



November 17, 2020

Ms. Kimberley A. Campbell
Chief Clerk
North Carolina Utilities Commission
430 North Salisbury Street
Raleigh, NC 27603

Re: In the Matter of Application of Duke Energy Progress, LLC for A
Certificate of Public Convenience and Necessity to Construct a
Solar Generating Facility in Buncombe County, North Carolina
NCUC Docket No. E-2, Sub 1257

Dear Ms. Campbell,

The North Carolina Sustainable Energy Association (“NCSEA”) supports Duke Energy Progress, LLC’s (“DEP”) Application for a Certificate of Public Convenience and Necessity (“Application”) filed in authorizing the construction and completion of the Woodfin Solar Generating Facility (“Woodfin Solar Facility”) in Buncombe County, North Carolina on a landfill owned by Buncombe County. NCSEA is not an intervenor in this proceeding, but felt compelled to voice its support and request the North Carolina Utilities Commission (the “Commission”) grant DEP’s Application after reviewing the docket, including in particular the recent testimony filed by the North Carolina Utilities Commission – Public Staff (“Public Staff”), and getting feedback from our members and partners who wish to support the project.

NCSEA believes that the construction of the Woodfin Solar Facility is in accordance with the Commission’s March 28, 2016 *Order Granting Application, in Part, with Conditions, and Denying Application in Part* in Docket No. E-2, Sub 1089 (the “WCMP CPCN Order”). The WCMP CPCN Order requires Duke, in the spirit of that proceeding, to propose solar facilities that match the needs and desires of the residents of Buncombe County pursuant to their agreement. To that end, Buncombe County offered siting on a landfill that it owned to allow DEP a flat and manageable piece of land to site solar in an otherwise difficult region to site solar. Buncombe County has even offered to



not charge DEP for their lease of the site. It's no secret that the western portions of the state, particularly in the mountains, are much more difficult to site for solar facility. Buncombe County offered land that otherwise is unusable in a unique and innovative way to site solar. The site repurposes a landfill site, that would be otherwise difficult to meaningfully use, to allow for solar fields in a geographic region that is typically difficult to build utility scale solar. NCSEA particularly applauds this statement from DEP Witnesses Watson and Beaver:

While developing solar on a landfill can have an impact on costs due to the inability to penetrate the landfill cap, the size, and other positive site characteristics balance overall project costs and limit local environmental impacts. The Woodfin Solar Project will allow DEP to continue to expand internal experience, knowledge, and capabilities. Landfills are typically areas that are already disrupted and cleared with existing buffers to adjacent properties. Solar generators on landfills are an excellent adaptive reuse for this type of land that otherwise has very limited use after closure. Advancing the understanding of how to optimally develop, construct, own, and operate a landfill solar project will provide experience to hopefully reduce development and design costs and minimize construction risk for similar future projects on coal ash or municipal landfills.¹

In addition to the agreement discussed in the WCMP CPCN Order, DEP is subject to the various clean or renewable energy requirements made by statute including the Renewable Energy Portfolio Standard and the state's Clean Energy Plan. Fulfilling these requirements, through projects such as the Woodfin Solar Facility, is paramount to a sustainable energy future for this state. Also, local requirements in Buncombe County and DEP's own corporate goals are furthered by the construction of this project.

NCSEA is troubled by the method and manner by which the Public Staff has responded to the Application. In Public Staff Witness Jeff Thomas's testimony, he repeatedly insinuates that Duke has sought to build the Woodfin solar facility "at any

¹ *Duke Energy Progress, LLC's Rebuttal Testimony of Lawrence Watson, Todd Beaver and Jason Walls*, (November 6, 2020), pp. 16-17.



cost”.² This rhetoric is extreme and unnecessary. From NCSEA’s point of view, DEP has made every effort to propose the construction of a facility that will not require significant interconnection upgrades and also uses landfill real estate in a unique and compelling manner. NCSEA fundamentally disagrees with any characterization that DEP’s proposal is not measured or does not carefully consider ratepayer impacts.

Furthermore, the Public Staff appears to be utilizing this certificate of public convenience and necessity (“CPCN”) proceeding as a means to dissect utility investment that is typically within the scope of a general rate case. NCSEA does not believe it is appropriate for the Public Staff to stretch such rigorous investment oversight into a CPCN proceeding. This is especially true where DEP agreed previously to build the site in Buncombe County where solar fields can be difficult to site and such a build was tacitly agreed to by the Commission. The Public Staff appears to believe that the “need” requirement under R8-61(b)(1)(iv) requires a cost effectiveness review to determine whether a utility investment squares with the Public Staff’s definition of cost effectiveness. Nowhere in R8-61, nor in N.C. Gen. Stat. § 62-110.1, is a CPCN applicant required to overcome such a high burden of proving an investment at or below the avoided cost. Public Staff Witness Thomas’s alternative relief request – for the Public Staff to be allowed to reassert its objections to the Woodfin Solar Facility in a general rate case – highlight the overlap between the Public Staff CPCN scrutiny here and their potential general rate case scrutiny.

Similarly, a CPCN proceeding is not an appropriate venue to formulate a workable community solar program. While NCSEA applauds the push by Public Staff Witness Thomas for a community solar program, a CPCN proceeding is not intended as a venue to determine such a matter. Interested parties including NCSEA, and other likely intervenors, would want to intervene and be continually involved in any sort of policy decisions like a community solar site mandate from the Commission.

² *Testimony of Jeff Thomas, Public Staff – North Carolina* (October 20, 2020) (“Thomas Testimony”), pp. 8, 10.



The Public Staff also apparently believes that relying on local clean energy directives as evidence of “need” will lead to a deluge of new CPCN applications relying on local directives for clean energy as reasoning for application acceptance,³ but fails to provide any such evidence despite clean energy directives being commonplace across many of the cities and towns in North Carolina. Moreover, the uptick in local government clean energy directives could also be evidence of a rate payer desire for *more* clean energy instead of a cause for alarm for the ratepaying public in general.

NCSEA supports the Woodfin Solar Facility CPCN application and encourages the Commission to grant DEP’s request. NCSEA believes this innovative solution that arose from prior disputes is an example of the utility working with local government and rate payers to create an innovative and workable solution that works for both sides. It should be encouraged, and we hope the Commission agrees.

Sincerely,
s/ Benjamin Smith
Regulatory Counsel
NCSEA

³ Thomas Testimony, p. 19.