

**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	)	ORDER CANCELING
Necessity to Construct a 120-MW Solar	)	PUBLIC WITNESS HEARING
Facility in Northampton County,	)	
North Carolina	)	

BY THE PRESIDING COMMISSIONER: On July 15, 2020, Gaston Green Solar, LLC, now known as Oak 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<sub>AC</sub> solar photovoltaic (PV) electric generating facility to be located in Northampton County, North Carolina, and to be operated as a merchant generating facility. The application included the prefiled testimony of Linda Nwadike, along with exhibits.

On July 29, 2020, the Public Staff – North Carolina Utilities Commission (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. Gen. Stat. § 62-82, and addressing any other procedural matters.

On September 28, 2020, the Commission issued an Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (First Scheduling Order). In addition, Staff of the Commission's Chief Clerk's Office filed a copy of the letter sent to the State Clearinghouse, notifying the clearinghouse of 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 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 to file its direct testimony and exhibits, also requested additional time for the Applicant to file its

rebuttal testimony and exhibits, if any. On October 30, 2020, the Commission issued an Order granting the extensions of time, and canceling the expert witness hearing scheduled for December 7, 2020.

In addition, on October 30, 2020, the Applicant filed its Affidavit of Publication concerning the public hearing scheduled for its first application for the 300-MW solar facility, and an Amended Affidavit of Publication was filed on November 3, 2020.

On November 3, 2020, the Applicant filed a motion to continue the remote public witness hearing scheduled for November 5, 2020 in this docket. 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 to divide the original project into two separate projects, and in the 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. The amended application included the prefiled testimony of Linda Nwadike, along with exhibits.

On November 13, 2020, the Public Staff filed a Motion for a Second Extension of Time to file its testimony and exhibits because the Applicant's motion for leave to amend the application made material changes in this docket and the Public Staff needed additional time to review the modifications.

On December 3, 2020, the Commission issued an order granting the Applicant's motion to amend the application, granted the Public Staff's motion for a second extension of time, and extended all deadlines in previous orders to a date to be determined by the Commission.

On December 18, 2020, the Commission issued its second Order Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (Second Scheduling Order). In addition, Staff of the Commission's Chief Clerk's Office filed a copy of the letter sent to the State Clearinghouse, notifying the clearinghouse of the amended application.

The Second Scheduling Order, among other things, scheduled a remote public hearing via Webex, on Thursday, February 4, 2021, at 7:00 p.m., for the purpose of receiving public witness testimony regarding the application, required all parties to file a statement of consent to the remote public hearing, 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 Monday, February 1, 2021, by contacting the Public Staff. The Second Scheduling Order also

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 Tuesday, February 2, 2021.

On January 21, 2021, both the Applicant and the Public Staff confirmed their consent to the remote public hearing.

On January 21, 2021, Oak Solar, LLC filed its Affidavit of Publication of the Notice of Public Witness Hearing, which had been published in a newspaper having general circulation in Northampton County, in the Roanoke-Chowan News-Herald, once a week for four successive weeks, on December 23 and 30, 2020, and on January 6 and 13, 2021.

On January 25, 2021, the State Clearinghouse filed its additional comments.

No members of the public registered to testify at the remote public hearing on or before February 1, 2021, the Commission did not receive any written complaints regarding the proposed facility on or before February 2, 2021, and the Commission has not received any written complaints regarding the proposed facility as of the date of this Order.

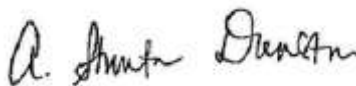
Based upon the foregoing and the entire record herein, the Presiding Commissioner finds good cause to cancel the remote public witness hearing scheduled in this docket for Thursday, February 4, 2021. Therefore, the scheduled remote public witness hearing is hereby canceled, and the Commission will proceed with the discovery schedule set forth in the Second Scheduling Order and with the evidentiary hearing scheduled for May 6, 2021.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 3rd day of February, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "A. Shonta Dunston".

A. Shonta Dunston, Deputy Clerk