

McGuireWoods LLP  
434 Fayetteville Street  
Suite 2600  
PO Box 27507 (27611)  
Raleigh, NC 27601  
Phone: 919.755.6600  
Fax: 919.755.6699  
www.mcguirewoods.com

E. Brett Breitschwerdt  
Direct: 919.755.6563

McGUIREWOODS

bbreitschwerdt@mcguirewoods.com

May 9, 2014

**VIA ELECTRONIC FILING**

Mrs. Gail L. Mount, Chief Clerk  
North Carolina Utilities Commission  
Dobbs Building  
430 North Salisbury Street  
Raleigh, North Carolina 27603-5918

Re: Docket No. EMP-61, Sub 0

Dear Mrs. Mount:

On behalf of Seymour Support Council, Inc., d/b/a Friends of Seymour Johnson AFB ("FSJAFB"), enclosed for filing in the above-referenced docket, is FSJAFB's Response to Pantego Wind Energy LLC's Motion in Opposition to Intervention and Request to Hold CPCN Renewal Motion in Abeyance.

Thank you for your assistance in this matter. Please do not hesitate to contact me if you need any additional information.

Very truly yours,

s/ E. Brett Breitschwerdt

EBB:asm

Enclosure

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-61, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:	)	
	)	FSJAFB'S RESPONSE TO PANTEGO
Application for Certificate of Public	)	WIND ENERGY LLC'S MOTION IN
Convenience and Necessity for a	)	OPPOSITION TO INTERVENTION
Merchant Plant and Registration as a New	)	AND REQUEST TO HOLD CPCN
Renewable Energy Facility	)	RENEWAL MOTION IN
	)	ABEYANCE

Seymour Support Council, Inc., d/b/a Friends of Seymour Johnson AFB ("FSJAFB")<sup>1</sup>, through the undersigned attorney, respectfully provides the following response to the May 2, 2014, *Response in Opposition to Motion to Intervene* ("Response in Opposition") filed by Pantego Wind Energy, LLC, ("Pantego Wind", "Invenergy" or "Applicant"), for the North Carolina Utilities Commission's ("Commission") consideration prior to ruling on FSJAFB's request for intervention. In addition to granting FSJAFB's intervention, FSJAFB also requests that the Commission exercise its discretion to hold Pantego Wind's application for renewal of its certificate of public convenience and necessity ("CPCN") in abeyance until the North Carolina Department of Environment and Natural Resources ("DENR") makes a determination under N.C.G.S. § 143-215.120.

**I. RESPONSE IN SUPPORT OF INTERVENTION**

1. FSJAFB renews its request that the Commission grant FSJAFB intervention, as FSJAFB continues to have substantial interests in this proceeding.

---

<sup>1</sup> The positions stated herein are the positions of FSJAFB. FSJAFB is not affiliated with the Seymour Johnson Air Force Base, nor does FSJAFB speak for Seymour Johnson Air Force Base in this docket.

FSJAFB seeks to ensure that the State's clearly articulated interest in maintaining its "preeminent position as the best location for military bases and training installations" is recognized and the incompatible encroachment of the Pantego Project on North Carolina's military assets is presented for the Commission's consideration in this proceeding. Executive Order No. 34 (Nov. 22, 2013), *Commitment to Protecting North Carolina's Military Installations* included as Attachment A to this Response ("EO 34").<sup>2</sup>

2. Notably, among other directives, Governor McCrory's EO 34 encourages the Commission to "help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state" while also "ensur[ing] that land use planning activities take into account the compatibility of land near military installations." EO 34, Section 2a., e., Section 5. FSJAFB's intervention seeks to further these goals by ensuring that the Commission has a full and clear understanding of the facts surrounding the Pantego Project prior to ruling on the requested renewal of Pantego Wind's CPNC.

