

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-108, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of American Beech Solar, LLC,)
for a Certificate of Public Convenience and)
Necessity to Construct a 110-MW Solar)
Facility in Halifax County, North Carolina)
ORDER CANCELLING PUBLIC
WITNESS HEARING

BY THE PRESIDING COMMISSIONER: On January 28, 2020, American Beech Solar 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 110-MW solar photovoltaic (PV) electric generating facility to be located in Halifax County, North Carolina, and operated as a merchant generating facility.

On February 6, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the 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 other procedural matters.

On March 18, 2020, the Commission issued an Order Scheduling Hearing, Requiring Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (Scheduling Order). The Scheduling Order, among other things, scheduled a hearing on Wednesday, May 20, 2020, at 7:00 p.m. at the Halifax County Historic Courthouse, in Halifax, North Carolina, for the purpose of receiving public witness testimony regarding the application, and required the Applicant to publish public notice of the hearing in a newspaper having general circulation in Halifax County once a week for four consecutive weeks. Further, the Scheduling Order provided that the Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility were filed on or before ten days following the last day of publication of the notice.

On May 13, 2020, the Applicant filed a request to reschedule the hearing date due. On May 15, 2020, the Commission issue an Order Cancelling Hearings, Rescheduling Public Witness Hearing, and Requiring Public Notice. The Rescheduling Order, among other things, scheduled a hearing on Wednesday, June 24, 2020, at 7:00 p.m. at the Halifax County Historical Courthouse in Halifax, North Carolina, for the purpose of receiving public witness testimony regarding the application, and required the Applicant to publish public notice of the hearing in a newspaper having general circulation in Halifax County once a week for four consecutive weeks. Further, the Scheduling Order provided that the

Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility were filed on or before ten days following the last day of publication of the notice.

On June 9, 2022, the Applicant filed an affidavit of publication, evidencing that the Applicant caused to be published notice of the hearing in The Daily Herald as required by the Scheduling Order.

On June 15, 2020, the Applicant filed a Motion to Cancel Hearing requesting that the Commission cancel the public witness hearing scheduled for June 24, 2020. The Applicant states that the Public Staff consents to the cancellation of the hearing.

The Commission has not received any written complaints regarding the proposed facility, and no party has requested to intervene in this proceeding.

Based upon the foregoing and the entire record herein, the Presiding Commissioner finds good cause to cancel the public witness hearing scheduled in this docket for Wednesday, June 24, 2020, at 7:00 p.m. at the Halifax County Historical Courthouse in Halifax, North Carolina.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 19th day of June, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "Janice H. Fulmore". The signature is written in a cursive style with a large initial "J" and "F".

Janice H. Fulmore, Deputy Clerk