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November 12, 2020

North Carolina Utilities Commission  
c/o: Ms. Kim Campbell, Chief Clerk  
Dobbs Building  
430 North Salisbury Street  
Raleigh, NC 27603-5918

Re: Oak Solar, LLC's Amended Application For Certificate Of Public  
Convenience and Necessity – Merchant Plant  
**CONFIDENTIAL INFORMATION SUBMITTED UNDER SEAL**  
Docket No. EMP-112, Sub 0  
Our File: 054943.09013

Dear Ms. Campbell:

By this letter we are submitting for filing UNDER SEAL in the above-referenced matter, the amended application of Oak Solar, LLC for a Certificate of Public Convenience and Necessity – Merchant Plant, including the following **Confidential Exhibits:**

- (i) CONFIDENTIAL SCHEDULE 1-3 to Oak Solar, LLC's Application For Certificate of Public Convenience and Necessity – Merchant Plant, submitted pursuant to N.C. Gen. Stat. § 62-110.1 and NCUC Rule R8-63 (the "Application") which also includes the pre-filed direct testimony of Ms. Linda Nwadike, Director of Permitting and Community Relations for SunEnergy1 LLC, the parent and affiliate of the Applicant, Oak Solar, LLC, incorporating and supporting the Application (the "Supporting Testimony"); and,
- (ii) CONFIDENTIAL SCHEDULE 2-1 to Oak Solar, LLC's Application; and
- (iii) CONFIDENTIAL SCHEDULE 3-1 to Oak Solar, LLC's Application.

In accordance with NCUC Rule R8-63 (c), the attached sealed version of the complete application with the CONFIDENTIAL EXHIBITS contains or reveals confidential information submitted in support of the Application or in connection with the Supporting

November 12, 2020  
Page 2

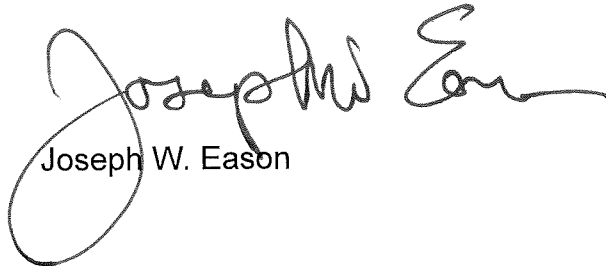
Testimony, such as financial information relating to SunEnergy1 LLC, a private company that is the parent and affiliate of the Applicant, estimates of the costs of construction of the proposed solar facility, and the Environmental Attributes and Financially Settled Contract-for-Differences Agreement entered into by the Applicant.

Because these exhibits are confidential in nature and contain proprietary trade secrets under N.C. Gen. Stat. § 132-2.1, this information is submitted as sealed attachments to, and in support of, the Application and Supporting Testimony.

Thank you in advance for your assistance with the filing of Oak Solar, LLC's Amended Application for Certificate of Public Convenience and Necessity – Merchant Plant WITH CONFIDENTIAL INFORMATION SUBMITTED UNDER SEAL in support of the Application and Supporting Testimony filed in this docket.

I remain,

Very truly yours,



Joseph W. Eason

JWE:wg  
Enclosures

STATE OF NORTH CAROLINA

UTILITIES COMMISSION

RALEIGH, NORTH CAROLINA

**DOCKET NO. EMP 112 Sub 0**

In the Matter of Application of Oak Solar,	)	
LLC, for a Certificate of Public Convenience	)	APPLICANT'S MOTION FOR
and Necessity to Construct a 300-MW Solar	)	LEAVE TO AMEND APPLICATION
Facility in Northampton County,	)	
North Carolina	)	

NOW COMES Oak Solar, LLC, (the "Applicant"), by and through its undersigned counsel, and respectfully moves this Commission for leave to amend its original application filed in this proceeding on July 15, 2020, and that the Commission accept and deem as filed in this docket the Amended Application, a public version of which is appended here as Attachment A, for the reasons stated in this motion and in Attachment A and the supporting public pre-filed testimony (a duplicate of this motion with the confidential versions of Attachment A and its supporting pre-filed testimony is being filed with the Commission contemporaneously). In support of its motion for leave, the Applicant shows unto the Commission the following:

