



**NORTH CAROLINA  
PUBLIC STAFF  
UTILITIES COMMISSION**

July 1, 2015

Ms. Gail L. Mount, Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4325

Re: SP-5272, Sub 0 – Sunflower Solar LLC  
20.0-MW<sub>AC</sub> Solar Facility in Halifax County, North Carolina

Dear Ms. Mount:

On March 3, 2015, Sunflower Solar LLC (Applicant), filed an application seeking a certificate of public convenience and necessity (CPCN) pursuant to G.S. 62-110.1(a) for construction of a 20-megawatt solar PV electric generating facility to be located just east of the intersection of Dickens Wildwood Road and Highway 301 and south of the intersection of Lilly Lane and Highway 301 in an unincorporated area in Halifax County, North Carolina.

Together with the Application, Sunflower Solar filed a registration statement for the facility. On March 18, Sunflower Solar filed a corrected registration statement. The Applicant plans to sell the electricity to Dominion North Carolina Power (DNCP).

Executive Director  
733-2435

Communications  
733-2810

Economic Research  
733-2902

Legal  
733-6110

Transportation  
733-7766

Accounting  
733-4279

Consumer Services  
733-9277

Electric  
733-2267

Natural Gas  
733-4326

Water  
733-5610

On March 24, 2015, the Commission issued an Order Requiring Publication of Notice requiring the Applicant to (1) publish notice of the application in the manner required by G.S. 62-82(a) and file an affidavit of publication with the Commission, and (2) 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.

On April 20, 2015, Sunflower Solar filed a corrected map showing the location of the proposed facility.

On April 20 and 30, 2015, the Commission received a complaint by email from Mr. Paul Walden. On May 12, 2015, a further letter of complaint was filed in this docket by e-mail by Mr. Jim Manley.

On May 13, 2015, based upon the complaints and the record herein, the Commission issued an Order Scheduling Hearing for Thursday, May 28, 2015, in the Halifax Historic Courthouse, 10 N. King Street, Halifax, North Carolina, to receive evidence as to whether a CPCN should be awarded to the Applicant.

On May 15, 2015, the Applicant filed a verified certificate of service stating that the public notice and a copy of the application for a certificate of public convenience and necessity were provided to DNCP on April 23, 2015.

On May 18, 2015, the State Clearinghouse filed comments that requested additional information for the North Carolina Department of Cultural Resources.

Also on May 18, 2015, the Applicant filed the direct testimony and exhibits of Tommy Cleveland, Rich Kirkland, and Georg Veit.

On May 19, 2015, the Applicant filed an affidavit of publication from The Daily Herald (Roanoke Rapids, North Carolina) stating that the publication of notice was completed on May 15, 2015. The Applicant also filed a second affidavit of publication from The Daily Herald stating that the publication of notice for the public hearing was completed on May 18, 2015.

On May 28, 2015, the matter came on for hearing as ordered and the following seven public witnesses presented testimony on the project: Jim, Manley, Paul Weldon, Charles Copeland, William Hodge, J. Rives Manning, Jr., Terri Medlin, and Tony Brown. Mr. Manley, Mr. Walden, Mr. Copeland, Mr. Hodge, and Ms. Medlin expressed concerns over the site selected for the facility, potential environmental and health impacts related to the project, and potential impacts on taxes and property values. Mr. Rives Manning, Jr., testified in support of the project, and Mr. Brown provided information on the County's permitting requirements for the property.

Mr. Cleveland, Mr. Kirkland, and Mr. Veit testified on behalf of the Applicant. Mr. Veit testified that he is a Manager of Sunflower Solar, which is an affiliate of, Geenex Solar, LLC, the developer of the site. Mr. Veit testified that Sunflower strives to be a good neighbor through the permitting, design, and construction of the Facility; and to address concerns raised by neighboring property owners. He further testified that during construction, Geenex will take measures to ensure that appropriate sedimentation and erosion control measures are in place, that they will maintain, to the greatest extent

possible, a trash and litter-free construction site; and operate heavy machinery during limited hours.

Mr. Veit further testified that in the case of this Facility, Geenex plans to exceed the setback zoning requirements to include an additional voluntary buffer with vegetative screening along Reese's Store Road and parts of White Hill Road. He also described Geenex's site selection process and indicated that with regard to this specific location, Geenex was contacted by the landowner. After being contacted by the landowner, Geenex evaluated each site criterion and determined that the parcel was feasible for a solar facility. Geenex then negotiated and entered into a lease agreement with the landowner.

Mr. Kirkland, a licensed commercial appraiser, testified that in his opinion, solar facilities have no measurable impact on property values, and any appearance concerns are typically alleviated with buffering and landscaping. Mr. Cleveland testified on the impacts of a solar facility on the surrounding environment and public health and stated that his opinion that solar facilities are both safe and environmentally friendly.

On June 8, 2015, the Applicant filed an amendment to its application to provide updated information on site control and a more detailed description of the facility location.

The Public Staff has reviewed the materials filed in this docket and the transcript of testimony heard on May 28, 2015. The Public Staff notes that with regard to the concerns raised by public witnesses over compatibility with existing land uses, health impacts, and what type of buffers, if any, are appropriate for the site, the Public Staff

believes that these concerns are more appropriately addressed through the local permitting process. In its April 24, 2008, Order in Docket No. SP-231, Sub 0, the Commission discussed local authority over the siting of facilities, stating that “such decisions are, in most instances, best left to the local community through the exercise of its zoning authority rather than made by the Commission.” Since this facility is subject to local zoning authority and the Applicant has stated that it will comply with that process, the Public Staff believes that in this case the siting decision is best left to the local government jurisdictions. However, the Public Staff notes that the Commission has previously indicated it will address such concerns on a case-by-case basis and this would not preclude the Commission from considering similar issues regarding the appropriateness of a site in future proceedings and making a different conclusion.

The Public Staff further notes that the Department of Cultural Resources has requested additional information as part of the State Clearinghouse review process. As such, the Public Staff recommends that, upon receipt of the letter from the State Clearinghouse indicated that no further State Clearinghouse review action by the Commission is required for compliance with the North Carolina Environmental Policy Act, the Commission approve the application and issue the requested certificate of public convenience and necessity, subject to the conditions required in Commission Rule R8-64 and any other conditions the Commission deems appropriate.

I certify that a copy of this letter has been served on the Applicant and other parties listed below by United States mail, first class or better; by hand delivery; or by

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means of facsimile or electronic delivery. If necessary, please contact me at (919) 733-0976 or at [tim.dodge@psncuc.nc.gov](mailto:tim.dodge@psncuc.nc.gov).

Regards,

*/s/ Tim R. Dodge*

Tim R. Dodge  
Staff Attorney

cc: Sunflower Solar LLC  
Steve Levitas, KilpatrickTownsend  
Jim Manley  
Paul Walden

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JUL 01 2015