



**NORTH CAROLINA  
PUBLIC STAFF  
UTILITIES COMMISSION**

June 14, 2023

Ms. A. Shonta Dunston, Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4300

Re: Docket No. EMP-117, Sub 0 – Application of Shawboro East Ridge Solar, LLC for a Certificate of Public Convenience and Necessity to Construct a 150-MW Solar Facility in Currituck County, North Carolina

Dear Ms. Dunston:

Attached for filing on behalf of the Public Staff in the above-referenced docket is the public version of the Proposed Order of the Public Staff, submitted in compliance with the Commission's May 15, 2023 Order.

By copy of this letter, we are forwarding a copy of the redacted version to all parties of record by electronic delivery. Confidential information is located on pages 8 and 14 of the proposed order. The confidential version will be provided to those parties that have entered into a confidentiality agreement.

Sincerely,

Electronically submitted  
/s/ Nadia L. Luhr  
Staff Attorney  
[nadia.luhr@psncuc.nc.gov](mailto:nadia.luhr@psncuc.nc.gov)

cc: Parties of Record

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**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-117, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Shawboro East Ridge Solar,	)	
LLC for a Certificate of Public Convenience	)	
and Necessity to Construct a 150-MW Solar	)	<b>PROPOSED ORDER</b>
Facility in Currituck County, North Carolina	)	<b>OF THE PUBLIC STAFF</b>

BY THE COMMISSION: On June 22, 2021, Shawboro East Ridge Solar, LLC (Shawboro or 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 150-megawatt (MW) solar photovoltaic (PV) electric generating facility in Currituck County, North Carolina. Also on June 22, 2021, Shawboro filed the direct testimony and exhibits of witness Linda Nwadike.

On July 7, 2021, the Public Staff filed a Notice of Completeness and Motion to Stay, stating that it had reviewed the CPCN application as required by Commission Rule R8-63(d) and considered the application to be complete. The Public Staff also noted that the proposed facility had been assigned PJM Interconnection LLC (PJM) queue number AE1-072, and that the potential affected system for this facility was Duke Energy Progress, LLC (DEP). DEP, however, had not yet completed an affected system study for PJM cluster AE1. The Public Staff stated that it was concerned about the results of the affected system study, which could include system impacts and upgrade costs. The Public Staff further

explained that there was currently a proceeding pending before the Federal Energy Regulatory Commission (FERC), filed by Edgecombe Solar Energy LLC (Edgecombe), that could impact whether interconnection customers are eligible for reimbursement of affected system costs, which would ultimately be paid for by ratepayers.<sup>1</sup> The Public Staff, therefore, recommended that the Commission stay the proceedings in the above-referenced docket pending the completion of the affected system study for PJM cluster AE1 and the issuance of a ruling by FERC in the Edgecombe proceeding.

On July 14, 2021, the Applicant filed a Response to Notice of Completeness and Motion to Stay of the Public Staff, urging the Commission to deny the Public Staff's motion and issue a timely scheduling order. The Applicant explained that it had filed a complete application that included the information required by Commission Rule R8-63, that an indefinite stay would inflict costly delays in the development process, reduce the competitiveness of the proposed facility by increasing its costs, and potentially destroy the feasibility of the project by causing it to lose its position in the PJM queue. The Applicant added that it was not a party to the complaint proceedings at FERC, and that the duration of that proceeding was essentially unbounded.

On August 12, 2021, the Commission issued an Order Scheduling Hearings, Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice. The scheduling order denied the Public Staff's request to stay the

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<sup>1</sup> Edgecombe Solar Energy LLC v. Duke Energy Progress, LLC, Duke Energy Carolinas, LLC, and Duke Energy Florida, LLC, FERC Docket No. EL21-73-000.

proceeding and: (1) scheduled a public witness hearing for October 14, 2021, at the Currituck County Courthouse; (2) scheduled an expert witness hearing for October 28, 2021, for the purpose of receiving expert witness testimony from the parties regarding the application; (3) required the Applicant to file additional testimony addressing questions provided in the scheduling order, to the extent that they are not answered in the application, on or before August 24, 2021; (4) required the direct testimony and exhibits of the Public Staff and other intervenors to be filed on or before September 21, 2021; (5) provided that the Applicant may file rebuttal testimony and exhibits on or before October 7, 2021; and (6) required the Applicant to publish public notice of the application once a week for four successive weeks, and to file affidavits of publication.