1. On July 15, 2020, an application for a Certificate of Public Convenience and Necessity to construct a 300 MW renewable electric merchant plant was filed pursuant to N.C.G.S. § 62-110.1 and NCUC Rule R8-63 on behalf of the Applicant, which was then named Gaston Green Acres Solar, LLC (the "Original Application").
2. In its Original Application, the Applicant sought a certificate of public convenience and necessity to construct, in two phases, a proposed solar electric generation facility with a capacity of 300 MWac, situated on a site with the footprint as shown on **Schedule 2-2** to the Original Application. Exhibit 2 of the Original Application disclosed that the proposed facility would be constructed in phases. The first construction phase related to the construction of renewable generation facilities with a capacity of 120 MWac; the second proposed construction phase related to the construction of renewable generation facilities with a capacity of 180 MWac.
3. The Public Staff filed its Notice of Completeness with regard to the Original Application of Oak Solar on July 29, 2020. The Commission, by its Order issued September 28, 2020, established a schedule of deadlines in this proceeding pertaining to the Original Application of Oak Solar.
4. After the filing of the Original Application, the legal name of the limited liability company that previously was named Gaston Green Acres Solar, LLC, was changed to

Oak Solar, LLC. The Commission previously amended the caption in this docket to reflect the new legal name of the Applicant as Oak Solar LLC ("Oak Solar").

5. When the Original Application was filed with this Commission, the Applicant, through its upstream affiliate, SunEnergy1, LLC ("SunEnergy1"), was engaged in negotiating a power purchase agreement for the output of both phases of the originally proposed generation facility. During those negotiations, the proposed buyer of the output requested that SunEnergy1: (i) cause the Applicant to change its legal name; (ii) cause the formation of a second limited liability company domiciled in North Carolina named Cherry Solar, LLC ("Cherry Solar"); and (iii) cause the Applicant to divide its proposed project into two separate projects, and for the Applicant to seek certification to construct facilities with only 120 MWs of capacity, so as to match the initial targeted commercial operational date of the first proposed phase of construction, and also so that the PJM queue number/energy would relate only to the equipment and facilities with a capacity of 120 MWs.
6. The Applicant previously informed the Public Staff and this Commission that it intended to seek leave to amend the Original Application filed in this docket due to the requests of the proposed off-taker.
7. By Order dated October 30, 2020, the Commission extended the deadlines for the direct testimony and exhibits of the Public Staff to November 16, 2020, for the Applicant's rebuttal testimony and exhibits to November 30, 2020, and cancelling the expert witness hearing scheduled for December 7, 2020, pending further order of the Commission.
8. The testimony of the Public Staff with regard to the Original Application is due Monday, November 16, 2020. The Applicant is informed and believes that the Public Staff will ask the Commission to extend the deadlines for the direct testimony and exhibits of the Public Staff pending receipt and review of the Amended Application of the Applicant. The Applicant believes that the date for the Public Staff to submit testimony should be extended to permit the Public Staff time to review the Amended Application attached hereto.
9. Good cause exists to grant the Applicant leave to amend its Original Application as shown herein. And, as a result of the extensions previously granted by this Commission and the anticipated extension of the date for the filing of testimony by the Public Staff, granting the Applicant leave to amend its Original Application as requested in this motion will not adversely affect the interests of any party to this proceeding, or the public interest.

WHEREFORE, the Applicant respectfully prays that the Commission grant the Applicant leave to amend its Original Application in this docket as shown by Attachment A, the Amended Application, and accept as filed in this docket and deem as served the Amended Application attached hereto (both public and confidential versions).

Respectfully submitted this 12<sup>th</sup> day of November, 2020.

A handwritten signature in black ink, appearing to read "Joseph W. Eason", written over a horizontal line.

Joseph W. Eason  
Nelson Mullins Riley & Scarborough LLP  
GlenLake One, Suite 200  
4140 Parklake Avenue  
Raleigh, North Carolina 27612  
Tel: (919) 329-3800  
joe.eason@nelsonmullins.com  
Attorneys for the Applicant

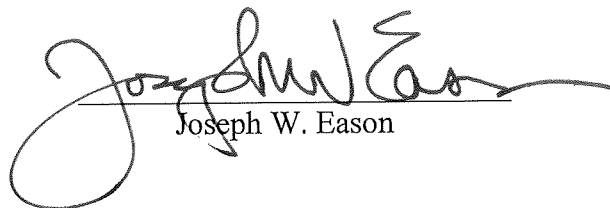
## CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Motion for Leave to Amend Application, together with the public and confidential versions of the Amended Application and supporting pre-filed testimony, was served upon the following by electronic mail:

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

Nadia Luhr  
NC Public Staff-Legal Division  
Nadia.Luhr@psncuc.nc.gov

This the 12<sup>th</sup> day of November, 2020.