3. In addition to its substantive interest, granting intervention will ensure FSJAFB receives timely notice of all future activities related to the Pantego Project at the Commission. While Pantego Wind's Response in Opposition criticizes FSJAFB and Seymour Johnson AFB for not moving to intervene prior to the Commission's March 8, 2012 *Order Granting Certificate and Accepting Registration* ("2012 CPCN Order") being issued, the reason for this alleged failure to timely intervene is simple. Neither FSJAFB nor Seymour Johnson AFB were aware of the Application. Upon discovering that Pantego Wind had obtained a CPCN in March 2012 to construct approximately 50 utility-scale wind turbines in VR-084, Seymour Johnson AFB's most highly utilized

---

<sup>2</sup> Attachment A to FSJAFB's Motion to Intervene included Governor Perdue's 2012 Executive Order 124. FSJAFB has discovered that Governor McCrory issued this substantially identical Executive Order No. 34, which superseded Governor Perdue's 2012 Executive Order 124.



military training route (“MTR”) in eastern North Carolina, the following occurred:

- July 16, 2012: The Base Commander of Seymour Johnson AFB sent a letter to then-Governor Perdue expressing grave concerns about encroachment of wind energy projects;
- August 18, 2012: Governor Perdue issued 2012 EO 124 specifically addressing incompatible land use encroachment on military assets, including MTRs, in order to ensure that North Carolina does not damage its relationship with the military, degrade its military training assets, or jeopardize the \$23.4 billion the U.S. military contributed to the North Carolina economy in 2011;
- September 10, 2012: Seymour Johnson AFB issues its Assessment of wind turbine impacts on low-altitude training routes, explaining that construction of wind energy projects in MTRs will have a significant, detrimental impact on its ability to safely train pilots in eastern North Carolina. *Assessment of Wind Turbine Impacts on 4<sup>th</sup> Fighter Wing F-15E Low-Altitude Training*, included as Attachment B to FSJAFB’s Motion to Intervene (“SJAFB Impact Assessment”);
- October 10, 2012: In response to growing concerns about encroachment by wind energy facilities in eastern North Carolina (and the Pantego Project specifically), the Governor’s Advisory Commission on Military Affairs received a presentation on the issue. See Attachment C to FSJAFB’s Motion to Intervene;
- January 2013: The U.S. Department of Defense (“DoD”) forms the Pantego Project Mitigation Response Team (“MRT”) to address Seymour Johnson AFB and other military components’ concerns that the Pantego Project would have an adverse impact on military operations and readiness that could rise to the level of an unacceptable risk to the national security of the United States;
- May 17, 2013: Session Law 2013-51 is passed by the General Assembly and enacted by Governor McCrory establishing a new multi-step DENR site review/permitting process for wind energy facilities proposed to be sited in the State;
- November 22, 2013: Governor McCrory issues 2013 EO 34, restating North Carolina’s commitment to protecting the State’s military installations and MTR assets. EO 34 updates the U.S. Military’s economic impact to the State to approximately \$48 billion.

As the foregoing shows, once it was known that the Pantego Project was proposed to encroach into MTR VR-084, North Carolina’s current and prior governor, the General Assembly and Seymour Johnson Air Force Base responded promptly to the risks that

such encroachment pose to the continued use of the State's MTR assets in eastern North Carolina. FSJAFB supported these efforts, and its failure to participate in the initial CPCN proceeding was due solely to a lack of awareness of Pantego Wind's initial CPCN application.<sup>3</sup>

4. In its Motion in Opposition, Pantego Wind asserts two grounds upon which the Applicant opposes FSJAFB's intervention. Specifically, Pantego Wind states that FSJAFB's intervention "seeks to broaden the issues before the Commission and is based on inaccurate information." Both of these statements are meritless and should be rejected.

5. First, a threshold question is whether FSJAFB is intervening out-of-time under Commission Rule R1-19(b), thereby limiting FSJAFB's rights to seek affirmative relief.<sup>4</sup> Out of an abundance of caution, FSJAFB's motion to intervene was styled as an intervention out-of-time because the Commission has not issued a procedural order in response to Pantego Wind's CPCN renewal Motion. However, FSJAFB's requested intervention is specifically in response to Pantego Wind's March 26, 2014, Motion to renew its Certificate and not Pantego Wind's initial CPCN application. FSJAFB submits that Pantego Wind's renewal Motion is procedurally distinct and raises a number of issues ripe for Commission consideration, including:

- If Pantego Wind did in fact coordinate with the Air Force and screen for military aviation constraints as represented to the Commission in support of its initial Application, how does the Applicant explain the political backlash that occurred subsequent to issuance of the 2012 CPCN Order when Seymour Johnson AFB leadership and FSJAFB became aware of the Pantego Project's proposed location in the VR-084 MTR?

---

<sup>3</sup> This subsequent history also raises material questions about representations made by Pantego Wind in the initial CPCN proceeding that it was coordinating with the Air Force and had "screened" for military aviation constraints in proposing where to site the Pantego Project.