On September 13, 2021, Shawboro filed a Motion for Extensions of Time, requesting that the deadline for the Public Staff to file direct testimony be extended to October 5, 2021, and that the deadline for the Applicant to file rebuttal testimony be extended to October 21, 2021. The Commission issued an order granting the extensions on September 15, 2021.

On September 14, 2021, the Applicant filed its Affidavit of Publication.

On September 15, 2021, and again on September 24, 2021, the State Clearinghouse filed comments. The cover letters indicated that, because of the nature of the comments, no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On October 1, 2021, the Public Staff filed a Motion for Extensions of Time, requesting that the deadline for the Public Staff to file direct testimony be extended to October 19, 2021, and that the deadline for the Applicant to file rebuttal testimony be extended to November 4, 2021. On October 5, 2021, the Public Staff filed a Supplement to Motion for Extensions of Time, requesting that, in addition to the extensions of time requested in the Public Staff's October 1, 2021 motion, the Commission reschedule the expert witness hearing for a later date, to be determined by the Commission. On October 7, 2021, the Commission issued an order granting the requested extensions of time and rescheduling the expert witness hearing for November 23, 2021.

On October 12, 2021, the Commission cancelled the public witness hearing scheduled for October 14, 2021.

On October 19, 2021, the Public Staff filed the testimony and exhibits of witness Jay B. Lucas. His testimony recommended that the Commission hold the record open until after PJM released its retooling of PJM cluster AE1 and DEP completed its study of the retooling and developed a revised affected system study if necessary. It further recommended that upon completion of those two items, the Commission provide for the filing of supplemental testimony by the Applicant and the Public Staff. The Public Staff recommended, in the alternative, that the Commission approve the application for a CPCN subject to certain conditions.

On November 4, 2021, the Applicant filed the reply testimony of witness Nwadike. She argued that the Commission should not hold the docket open and

suggested that the application should be reviewed and ruled upon by the Commission after PJM completes and releases its retool of the AE1 System Impact Study (SIS) that was due between November 2021 and January 2022. Witness Nwadike also stated that the Applicant was willing to accept a CPCN subject to the conditions recommended by witness Lucas in his October 19, 2021 testimony.

On November 23, 2021, the Commission held the scheduled expert witness hearing.

On February 3, 2022, the Applicant filed a Motion for Leave to Submit Additional Supplemental Testimony, along with the Additional Supplemental Testimony of witness Nwadike, in order to provide the Commission with the results of PJM's retooling of the AE1 SIS, which was released in January 2022.

On February 25, 2022, the Public Staff filed the Supplemental Testimony of witness Lucas. His testimony recommended that the Commission hold the record open until: (1) PJM released an additional retooling of cluster AE1, which was scheduled for April 2022; (2) DEP completed its study of the retooling and developed a revised affected system study if necessary; and (3) PJM's retooling of cluster AE1 and DEP's revised affected system study based on that retooling, if any, are filed with the Commission. Witness Lucas recommended that, upon the completion of those three items, the Commission provide for the filing of supplemental testimony by the Applicant and the Public Staff. In the alternative, witness Lucas recommended that the Commission deny Shawboro's application

for a CPCN. Lastly, he recommended that, if the Commission decides to approve the application, the CPCN be subject to certain conditions.

On November 1, 2022, the Commission issued an Order Requiring Supplemental Information, requiring that the parties file all final reports from the retooling of the PJM AE1 cluster and the revised DEP Affected System Study report, if any. The Commission ordered that, if those reports are not yet available, the Applicant is required to provide the Commission with an update as to when the Applicant expects them to be available.

On November 14, 2022, the Applicant filed a responsive report that stated that neither the Applicant nor the Public Staff had any information as to when additional studies or information would be completed and become available.

