

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-115, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Cherry Solar, LLC, for a)	
Certificate of Public Convenience and)	ORDER REQUIRING PROPOSED
Necessity to Construct a 180 MW Solar)	ORDERS
Facility in Northampton County,)	
North Carolina)	

BY THE PRESIDING COMMISSIONER: On November 13, 2020, Cherry Solar, LLC, (Cherry Solar or Applicant), filed an application (Application) pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule 8-63 for a certificate of public convenience and necessity (CPCN) to construct a 180 MWac solar photovoltaic (PV) electric generating facility to be located in Northampton County, North Carolina, and to be operated as a merchant generating facility.

On December 18, 2020, the Commission issued an Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (Scheduling Order).

Also on December 18, 2020, Commission Staff sent a copy of the Scheduling Order to the State Clearinghouse of the North Carolina Department of Administration (State Clearinghouse).

On January 25, 2021, the State Clearinghouse filed comments in the docket and requested additional information before its concurrence with the Application. Specifically, the North Carolina Department of Natural and Cultural Resources State Historic Preservation Office (NC SHPO) recommended that before any ground disturbing activities within the project area, a comprehensive archaeological survey be conducted to identify and evaluate the significance of archaeological sites and cemeteries that may be damaged or destroyed by the proposed project.

On January 26, 2021, the Presiding Commissioner issued an Order Canceling Public Witness Hearing.

On March 11, 2021, the Applicant filed the supplemental testimony of witness Linda Nwadike.

On April 14, 2021, the Public Staff filed the direct testimony of witness Jay Lucas wherein the Public Staff recommended that the Commission grant the CPCN subject to certain conditions.

On April 28, 2021, the Applicant filed a letter in the docket indicating that it would not object to the issuance of the requested CPCN subject to the conditions recommended in witness Lucas' testimony (April 28, 2021 Letter). In that letter, the Applicant also confirmed that it had engaged consultants to perform the archaeological study of the proposed site that NC SHPO has requested and stated that it would file the study relating to the proposed site in the docket once it was complete.

On May 10, 2021, the Applicant filed a Consent Motion to Excuse Witnesses, Admit Testimony and Exhibits, and Cancel Hearing.

On May 19, 2021, the Presiding Commissioner issued an Order Canceling Expert Witness Hearing.

On November 4, 2021, the Public Staff filed a Motion for Leave to File Supplemental Testimony.

On November 5, 2021, the Presiding Commissioner issued an Order Granting Public Staff Motion to File Supplemental Testimony.

On December 17, 2021, the Public Staff filed the supplemental testimony of witness Lucas.

On January 13, 2022, the Applicant filed the reply supplemental testimony of witness Nwadike.

On May 5, 2023, the Applicant filed a Motion for Order to Take Judicial Notice and Require Duplicate Filing and to Submit Proposed Orders. In its motion the Applicant requested that the Commission take judicial notice of the State Clearinghouse letter dated March 27, 2023, that was filed in Docket No. EMP-112, Sub 0 on April 11, 2023. The Applicant further requested that the Commission direct that a duplicate copy of the April 11, 2023 letter be filed in the present docket. Finally, the Applicant requested that the Commission require the parties to this proceeding to submit proposed orders on Cherry Solar's Application for a CPCN.

On October 3, 2023, the State Clearinghouse filed a letter in this docket with attached comments. Due to the nature of the comments, the State Clearinghouse stated that it has determined that no further State Clearinghouse review action on the Commission's part is needed for compliance with the North Carolina Environmental Policy Act.

The State Clearinghouse's October 3, 2023 filing renders the Applicant's first two requests in its May 5, 2023 filing moot. However, although the record indicates that the State Clearinghouse has determined that no further review is required for compliance with NCEPA, and it appears that NC SHPO's concerns have been addressed, the Applicant has not filed the archaeological study in the present docket as it committed to do in April 2023. The Presiding Commissioner directs the Applicant to file the archaeological study on or before October 11, 2023.

Finally, considering the foregoing and the entire record in this case, the Presiding Commissioner finds good cause to require the parties in this proceeding to submit proposed orders and any briefs by October 27, 2023.

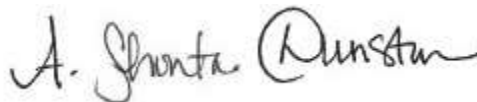
IT IS, THEREFORE, ORDERED as follows:

1. That the Applicant shall submit the archaeological study pertaining to the property on which the Applicant proposes to construct the Facility on or before October 11, 2023; and
2. That parties to this docket shall file proposed orders and briefs on or before October 27, 2023.

ISSUED BY ORDER OF THE COMMISSION.

This the 6th day of October, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Chief Clerk