<sup>4</sup> Commission Rule R1-19(b) provides that intervention out-of-time is allowed



- What is the “Project” for which the Applicant is now seeking a renewed CPCN? Specifically, Exhibit B of the Pantego Wind Energy Project Agreement commits that Invenergy would withdraw its Federal Aviation Administration applications for at least 20 of the 49 turbines initially approved in the 2012 CPCN Order. Nowhere in its renewal Motion does Pantego Wind provide a new configuration of the project or state whether changes to its planned grid interconnection or other changes potentially impacting grid reliability have occurred.
- Over two years after initial certification and almost five years after commencing development, Pantego Wind does not provide any further “need” for the facility or show increased interest from the State’s electric power suppliers in the renewable energy potentially to be produced by the facility. In balancing the State’s substantial policy and economic interests in protecting the military against state policies promoting renewable energy development, what “need” must a developer show to justify a potentially significant detrimental impact to the State’s military assets?
- Does the unverified Motion to renew its CPCN filed by Pantego Wind meet the requirements of Commission Rule R8-63?

Intervention was requested well before any hearing is held to consider these issues raised by the Motion, and FSJAFB’s submits that its participation in this proceeding would assist the Commission in its review of Pantego Wind’s Motion to ensure that these issues are sufficiently considered before the Commission makes a determination whether the public convenience and necessity require renewal of the CPCN. Based on the foregoing, it would be reasonable to hold that FSJAFB’s intervention is timely and that Pantego Wind’s alleged broadening of issues argument in response is irrelevant.

6. In any event, FSJAFB intervention also does not broaden the issues before the Commission because Pantego Wind was the first to raise these issues. Pantego Wind represented to the Commission in its initial Application that it coordinated with the Air Force and screened for military aviation constraints. Pantego Wind’s Motion to renew its certificate also discusses the MRT process and alleges that Seymour Johnson’s objections have been “eliminated.” Because Pantego Wind has repeatedly sought to assure the

Commission that North Carolina's military interests were first screened and then placated, FSJAFB fails to see how its intervention to assert North Carolina's interest in protecting its MTR assets broadens the issues before the Commission.

7. The impacts of incompatible encroachment upon the State's military assets due to siting of a generating facility are also clearly not beyond the scope of the Commission's authority. Through N.C.G.S. § 62-110.1(a), the General Assembly has directed the Commission to regulate the planning and development of electric generating facilities within the State to ensure such facilities further the State's interest in adequate, reliable and economical utility service, and, to that end, are required by the public convenience and necessity. This Section provides the Commission broad authority to consider issues that affect the policies of the State. *State ex rel. Utilities Comm'n v. Empire Power Co.*, 112 N.C. App. 265 (N.C. Ct. App. 1993). As detailed above and in FSJAFB's initial intervention request, both North Carolina's executive and legislative branches have recently expressed clear concerns about encroachment of wind energy projects on MTRs and other military assets.<sup>5</sup> Most recently, EO 34 specifically encouraged the Commission to consider these policy issues. Therefore, the interests represented by FSJAFB are squarely within the interests to be considered by the Commission.

8. To the extent that Pantego Wind opposes FSJAFB's intervention because FSJAFB's request is allegedly "based on inaccurate information," FSJAFB disagrees

---

<sup>5</sup> Tying the foregoing State interest in avoiding incompatible land uses to the policies set forth in N.C.G.S. § 62-2 is also straight-forward if the Commission considers the SJAFB Impact Assessment's concern that "adding potentially dozens of 498 foot obstacles within a route where thousands of low-altitude high speed military training sorties are flown every year will increase safety of flight risk, especially at night." SJAFB Impact Assessment, at 3. In addition to more serious concerns about loss of life and \$31.1 million in military property, there is obviously also heightened reliability risks of a wind energy facility located within an MTR.



with such characterizations and would welcome the opportunity to establish a record where the Commission could fully consider the accuracy of the information presented by FSJAFB, as well as whether Pantego Wind has carried its burden to prove that the public convenience and necessity requires renewal of its CPCN.

## II. REQUEST TO HOLD CPCN RENEWAL IN ABEYANCE

9. If the Commission were to consider Pantego Wind's Motion in the broader context of the steps required for the Pantego Project to be placed in to commercial operation, the Commission's option to hold the Applicant's CPCN renewal Motion in abeyance until the DENR permitting process is completed may hold some appeal.

