

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-112, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of Oak Solar, LLC, for a Certificate of Public Convenience and Necessity to Construct a 120-MW Solar Facility in Northampton County, North Carolina))))))	ORDER GRANTING APPLICANT'S MOTION FOR LEAVE TO AMEND APPLICATION AND PUBLIC STAFF'S MOTION FOR A SECOND EXTENSION OF TIME
---	----------------------------	---

BY THE PRESIDING COMMISSIONER: On July 15, 2020, Gaston Green Acres 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 300-MW_{AC} solar photovoltaic (PV) electric generating facility to be located in Northampton County, North Carolina, and to be operated as a merchant generating facility.

On July 29, 2020, 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 any other procedural matters.

On September 28, 2020, in the above-captioned docket, the Commission issued a scheduling order which, among other things, scheduled a remote public witness hearing via Webex on Thursday, November 5, 2020, at 7:00 pm, for the purpose of receiving testimony regarding the application, required the Applicant to publish public notice of the hearing in a newspaper having general circulation in Northampton County once a week for four consecutive weeks, and required members of the public who wanted to testify to register in advance of the hearing, no later than 5:00 p.m. on Thursday, October 29, 2020, by contacting the Public Staff by calling a listed number. In addition, the September 28, 2020 scheduling order required the Applicant, to file additional testimony on or before October 19, 2020, required the Public Staff to file direct testimony and exhibits on or before November 2, 2020, and allowed the Applicant to file rebuttal testimony on or before November 16, 2020.

Also on September 28, 2020, the Chief Clerk of the Commission electronically transmitted copies of the application and the Public Notice 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.

On October 19, 2020, the Applicant prefiled supplemental testimony of Linda Nwadike.

On October 23, 2020, the Applicant filed a Notice of Name Change and Motion to Amend Application and Caption to reflect its new corporate name, Oak Solar, LLC. The Commission has acknowledged the name change and has changed the caption and the docket accordingly.

On October 26, 2020, the Public Staff filed a Motion for Extensions of Time. In the motion, the Public Staff sought an extension of time until November 16, 2020, to file its direct testimony and exhibits. In addition, the Public Staff sought an extension of time until November 30, 2020, for the Applicant to file its rebuttal testimony and exhibits, if any.

On October 30, 2020, the Commission issued an Order granting the Public Staff an extension of time until November 16, 2020, to file its direct testimony and exhibits, granting the Applicant an extension of time until November 30, 2020, to file its rebuttal testimony and exhibits, if any, and canceling the expert witness hearing scheduled for December 7, 2020.

On October 30, 2020, the Applicant filed its Affidavit of Publication of the Public Notice of the Public Witness Hearing which had been published in a newspaper having general circulation in Northampton County once a week for four successive weeks on October 7, 14, 21 and 28, 2020. On November 3, 2020, an amended Affidavit of Publication was filed in this docket.

On November 3, 2020, the Applicant filed a motion to continue the remote public witness hearing scheduled for November 5, 2020 in this docket. In support of the motion the Applicant advised the Commission that due to requests of the counterparty to certain off-take contracts, the Applicant anticipated seeking leave of the Commission to amend its pending Application and divide the project into two separate applications by separate applicants and that it is possible that such amendment would necessitate separate scheduling for each new application, including the potential necessity of scheduling additional public and expert witness hearings.

On November 4, 2020, the Commission issued an Order granting the motion to continue the Public Witness Hearing.

In addition, on November 4, 2020, the State Clearinghouse issued a letter to the Commission requesting that a supplemental document be submitted to the State Clearinghouse for further review and comment.

On November 12, 2020, the Applicant filed a Motion for Leave to Amend its Application. In support of its Motion the Applicant advises that it has divided the original project into two separate projects and in this Amended Application, the Applicant is seeking certification to construct a facility with only 120 MW of capacity instead of 300 MW, so as to match the initial targeted commercial operational date of the first

proposed phase of construction, and also so that the PJM queue numbers/energy would relate only to the equipment and facilities with a capacity of 120 MW.

On November 13, 2020, the Public Staff filed a Motion for a Second Extension of Time to file its testimony and exhibits. In support of its motion, the Public Staff asserts that the Applicant's motion for leave to amend the Application made material changes in this docket and it is appropriate to extend the current deadline for the filing of its testimony and exhibits in order to allow the Public Staff sufficient time to review the modifications.

Based on the Applicant's Motion for Leave to Amend its Application, the Public Staff's motion for a second extension of time to file its testimony, and the record herein, the Presiding Commissioner finds good cause to grant the Applicant's Motion for Leave to Amend its Application and finds good cause to grant the Public Staff's motion for a second extension of time to file its testimony and exhibits to a date to be determined by the Commission. Further, the Presiding Commissioner finds good cause to extend all remaining deadlines in the original September 28, 2020 scheduling order, and in the subsequent October 30, 2020 and November 4, 2020 orders, to dates to be determined by the Commission.

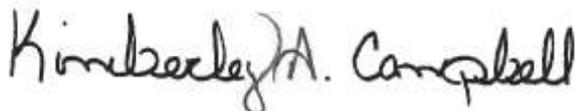
IT IS, THEREFORE ORDERED:

1. That the Applicant's motion for leave to amend its Application is granted, and the caption is changed accordingly;
2. That the Public Staff's motion for a second extension of time to file its testimony and exhibits is granted and said testimony and exhibits shall be filed at a date to be determined by the Commission; and
3. That all remaining deadlines in the original September 28, 2020 scheduling order and in the subsequent October 30, 2020 and November 4, 2020 orders shall be extended to dates to be determined by further order of the Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the 3rd day of December, 2020.

NORTH CAROLINA UTILITIES COMMISSION



Kimberley A. Campbell, Chief Clerk