

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-4158, SUB 0
DOCKET NO. SP-4159, SUB 0
DOCKET NO. SP-4160, SUB 0
DOCKET NO. SP-4161, SUB 0
DOCKET NO. SP-4177, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Requests for Extension of Time by WBJE)
Solar LLC, Pridgen Solar Group LLC,) ORDER GRANTING EXTENSIONS
Double R Solar LLC, Southside) OF TIME
Solar LLC and 4-Lane Solar LLC)

BY THE CHAIRMAN: On August 28, 2015, WBJE Solar LLC, Pridgen Solar Group LLC, Double R Solar LLC, Southside Solar LLC and 4-Lane Solar LLC (collectively, Applicants) filed a request in the above-captioned dockets for a six-month extension of time, from September 11, 2015 to March 11, 2016, for the Applicants to file their affidavits of publication and certificates of service. In support of their request, the Applicants state that they have proceeded with due diligence in their applications for certificates of public convenience and necessity (CPCNs), but that their projects have been delayed due to market conditions, uncertainties about tax credits and other factors beyond their control.

Merritt Energy Park, Inc. is the development agent for the Applicants' facilities. The applications were all filed and have proceeded in the same manner and time frame. The following summary of the procedural course of WBJE Solar LLC's application in Docket No. SP-4158, Sub 0 is representative of the procedural course of the other four Applicants.

On July 23, 2014, WBJE Solar, Inc. (WBJE), filed an application in Docket No. SP-3975, Sub 0 seeking a CPCN pursuant to G.S. 62-110.1(a) for construction of a 4.99-MW solar photovoltaic electric generating facility to be located at 752 Georgia Pacific Road in Whiteville, Columbus County, North Carolina.

On August 4, 2014, WBJE filed a letter with the Commission requesting that the application for the CPCN be changed to the name of WBJE Solar LLC (Applicant). The letter further stated that WBJE no longer exists as a corporate entity.

On August 5, 2014, the Commission issued an Order Requiring Publication of Notice in Docket No. SP-3975, Sub 0 requiring WBJE to publish a public notice of its application.

On August 14, 2014, the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration filed an email stating that the Clearinghouse expected to complete its review of the application by September 12, 2014.

On September 11, 2014, the Commission issued an Amended Order Requiring Publication of Notice that, among other things: (1) transferred the application and all other filings by WBJE from Docket No. SP-3975, Sub 0 to Docket No. SP-4158, Sub 0 in the name of WBJE Solar LLC; (2) requested that the State Clearinghouse continue and complete its review in the name of the new Applicant; (3) required the publication of a revised Public Notice in the name of the new Applicant; (4) required the Applicant to file an affidavit of publication with the Commission; (5) required the Applicant to mail a copy of the application and Public Notice, no later than the first date that such Public Notice was published, to the electric utility to which the Applicant plans to sell and distribute the electricity; (6) required the Applicant to file a signed and verified certificate of service that the application and notice have been provided to the utility; and (7) closed Docket No. SP-3975, Sub 0. Further, the Order included the following statement:

The Commission cannot take any action until after the Applicant has filed both the affidavit of publication and the certificate of service. The Applicant is urged to file both the affidavit and the certificate promptly following the last date of publication of the notice.

Amended Order Requiring Publication of Notice, at 2 (emphasis in original).

On September 18, 2014, the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration filed final comments with the Commission stating that because of the nature of the comments no further review is needed by the Commission to determine the compliance of the Applicant's proposed project with the North Carolina Environmental Policy Act.

On February 27, 2015, the Applicants and four additional Merritt Energy Park facilities - Son Power LLC, Merritt Energy Partners LLC, 6 Acre Field LLC and GTOP Merritt Solar - filed requests for waivers from the requirement to obtain a legally enforceable obligation (LEO). In summary, the Applicants explained that they sought to become eligible for the avoided cost rates established in the Commission's February 21, 2014 Order Establishing Standard Rates and Contract Terms for Qualifying Facilities, In the Matter of Biennial Determination of Avoided Cost Rates for Electric Utility Purchases from Qualifying Facilities - 2012, Docket No. E-100, Sub 136.

After receiving comments on the request, the Commission issued an Order on June 12, 2015, denying the Applicants' request for a waiver of the LEO requirement.

On March 18, 2015, the Commission issued an Order Amending Rules in Docket No. E-100, Sub 134. The Order, among other things, amended Commission

Rule R8-64(c)(2) to provide that the Commission will automatically dismiss CPCN applications, without prejudice to refile, if the applicant does not file the affidavit of publication and certificate of service within twelve months of the date of the Order Requiring Publication of Notice.

Based on the foregoing and the record, the Chairman finds good cause to grant the six-month extension of time requested by the Applicants to extend the Applicants' date for filing their affidavits of publication and certificates of service to March 11, 2016.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 2nd day of September, 2015.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "Jackie Cox", is written over a faint, circular embossed seal of the North Carolina Utilities Commission.

Jackie Cox, Deputy Clerk