

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. SP-11723, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Apex Solar, LLC, for a	)	ORDER SCHEDULING
Certificate of Public Convenience and	)	REMOTE HEARING AND
Necessity to Construct a 30-MW Solar	)	REQUIRING PUBLIC NOTICE
Facility in Cleveland County, North Carolina	)	

BY THE HEARING EXAMINER: On February 28, 2017, the Commission issued an order granting Apex Solar, LLC (Applicant), a certificate of public convenience and necessity (CPCN) for the construction of a 30-MW solar generating facility to be located on the west side of Plainsview Church Road, approximately 0.5 miles west of the intersection with East Stage Coach Trail, Lawndale, Cleveland County, North Carolina.

On September 13, 2019, the Applicant filed an amendment to its application. The amendment states that additional land has been added to the facility. In addition, Applicant filed an updated site plan map showing the new boundaries of the facility, as well as information about the new owner of the Applicant, Silver Creek Energy, LLC.

On September 18, 2019, the Commission issued an Order Requiring Publication of Notice requiring the Applicant (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 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. In addition, the Order Requiring Publication of Notice directed the Chief Clerk of the Commission to deliver copies of the notice to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration (State Clearinghouse) for distribution by the Coordinator to State agencies having an interest in the application.

On or after September 26, 2019, the following individuals filed complaints in this docket: Carrie and Gene Daves, Ronald Ingram, Dana Donaldson, Tom and Karen Bess (collectively, the Complainants).

On September 27, 2019, the Applicant filed a verified certificate of service evidencing that the application and notice were mailed to Duke Energy Carolinas, LLC, on September 18, 2019.

On October 29, 2019, the State Clearinghouse filed comments of state agencies. The cover letter indicates that, because of the nature of the comments, no further State

Clearinghouse review is required for compliance with the North Carolina Environmental Policy Act.

On October 31, 2019, the Applicant filed an affidavit of publication evidencing that the notice of the amended application for a CPCN was published in The Star, a newspaper published in Cleveland County, North Carolina, in the manner prescribed by the Commission's September 18 Order Requiring Publication of Notice.

On November 6, 2019, the State Clearinghouse filed additional comments of state agencies. The cover letter also indicates that, because of the nature of the comments, no further State Clearinghouse review is required for compliance with the North Carolina Environmental Policy Act.

In March 2020, Governor Roy Cooper issued a progression of Executive Orders that declared a State of Emergency in North Carolina to coordinate response and protective actions to prevent the spread of coronavirus (COVID-19). On May 5, 2020, Governor Cooper issued Executive Order No. 138 easing some restrictions on business operations and mass gatherings, but still limiting face-to-face meetings to no more than ten people and requiring social distancing between individuals of at least six feet.

Based upon the foregoing and the entire record herein, the Hearing Examiner finds good cause to schedule a remote hearing in this docket on July 22, 2020, to receive public and expert witness testimony regarding the Applicant's application for a CPCN. This remote hearing will be held via WebEx to allow members of the public to provide testimony through video conference and by telephone. Members of the public who wish to testify at the remote hearing must contact the Public Staff on or before 4:00 p.m. on July 17, 2020, by email at ApexSolarPublicHearing@psncuc.nc.gov or by contacting the Public Staff's Consumer Services Division at 1-866-380-9816 to register their name, physical address, and contact information in advance of the hearing. ***Only members of the public who register with the Public Staff in advance of the remote hearing will be allowed to testify during the remote hearing.***

The Hearing Examiner further finds good cause to require the Applicant to publish notice of the public hearing and to prefile testimony in this docket. Finally, the Hearing Examiner will receive expert witness testimony immediately following the public witness testimony. Parties and witnesses will be required to refrain from disclosing confidential information during the hearing, during both direct and cross-examination. If a party believes that this requirement will materially affect the party's presentation of evidence or cross-examination, the party shall bring this to the attention of the Hearing Examiner at the beginning of the hearing.

Members of the public will be able to observe both the testimony of both public and expert witnesses via a link that will be available on the day of the hearing on the Commission's website, [www.ncuc.net](http://www.ncuc.net).