On January 20, 2023, the Applicant filed in the docket the Generator Interconnection Affected System Study Report, PJM Interconnection Cluster AE1, issued by DEP on December 27, 2022.

On February 14, 2023, the Applicant filed a Motion for Leave to Submit Supplemental Testimony, along with the Supplemental Testimony of witness Rob Price. In his testimony, witness Price stated that Shawboro's application is ripe for disposition and that the requested CPCN should be granted promptly subject to the conditions recommended by the Public Staff.

On March 23, 2023, the Public Staff filed the Second Supplemental Testimony of witness Lucas. In his testimony, witness Lucas recommended that

the Commission approve Shawboro's application for a CPCN, subject to certain conditions.

On March 30, 2023, the Applicant filed a Notice of Filing, providing the Commission with the Generator Interconnection Affected System Study Report, PJM Interconnection Cluster AE1, Revision 1 (based on the PJM AE1 cluster as of February 2023), issued by the DEP Transmission Department on March 6, 2023.

On May 8, 2023, the Applicant filed a Motion for Order Requiring Submission of Proposed Orders.

On May 15, 2023, the Commission issued an Order Requiring the Submission of Proposed orders, requiring that the parties file proposed orders on or before June 14, 2023.

### **FINDINGS OF FACT**

1. Shawboro is a North Carolina limited liability company. SunEnergy1, LLC (SunEnergy1) is the direct parent and affiliate of Shawboro and is registered to do business in the State of North Carolina.

2. In compliance with N.C.G.S. § 62-110.1 and Commission Rule R8-63, the Applicant filed with the Commission an application for a CPCN authorizing the construction of a solar PV electric generating facility located west of East Ridge Road and east of Shawboro Road and Indiantown Road in Shawboro, Currituck County, North Carolina.



3. The application has met all requirements for publication of notice.
4. The facility will be a 150-MW<sub>AC</sub> PV array with ground-mounted, single-axis tracking.
5. The facility will be interconnected to the grid operated by Dominion Energy North Carolina (DENC).
6. No further State Clearinghouse review action by the Commission is required for compliance with the North Carolina Environmental Policy Act.
7. Shawboro is financially and operationally able to undertake the construction and operation of the facility.
8. Based on the January 2022 SIS Report issued by PJM, Shawboro has cost responsibility for \$2,328,614 in PJM system upgrade costs, which will be funded by Shawboro without reimbursement from PJM or DENC.
9. The facility has a Levelized Cost of Transmission (LCOT) of **[BEGIN CONFIDENTIAL]** [REDACTED] **[END CONFIDENTIAL]** per megawatt-hour (MWh) based on its allocated costs for PJM system upgrades.
10. Shawboro is in PJM's AE1 cluster and triggers affected system costs of an estimated \$19.35 million on DEP's Greenville-Everetts 230-kV line. Sumac Solar LLC (Sumac), the developer of a project in the AD1 cluster, has signed an Affected System Operating Agreement (ASOA) with DEP to provide the funds for the construction of these upgrades.

11. Shawboro has shown a need for the facility based on projected load growth in the PJM region and projections for demand for renewable energy within the PJM market and in the Southeast over the next several years.

#### **EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 1-5**

These findings of fact are essentially informational, procedural, and jurisdictional in nature and are not in dispute. These findings are supported by the application and the testimony of Shawboro witness Nwadike.

The Commission notes that in its application filed on June 22, 2021, Shawboro estimated that construction would begin during the second quarter of 2022, and that commercial operation would be achieved by the fourth quarter of 2022. Adherence to these dates is no longer possible due to the passage of time since the filing of Shawboro's application, but the Commission has received no updated timelines from the Applicant.

#### **EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 6**

The evidence supporting this finding of fact is located in the State Clearinghouse comments filed in this docket.

On September 15, 2021, and September 24, 2021, the State Clearinghouse filed letters in this docket that included comments from state agencies. The letters stated that, because of the nature of the comments, no further State Clearinghouse review action was needed for compliance with the North Carolina Environmental

Policy Act. No further filings have been made in this docket by the State Clearinghouse.

Based on the foregoing and the entire record in this proceeding, the Commission concludes that no further State Clearinghouse review action by the Commission is required for compliance with the North Carolina Environmental Policy Act.

#### **EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 7**

The evidence supporting this finding of fact is located in the application and the testimony of Shawboro witness Nwadike. This finding of fact is not disputed by any party.

SunEnergy1 is a direct parent and affiliate of Shawboro. Shawboro witness Nwadike testified regarding SunEnergy1's technical experience and financial capabilities to own and operate the project. She stated that SunEnergy1 is a top U.S. solar developer, owner, and operator of utility-scale solar projects, with over 1 GW of installed solar power. She added that SunEnergy1 is vertically integrated and controls all stages of development in-house. In Schedule 1-3, filed with its application, Shawboro provided a table of SunEnergy1's completed solar generating facilities in the Southeastern Electric Reliability Council (SERC) region, listing 38 projects. Schedule 1-4 shows that SunEnergy1 also has 11 other projects that were in development in the SERC region at the time of the filing of the application. Financial statements for SunEnergy1 were provided as Confidential Schedule 1-2.

Based on the foregoing and the entire record in this proceeding, the Commission concludes that Shawboro is financially and operationally able to undertake the construction and operation of the facility.

#### **EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 8-11**

The evidence supporting these findings of fact is located in the application, the testimony and exhibits of Shawboro witnesses Nwadike and Price, and the testimony of Public Staff witness Lucas.

N.C.G.S. § 62-110.1(e) states that “no certificate shall be granted unless the Commission has approved the estimated construction costs and made a finding that the construction will be consistent with the Commission’s plan for expansion of electric generating capacity.” Commission Rule R8-63(b)(3) also requires a merchant plant application to include a description of the need for the facility in the “state and/or region.” This requirement is an outgrowth of the 1991 Empire Power Company case in Docket No. SP-91, Sub 0, which requires an independent power producer (IPP) to obtain a contract or a written commitment from a utility to demonstrate need.

In 2001, the Commission initiated a generic proceeding in Docket No. E-100, Sub 85 to consider changes to the certification requirements for merchant plants. As impetus for its Order Initiating Further Proceedings, the Commission cited the Energy Policy Act of 1992, which encouraged independent power production and competition in the wholesale power market through the creation of exempt wholesale generators and the ability of FERC to issue wheeling orders

requiring utilities to allow access to their transmission grids for wholesale power transactions.<sup>2</sup> The Commission also cited FERC Order 2000 as “encouraging the formation of regional transmission organizations which would operate interconnected transmission systems, reduce the cost of transmitting power to more distant markets, and further enhance wholesale competition.”<sup>3</sup> In comments in the E-100, Sub 85 docket discussing certification requirements for merchant plants, the Public Staff recommended that the Commission address in its proceeding how the public convenience and necessity for an IPP would be demonstrated “when the facility is intended in whole or in part to serve . . . load outside of North Carolina, on varying bases and for varying duration.”<sup>4</sup>

In its Order adopting the certification rule, the Commission stated “[i]t is the Commission’s intent to facilitate, and not to frustrate, merchant plant development. Given the present statutory framework, the Commission is not in a position to abandon any showing of need or to create a presumption of need. However, the Commission believes that a flexible standard for the showing of need is appropriate.”<sup>5</sup>

The Commission has determined in previous merchant plant proceedings that “it is appropriate for the Commission to consider the total construction costs

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<sup>2</sup> Order Initiating Further Proceedings, *Investigation of Certification Requirements for New Generating Capacity in North Carolina*, Docket No. E-100, Sub 85, at 3 (N.C.U.C. Feb. 7, 2001).

<sup>3</sup> *Id.*

<sup>4</sup> Public Staff’s Initial Comments, *Investigation of Certification Requirements for New Generating Facilities*, Docket No. E-100, Sub 85, at 8 (N.C.U.C. Jan. 10, 2000).