10. Pantego Wind's Motion in Opposition clearly suggests that "[t]he appropriate venue to address the issues raised by the Motion to Intervene is in the permitting process established by House Bill 484." FSJAFB also recognizes that Session Law 2013-51 tasked DENR with ensuring that wind energy development does not violate North Carolina's paramount interest in the continued success of the military in the State. To that end, FSJAFB recommends that the Commission allow the Pantego Project to complete the new DENR "siting board-type" process to ensure it meets the State's military and environmental standards before assessing whether it meets the public convenience and necessity standard under N.C.G.S. § 62-110.1. If DENR approves the Pantego Project, any concerns about impacts to the military will presumably have been addressed making the Commission's review more efficient.

11. FSJAFB recognizes that while the Commission cannot ignore the State's interest in protecting the military in considering a CPCN, the Commission does have some discretion to approve a CPCN and defer to DENR to ensure that the State's military



interests are fully protected. *State ex rel. Utilities Com. v. High Rock Lake Assoc.*, 37 N.C. App. 138 (N.C. Ct. App. 1978). However, the question is “in light of recent state policy advocating protection of the State’s military assets, should the Commission punt on military concerns and conditionally approve the CPCN?” FSJAFB expects that Pantego Wind will argue that renewing its CPCN at this time – still conditioned upon successful completion of the DENR process – would equally protect FSJAFB’s interest. That position, however, is untenable and ignores the broader purpose of FSJAFB’s request to intervene in the first place – to protect the State’s military assets and ensure the military’s continued presence in the State. While the Pantego Project cannot be constructed until both DENR and the Commission approve it, FSJAFB has substantial concerns that approval of the CPCN could be represented in any future federal Defense Base Closure and Realignment Commission (“BRAC”) process as a State-level approval of encroachment into critical MTR assets in eastern North Carolina. Even a lesser “realignment” process that would move Seymour Johnson AFB’s F-15E training squadrons out-of-state could have tens to hundreds of millions of dollars of detrimental impact on the military economy of eastern North Carolina. This potential risk was highlighted in the SJAFB Impact Assessment, which stated clearly that locating wind turbines in the MTRs flying into the Dare County bombing range could result in low-altitude training being moved out of state.<sup>6</sup>

---

<sup>6</sup> SJAFB Impact Assessment, at 12, in part, concluding that

... low-altitude air-to-air intercept training will almost certainly be severely impacted within [the Dare County Bombing Range], leading to the inability of Seymour Johnson AFB to accomplish specific syllabus and proficiency training requirements. There is no other suitable and available airspace within range of Seymour Johnson AFB that could be used for this training. With [the Dare County Bombing Range] unsuitable for low-altitude intercept training, Seymour Johnson AFB squadrons would have to deploy to other locations within the US, adding significant costs and time delays to aircrew training along

12. In light of FSJAFB's concerns and the clear guidance in EO 34 encouraging the Commission to "facilitate the continued presence of major military installations [including Seymour Johnson AFB] in the State," FSJAFB respectfully asserts that the public interest supports the Commission exercising its authority to hold Pantego Wind's Motion in abeyance until the DENR process is completed.

### III. CONCLUSION

13. Based upon the foregoing, FSJAFB respectfully renews its requests for intervention in this proceeding and further requests the Commission exercise its discretion to hold Pantego Wind's Motion to renew its CPCN in abeyance until the DENR process is completed.

---

with increased time away from home for 4th Fighter Wing personnel.

...wind turbines located within MTRs, especially the four MTRs feeding into [the Dare County Bombing Range] would certainly force crews to overfly the wind farms, interrupting required low-altitude tactical navigation and maneuvering at 500 feet AGL and preventing seamless 500 foot flight into R-5314 and Dare County Bombing Range. This interruption would be a significant distraction, taking away from the realism and intent of training at 500 feet. Approximately 60 percent of the 4th Fighter Wing's current low-altitude MTR training is conducted on the four MTRs feeding into R-5314. The relatively small airspace currently available on the east coast already reduces the flexibility and realism that is highly desired for high performance combat aircraft training. Adding additional restrictions to operating altitudes and maneuvering only further reduces the overall effectiveness of training, and in the end creates less capable and less proficient combat aviators.

