

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. SP-4900, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

Application of Fresh Air Energy XXXVII, LLC,	)	AMENDED ORDER REQUIRING
for a Certificate of Public Convenience and	)	PUBLICATION OF NOTICE AND
Necessity to Construct a 19.99-MW Solar	)	FURTHER CLEARINGHOUSE
Facility in Northampton County, North Carolina	)	REVIEW

BY THE COMMISSION: On January 26, 2015, the Commission issued an Order granting Fresh Air Energy XXXVII, LLC (Applicant), a certificate of public convenience and necessity (CPCN) for the construction of a 19.99-MW solar generating facility to be located on two contiguous parcels located off of N.C. Highway 48, with both parcels abutting N.C. Highway 48 to the north, approximately one mile west of Pleasant Hill, Northampton County, North Carolina. In addition, the Commission accepted registration of the facility as a new renewable energy facility.

On August 21, 2020, Applicant filed an amendment to its application stating that Applicant is making changes in the site plan based on site design optimization. In addition, Applicant filed a revised site plan map showing the proposed changes.

In a subsequent email exchange with Commission Staff, Applicant stated that the revised location description for the facility is nine parcels located approximately 1.40 miles east of the intersection of Interstate 95 and N.C. Highway 48, and approximately one mile west of the town of Pleasant Hill, Northampton County, North Carolina.

On the basis of the amended application, the Commission concludes that the Applicant should be required (1) to publish notice of the application in the manner required by N.C. Gen. Stat. § 62-82(a) and file an affidavit of publication with the Commission and (2) to mail a copy of the amended application and notice, no later than the first date that such notice is published, to the electric utility to which the Applicant plans to sell and distribute the electricity and file a signed and verified certificate of service that the application and notice have been provided to the utility. The Chief Clerk of the Commission will deliver copies of the 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.

If a complaint is received within ten days after the last date of the publication of the notice, the Commission will schedule a public hearing to determine whether an amended certificate should be awarded, will give reasonable notice of the time and place of the hearing to the Applicant and to each complaining party, and will require the Applicant to publish notice of the hearing in the newspaper in which the notice of the application was published. If no complaint is received within the time specified above, the Commission may,

upon its own initiative, order and schedule a hearing to determine whether an amended certificate should be awarded. If the Commission orders a hearing upon its own initiative, it will require notice of the hearing to be published by the Applicant in the newspaper in which the notice of the application was published. If no complaint is received within the time specified and the Commission does not order a hearing upon its own initiative, the Commission will enter an order awarding the amended certificate.

The Commission cannot take any action until after the Applicant has filed both the affidavit of publication and the certificate of service. Pursuant to Commission Rule R8-64(c)(2), the Commission will automatically dismiss the amendment to the application, without prejudice to refile, if the Applicant does not file the affidavit of publication and certificate of service within twelve months of the date of this Order.

IT IS, THEREFORE, ORDERED as follows:

1. That Applicant shall publish the Public Notice, attached as Attachment A hereto, once each week for four successive weeks in the manner required by N.C.G.S. § 62-82(a) and shall file an affidavit of publication with the Commission;
2. That Applicant shall mail a copy of the amended application and notice, no later than the first date that such notice is published, to the electric utility to which the Applicant plans to sell and distribute the electricity and file a signed and verified certificate of service that the application and notice have been provided to the utility;
3. That the Chief Clerk of the Utilities Commission will deliver copies of the 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;
4. That Applicant shall not begin construction on the additional land proposed for the facility until the Commission issues an amended certificate of public convenience and necessity, or otherwise grants authority for such construction; and
5. That the Commission will proceed as it deems appropriate after the filing of the affidavit of publication and the certificate of service.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of September, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Janice H. Fulmore", is written over a light blue horizontal line.

Janice H. Fulmore, Deputy Clerk

**PUBLIC NOTICE**

**DOCKET NO. SP-4900, SUB 0  
APPLICATION OF FRESH AIR ENERGY XXXVII, LLC  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

NOTICE IS HEREBY GIVEN that on January 14, 2015, Fresh Air Energy XXXVII, LLC (Applicant), filed an application, as amended on August 21, 2020, seeking a certificate of public convenience and necessity pursuant to N.C.G.S. § 62-110.1(a) for construction of a 19.99-MW solar generating facility on nine parcels located approximately 1.40 miles east of the intersection of Interstate 95 and N.C. Highway 48, and approximately one mile west of the town of Pleasant Hill, Northampton County, North Carolina. Applicant's site layout illustrating the footprint of the facility may change to some degree based on government land use requirements, interconnection requirements, or similar factors. The Applicant stated that it plans to sell the electricity to Duke Energy Progress, LLC.

Details of the application may be obtained from the Office of the Chief Clerk of the North Carolina Utilities Commission on the Commission's website at [www.ncuc.net](http://www.ncuc.net).

If a complaint is received within ten days after the last date of the publication of this notice, the Commission will schedule a public hearing to determine whether an amended certificate should be awarded, will give reasonable notice of the time and place of the hearing to the Applicant and to each complaining party, and will require the Applicant to publish notice of the hearing in this newspaper. If no complaint is received within the time specified above and if the Commission does not order a hearing upon its own initiative, the Commission will enter an order awarding the amended certificate sought by the Applicant.

Persons desiring to lodge complaints may file statements to that effect with the Commission. Such statements should reference Docket No. SP-4900, Sub 0 and be addressed as follows: Chief Clerk, North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300.

Statements may also be directed to Christopher J. Ayers, Executive Director, Public Staff - North Carolina Utilities Commission, 4326 Mail Service Center, Raleigh, North Carolina 27699-4300 or to The Honorable Josh Stein, Attorney General of North Carolina, c/o Consumer Protection-Utilities, 9001 Mail Service Center, Raleigh, North Carolina 27699-9001. Written statements may be e-mailed to [utilityAGO@ncdoj.gov](mailto:utilityAGO@ncdoj.gov).

**NOTE TO PRINTER:** Advertising cost shall be paid by the Applicant. It is required that the Affidavit of Publication be filed with the Commission by the Applicant.