

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-107, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

Application of Halifax County Solar LLC for	)	ORDER SCHEDULING HEARING,
a Certificate of Public Convenience and	)	REQUIRING FILING OF
Necessity to Construct a 80-MW Solar	)	TESTIMONY, ESTABLISHING
Facility in Halifax County, North Carolina	)	PROCEDURAL GUIDELINES AND
	)	REQUIRING PUBLIC NOTICE

BY THE HEARING EXAMINER: On August 30, 2019 Halifax County Solar LLC (Applicant), filed an application pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63 for a certificate of public convenience and necessity (CPCN) to construct a 80-MW<sub>AC</sub> solar photovoltaic (PV) electric generating facility located in Halifax County, North Carolina, to be operated as a merchant generating facility.

In support of its application, the Applicant filed the direct testimony of Christopher Killenberg, as well as several exhibits. In summary, construction of the 80-MW solar PV facility is anticipated to begin in late 2021, with the expected commercial operation date being as early as the fourth quarter of 2022. The location of the proposed facility is on seven contiguous parcels of land approximately 5 miles north of Enfield, North Carolina, on the east side of Beaverdam Road, between the intersections of Beaverdam Road and Neville Farm Road to the south and Richneck Road to the north in Halifax County, North Carolina. The facility will interconnect with the electric transmission system owned by Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (Dominion), affording it access to the PJM regional transmission organization, and the Applicant is negotiating a contract for the sale of the output of the facility with an out-of-state corporate buyer. The expected service life of the facility is 20 or more years.

On September 16, 2019, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete. In addition, the Public Staff requested that the Commission issue a procedural order setting the application for hearing, requiring public notice pursuant to N.C.G.S. § 62-82, and addressing other procedural matters.

The Hearing Examiner finds good cause to schedule a hearing in this matter for the purpose of receiving public witness testimony and expert witness testimony. In addition,

the Hearing Examiner finds good cause to apply the following guidelines regarding discovery in this docket, subject to modification for good cause shown:

1. Any deposition which a party desires to take shall be taken before the deadline for filing of Public Staff and intervenor testimony. Notice of deposition shall be served on all parties at least seven days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the evidentiary hearing shall be filed with the Commission before the deadline for filing of Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 24 hours after such motion is filed.

3. Formal discovery requests related to the application and the Applicant's prefiled direct testimony shall be served on the Applicant not later than fourteen days prior to the deadline for filing of Public Staff and intervenor testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten days prior to the deadline for filing of Public Staff and intervenor testimony.

4. Formal discovery requests of the Public Staff or intervenors shall be served not later than three days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than five days after that party's testimony was filed.

5. Formal discovery requests related to the Applicant's prefiled rebuttal testimony shall be served on the Applicant not later than two days after such testimony is filed. The party served shall have up to two calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three days after the rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery from the Applicant.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two days to file a motion to compel with the Commission,

and the party objecting to discovery shall have one day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Hearing Examiner recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

Finally, the Hearing Examiner notes that neither the Applicant's application nor the direct testimony of the Applicant's witness Killenburg addresses the extent to which network upgrades might be required on the Dominion transmission system to accommodate the operation of the proposed facility. The question of whether the Commission may consider these costs in the context of an application for CPCN is pending in a separate proceeding before the Commission.<sup>1</sup> While the Commission is considering that question in that separate proceeding, the Hearing Examiner finds good cause to require the Applicant to file additional testimony addressing the amount of network upgrades on Dominion's transmission system, if any, required to accommodate the operation of the Applicant's proposed facility. The Hearing Examiner recognizes that, because of the timing of the development of the proposed facility and the filing of the application for a CPCN, the Applicant may not have received a system impact study detailing any network upgrade costs. If the Applicant has not received a system impact study, then the Applicant should avail itself of the opportunity to obtain an estimate of these costs from Dominion and include this information in its additional testimony.

IT IS, THEREFORE, ORDERED as follows:

1. That a hearing shall be held on Thursday, November 7, 2019, at 7:00 p.m. at the Halifax County Historical Courthouse, Commissioner's Meeting Room, 10 North King Street, Halifax, North Carolina, for the purpose of receiving public witness and expert witness testimony regarding the Applicant's application for a CPCN;

2. That the Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility are filed with the Commission on or before Tuesday, November 5, 2019;

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<sup>1</sup> See In the matter of Application of Friesian Holdings, LLC, for a Certificate of Public Convenience and Necessity to Construct a 70-MW Solar Facility in Scotland County, North Carolina, Docket No. EMP-105, Sub 0.

3. That any person having an interest in this proceeding may file a petition to intervene stating such interest on or before Monday, October 28, 2019;

4. That the Applicant shall file the additional testimony described herein on or before Friday, October 18, 2019;

5. That the direct testimony and exhibits of the Public Staff and other intervenors shall be filed on or before Monday, October 28, 2019;

6. That the Applicant may file rebuttal testimony and exhibits on or before Friday, November 1, 2019;

7. That the Chief Clerk of the Commission shall deliver copies of the application and the Public Notice attached hereto as Appendix A to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration for distribution by the Coordinator to State agencies having an interest in the application.

8. That the Applicant shall publish the Public Notice attached hereto as Appendix A in a newspaper having general circulation in Halifax County once a week for four successive weeks beginning at least 30 days prior to Sunday, October 27, 2019;

9. That the Applicant shall file affidavits of publication on or before November 4, 2019; and

10. That the parties shall comply with the discovery guidelines established herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 25<sup>th</sup> day of September, 2019.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Janice H. Fulmore", is written over a horizontal line.

Janice H. Fulmore, Deputy Clerk

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-107, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

Application of Halifax County Solar LLC for     )  
a Certificate of Public Convenience and     ) PUBLIC NOTICE  
Necessity to Construct a 80-MW Solar     )  
Facility in Halifax County, North Carolina     )

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has scheduled a hearing to be held on Thursday, November 7, 2019, at 7:00 p.m. at the Halifax County Historical Courthouse, Commissioner's Meeting Room, 10 North King Street, Halifax, North Carolina. The purpose of the hearing is to receive public witness and expert witness testimony regarding the application of Halifax County Solar LLC (Applicant) for a certificate of public convenience and necessity (CPCN) to construct an 80-MW solar facility in Halifax County, North Carolina, as described herein. Public witness testimony will be received in accordance with Commission Rule R1-21(g).

On August 30, 2019, the Applicant filed an application pursuant to G.S. 62-110.1 and Commission Rule R8-63 for a CPCN to construct an 80-MW solar photovoltaic (PV) electric generating facility in Halifax County, North Carolina. In support of the application for a CPCN, the Applicant filed the direct testimony of Christopher Killenberg, as well as several exhibits. In summary, construction of the 80-MW solar PV facility is anticipated to begin in late 2021, with the expected commercial operation date being as early as the fourth quarter of 2022. The location of the proposed facility is on seven contiguous parcels of land approximately 5 miles north of Enfield, North Carolina, on the east side of Beaverdam Road, between the intersections of Beaverdam Road and Neville Farm Road to the south and Richneck Road to the north., in Halifax County, North Carolina. The facility will interconnect with the electric transmission system owned by Dominion North Carolina Power. The expected service life of the facility is 20 or more years.

On September 16, 2019, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete. In addition, the Public Staff requested that the Commission issue a procedural order setting the application for hearing, requiring public notice pursuant to N.C.G.S. § 62-82, and addressing other procedural matters.

Specific information about the application for a CPCN may be obtained from the Office of the Chief Clerk, North Carolina Utilities Commission, Raleigh, North Carolina,

where a copy of the application, exhibits and supporting testimony are available for review by the public, and on the Commission's website at [www.ncuc.net](http://www.ncuc.net).

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff, 4326 Mail Service Center, Raleigh, North Carolina 27699-4326.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001.

Written statements are not evidence unless persons appear at a public hearing and testify concerning the information contained in their written statements.

Any person desiring to intervene in the proceeding as a formal party of record should file a petition under North Carolina Utilities Commission Rules R1-5 and R1-19 on or before Tuesday, October 29, 2019. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4325. The direct testimony and exhibits of expert witnesses to be presented by intervenors should also be filed with the Commission on or before Tuesday, October 29, 2019.

The Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility are received by the Commission's Chief Clerk on or before Tuesday, November 5, 2019.

ISSUED BY ORDER OF THE COMMISSION.

This the 25<sup>th</sup> day of September, 2019.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Janice H. Fulmore", is written over a light blue horizontal line.

Janice H. Fulmore, Deputy Clerk