

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. EMP-110, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES Commission

|   |   |                              |
|---|---|------------------------------|
| In the Matter of Application of Sumac   | ) |                              |
| Solar, LLC, for a Certificate of Public | ) |                              |
| Convenience and Necessity to            | ) | MOTION FOR EXTENSION OF TIME |
| Construct a 120-MW Solar Facility in    | ) |                              |
| Bertie County, North Carolina           | ) |                              |

NOW COMES Sumac Solar, LLC (“Sumac Solar” or the “Applicant”), by and through counsel, and pursuant to Commission Rule R1-7, moves the North Carolina Utilities Commission for an extension of time to file supplemental testimony and exhibits as directed by the Commission in its June 22, 2020, *Order Cancelling Expert Witness Hearing and Requiring Additional Testimony*. Applicant also seeks an extension of deadlines for responsive and rebuttal testimony.

In support of its motion, Applicant shows the following:

1. On April 16, 2020, Sumac Solar filed an application in accordance with N.C. Gen. § 62-20.1 and Commission Rule R8-63 for a certificate of public convenience and necessity (CPCN) to construct a 120-MW<sub>AC</sub> solar photovoltaic (PV) electric generating facility to be located in Bertie County, North Carolina, operated as a merchant generating facility (“Project”).
2. On April 23, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff had reviewed the application and considered the application to be complete.
3. On April 28, 2020, the Commission issued the procedural order, *Order Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice* (“Procedural Order”). The Procedural Order: (1) established a deadline for intervention in this

matter on May 29, 2020; (2) scheduled a public hearing on Tuesday, June 23, 2020, at 6:00 p.m. at the Bertie County Courthouse, for the purpose of receiving public witness testimony regarding the Applicant's application for a CPCN; (3) scheduled a hearing on Monday, July 13, 2020 at 2:00 p.m. for the purpose of receiving expert witness testimony regarding the Applicant's application for a CPCN; and (4) required the Applicant to publish Public Notice of the Application once a week for four successive weeks. The Procedural Order further provided 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 ten days following the last day of the publication of notice.

4. On June 16, 2020, the Commission issued an Order noting that it had not received any written complaints regarding the proposed facility and that no party had requested to intervene in this proceeding, and cancelling the public witness hearing scheduled for June 23, 2020

5. On June 22, 2020, the Commission issued an *Order Cancelling Expert Witness Hearing and Requiring Additional Testimony* ("Supplemental Testimony Order"), cancelling the scheduled expert witness hearing and directing the Applicant to file additional testimony and exhibits addressing a number of questions posed by the Commission. The Supplemental Testimony Order established a deadline of July 22, 2020, for Applicant's supplemental testimony and exhibits; August 5, 2020, for direct testimony and exhibits by the Public Staff; and August 12, 2020, for rebuttal testimony and exhibits by Applicant.

6. The Applicant is diligently working to prepare testimony and exhibits as required by the Commission. However, given the complexity of the underlying issues related to the PJM interconnection process, Applicant requires additional time.<sup>1</sup>

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<sup>1</sup> In addition, the same personnel at Applicant's parent company, Geenex Solar LLC, are simultaneously preparing supplemental testimony as ordered by the Commission in Docket No. EMP-111 Sub 0.

7. The Public Staff has been consulted and does not oppose Applicant's request for an extension, so long as other deadlines for testimony are similarly extended.

WHEREFORE, Sumac Solar, LLC, respectfully requests that the Commission grant its Motion for a three-week extension of time of the deadlines for supplemental testimony, Public Staff testimony, and rebuttal testimony in this matter, to the following dates:

- Applicant's supplemental testimony and exhibits: August 12, 2020
- Public Staff and Intervenors' testimony and exhibits: August 26, 2020
- Applicant's rebuttal testimony and exhibits: September 2, 2020.

Respectfully submitted, this the 20th day of July, 2020.

KILPATRICK TOWNSEND & STOCKTON LLP

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**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day served the foregoing **MOTION FOR EXTENSION OF TIME** upon the following by electronic mail as follows:

Christopher Ayers, Esq.  
Executive Director - NC Public Staff Chris.Ayers@psncuc.nc.gov

Layla Cummings  
NC Public Staff - Legal Division Layla.cummings@psncuc.nc.gov

This the 20th day of July 2020.

/s/ \_\_\_\_\_  
Benjamin L. Snowden