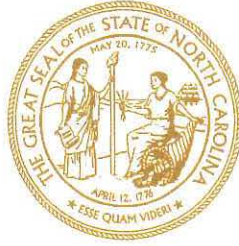
Respectfully submitted,

s/ E. Brett Breitschwerdt

E. Brett Breitschwerdt  
McGuireWoods LLP  
434 Fayetteville Street, Suite 2600  
Raleigh, North Carolina 27601  
(919) 755-6563 (EBB Phone)  
(919) 755-6579 (EBB Fax)  
bbreitschwerdt@mcguirewoods.com

*Counsel for Seymour Support Council,  
Inc., d/b/a Friends of Seymour Johnson  
Air Force Base*





# State of North Carolina

PAT McCrORY  
GOVERNOR

November 22, 2013

## EXECUTIVE ORDER NO. 34

### COMMITMENT TO PROTECTING NORTH CAROLINA MILITARY INSTALLATIONS

**WHEREAS**, the General Assembly passed and I have signed 2013 N.C. Sess. Laws 227, creating the Military Affairs Commission within the Office of the Governor which shall advise the Governor, the General Assembly and State agencies on initiatives, programs, and legislation that will continue and increase the role that North Carolina's military installations, the National Guard, and the Reserve play in America's defense strategy and the economic health and vitality of the State; and

**WHEREAS**, North Carolina is the home of six major Department of Defense (DOD)/Department of Homeland Security (DHS) installations: Coast Guard Station, Elizabeth City; Fort Bragg; Marine Corps Air Station Cherry Point; Marine Corps Air Station New River; Marine Corps Base Camp Lejeune; and Seymour Johnson Air Force Base as well as other DOD/DHS activities, properties and organizations; and

**WHEREAS**, the U.S. military is the second largest sector of North Carolina's economy, accounting for 10% of North Carolina's gross state product, worth \$48 billion, and more than 540,000 individuals are either directly employed by the military or working in jobs providing goods or services that support the military's presence in North Carolina; and

**WHEREAS**, defense procurement contracts in North Carolina exceeded \$2.4 billion in fiscal year 2012, and businesses with defense related contracts operate in 87 of North Carolina's 100 counties; and

**WHEREAS**, North Carolina is committed to supporting and promoting the military within the state; and

**WHEREAS**, incompatible development of land close to a military installation can adversely affect the ability of such an installation to carry out its mission; and

**WHEREAS**, many military installations also depend on low altitude aviation training, which could be adversely affected by development; and

**WHEREAS**, the continued long-term military presence in North Carolina is directly dependent on DOD/DHS's ability to operate not only its installations but also its training and other readiness functions critical to national defense; and

**WHEREAS**, it is, therefore, of paramount importance to the future of North Carolina to maintain the best possible relationship with all branches of the U.S. military and to promote practices that maintain North Carolina's preeminent position as the best location for military bases and training installations; and

**WHEREAS**, to those ends, it is critical for all North Carolinians, all North Carolina businesses, all sectors of North Carolina's economy, and especially all branches and agencies of North Carolina's state and local governments to be knowledgeable about not only the military's presence and contributions to our state but also of the military's special and unique requirements that are critical to carrying out its national defense mission;

**WHEREAS**, North Carolina also seeks to promote the economic development, growth, and expansion of other industries within the state, such as the agriculture/agribusiness industry, the renewable energy industry, the tourism/outdoor recreation industry and the fisheries industry; and

**WHEREAS**, North Carolina has a vested economic interest in the preservation and enhancement of land uses that are compatible with military activities; and

**WHEREAS**, it is equally critical that activities of state agencies be planned and executed with full awareness of and sensitivity to their actual and potential impacts on the military; and

**WHEREAS**, the usefulness of such operational awareness is directly dependent on the timely exchange of information between all potentially affected parties at the earliest possible phase of any agency activity; and

**WHEREAS**, it is important for state agencies and local governments to consider the needs of our military installations, missions, and communities in their economic development activities.

**NOW, THEREFORE**, pursuant to the authority vested in me as Governor by the Constitution and laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1.**

The Secretary of each Cabinet Agency shall designate a Military Affairs Awareness Coordinator, whose responsibilities shall include:

