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February 16, 2018

**Via Electronic Filing**

Martha Lynn Jarvis  
Chief Clerk  
North Carolina Utilities Commission  
430 North Salisbury Street  
Raleigh, North Carolina 27603

Re: Docket No. EMP-93, Sub 0  
Wilkinson Solar LLC

Dear Clerk Jarvis:

Enclosed for filing in the above-referenced docket is the Pre-filed Direct Testimony and Exhibit of April Montgomery.

Please contact me if you have any questions.

Sincerely,

/s/ E. Merrick Parrott

Enclosure

cc: Dianna Downey (*via email*, dianna.downey@psncuc.nc.gov)  
Brady Allen (*via email*, brady.allen@theallenlawoffices.com)

PREFILED DIRECT TESTIMONY OF  
APRIL MONTGOMERY  
ON BEHALF OF WILKINSON SOLAR LLC

NCUC DOCKET NO. EMP-93, SUB 0

**INTRODUCTION**

**Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

A. My name is April Montgomery. My business address is 151 Chatham Street, Sanford, North Carolina.

**Q. WHAT IS YOUR RELATIONSHIP WITH THE APPLICANT IN THIS DOCKET?**

A. I am the principal of REAP, a development services firm based in Sanford, North Carolina, and my firm is under contract with Wilkinson Solar LLC ("Wilkinson" or "Applicant") and its parent, Invenergy LLC, to help direct the development of the Wilkinson Solar facility (the "Facility") described in the application filed in this docket on March 13, 2017 (the "Application").

**Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY IN THIS DOCKET?**

A. Yes. I provided prefiled direct testimony in support of the Application on March 13, 2017, and prefiled supplemental testimony on May 12, 2017. I also provided oral testimony on the Application during the evidentiary hearing before the Commission on May 22 and 23, 2017.

**Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

A. The purpose of my testimony is to provide testimony in support of the site layout amendment filed on November 29, 2017 (the "Layout

21 Amendment”) and to address the consumer statements of position that were filed  
22 in response to the Layout Amendment.

23 **Q. PLEASE DESCRIBE THE LAYOUT AMENDMENT.**

24 A. On October 9, 2017, the Applicant filed an updated site layout as  
25 part of the agreement with Intervener David Butcher and individuals the Terra  
26 Ceia Christian School (“TCCS”), Gertrude Respass, Harlene Van Staalduinen,  
27 and Stuart Ricks. This updated site layout removed solar panels from  
28 approximately 200 acres of property located behind TCCS and the residence of  
29 Mr. Butcher. Subsequently, TCCS and Mr. Butcher withdrew their objections to  
30 the Facility. The Commission issued an Order Issuing Certificate of Public  
31 Convenience and Necessity on October 11, 2017 (the “CPCN Order”).

32 After the CPCN Order, Wilkinson secured approximately 165 additional  
33 acres on which it intends to install panels to substitute for the panels removed  
34 pursuant to the above-referenced agreement. On November 29, 2017, the  
35 Layout Amendment was filed reflecting the additional acreage. As reflected on  
36 the Layout Amendment, the additional acreage is south of Terra Ceia Road and  
37 does not abut the TCCS or Butcher properties, both of which are north of Terra  
38 Ceia Road.

39 **Q. OTHER THAN SUBSTITUTION OF THE NEW ACREAGE, DOES**  
40 **THE LAYOUT AMENDMENT IN ANY WAY ALTER WHAT THE COMMISSION**  
41 **APPROVED IN THE CPCN ORDER?**

42 A. No. All aspects of the Facility, including its generating capacity,  
43 panel technology, and construction, remain the same. The Applicant’s financial  
44 and operational abilities have not changed. The Layout Amendment does not

45 impact the demonstrated need for the Facility. The only change proposed in the  
46 Layout Amendment is the addition of the new acreage south of Terra Ceia Road.