Joseph W. Eason

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH, NORTH CAROLINA

DOCKET NO. EMP-112, Sub 0

In the Matter of the Application of  
Oak Solar, LLC for a Certificate of  
Public Convenience and Necessity for  
Merchant Plant Pursuant to N.C. Gen.  
Stat. 62-110.1 and Commission Rule  
R8-63

OAK SOLAR, LLC'S  
AMENDED APPLICATION  
FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE  
AND NECESSITY FOR 180  
MW MERCHANT PLANT

Oak Solar, LLC (the "Applicant"), by and through its undersigned counsel, hereby amends its application to the North Carolina Utilities Commission (the "Commission") pursuant to N.C. Gen. Stat. § 62-101.1, and Commission Rule R8-63, for a Certificate of Public Convenience and Necessity for Merchant Plant authorizing the construction of a solar photovoltaic merchant plant facility with a capacity of 120 MW AC to be located in Northampton County, North Carolina (the "Amended Application"). In support of its Amended Application, the Applicant provides the Commission with the exhibits attached hereto as required by N.C.U.C. Rule R8-63, and also shows unto the Commission the following:

1. Exhibit 1 attached hereto contains the required information about the Applicant.
2. All correspondence, documents and filings regarding this application should be sent to:

Joseph W. Eason  
Nelson Mullins Riley & Scarborough LLP  
GlenLake One, Suite 200  
4140 Parklake Avenue  
Raleigh, North Carolina 27612  
Tel: (919) 329-3800  
[joe.eason@nelsonmullins.com](mailto:joe.eason@nelsonmullins.com)  
Attorney for the Applicant

And, with a copy also to the following corporate agent of Applicant:

Oak Solar, LLC  
Attn: Kenny Habul  
192 Raceway Drive  
Mooresville, NC 28117  
704-662-0375  
[project.development@sunenergyll.com](mailto:project.development@sunenergyll.com)

The Applicant and its Counsel consent to electronic service of filings related to this application.

3. Exhibit 2 attached hereto contains the required information about the modifications of the proposed generation facility for purposes of this Amended Application.
4. Exhibit 3 attached hereto provides a description of the need for the facility in the state and/or region, with supporting documentation.
5. This Amended Application has been signed and verified by an individual duly authorized to act on behalf of the Applicant for that purpose.
6. Confidential Information has been designated as such and filed under seal with this Commission contemporaneously with the filing of this Amended Application in accordance with Rule R8-63(c).

WHEREFORE, the Applicant Oak Solar, LLC, respectfully prays that this Commission consider the foregoing information submitted in support of this Amended Application and issue the Applicant a Certificate of Public Convenience and Necessity for the construction of the merchant plant described herein in accordance with N.C. Gen. Stat. §62-110.1 and NCUC Rule R8-63.



Respectfully submitted this 12<sup>th</sup> day of November, 2020.



Joseph W. Eason  
Nelson Mullins Riley & Scarborough LLP  
4140 Parklake Avenue, Suite 200  
Raleigh, NC 27612

Tel: (919) 329-3800  
joe.eason@nelsonmullins.com

Attorneys for the Applicant

Oak Solar, LLC  
CPCN Amended Application – Merchant Plant  
NCUC EMP-112, sub 0

INFORMATION ABOUT THE APPLICANT  
EXHIBIT 1

- i. The full and correct name, business address, business telephone number and electronic mailing address of the Applicant;

Oak Solar, LLC  
192 Raceway Drive  
Mooresville, NC 28117  
704-662-0375  
project.development@sunenergy1.com

- ii. A description of the Applicant, including the identities of its principal participant(s) and officers, and the name and business address of a person authorized to act as corporate agent or to whom correspondence should be directed;

Oak Solar, LLC. f/k/a/ Gaston Green Acres Solar, LLC is a North Carolina limited liability company originally formed on September 14, 2014. Its name was changed to Oak Solar, LLC on September 25, 2020. Kenny Habul is duly authorized to act as a corporate agent of the Applicant for the purpose of this application. A copy of the original Articles of Organization is attached as **Schedule 1-1**, and the Amendment of the Articles of Organization of the Applicant to change its legal name, as filed with the North Carolina Secretary of State, is attached as **Schedule 1-2**.

- iii. A copy of the applicant's most recent annual report to stockholders, which may be attached as an exhibit, or, if the applicant is not publicly traded, its most recent balance sheet and income statement. If the applicant is a newly formed entity with little history, this information should be provided for its parent company, equity partner, and/or the other participant(s) in the project;

Oak Solar, LLC is an affiliate of SunEnergy1, LLC ("SunEnergy1"); SunEnergy1 is the direct parent of the Applicant.

SunEnergy1 is one of the largest solar developers and engineering, procurement and construction companies in the U.S. SunEnergy1 is not a publicly traded company; therefore, its most recent balance sheet and income statement are filed under seal as confidential information (See **Confidential Schedule 1-3** of the Confidential Documents submitted with this Application).

- iv. Information about generating facilities in the Southeastern Electric Reliability Council region which the Applicant or an affiliate has any ownership interest in and/or the ability to control through leases, contracts, options, and/or other arrangements and information about certificates that have been granted for any such facilities not yet constructed.

The Applicant does not have any generating facilities in the Southern Electric Reliability Council region. The Applicant is an individual project company formed to own the solar facility assets for the project that is the subject of this application.

The Applicant's parent-affiliate, SunEnergy1 has ownership interest in and/or the ability to control through leases or contracts numerous solar generating facilities in the Southeastern Electric Reliability Council ("SERC") region. A list of generating facilities that SunEnergy1 has constructed within the Southern Electric Reliability Council region is attached as **Schedule 1-4**. A list of generating facilities that SunEnergy1 has under development but have not been completed sufficient to achieve commercial operation is attached as **Schedule 1-5**.

## Schedule 1-1

### Articles of Organization

State of North Carolina  
Department of the Secretary of State

SOSID: 1400866  
Date Filed: 9/15/2014 8:54:00 AM  
Elaine F. Marshall  
North Carolina Secretary of State  
C2014 253 00092

Limited Liability Company  
ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: Gaston Green Acres Solar, LLC  
(See Item 1 of the Instructions for appropriate entity designation)
2. The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both. Note: This document must be signed by all persons listed.)  
Alicia Nerad, Organizer, 192 Raceway Dr., Mooresville, NC 28117  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. The name of the initial registered agent is: Kenny Habul
4. The street address and county of the initial registered agent office of the limited liability company is:  
Number and Street 192 Raceway Dr.  
City Mooresville State: NC Zip Code: 28117 County: Iredell
5. The mailing address, if different from the street address, of the initial registered agent office is:  
Number and Street \_\_\_\_\_  
City \_\_\_\_\_ State: NC Zip Code: \_\_\_\_\_ County: \_\_\_\_\_
6. Principal office information: (Select either a or b.)
  - a. ☒ The limited liability company has a principal office.  
The principal office telephone number: 704-662-0375  
The street address and county of the principal office of the limited liability company is:  
Number and Street 192 Raceway Dr.  
City Mooresville State: nc Zip Code: 28117 County: iredell

The mailing address, if different from the street address, of the principal office of the company is:

Number and Street \_\_\_\_\_

City \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

b. ☐ The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. (Optional): Please provide a business e-mail address: Privacy Redaction  
The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.



9. These articles will be effective upon filing, unless a future date is specified:

This is the 10 day of September, 20 14.

Alicia Nerad

Signature

Alicia Nerad, Organizer

Type or Print Name and Title

The below space to be used if more than one organizer or member is listed in Item #2 above.

\_\_\_\_\_

\_\_\_\_\_

Signature

Signature

Type and Print Name and Title

Type and Print Name and Title

\_\_\_\_\_

\_\_\_\_\_

Signature

Signature

Type and Print Name and Title

Type and Print Name and Title

NOTES:

1. Filing fee is \$125. This document must be filed with the Secretary of State.

CORPORATIONS DIVISION  
(Revised January 2014)

P.O. Box 29622  
2

RALEIGH, NC 27626-0622  
(Form L-01)

## **Schedule 1-2**


### **Amended Articles of Organization**

**SOSID: 1400866**  
**Date Filed: 9/25/2020 2:24:00 PM**  
**Elaine F. Marshall**  
**North Carolina Secretary of State**  
**C2020 268 00601**

Pursuant to §57D-2-22 of the General Statutes of North Carolina, the undersigned limited liability company hereby submits the following Articles of Amendment for the purpose of amending its Articles of Organization.

1. The name of the limited liability company is: Gaston Green Acres Solar, LLC
2. The text of each amendment adopted is as follows (attach additional pages if necessary):  
Gaston Green Acres Solar, LLC would hereby like to change the entity name of the limited  
liability company to "Oak Solar, LLC".
3. (Check either a or b, whichever is applicable)
- A. ☐ The amendment(s) was (were) duly adopted by the majority vote of the organizers of the limited liability company prior to the identification of initial members of the limited liability company.
- B. ☒ The amendment(s) was (were) duly adopted by the unanimous vote of the members of the limited liability company or was (were) adopted as otherwise provided in the limited liability company's Articles of Organization or a written operating agreement.
4. These articles will be effective upon filing, unless a date and/or time is specified:

This the 25 day of September, 2020.

