

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. SP-8210, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of Fair Bluff Solar, LLC, for  
a Certificate of Public Convenience and  
Necessity to Construct a 75-MWAC Solar  
Facility in Columbus County, North  
Carolina

**MOTION TO RENEW CERTIFICATE  
OF PUBLIC CONVENIENCE AND  
NECESSITY**

NOW COMES Fair Bluff Solar, LLC (“Fair Bluff Solar” or “Applicant”), by and through its undersigned counsel, and respectfully requests that the North Carolina Utilities Commission (“Commission”) renew the Certificate of Public Convenience and Necessity (“CPCN”) pursuant to Commission Rule R8-64(d)(2) in the above-referenced docket. In support of this request, Fair Bluff Solar shows the Commission the following.

1. On October 11, 2016, the Commission issued an *Order Issuing Certificate and Accepting Registration of New Renewable Energy Facility* in which the Commission granted a CPCN to Fair Bluff Solar for the construction of a 75-MWAC solar photovoltaic (PV) generating facility to be located along Swamp Fox Highway, approximately 1.1 miles north of the intersection of Swamp Fox Highway and Cherry Grove Road, Cerro Gordo, Columbus County, North Carolina, and accepting its registration as a new renewable energy facility.

2. On November 14, 2018, Fair Bluff Solar filed an amendment to its application, including a revised site plan. The amendment also stated that the facility will be located along Swamp Fox Highway West, approximately 1.1 miles north of the

intersection of Swamp Fox Highway West and Cherry Grove Road, and approximately 0.7 miles east of the border between North Carolina and South Carolina, Cerro Gordo, Columbus County, North Carolina.

3. On June 18, 2019, the Commission issued an *Order Issuing Amended Certificate* (“Amended CPCN Order”), in which the Commission granted an amended CPCN to Fair Bluff Solar for the construction of a 75-MWAC solar photovoltaic (PV) generating facility to be located along Swamp Fox Highway West, approximately 1.1 miles north of the intersection of Swamp Fox Highway West and Cherry Grove Road, and approximately 0.7 miles east of the border between North Carolina and South Carolina, Cerro Gordo, Columbus County, North Carolina.

4. On February 17, 2021, Fair Bluff Solar filed an amended site plan showing that property has been removed from the overall site layout.

5. Duke Energy Progress, LLC completed the System Impact Study for the project on November 8, 2017 that identified Fair Bluff Solar as being interdependent with an earlier-queued Federal Energy Regulatory Commission (“FERC”)-jurisdictional Interconnection Customer, Friesian Holdings, LLC, that has triggered substantial Network Upgrade costs and has not been constructed. Once FERC approves Duke Energy’s FERC Queue Reform Proposal and the revised Standard Large Generator Interconnection Procedures become effective, Fair Bluff Solar intends to enter the Transitional Cluster in which Fair Bluff Solar and other Interconnection Customers will be grouped together for the Transitional Cluster Study Process so that Fair Bluff Solar will be studied again.

6. The following environmental review has been completed for Fair Bluff Solar:

- i. National Environmental Policy Act Assessment – December 11, 2018
- ii. Phase 1 Environmental Site Assessment – December 19, 2019
- iii. Wetland Delineation – June 19, 2018
- iv. U.S. Army Corps of Engineers Jurisdictional Determination – August 8, 2018
- v. Preliminary Geotechnical Evaluation – November 26, 2019
- vi. Preliminary ALTA survey – August 16, 2019

7. The facility is expected to be placed in service by December 31, 2025.

Fair Bluff Solar has not yet commenced construction of the facility, and expects that it will not be able to commence construction of the facility within five years of the Commission's issuance of the original CPCN on October 11, 2016.

8. In compliance with Commission Rule R8-64(d)(2), Fair Bluff Solar is also filing a CPCN Application in support of this request for a renewal of the CPCN.

9. Fair Bluff Solar respectfully requests that the Commission renew the original CPCN issued on October 11, 2016 for an additional five years in accordance with Commission Rule R8-64(d)(2).

**WHEREFORE**, Fair Bluff Solar respectfully requests that the Commission renew the CPCN issued on October 11, 2016 for an additional five years in accordance with Commission Rule R8-64(d)(2).

Respectfully submitted this 3rd day of September, 2021.

/s/ Karen M. Kemerait  
FOX ROTHSCHILD LLP

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*Attorneys for Fair Bluff Solar, LLC and BCD Project  
Holdings 1, LLC*

STATE OF NORTH CAROLINA

BUNCOMBE COUNTY

VERIFICATION

I, Ben Catt, being duly sworn, do hereby declare that I am duly authorized to act on behalf of BCD Project Holdings 1, LLC, that I have read the foregoing Motion to Renew Certificate of Public Convenience and Necessity, and that the same is true and accurate to my personal knowledge and belief.

This 23<sup>rd</sup> day of August, 2021.

Fair Bluff Solar, LLC

By: BCD Project Holdings 1, LLC

By: [Signature]  
Name: Ben Catt  
Title: Authorized Representative

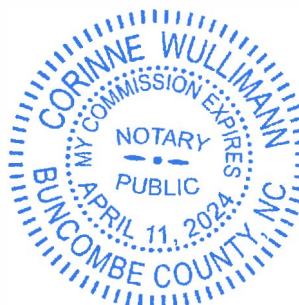
Sworn to and subscribed before me  
this 23<sup>rd</sup> day of August, 2021.

[Signature]  
Notary Public (signature)

Corinne Wullmann  
Notary Public (printed)

My Commission expires: 04.11.2024

[Notary Seal]



### CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing **MOTION TO RENEW CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY** by first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission to all parties of record.

This the 3rd day of September, 2021.

/s/ Karen M. Kemerait  
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