47 **Q. DO ANY OF THE STATEMENTS FILED IN RESPONSE TO THE**  
48 **LAYOUT AMENDMENT RAISE ISSUES UNIQUE TO THE LAYOUT**  
49 **AMENDMENT?**

50 A. No. All of the questions raised in the statements filed with respect  
51 to the Layout Amendment are issues that were raised in statements filed with  
52 respect to the Application, expressed at the public hearing on the Application  
53 held on May 17, 2017, and/or expressed at the evidentiary hearing on the  
54 Application held on May 22 and 23, 2017.

55 **Q. WHAT IS YOUR RESPONSE TO THE QUESTIONS RAISED IN**  
56 **THE STATEMENTS?**

57 A. Any potential environmental impacts will be addressed through  
58 environmental permitting, and the siting of the Facility is a local land use matter.

59 With respect to environmental permitting, Wilkinson will obtain all required  
60 local, state, and federal approvals, such as stormwater permits and soil erosion  
61 and control approvals.

62 As described in the Layout Amendment, Beaufort County issued a letter  
63 on November 9, 2017, which confirms that the amended site layout shown in the  
64 Layout Amendment remains in general compliance with the Beaufort County  
65 Solar Farm Ordinance. Wilkinson will obtain all other permits required to  
66 construct the Facility from Beaufort County.

67

68 With respect to such environmental and local land use issues, the  
69 Commission concluded in the CPCN Order that “these issues are better  
70 addressed by agencies with expertise and regulatory authority in the areas of  
71 environmental and natural resource protection, and public health and safety, and  
72 through the local zoning process.” CPCN Order pp. 12-13.

73 **Q. DID THE STATEMENTS OFFER ANY SUPPORT FOR THE**  
74 **ENVIRONMENTAL CONCERNS RAISED?**

75 A. No support has been offered for these generalized concerns. As  
76 required by the Commission, the Layout Amendment was forwarded to the State  
77 Clearinghouse for review by all interested state agencies. In letters from the  
78 Clearinghouse dated January 16, 2018 and January 26, 2018, the Clearinghouse  
79 staff stated that no further State Clearinghouse review action on the Applicant’s  
80 part was needed. Further, Wilkinson has designed the Facility to avoid any  
81 anticipated impacts to wetlands and jurisdictional waters on the site and will  
82 perform no mass grading.

83 **Q. WILL WILKINSON OBTAIN OTHER PERMITS TO OPERATE**  
84 **THE FACILITY?**

85 A. Yes. As described on page 7 of my prefiled direct testimony filed in  
86 support of the Application on March 13, 2017, Wilkinson will be required to obtain  
87 various local, state, and federal permits and approvals to commence construction  
88 and operate the Facility. As noted above and as filed with the Layout  
89 Amendment, Wilkinson has received confirmation from Beaufort County that the  
90 amended site layout shown in the Layout Amendment remains in general  
91 compliance with the Beaufort County Solar Farm Ordinance. Wilkinson also

92 received Street and Driveway Access Permits for both proposed driveways from  
93 NCDOT on October 4, 2017, which are attached as **Amendment Exhibit 1**.  
94 Wilkinson will obtain all other such required permits and approvals.

95 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

96 **A. Yes.**

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Feb 16 2018

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	Date of Application August 4, 2017	STREET AND DRIVEWAY ACCESS PERMIT APPLICATION	
County: Beaufort County			
Development Name: Wilkinson Solar Farm			
LOCATION OF PROPERTY:			
Route/Road: Terra Ceia Road		SR 1612	
Exact Distance 2,300	<input type="checkbox"/> Miles <input checked="" type="checkbox"/> Feet	N <input type="checkbox"/> S <input type="checkbox"/> E <input type="checkbox"/> W	
From the Intersection of Route No. Terra Ceia Road and Route No. Christian School Road Toward Vreugdenhil Road			
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input checked="" type="checkbox"/> Other			
Property: <input type="checkbox"/> is <input checked="" type="checkbox"/> is not within Pantego City Zoning Area.			
AGREEMENT			
<ul style="list-style-type: none"><li>I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.</li><li>I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.</li><li>I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.</li><li>I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.</li><li>I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.</li><li>I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.</li><li>I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".</li><li>I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.</li><li>I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.</li><li>I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.</li><li>I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.</li><li>I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.</li><li>I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.</li><li>The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.</li><li>I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.</li><li>I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.</li></ul>			
<p>Prior to beginning work contact Gene Pittman at (252) 946-3689</p>			
2004-07	NOTE: Submit Four Copies of Application to Local District Engineer		i-04rev.
61-03419			

## SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	<u>Theda Cooper Sawyer (aka Theda S. Stallings)</u>	NAME	_____
SIGNATURE	_____	SIGNATURE	_____
ADDRESS	<u>496 Vickers Road</u>	ADDRESS	_____
	<u>Chapel Hill, NC 27517 Phone No. 919-593-5750</u>		_____

AUTHORIZED AGENT		WITNESS	
COMPANY	<u>Wilkinson Solar LLC</u>	NAME	<u>Ryan Upham</u>
SIGNATURE	<u>[Signature]</u>	SIGNATURE	<u>[Signature]</u>
ADDRESS	<u>1 S. Wacker Drive, Suite 1800</u>	ADDRESS	<u>2621 Ivory Run Way, Apt 102,</u>
	<u>Chicago, IL 60606 Phone No. 312-582-1208</u>		<u>Raleigh, NC, 27603</u>

## APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

<u>Mary Beth Houston</u>	<u>8/4/17</u>
SIGNATURE	DATE

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

_____	_____	_____
SIGNATURE	TITLE	DATE

APPLICATION APPROVED BY NCDOT

<u>Mary Beth Houston</u>	<u>DISTRICT ENG.</u>	<u>10/4/17</u>
SIGNATURE	TITLE	DATE

INSPECTION BY NCDOT

_____	_____	_____
SIGNATURE	TITLE	DATE

COMMENTS:

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Feb 16 2018

APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION			
Driveway Permit No.	Date of Application August 4, 2017	<div>RECEIVED AUG - 4 2017</div> <div>STREET AND DRIVEWAY ACCESS PERMIT APPLICATION</div>			
County:	Beaufort County				
Development Name: Wilkinson Solar Farm					
LOCATION OF PROPERTY:					
Route/Road:	Lovlick Lane	<div>SR 1613</div>			
Exact Distance	295				
	<input type="checkbox"/> Miles	N	S	E	W
	<input checked="" type="checkbox"/> Feet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
From the Intersection of Route No.	Lovlick Lane	and Route No.	Terra Ceia Road	Toward	Old 97 Road
Property Will Be Used For: <input type="checkbox"/> Residential /Subdivision <input type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input checked="" type="checkbox"/> Other					
Property: <input type="checkbox"/> is <input checked="" type="checkbox"/> is not within Pantego City Zoning Area.					
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<div>Prior to beginning work contact Gene Pittman at (252) 946-3689</div>					
2004-07	NOTE: Submit Four Copies of Application to Local District Engineer, N.C. I 61-03419				

## SIGNATURES OF APPLICANT

### PROPERTY OWNER (APPLICANT)

COMPANY Walter Jonathan Sawyer  
 SIGNATURE \_\_\_\_\_  
 ADDRESS 4900 Terra Ceia Road  
Pantego, NC 27860 Phone No. 252-943-4417

NAME \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_

### WITNESS

### AUTHORIZED AGENT

COMPANY Wilkinson Solar LLC  
 SIGNATURE [Signature]  
 ADDRESS 1 S. Wacker Drive, Suite 1800  
Chicago, IL 60606 Phone No. 312-582-1208

NAME Ryan Upham  
 SIGNATURE [Signature]  
 ADDRESS 2621 Ivory Run Way, Apt 102,  
Raleigh, NC, 27603

### WITNESS

## APPROVALS

### APPLICATION RECEIVED BY DISTRICT ENGINEER

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 TITLE

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\_\_\_\_\_  
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### COMMENTS:

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