



NELSON MULLINS RILEY & SCARBOROUGH LLP  
ATTORNEYS AND COUNSELORS AT LAW

Joseph W. Eason  
T 919.329.3807 F 919.329.3140  
joe.eason@nelsonmullins.com

4140 Parklake Avenue  
GlenLake One | Second Floor  
Raleigh, NC 27612  
T 919.329.3800 F 919.329.3799  
nelsonmullins.com

April 28, 2021

North Carolina Utilities Commission  
c/o: Ms. Kim Campbell, Chief Clerk  
Dobbs Building  
430 North Salisbury Street  
Raleigh, NC 27603-5918

Re: Cherry Solar, LLC's Application For Certificate Of Public  
Convenience and Necessity For 180-MW Facility – Merchant Plant  
Docket No. EMP-115, Sub 0  
Our File: 054943.09013

Dear Ms. Campbell:

The Public Staff filed the public and confidential direct testimony of Jay Lucas in this docket on April 14, 2021. In that direct testimony Mr. Lucas, on behalf of the Public Staff, recommends that the Commission grant the Applicant, Cherry Solar, LLC ("Cherry Solar"), the requested Certificate of Public Convenience and Necessity ("CPCN") to construct the proposed 180-MW merchant plant, subject to certain conditions. See, **Direct Testimony of Jay Lucas**, April 14, 2021, pp. 14-16.

The stated grounds for the recommendations of the Public Staff advanced by Mr. Lucas relate to concerns about the future recovery of costs for potential "affected system" upgrades on the system of Duke Energy Progress, LLC ("DEP"). This concern appears to apply equally to all of the affected solar projects that anticipate interconnecting with the electric system of Dominion Energy ("Dominion") at a site within North Carolina that Dominion has included for purposes of its studies in Dominion's interconnection queues AC1-034, AC1-086, AC1-098/099, AC1-189 and AC1-208 (the "Relevant Queues").

Cherry Solar is informed and believes that a CPCN issued by this Commission will be required for the construction of the proposed generation facilities that have been included within the Relevant Queues. Cherry Solar also is informed and believes that the upgrade-related conditions recommended by the Public Staff for the CPCN of Cherry Solar also will be recommended as conditions on any future CPCNs to be issued for any of the proposed generation facilities included within the Relevant Queues.

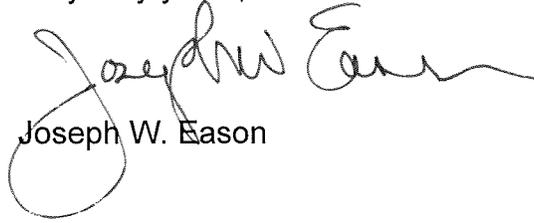
April 28, 2021Page 2

In anticipation that any CPCNs issued for the projects included within the Relevant Queues will be subject to the same conditions as to “affected system” costs as Mr. Lucas has recommended in this Docket, Cherry Solar has chosen not to file testimony in rebuttal to the testimony of Mr. Lucas, and confirms for the record by this letter that Cherry Solar will not object to the issuance of the requested CPCN, subject to the conditions recommended in the aforesaid direct testimony of Mr. Lucas.

Finally, the Applicant wants to confirm that the consultants that will perform the archaeological study of the proposed site requested by the Department of Natural and Cultural Resources have been engaged. The Applicant will file the study relating to the proposed site in this docket once it has been completed.

With best regards, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read "Joseph W. Eason". The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

Joseph W. Eason

JWE:wg

cc: Service on all parties via Email