

**STATE OF NORTH
CAROLINA UTILITIES
COMMISSION RALEIGH**

STAFF CONFERENCE AGENDA – October 10, 2022

Link to view staff conference will be posted on the commission website, ncuc.net

ELECTRIC

***CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT
SOLAR FACILITIES***

Duke Energy Carolinas, LLC

1. Docket No. SP-2665, Sub 51 – Application of Fresh Air Energy II, LLC, for an amended certificate of public convenience and necessity to construct a 40-MW solar photovoltaic facility in Stanly County, North Carolina (*Lawrence/Keyworth*)

***CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC CONVENIENCE
AND NECESSITY***

South River Electric Membership Corporation

2. Docket No. EC-52, Sub 51 – Application of South River EMC for certificate of environmental compatibility and public convenience and necessity to construct a 230-kV transmission tap line in Sampson County, North Carolina (*T. Williamson/Creech*)

The Public Staff recommends approval of the preceding agenda items as described above and reflected in proposed orders provided to the Commission Staff.

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-2665, SUB 51

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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|---|---------------------|
| In the Matter of | |
| Application of Fresh Air Energy II, LLC, |) |
| for a Certificate of Public Convenience and |) |
| Necessity to Construct a 40-MW Solar Facility |) |
| in Stanly County, North Carolina |) |
| | ORDER ISSUING |
| | AMENDED CERTIFICATE |

BY THE COMMISSION: On April 9, 2018, the Commission issued an Order granting Fresh Air Energy II, LLC (Applicant) a certificate of public convenience and necessity (CPCN) for the construction of a 30-MW_{AC} solar generating facility to be located approximately two miles from Highway 24 on Frog Pond Road, Oakboro, Stanly County, North Carolina. In addition, the Commission accepted registration of the facility as a new renewable energy facility. The Applicant plans to sell the electricity to Duke Energy Carolinas, LLC (DEC).

On November 30, 2018, the Applicant filed an amendment to its application. The amendment states that additional land has been acquired to be used for construction and operation of the facility in order to increase the facility's capacity to 40-MW_{AC}. An updated map was also filed with the amended application.

On December 10, 2018, the Commission issued an Amended Order Requiring Publication of Notice (Publication Order). The Publication Order required the Applicant to: (1) publish notice of the amended application in the manner required by N.C. Gen. Stat. § 62-82(a) and file an affidavit of publication with the Commission; (2) 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 (3) file a signed and verified certificate of service that the application and notice have been provided to the utility. Further, the Publication Order stated that, pursuant to Commission Rule R8-64(c)(2), the Commission would automatically dismiss the application, without prejudice to refile, if the Applicant did not file the affidavit of publication and certificate of service within twelve months of the date of the Publication Order.

On January 23, 2019, the State Clearinghouse filed comments concerning the amended application. Because of the nature of the comments, the cover letter indicated that no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On December 16, 2019, the Applicant filed a Motion for Waiver and Extension of Time to comply with the Commission's Amended Order Requiring Publication of Notice.

The Applicant stated that due to an administrative oversight, the public notice had not been published as required by the Publication Order.

On December 17, 2019, the Commission issued an Order Granting Waiver of Commission Rule and Extension of Time, extending the time for the Applicant to comply with the Publication Order to April 10, 2020.

On October 28, 2020, the Applicant filed a verified certificate of service stating that the application and the related public notice were provided to DEC on March 20, 2020.

Also on October 28, 2020, the Applicant filed an affidavit of publication from the Stanly News & Press (Stanly County, NC) stating that the publication of notice was completed on April 14, 2020. No complaints have been received.

The Public Staff presented this matter to the Commission at its Regular Staff Conference on October 10, 2022. The Public Staff stated that it had reviewed the Application and determined it to be in compliance with the requirements of N.C.G.S. § 62-110.1(a) and Commission Rule R8-64. Therefore, the Public Staff recommended that the Commission issue a renewed amended certificate for the facility.

After careful consideration, the Commission finds good cause to approve the application and issue the attached amended certificate for the proposed solar photovoltaic generating facility to be located in Stanly County, North Carolina.

IT IS, THEREFORE, ORDERED as follows:

1. That the motion filed by Fresh Air Energy II, LLC, to amend its certificate of public convenience and necessity shall be, and is hereby, granted, subject to all requirements and conditions included in the CPCN;
2. That Appendix A shall constitute the amended certificate of public convenience and necessity issued to Fresh Air Energy II, LLC, for the 40-MW_{AC} solar photovoltaic generating facility located approximately two miles from Highway 24 on Frog Pond Road, Oakboro, Stanly County, North Carolina; and
5. That Fresh Air Energy II, LLC, shall renew this certificate by re-compliance with the requirements set forth in Commission Rule R8-64 if it does not begin construction within five years after the issuance of the certificate.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of October 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

