at the same time as the previously scheduled public witness hearing for the Sub 1 Application that will be held at 7:00 p.m. on October 14, 2021, at the Chowan County Courthouse, 101 South Broad Street, Edenton, North Carolina. The Chair also finds good cause to schedule a hearing for the purpose of receiving expert witness testimony on both the Sub 0 and Sub 1 Applications.

The Chair notes that the Commission has seen an increase in the number of merchant plant facility applications. Due to the increase in non-utility generation on the North Carolina system and the Commission's statutory duty to examine the long-range needs for the generation of electricity in North Carolina, the Chair finds good cause to require the filing of additional testimony and exhibits in this proceeding addressing the following questions, to the extent that they are not answered in the application:

1. Are there any network upgrades to DENC's or any affected system's transmission system required to accommodate the operation of the Applicant's proposed facility? If so, provide the amount of network upgrades on DENC's or

any affected system's transmission system, if any, required to accommodate the operation of the Applicant's proposed facility.

2. If there are any required system upgrades, does the Applicant have Levelized Cost of Transmission (LCOT) information for the system upgrades? If so, provide the LCOT information for any required transmission system upgrades or modifications.
3. Is there any interconnection study available for the proposed facility? If so, provide any interconnection study received for the proposed facility. If the Applicant has not received a study, provide a date by when the study is expected to be completed.
4. Is the Applicant aware of any system other than the studied system that is or will be affected by the interconnection? If yes, explain the impact and basis.
5. Is the Applicant proposing to sell energy and capacity from the facility to a distribution facility regulated by the Commission? If so, provide a discussion of how the facility's output conforms to or varies from the regulated utility's most recent integrated resource plan (IRP).
6. Is the Applicant proposing to sell energy and capacity from the proposed facility to a purchaser who is subject to a statutory or regulatory mandate with respect to its energy sourcing (e.g., a REPS requirement or Virginia's new statutory mandate for renewables)? If so, explain how, if at all, the proposed facility will assist or enable compliance with that mandate. In addition, provide any contracts that support that compliance.
7. Does the Applicant have a Power Purchase Agreement (PPA), REC sale contracts or contracts for compensation for environmental attributes for the output of the proposed facility? If so, provide any PPA agreements, REC sale contracts, or contracts for compensation for environmental attributes for the output of the facility.

In addition, the Chair finds good cause to apply the following guidelines regarding discovery in these dockets, subject to modification for good cause shown:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least seven days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the evidentiary hearing shall be filed with the Commission before the deadline for filing of Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.
3. Formal discovery requests related to the application and the Applicant's prefiled direct testimony shall be served on the Applicant not later than fourteen days prior to the deadline for filing of Public Staff and intervenor testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten days prior to the deadline for filing of Public Staff and intervenor testimony.
4. Formal discovery requests of the Public Staff or intervenors shall be served not later than three days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than five days after that party's testimony was filed.
5. Formal discovery requests related to the Applicant's prefiled rebuttal testimony shall be served on the Applicant not later than two days after such testimony is filed. The party served shall have up to two calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three days after the rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery from the Applicant.
6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two days to file a motion to compel with the Commission, and the party objecting to discovery shall have one day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.
7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Chair recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS, THEREFORE, ORDERED as follows:

1. That the application in Docket No. EMP-118, Sub 0, for a CPCN to construct the Facility shall be, and is hereby, consolidated with the application in EMP-118, Sub 1, for a CECPCN to construct a transmission line for the interconnection of that Facility;
2. That a public witness hearing for the purpose of receiving public witness testimony regarding Timbermill's CPCN application shall be held contemporaneously with the public witness hearing in Docket No. EMP-118, Sub 1 scheduled to begin at 7:00 p.m. on October 14, 2021, at the Chowan County Courthouse, 101 South Broad Street, Edenton, North Carolina. However, the public witness hearing may be cancelled if no significant protests are filed with the Commission subsequent to the publication of Public Notice;
3. That an expert witness hearing, solely for the purpose of receiving expert witness testimony from the parties, shall be held on Wednesday, October 27, 2021 at 10:00 a.m., in the Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina for the purpose of considering the Applicant's application for a CPCN (Sub 0 Application) and the Applicant's application for a CECPCN (Sub 1 Application);
4. That the Applicant shall file testimony and exhibits addressing the questions set forth herein on or before Wednesday, August 25, 2021;
5. That any person having an interest in this proceeding may file a petition to intervene stating such interest on or before Wednesday, September 29, 2021;
6. That the direct testimony and exhibits of the Public Staff and other intervenors shall be filed on or before Wednesday, September 29, 2021;
7. That the Applicant may file rebuttal testimony and exhibits on or before Tuesday, October 12, 2021;
8. That the Chief Clerk of the Commission shall deliver copies of the application and the Public Notice attached hereto as Appendix A to the Clearinghouse Coordinator of the Office of Policy and Planning and the Department of Administration for distribution by the Coordinator to State agencies having an interest in the application;

9. That the Applicant shall publish the Public Notice attached hereto as Appendix A in a newspaper having general circulation in Chowan County once a week for four successive weeks beginning at least 30 days prior to September 29, 2021;

10. That the Applicant shall file affidavits of publication demonstrating that the application was published pursuant to this Order; and

11. That the parties shall comply with the discovery guidelines established herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 22nd day of July, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
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DOCKET NO. EMP-118, SUB 0  
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County, North Carolina	)	

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has scheduled a public hearing to be held Thursday, October 14, 2021, at 7:00 p.m. at the Chowan County Courthouse, 101 South Broad Street, Edenton, North Carolina. The purpose of the hearing is to receive public witness testimony regarding the application of Timbermill Wind, LLC (Applicant), for a certificate of public convenience and necessity (CPCN) to construct a merchant plant wind energy facility (Facility) with a capacity of up to 189 MW<sub>AC</sub> to be located in Chowan County, North Carolina (Sub 0 Application). The proceeding to consider the application for this Facility has been consolidated with the proceeding to consider the Applicant's request for a certificate of environmental compatibility and public convenience and necessity (CECPCN) to construct an approximately 6-mile 230kV transmission line (Timbermill Line). The Timbermill line will allow the Applicant's proposed Facility to interconnect in to the existing 230kV Winfall-Mackeys transmission line operated by Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC) (Sub 1 Application).

In support of its Application for the Facility the Applicant filed the direct testimony of Jimmy Merrick, Deepesh Rana, Ellen Balfrey, Emmanuel Wemakoy and Jeremy Spaeth. In summary, construction of the 189 MW<sub>AC</sub> merchant plant wind energy facility is anticipated to begin on or about November 2022 with the expected commercial operation date being October 2023. The Facility is located east of Sandy Ridge Road, southwest of Center Hill Highway, and north of US Highway 17 in Chowan County. The Facility will interconnect, via the 6-mile 230kV transmission line, to the interconnection switching station and the Winfall-Mackeys transmission line owned by DENC. The expected life of the Facility, with future upgrades, is 35 years or longer.

On June 28, 2021, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the application for the Facility as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete.

Additional information about the applications is available for review by the public on the Commission's website and online docket system at [www.ncuc.net](http://www.ncuc.net).

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to [utilityAGO@ncdoj.gov](mailto:utilityAGO@ncdoj.gov).

Written statements will be considered by the Commission in reaching its decision but do not receive the same consideration as testimony provided by public witnesses at a hearing.

Any person desiring to intervene in the proceeding as a formal party of record should file a petition under North Carolina Utilities Commission Rules R1-5 and R1-19 on or before Wednesday, September 29, 2021. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325. The direct testimony and exhibits of expert witnesses to be presented by intervenors should also be filed with the Commission on or before Wednesday, September 29, 2021.

The Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility or proposed transmission line are received by the Commission's Chief Clerk on or before Monday, October 11, 2021.

ISSUED BY ORDER OF THE COMMISSION.

This the 22nd day of July, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk