

STATE OF NORTH CAROLINA UTILITIES COMMISSION  
RALEIGH

DOCKET NO. EMP-109 SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of Camden Solar LLC for a	)	
Certificate of Public Convenience and	)	<b>MOTION FOR LIMITED</b>
Necessity to Construct a 20-MW Solar	)	<b>CONSTRUCTION AUTHORITY</b>
Facility in Camden County, North	)	
Carolina	)	

Camden Solar LLC (“Camden Solar” or the “Applicant”) by and through counsel, moves the Commission to permit Camden Solar to begin limited construction activities, including construction of perimeter fencing, erosion control measures, pile installation, equipment pads, and underground wiring (“Limited Construction”). In support of its motion, Camden Solar shows as follows:

**Background**

1. On April 1, 2020, Camden Solar 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 20-MWAC solar photovoltaic (“PV”) electric generating facility to be located in Camden County, North Carolina, and operated as a merchant generating facility (“the Project”). The Applicant has previously obtained a CPCN for this facility pursuant to Commission Rule R8-64 in Docket No. SP-8831 Sub 0. The site plan filed with the Application in this docket has the same footprint as the site plan filed in support of the previously-granted CPCN (which the Applicant has requested be cancelled).

2. On April 15, 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.

3. On April 24, 2020, this Commission issued an *Order Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice* (“Procedural Order”). The Procedural Order required publication of notice, established deadlines for intervention and public comment, and scheduled a public hearing and an evidentiary hearing.

4. In its Procedural Order, the Commission found good cause to grant the Applicant’s request not to require further Clearinghouse review because the facility has undergone review in a previous docket and the site plan has not changed since the previous Clearinghouse review.

5. No party intervened in opposition to the Application and no comments in opposition to the Application were filed. On June 2, 2020, the Applicant filed a Motion to Cancel the public hearing and/or expert witness hearing. On June 8, the Commission issued an Order cancelling the public hearing but leaving the expert witness hearing in place.

6. The Commission has not stated the intended purpose of conducting the expert witness hearing, given the lack of opposition to the Application. However, the Applicant anticipates that the Commission may have concerns over the potential for the Project to incur network upgrades whose cost might ultimately be passed on to North Carolina ratepayer. However, as stated in the Pre-Filed Direct Testimony of Whitney Rubin filed in support of the Application, the Project will be funding the entire cost of any associated Network Upgrades, and does not expect to receive reimbursement of those costs. Furthermore, as indicated in the Affidavit of Whitney Rubin attached hereto, the Project requires no Affected System Upgrades, and so there is no possibility that costs would be imposed on ratepayers in that way.

7. Beginning construction of the facility within the next month is critical to completing construction in accordance with timing requirements established pursuant to contractual obligations of Camden Solar and its affiliates.

**Request for Limited Construction Authority**

The Request for Limited Construction Authority is limited to the construction of perimeter fencing, erosion control measures, pile installation, equipment pads, and underground wiring (“Limited Construction Activities”). The requested relief is critical to completing construction of the Facility in accordance with timing requirements established pursuant to contractual obligations of Camden Solar and its affiliates.

Camden Solar understands and commits that any Limited Construction Activities will be undertaken without prejudice to any Commission action concerning Camden Solar’s application and construction of the Facility. Camden Solar assumes all risks regarding the Commission’s disposition of the Application before the Commission in this docket.

Camden Solar submits that the grant of the requested Limited Construction Authority during pendency of its application is in the public interest and will lead to the timely construction of a new renewable energy generation facility and increased investment in North Carolina. The Clearinghouse has already provided comment on the proposed project in docket No. SP-8831 Sub 0. No party opposes the Application or has filed negative comments. And as discussed herein, granting the Application will not result in any upgrade costs being imposed on North Carolina ratepayers.

Further, no risk to North Carolina utility ratepayers or the environment will result from granting the requested relief, as Camden Solar commits to proceed with Limited Construction at its own risk subject to future Commission action.

Camden Solar has shared this Motion for Limited Construction Authority with the Public Staff prior to filing, and the Public Staff has authorized Camden Solar to indicate that it does not have any objections to the requested motion.

WHEREFORE, Camden Solar respectfully requests that the Commission issue an order granting the Limited Construction Authority requested herein. Applicant further requests expedited approval of the instant motion so that it may begin the Limited Construction Activities as soon as possible.

Respectfully submitted, this the 15th day of June, 2020.

KILPATRICK TOWNSEND & STOCKTON LLP

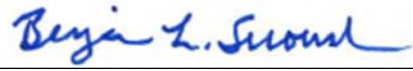
By: 

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*Attorney for Camden Solar LLC*

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day served the foregoing MOTION FOR LIMITED CONSTRUCTION AUTHORITY upon all parties of record by electronic mail and/or first-class United States mail.

This the 15th day of June, 2020.



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Benjamin L. Snowden

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In the Matter of	)	
Application of Camden Solar LLC for a	)	
Certificate of Public Convenience and	)	<b>AFFIDAVIT OF</b>
Necessity to Construct a 20-MW Solar	)	<b>WHITNEY RUBIN</b>
Facility in Camden County, North	)	
Carolina	)	

I, Whitney Rubin, being first duly sworn, do depose and say:

1. I am over the age of eighteen and am otherwise competent to testify. If called as a witness, I would offer testimony consistent with the content of this affidavit. I make this affidavit based on facts personally known to me.

2. I am a Development Manager with BayWa r.e. Solar Projects, LLC (“BayWa Solar”) at 17901 Von Karman Avenue, Suite 1050 in Irvine, CA 92614. In this capacity I have managed the development of the Camden Solar LLC project (“Camden Solar”) since it was purchased by BayWa.

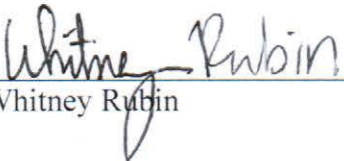
3. Camden Solar is proposing to construct a 20 megawatt solar photovoltaic facility that will interconnect to Dominion Energy North Carolina’s (“Dominion’s”) distribution system. Camden Solar received a System Impact Study Report on July 16, 2018, and a Facilities Study Report on January 3, 2019. Camden Solar executed an Interconnection Agreement with Dominion on January 21, 2019.

4. Neither the System Impact Study Report, the Facilities Study Report, nor the Interconnection Agreement identified any Affected Systems or any Affected System Upgrades

that would need to be constructed in order to facilitate the interconnection and operation of the Camden Solar project.

5. Camden Solar has no reason to believe that any Affected Systems will be identified with respect to this project in the future.

FURTHER AFFIANT SAYETH NOT.

  
Whitney Rubin

Sworn to and subscribed before me  
this the \_\_\_\_\_ day of June, 2020.

PLEASE SEE ATTACHED  
NOTARY CERTIFICATE

\_\_\_\_\_  
Notary Public

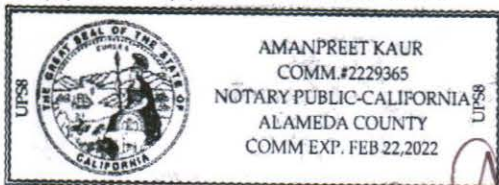
My Commission Expires: \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of Alameda

Subscribed and sworn to (or affirmed) before me on this 11  
day of June, 2020, by Whitney Rubin

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.



(Seal)

Signature *Amanpreet Kaur*