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May 2, 2014

**VIA ELECTRIC FILING**

Gail L. Mount  
Chief Clerk  
North Carolina Utilities Commission  
430 N. Salisbury Street  
Raleigh, North Carolina 27603

*Re: Response to Motion to Intervene; Docket No. EMP-61 Sub 0*

Dear Clerk Mount:

Enclosed for filing in the above-referenced docket please find Pantego Wind's Response to Motion to Intervene. Thank you for your assistance. Please contact me with any questions.

Sincerely,

/s/ Katherine E. Ross

Enclosure

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. EMP-61 SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

|  |   |                           |
|--|---|---------------------------|
| In the Matter of the Application of    | ) |                           |
| Pantego Wind Energy LLC For a          | ) |                           |
| Certificate of Public Convenience and  | ) | PANTEGO WIND ENERGY LLC'S |
| Necessity to Construct a Wind Facility | ) | RESPONSE IN OPPOSITION TO |
| of up to 80 MW in Beaufort County and  | ) | MOTION TO INTERVENE       |
| Registration as a New Renewable        | ) |                           |
| Energy Facility                        | ) |                           |

Pantego Wind Energy LLC ("Pantego Wind") files this Response in Opposition to the Motion to Intervene Out of Time by Seymour Council Inc., d/b/a Friends of Seymour Johnson AFB ("FSJAFB") (the "Motion to Intervene"). The Motion should be denied because it seeks to broaden the issues before the Commission and is based on inaccurate information. Pantego Wind requests the Commission deny the Motion.

In support of its Response, Pantego Wind shows the Commission as follows:

1. In its Motion to Renew, Pantego Wind provides information on the Pantego Mitigation Response Team (the "MRT") that was established by the Department of Defense Clearinghouse (the "DoD Clearinghouse"). The result of the MRT was the Pantego Wind Project Agreement attached to the Motion to Renew as Exhibit A.

2. FSJAFB did not move to intervene during the proceedings on Pantego Wind's application for a CPCN. Pantego Wind also notes that neither Seymour Johnson AFB, the DoD, Wayne County nor Beaufort County, the County in which the facility is to be located, moved to intervene in the proceedings on the CPCN application.

3. FSJAFB seeks to broaden the issues before the Commission with its Motion to Intervene. Specifically, the issues raised in the Motion are within the scope of the new permitting process required by House Bill 484, to be administered by the North Carolina Department of Environment and Natural Resources ("DENR"). Pantego Wind agrees that the facility proposed in this docket is subject to House Bill 484. The Public Staff confirmed Pantego Wind's agreement with the undersigned counsel. See Public Staff Explanation for P5 under Electric on the April 28, 2014 Staff Conference Agenda. Pantego Wind will have to file an application for a DENR permit and meet the criteria of House Bill 484. The appropriate venue to address the issues raised by the Motion to Intervene is in the permitting process established by House Bill 484. Furthermore, the Pantego Wind CPCN is conditioned on compliance with all local, state and federal laws. Pantego Wind reiterates that it will comply with all applicable local, state and federal laws, including House Bill 484.

4. FSJAFB references a July 16, 2012 letter from Colonel Jeannie Leavitt, Base Commander of Seymour Johnson AFB. Colonel Leavitt's letter was previously filed with the Commission on August 1, 2012 and its inclusion here does not provide new information to the Commission.

5. FSJAFB also references Executive Order 124 (the "EO") signed by Governor Beverly Perdue on August 18, 2012. Multiple wind developers were active in the state as of August 2012 and multiple wind projects in the eastern part of North Carolina were being discussed in the months preceding the issuance of the EO. The EO does not reference Pantego Wind or any specific wind development. Indeed, the EO addresses multiple industries in the state, "such as the agriculture/agribusiness industry, the renewable energy industry, the tourism/outdoor recreation industry and the fisheries industry."

6. Seymour Johnson AFB was an active participant of the MRT. The Seymour Johnson Base Commander, or her designated representative, as well as Pentagon staff members, were active participants in each and every MRT meeting. Seymour Johnson AFB raised all of its concerns to the MRT, discussions addressing those concerns occurred, and mitigations measures to which Seymour Johnson agreed were reached.

7. In paragraph 8, FSJAFB incorrectly states that the mission of the DoD Clearinghouse is to ensure renewable energy development. The mission of the DoD Clearinghouse is to "Protect DoD mission capabilities from incompatible development by collaborating with DoD Components and external stakeholders to prevent, minimize, or mitigate adverse impacts on military operations, readiness, and testing." See <http://www.acq.osd.mil/dodsc> (retrieved April 30, 2014). The Federal Regulations governing the DoD Clearinghouse speak for themselves, and clearly delineate multiple levels of review and multiple considerations to be addressed in the review process.

8. In paragraphs 10 and 11, FSJAFB again mischaracterizes the MRT convened through the DoD Clearinghouse process and the final Pantego Wind Energy Project Agreement. Through the MRT process, concerns were raised and solutions were developed, and the final solutions were agreed to by individuals in attendance from Seymour Johnson AFB. Individuals from all levels of the military, including individuals whose offices are in the Pentagon and the Base Commander of Seymour Johnson AFB, actively participated in all MRT meetings and were in agreement with the Pantego Wind Energy Project Agreement. Furthermore, Wayne County and Beaufort County, both political subdivisions of the State of North Carolina, were invited by the DoD to participate in the MRT meetings but it was determined through the process that neither County was to be a signatory to the Pantego Wind Energy Project Agreement.

9. Wayne County and Beaufort County, and other interested entities should they choose, will have the opportunity to participate in the House Bill 484 permitting process and any determination made by the State of North Carolina through DENR's actions under House Bill 484.

For all of the foregoing reasons, Pantego Wind opposes the Motion to Intervene and requests the Commission deny the Motion.

Respectfully submitted this 2<sup>nd</sup> day of May, 2014.

By: Katherine E. Ross

Henry C. Campen, Jr.

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*Attorneys for Pantego Wind Energy LLC*

CERTIFICATE OF SERVICE

I, Katherine E. Ross, do hereby certify that a copy of the foregoing  
PANTEGO WIND ENERGY LLC'S RESPONSE IN OPPOSITION TO MOTION  
TO INTERVENE was served on all parties of record by electronic mail.

This the 2<sup>nd</sup> day of May, 2014

A handwritten signature in cursive script, reading "Katherine E. Ross", written over a horizontal line.

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