IT IS, THEREFORE, ORDERED as follows:

1. That a remote hearing for the purpose of receiving public and expert witness testimony shall be, and is hereby, scheduled for 6:00 p.m. on July 22, 2020. The remote hearing will be conducted via WebEx;
2. That members of the public who wish to provide testimony at the hearing shall be, and are hereby, required to register with the Public Staff as provided in this Order before 4:00 p.m. on July 17, 2020;
3. That the Applicant shall publish the Public Notice attached as Attachment A hereto one time at least ten days prior to the date of the hearing in the newspaper in which the Applicant previously published notice of the application, and the Applicant shall file an affidavit of publication with the Commission on or before the date of the hearing;
4. That the Applicant shall mail a copy of the attached Public Notice, no later than the date that such notice is published, to the electric utility to which the Applicant plans to sell and distribute the electricity and shall file a signed and verified certificate of service that the Public Notice has been provided to the utility on or before the date of the hearing;
5. That the Applicant shall prefile its direct expert witness testimony and exhibits in support of its application on or before Thursday, July 2, 2020;
6. That other persons desiring to become formal participants and parties of record in this proceeding shall file verified petitions to intervene in accordance with the applicable Commission rules on or before Friday July 10, 2020;
7. That the Public Staff and other intervenors shall prefile their direct expert witness testimony and exhibits on or before Friday July 10, 2020;
8. That the Applicant shall prefile its rebuttal testimony and exhibits, if any, on or before Thursday, July 16, 2020;
9. That each party shall file a statement with the Commission on or before Friday July 17, 2020, consenting to the Commission holding the hearing by remote means, or a statement objecting to the same;
10. That each party shall send an email to [NCUCwebex@ncuc.net](mailto:NCUCwebex@ncuc.net) on or before Friday, July 17, 2020, including the docket number of this proceeding, Docket No. SP-11723, Sub 0, and the email addresses of the attorneys, witnesses, and other persons that will participate in the hearing on the party's behalf;
11. That on or before Friday, July 17, 2020, each party shall file with the Commission a list of its potential cross-examination exhibits, provide a premarked but not

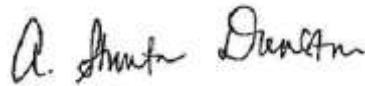
numbered electronic copy to all parties, and provide a hard copy of the same to the Commission; and

12. That the Chief Clerk of the Utilities Commission shall mail a copy of this Order to the Complainants.

ISSUED BY ORDER OF THE COMMISSION.

This the 26th day of June, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Deputy Clerk

PUBLIC NOTICE

DOCKET NO. SP-11723, SUB 0  
AMENDED APPLICATION OF APEX SOLAR, LLC  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE IS HEREBY GIVEN that on September 13, 2019, Apex Solar, LLC (Applicant), filed an amended application for a certificate of public convenience and necessity (CPCN) pursuant to N.C. Gen. Stat. § 62-110.1(a) for construction of a 30-MW<sub>AC</sub> solar photovoltaic electric generating facility to be located on the west side of Plainsview Church Road, approximately 0.5 miles west of the intersection with East Stage Coach Trail, and including a section bordering on the west side of Fallston Waco Road, Lawndale, Cleveland County, North Carolina.

FURTHER NOTICE IS HEREBY GIVEN that on or after September 26, 2019, complaints were filed with the Commission in this docket. Based upon the complaints and the record herein, the Commission has scheduled a remote hearing to receive public witness testimony regarding the Applicant's application for a CPCN. The remote hearing will be held on Wednesday, July 22, 2020, at 6:00 p.m., and will be conducted via WebEx. Members of the public who would like to testify via video conference or by telephone at the remote hearing must register in advance of the hearing by contacting the North Carolina Utilities Commission – Public Staff via email at ApexSolarPublicHearing@psncuc.nc.gov or by calling 1-866-380-9816 to register their name, physical address, and contact information on or before 4:00 p.m. on July 17, 2020. **Only members of the public who register with the Public Staff by 4:00 p.m. on July 17, 2020, will be permitted to testify during the remote hearing. A member of the Public Staff will contact you to provide instructions for providing your testimony.** Members of the public who want to observe the remote hearing but do not wish to provide testimony may do so via a link to the remote hearing that will be available on the day of the hearing on the Commission's website at [www.ncuc.net](http://www.ncuc.net).

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 27699-4325 or on the Commission's website at [www.ncuc.net](http://www.ncuc.net).

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.