



Katherine E. Ross

Partner

Direct Line: 919.835.4504

Direct Fax: 919.835.4561

katherineross@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC
Washington, DC

October 22, 2020

VIA ELECTRONIC FILING

Kimberley Campbell
Chief Clerk
North Carolina Utilities Commission
430 N. Salisbury Street
Raleigh, North Carolina 27603

Re: Edgemcombe Solar LLC
NCUC Docket: EMP-101, Sub 0

Dear Chief Clerk:

On September 8, 2020, Edgemcombe Solar LLC ("Edgemcombe" or the "Applicant") filed a response to the Public Staff's testimony of September 4, 2020 ("September Response"). In its September Response, Edgemcombe stated it consented to the four conditions recommended by the Public Staff and requested the Commission issue a Certificate of Public Convenience and Necessity ("CPCN") to Edgemcombe. As stated in Edgemcombe's testimony filed August 18, 2020 and in its September Response, time is of the essence for receipt of the CPCN. The Applicant provides the following information for the Commission's consideration and respectfully requests the Commission expeditiously issue a CPCN to Edgemcombe.

Edgemcombe filed an application for a CPCN in October, 2018, after receiving a special use permit from Edgemcombe County in September, 2018. One consumer statement, **in support of the facility**, was filed in December, 2018. No consumer complaints have been filed against the Edgemcombe facility. Furthermore, Edgemcombe County not only issued the special use permit in September, 2018, but the County extended the vested rights of the facility in July, 2020, for three additional years (through September, 2023).

On December 31, 2018, Evan Lawrence of the Public Staff caused to be filed an affidavit (i) concluding that "Edgemcombe Solar has satisfied the requirements to obtain a CPCN and register as a new renewable energy facility pursuant to N.C. Gen. Stat. § 62-110.1, Commission Rule R8-63, and Commission Rule R8-66. The Applicant has shown that there is a need for the Facility, citing DENCs 2018 IRP as well as a future need for energy in the PJM region" and (ii) recommending that the Commission issue a CPCN to

Edgecombe. In January, 2019 the Commission entered an order canceling the scheduled expert witness hearing on the CPCN application.

Also in December, 2018, the Department of Cultural Resources requested additional information on the Edgecombe facility. From December, 2018 through July, 2019, Edgecombe conducted extensive archeological surveys and worked with the Department of Cultural Resources to address their questions. By letter dated July 24, 2020, the Department of Cultural Resources concluded that that the proposed project, if constructed pursuant to the conditions recommended by a qualified consultant and agreed to by the Department, "would have no effect on any archaeological sites eligible for listing in the National Resister."

Edgecombe has expended tremendous resources in the development of the Edgecombe facility and issuance of the CPCN is the last hurdle for the facility to proceed to final engineering and construction. While the Applicant appreciates that the Commission is addressing matters related to the impact of affected system study results on certain merchant plant facilities, such issues should not delay the Edgecombe CPCN.

On August 13, 2020, the Commission granted a motion of the Public Staff for reconsideration of a CPCN issued to Halifax County Solar in Docket No. EMP-107, Sub 0. After considering information filed by Halifax County Solar and a recommendation by the Public Staff for the issuance of a CPCN to Halifax County Solar, such recommendation being identical to the recommendation of the Public Staff for the Edgecombe CPCN, the Commission modified the Halifax County Solar CPCN to include the same four conditions recommended by the Public Staff for Edgecombe. In the testimony of Jay Lucas, filed August 24, 2020, in Docket No. EMP-107 Sub 0, the Public Staff recommended "that the Commission refrain from issuing decisions on the following CPCN applications in DENC territory until the issue of affected system upgrades discussed above is resolved by the Commission: EMP-103, Sub 0; EMP-110, Sub 0; EMP-111, Sub 0; EMP-112, Sub 0; and EMP-102, Sub 1..." The Edgecombe CPCN is not included in the listing of the facilities Lucas's testimony. While the Order on Reconsideration for Halifax County Solar is not precedential, it is instructive. Edgecombe is similarly situated to Halifax County Solar and should be treated in the same manner.

As testified to by Ryan Van Portfliet, Edgecombe has entered into a power purchase agreement ("PPA") with a Fortune 100 Commercial and Industrial company with electrical load in North Carolina. Issuance of the CPCN is critical to Edgecombe meeting the contractual obligations under the PPA. Edgecombe is prepared to contract for the final engineering work on and the construction of the facility, but it cannot do so until the Edgecombe CPCN is issued.

There are no objections to the issuance of a CPCN to Edgecombe, and the only other party, the Public Staff, has recommended issuance of the CPCN. Six weeks have passed since the Applicant filed its September Response. Every day of delay in the issuance of a CPCN to Edgecombe jeopardizes the viability of the Edgecombe facility.

For all of the above reasons, we respectfully request the Commission expeditiously enter an order issuing the CPCN for the Edgecombe facility, conditioned as recommended by the Public Staff and consented to by the Applicant.

Thank you for your assistance with this matter. Please let me know if you have any questions.

Sincerely,

/s/ Katherine E. Ross