<sup>5</sup> Order Adopting Rule, *Investigation of Certification Requirements for New Generating Facilities*, No. E-100, Sub 85, at 7 (N.C.U.C. May 21, 2001).

of a facility, including the cost to interconnect and to construct any necessary transmission Network Upgrades, when determining the public convenience and necessity of a proposed new generating facility.”<sup>6</sup>

The Commission has also determined that “the use of the levelized cost of transmission (LCOT) provides a benchmark as to the reasonableness of the transmission Network Upgrade cost associated with interconnecting a proposed new generating facility.”<sup>7</sup> Further, the Commission has explained that “the very reason the CPCN statute was enacted was to stop the costly overexpansion of facilities to serve areas that did not need them.”<sup>8</sup> Lastly, the Commission has noted, based on policies established explicitly in N.C.G.S. § 62-2, that the “legislature intends the Commission to encourage cost-efficient siting of generation facilities, and thus that the Commission has the authority to consider all costs borne as a result of that siting decision.”<sup>9</sup>

The proposed Shawboro facility holds one position in the PJM interconnection queue: AE1-072. The Generation Interconnection System Impact Study Report for Queue Project AE1-072 (Revision 1) was released by PJM in January 2022 and is attached to witness Nwadike’s February 3, 2022 Additional

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<sup>6</sup> See Order Denying Certificate of Public Convenience and Necessity for Merchant Plant Generating Facility, *In the Matter of Application of Friesian Holdings, LLC for a Certificate of Convenience and Necessity to Construct a 70-MW Solar Facility in Scotland County, North Carolina*, Docket No. EMP-105, Sub 0, at 6 (N.C.U.C. June 11, 2020); *State ex rel. Utils. Comm’n v. Friesian Holdings, LLC*, 281 N.C. App. 391 (2022) (affirming the Commission’s order in Docket No. EMP-105, Sub 0).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 17. See also *High Rock Lake Ass’n*, 97 N.C. App. at 140-41, 245 S.E.2d at 790; *State ex rel. Utils. Comm’n v. Empire Power*, 112 N.C. App. 265, 280, 435 S.E.2d 553, 561 (1994).

<sup>9</sup> *Id.* at 17-18.

Supplemental Testimony as Exhibit A. In her testimony, witness Nwadike explained that the system upgrades for the Shawboro facility are currently estimated by PJM to be \$2,328,614.

In witness Nwadike's February 3, 2022 testimony and witness Price's February 14, 2023 testimony, the LCOT for the allocated cost of PJM system upgrades was estimated to be **[BEGIN CONFIDENTIAL]** [REDACTED] **[END CONFIDENTIAL]**. Witness Lucas stated in his February 25, 2022 supplemental testimony that the Public Staff is not concerned about these system upgrades, the costs of which Shawboro will pay. Because these system upgrades are part of the PJM system, Shawboro will be responsible for paying these interconnection-related costs and there is no cost allocation to DEP's ratepayers. For this reason, the estimated LCOT for PJM network upgrades in this proceeding does not raise concerns for the Commission.

As explained by Shawboro witnesses Nwadike and Price and Public Staff witness Lucas, on December 27, 2022, DEP completed a revised affected system study that attributed affected system upgrades to Shawboro and two other solar generators with PJM cluster numbers AE1-056 and AE1-148. The affected system study indicated that DEP would likely have to construct network upgrades on its Greenville-Everetts 230-kV line to accommodate the interconnection of the Shawboro facility at a cost of approximately \$19.35 million. In his supplemental testimony, Shawboro witness Price stated that the Sumac facility (PJM cluster AD1-022), which received a CPCN from the Commission on January 31, 2023, in Docket No. EMP-110, Sub 0, has entered into an ASOA with DEP to cover the

cost of the upgrades for the Greenville-Everetts line.<sup>10</sup> Witness Lucas testified that the Public Staff does not have concerns with the upgrades to the Greenville-Everetts 230-kV line and reiterated that the affected system upgrades and their costs are not attributable to Shawboro. Therefore, the evidence before the Commission is that there are currently no affected system costs assigned to Shawboro.