APPENDIX A

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-2665, SUB 51

Fresh Air Energy II, LLC
101 Second Street, Suite 1250
San Francisco, California 94105

is hereby issued this

**AMENDED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO N.C.G.S. § 62-110.1**

for a 40-MW_{AC} solar photovoltaic generating facility

located

approximately 2 miles from Highway 24 on Frog Pond Road, Oakboro, Stanly County,
North Carolina,

subject to all orders, rules, regulations, and conditions
as are now or may hereafter be lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of October 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

[Back to Agenda](#)

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EC-52, SUB 51

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

| | | |
|--|---|--|
| Application of South River Electric Membership Corporation for a Certificate of Environmental Compatibility and Public Convenience and Necessity and Motion for Waiver of Notice and Hearing Pursuant to N.C. Gen. Stat. § 62-100 <i>et seq.</i> to Construct Approximately 310 feet of New 230 kV Transmission Line in Sampson County, North Carolina |) | ORDER WAIVING NOTICE AND HEARING REQUIREMENT AND ISSUING CERTIFICATE |
|--|---|--|

BY THE COMMISSION: On August 17, 2022, pursuant to N.C. Gen. Stat. §§ 62-101 and 102, South River Electric Membership Corporation (South River EMC or Applicant), filed an application for a certificate of environmental compatibility and public convenience and necessity to construct a new 230 kilovolt (kV) transmission line (Line) in Sampson County, North Carolina. The application stated that this Line would allow South River EMC to improve electric service and reliability to customers in the greater Benson area in Sampson and Johnston Counties. South River EMC will tap into the existing Duke Energy Progress, LLC (DEP), Clinton-Erwin 230-kV transmission line and install a new South River EMC-owned and operated substation.

The Applicant inadvertently filed the application before filing its Letter of Intent; however, on September 9, 2022, the Applicant filed a Letter of Intent for waiver of the notice and hearing requirements of N.C.G.S. §§ 62-102 and 104, and Commission Rule R8-62, as provided for in N.C.G.S. § 62-101(d)(1).

N.C.G.S. § 62-101(d)(1) authorizes the Commission to waive the notice and hearing requirements of N.C.G.S. §§ 62-102 and 104 when it finds that the owners of the land to be crossed by the proposed transmission line do not object to the waiver and the transmission line either is less than one mile long or will connect an existing transmission line to either a substation, another public utility, or a public utility customer when any of these is in proximity to the existing transmission line. The Applicant indicates in its application that: 1) South River EMC has acquired an easement from the property owner on whose land South River EMC will construct the Line; 2) the property owner does not object to the waiver of notice or hearing requirements of N.C.G.S. §§ 62-102 and 104; and 3) the total length of the line is approximately 310 feet. Thus, the conditions of N.C.G.S. § 62-101(d)(1) for a waiver of notice and hearing have been met.

The Public Staff presented this matter at the Regular Commission Staff Conference on October 10, 2022. The Public Staff stated that the application meets the

requirements of N.C.G.S. § 62-102 and Commission Rule R8-62 for a certificate and the conditions of N.C.G.S. 62-101(d)(1) for waiver of notice and hearing requirements of N.C.G.S. §§ 62-102 and 104. The Public Staff recommended that the Commission grant the motion for waiver and issue the requested certificate.

Based on the foregoing and the recommendation of the Public Staff, the Commission finds and concludes that the notice and hearing requirements of N.C.G.S. §§ 62-102 and 104 should be waived as allowed by N.C.G.S. § 62-101(d)(1) and that a certificate of environmental compatibility and public convenience and necessity should be issued for the proposed construction of a new 230-kV transmission line.

IT IS, THEREFORE, ORDERED as follows:

1. That, pursuant to N.C.G.S. § 62-101, the requirement for publication of notice and hearing is waived;

2. That, pursuant to N.C.G.S. § 62-102, a certificate of environmental compatibility and public convenience and necessity shall be, and is hereby, issued to construct approximately 310 feet of new 230-kV transmission line in Sampson County, North Carolina, as described in South River EMC's application; and

3. That Appendix A hereto shall constitute the certificate of environmental compatibility and public convenience and necessity issued for the facility.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of October, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EC-52, SUB 51

Know All People by These Presents, That

South River Electric Membership Corporation

is hereby issued this

**CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY AND PUBLIC
CONVENIENCE AND NECESSITY PURSUANT TO N.C. GEN. STAT. § 62-102**

to construct approximately 310 feet of new 230-kV transmission line to connect the proposed South River EMC substation to DEP's Clinton-Erwin 230-kV Transmission line in Sampson County, North Carolina

subject to receipt of all federal and state permits as required by existing and future regulations prior to beginning construction and further subject to all other orders, rules, regulations, and conditions as are now or may hereafter be lawfully made by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the ____ day of October, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

[Back to Agenda](#)