

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-108, Sub 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of American Beech Solar LLC for a Certificate of Public Convenience and Necessity to Construct a 110-MW Solar Facility in Halifax County, North Carolina	) ) ) ) ) ) )	PUBLIC STAFF'S MOTION FOR LEAVE TO FILE SECOND SUPPLEMENTAL TESTIMONY OF JAY B. LUCAS
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NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission, by and through its Executive Director, Christopher J. Ayers, and respectfully seeks leave to file the Second Supplemental Testimony of Jay B. Lucas. In support thereof, the Public Staff shows the following:

1. On January 28, 2020, American Beech 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 110-MW solar photovoltaic (PV) electric generating facility to be located in Halifax County, North Carolina, and operated as a merchant generating facility.
2. On April 15, 2020, the Public Staff filed the testimony Jay B. Lucas, in which the Public Staff recommended that the Commission issue the requested CPCN with certain conditions.
3. On June 22, 2020, the Commission issued an Order Requiring Additional Testimony, which directed the Applicant to file additional testimony

and exhibits on or before July 8, 2020, and the Public Staff to file testimony and exhibits on or before July 22, 2020, addressing questions on various topics, including network upgrade costs. The Order also provided that the Applicant may file rebuttal testimony and exhibits on or before July 29, 2020.

4. On July 9, 2020, the Applicant filed the Supplemental Testimony of Whitney Rubin.

5. On July 22, 2020, the Public Staff filed the Supplemental Testimony of Jay B. Lucas, in which the Public Staff recommended that the Commission issue the requested CPCN with certain conditions. One such condition was that the Applicant file with the Commission any revisions in the cost estimates for the construction of the facility or network upgrades within 30 days of becoming aware of such revisions.

6. On July 29, 2020, the Applicant filed the Supplemental Reply Testimony of Whitney Rubin.

7. On September 16, 2020, the Commission issued an Order Requiring Comments and Reply Comments Regarding Affected System Study Process and Cost Allocation in Docket No. E-100, Sub 170, to investigate and receive comments regarding the affected system study process and electric merchant generation. The Order directed the electric utilities to file comments by October 7, 2020, and other interested parties to file reply comments by October 14, 2020. On October 14, 2020, the Commission issued an Order extending to

October 28, 2020, the deadline for interested parties to file reply comments in the docket.

8. On October 7, 2020, Duke Energy Carolinas, LLC (DEC) and Duke Energy Progress, LLC (DEP) filed comments in Docket No. E-100, Sub 170. Also on October 7, 2020, Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina, filed comments in Docket No. E-100, Sub 170.

9. On October 28, 2020, the Public Staff filed comments in Docket No. E-100, Sub 170. Also on October 28, 2020, Geenex Solar, LLC filed comments and NCCEBA and NCSEA filed joint comments in Docket No. E-100, Sub 170.

10. The issues addressed in the comments of the parties to E-100, Sub 170 are relevant to the application for a CPCN in the current docket. The project for which the Applicant is seeking a CPCN may potentially give rise to network upgrade costs and affected system costs. Since the filing of the Supplemental Testimony of Jay B. Lucas, DEC and DEP have made changes to their approach to network upgrade costs, affected system costs, and the reimbursement of such costs, as explained in their comments in Docket No. E-100, Sub 170. Therefore, the Public Staff believes the comments recently filed in Docket No. E-100, Sub 170 are relevant to the current docket.

11. The Public Staff has contacted counsel for the Applicant and is authorized to represent that the Applicant does not object to this motion.

12. In light of the foregoing, the Public Staff respectfully requests leave to file the Second Supplemental Testimony of Jay B. Lucas in order to take into account recent filings in Docket No. E-100, Sub 170.

WHEREFORE, the Public Staff respectfully requests that the Commission grant the Public Staff leave to file the Second Supplemental Testimony of Jay B. Lucas.

Respectfully submitted this the 17th day of November, 2020.

PUBLIC STAFF  
Christopher J. Ayers  
Executive Director

Dianna W. Downey  
Chief Counsel

Electronically submitted  
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## **CERTIFICATE OF SERVICE**

I certify that a copy of this Motion has been served on all parties of record or their attorneys, or both, by United States mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 17th day of November, 2020.

Electronically submitted  
/s/ Nadia L. Luhr