In its analysis of public convenience and necessity in the context of merchant generating facilities, the Commission has considered the long-term energy and capacity needs in the State and region, as well as system reliability concerns. As described in Exhibit 3 to the application, the project will interconnect with the DENC transmission grid, providing it with direct access to PJM, which coordinates the movement of electricity through all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia. Exhibit 3 to the application also states that forecasts of the quantities of renewable power to be purchased within the PJM market over the next several years, and elsewhere in the southeastern United States, reflect a strong public need for

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<sup>10</sup> On October 19, 2022, Sumac filed a letter in Docket No. EMP-110, Sub 0. Attached to the letter was the ASOA between Sumac and DEP for the costs of the upgrades to the Greenville-Everetts 230-kV line. This October 19, 2022 filing by Sumac shows that the estimated cost of the upgrades have decreased from the original estimate of \$19.35 million to approximately \$150,000. DEP filed the Sumac ASOA with FERC on October 17, 2022, explaining that it had not executed the ASOA “because it objects to the inclusion of the reimbursement provisions for the costs of network upgrades,” and that it is actively litigating the issue of whether it was appropriate for FERC to require DEP to provide reimbursement to the customer under the ASOA. FERC Docket No. ER23-117. FERC approved the unexecuted ASOA between Sumac and DEP on December 16, 2022, in its Order Accepting Unexecuted Affected System Operating Agreement. On February 13, 2023, FERC denied DEP’s request for a rehearing on the Commission’s December 16, 2022 order, and DEP filed a Petition for Review in the United States Court of Appeals for the District of Columbia Circuit on April 14, 2023.



additional utility-scale solar power production. According to Exhibit 3 to the application, summer peak load for PJM's Dominion zone is projected to grow by 0.5% per year over the next ten to 15 years, and winter peak load is projected to grow by 0.9% per year over the next ten to 15 years. In addition, the annual net energy in PJM's Dominion Zone is expected to grow by 0.6% per year over the next ten to 15 years.

As the history of Commission Rule R8-63(b)(3) described above makes clear, the statement of need requirement is a "flexible standard" that is consistent with the Commission's Order Adopting Rule in Docket No. E-100, Sub 85 issued on May 21, 2001. When considering the demonstration of need, the Commission must also weigh the costs of the facility, whether and to what extent those costs may be borne by ratepayers, and the benefits provided to those incurring the costs in determining the need for the facility. Therefore, for all the reasons explained in this Order, the Commission finds that the construction of the facility is in the public interest and meets the public convenience and necessity as required by N.C.G.S. § 62-110.1. However, the certificate will be conditioned in the manner described below to ensure that the Commission is notified of any future material revisions in the cost estimates for the interconnection facilities and network upgrades, including network upgrades on affected systems.

IT IS, THEREFORE, ORDERED as follows:

That a certificate of public convenience and necessity shall be issued to Shawboro East Ridge Solar, LLC for the construction of a 150-MW<sub>AC</sub> solar PV

merchant generating facility to be located in Currituck County, North Carolina. This certificate, once granted, shall be subject to the following conditions:

1. The Applicant shall construct and operate the facility in strict accordance with applicable laws and regulations, including any local zoning and environmental permitting requirements.
2. The CPCN shall be subject to Commission Rule R8-63(e) and all orders, rules, and regulations as are now or may hereafter be lawfully made by the Commission.
3. The Applicant shall file with the Commission in this docket any significant revisions in the cost estimates for the construction of the facility itself, interconnection facilities, network upgrades, or affected system upgrades, or any other significant change in costs, within 30 days of becoming aware of such revisions.
4. The Applicant shall file a copy of any executed Affected System Operating Agreement with the Commission at the same time such filing is made at the Federal Energy Regulatory Commission (at least 61 days prior to commencing construction of the upgrades).
5. If at any time the Applicant seeks reimbursement for any interconnection facilities, network upgrade costs, affected system costs, or other costs required to allow energization and operation of the facility, the Applicant

shall notify the Commission no later than 60 days before seeking reimbursement.

ISSUED BY ORDER OF THE COMMISSION.

This the \_\_\_\_ day of \_\_\_\_\_ 2023.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Proposed Order has been served on all parties of record or their attorneys, or both, in accordance with Commission Rule R1-39, by United States Mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 14th day June, 2023.

Electronically submitted  
/s/ Nadia L. Luhr  
Staff Attorney