- a. Staying informed of the workings and activities of the North Carolina Military Affairs Commission and maintaining regular and effective communications with its administrative head, the Governor's Military Advisor;
- b. Staying informed of the workings and activities of the North Carolina Commanders' Council and maintaining regular and effective communications with its North Carolina communications portal, the Department of Environment and Natural Resources ("DENR") Military Liaison and the Governor's Military Advisor;
- c. Becoming familiar with the North Carolina Working Lands Group and its implementation of the Governor's Land Compatibility Task Force Report;
- d. Becoming familiar with the operations of his/her own agency as it could impact military readiness and training;
- e. Regularly informing his/her Secretary of any military readiness or training concerns which could impact, or be impacted by, any of his/her Agency's activities or plans;
- f. Regularly informing the Governor's Military Advisor of any military readiness or training concerns which could impact, or be impacted by, any of his/her Agency's activities or plans;
- g. Regularly informing the North Carolina Commanders' Council, through the Governor's Military Advisor and the DENR Military Liaison, of any military readiness or training concerns which could impact, or be impacted by, any of his/her Agency's activities or plans; and



- h. Regularly informing any other state or local agency of any military readiness or training concerns which could impact, or be impacted by, that agency's activities or plans.

## **Section 2.**

All Cabinet Agencies shall:

- a. Cooperate with military installations and missions to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state;
- b. Notify the commanding military officer of a military installation and the governing body in affected counties and municipalities of any economic development or other projects that may impact military installations;
- c. Obtain knowledge of military requirements within local communities and throughout the State;
- d. Ensure that appropriate training on the requirements of military installations, missions, and communities is provided for staff members and others who work in the areas of land use planning, infrastructure siting, permitting, or economic development;
- e. Ensure that land use planning activities take into account the compatibility of land near military installations;
- f. Adopt processes to ensure that all agency planning, policy formulation, and actions are conducted with timely consideration having been given to relevant military readiness or training concerns, and with appropriate communications with all potentially affected military entities, including the entities listed in Section 1 (a) and 1(b);
- g. Collaborate with applicants for grants, site selection, permits or other agency actions to avoid adverse impacts on military readiness or authority and incompatible land uses; and
- h. Share information and coordinate efforts with the North Carolina congressional delegation and other federal agencies, as appropriate, to fulfill the objectives of this Executive Order.

## **Section 3.**

The Department of Commerce, DENR, the Department of Transportation, and the Department of Public Safety are specifically directed to work with the North Carolina Commanders' Council and the North Carolina Military Affairs Commission to identify issues that could affect the compatibility of development with military installations and operations. Representatives from each aforementioned department shall coordinate with the Governor's Military Advisor regarding any issues identified.

## **Section 4.**

The Secretary of the Department of Commerce and the Secretary of DENR are directed to work with the other cabinet agencies and other interested stakeholders to reexamine existing efforts, and to formulate new initiatives, designed to further the objectives set out in this Executive Order.

## **Section 5.**

The heads of each Council of State Agency and all other state agencies, including boards and commissions, are encouraged to take the actions outlined above in Sections 1 and 2.



**Section 6.**

Local governments whose communities are affected by military installations are strongly encouraged to adopt criteria and address compatibility of lands adjacent to or closely proximate to existing military installations in their land use plans. Local governments are also strongly encouraged to comply with the provisions of Section 2 of this Executive Order.

**Section 7.**

Pursuant to N.C.G.S. § 127C-3, the Governor's Military Advisor shall serve as the administrative head of the North Carolina Military Affairs Commission and be responsible for the operations and normal business activities of the Commission, with oversight by the Commission. Within existing resources, the Office of the Governor shall provide additional technical and administrative assistance, including staff, to the Commission as needed.

**Section 8.**

This Executive Order is effective immediately. It supersedes and replaces all other executive orders on this subject and specifically rescinds Executive Order No. 124 issued on August 18, 2012. This Executive Order shall remain in effect until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this twenty-second day of November in the year of our Lord two thousand and thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

  
Pat McCrory  
Governor

ATTEST:

  
Elaine F. Marshall  
Secretary of State



# CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Response to Pantego Wind Energy LLC's Motion in Opposition to Intervention and Request to Hold CPCN Renewal Motion in Abeyance as filed in Docket No. EMP-61, Sub 0, was served electronically or via U.S. mail, first-class, postage prepaid, upon all parties of record.

This, the 9<sup>th</sup> day of May, 2014.

s/ E. Brett Breitschwerdt  
 E. Brett Breitschwerdt  
 McGuireWoods LLP  
 434 Fayetteville Street, Suite 2600  
 PO Box 27507 (27611)  
 Raleigh, NC 27601  
 (919) 755-6563 Direct  
[bbreitschwerdt@mcguirewoods.com](mailto:bbreitschwerdt@mcguirewoods.com)

*Attorney for Seymour Support Council, Inc.,  
 d/b/a Friends of Seymour Johnson AFB*