Name of Limited Liability Company  
  
 Signature

**Kenny Habul**, Company Official  
*Type or Print Name and Title*

NOTES:

1. Filing fee is \$50. This document must be filed with the Secretary of State.

**BUSINESS REGISTRATION DIVISION**  
(Revised July 2017)

P. O. BOX 29622

RALEIGH, NC 27626-0622  
(Form L-17)



Schedule 1-3

**CONFIDENTIAL**

**SEE CONFIDENTIAL EXHIBITS  
SUBMITTED WITH APPLICATION**

Financial Statements

## Schedule 1-4

### **Applicant's other affiliated generating facilities in the Southeastern Electric Reliability Council Region**

The Applicant's affiliate SunEnergy1 has completed numerous solar generating facilities in the Southeastern Electric Reliability Council (SERC) region as shown in the below table.

Site developed by SunEnergy1 with potential ownership Interest through lessees or contracts:

Project	MW	County/State	Completion Date
Bethel	7	Pitts, NC	May 2016
Elizabeth City	28	Pasquotank, NC	April 2015
Everetts	7	Martin, NC	April 2015
Scotland Neck	28	Halifax, NC	March 2014
Battleboro	7	Edgecombe, NC	June 2015
Conetoe II	112	Edgecombe, NC	April 2016
Creswell	19.95	Washington, NC	June 2015
Kelford	30.10	Bertie, NC	February 2016
Sunbury	7	Gates, NC	March 2016
Whitakers	16.8	Whitakers, NC	February 2016
Whitepost I	14.99	Beaufort, NC	February 2013
Whitepost II	6.4	Beaufort, NC	May 2014
Windsor	7	Bertie, NC	April 2014
River Road	7	Hertford, NC	December 2016
Leggett	7	Whitakers, NC	July 2017
Barnhill	4	Pasquotank, NC	December 2016
Aulander Hwy 42	7	Hertford, NC	July 2017
Summit	84	Currituck, NC	February 2017
Shiloh Hwy 1108	7	Camden, NC.	March 2018
Sandy Solar	7	Camden, NC	April 2018
Chowan Jehu	7	Chowan, NC	March 2018
Scotland Neck 3	4	Halifax, NC	January 2015
Elk Park	0.197	Avery, NC	March 2012
SE1-Asheville	0.25	Buncombe, NC	May 2010
Plymouth Solar	6.5	Plymouth, NC	December 2014
Pamlico Solar	6.6	Beaufort, NC	February 2014
Choco Solar	7	Beaufort, NC	March 2015
Sugar Run Solar	6.6	Gates, NC	December 2015

<b>Project</b>	<b>MW</b>	<b>County/State</b>	<b>Completion Date</b>
Albertson Solar	7	Duplin, NC	December 2014
Conetoe Solar	6.6	Edgecombe, NC	January 2016
Williamston Speight	20.84	Martin, NC	December 2016
Ranchland	84	Currituck, NC	January 2018
Mill Pond	7	Martin, NC	September 2019
Jamesville	7	Martin, NC	October 2019
Aulander Holloman	112	Hertford, NC	June 2019

Camden Dam	7	Camden, NC	August, 2019
Mechanicsville	28	Hanover, VA	October, 2020

Schedule 1-5  
Projects in SERC region in development

Project	MW	County/State	Completion Date
Gliden	7	Chowan, NC	
Windsor Hwy 17	7	Bertie, NC	
Ryland Road	7	Chowan, NC	
Albemarle Beach	140	Washington, NC	
Pitt Solar	150	Pitt, NC	
Wildcat Road	7	Martin, NC	
Williamston Hwy 125	7	Martin, NC	
Shawboro Ridge	80	Currituck, NC	
Colice Hall	17	Hertford, NC	
Creswell Hwy 64	20	Tyrell & Washington, NC	
Manning	7	Edgecombe, NC	
Oak	180	Northampton, NC	
Cherry	120	Northampton, NC	

Oak Solar, LLC  
CPCN Amended Application – Merchant Plant  
NCUC EMP-112, sub 0

INFORMATION ABOUT THE PROPOSED FACILITY  
EXHIBIT 2

- i. The nature of the proposed generating facility, including its type, fuel, expected service life, and the gross, net, and nameplate generating capacity of each generating unit and the entire facility, as well as the facility's total projected dependable capacity, in megawatts (alternating current); the anticipated beginning date for construction; the expected commercial operation date; and estimated construction costs;

The Applicant is proposing to construct a 120MW AC solar facility in Northampton County, based on the nameplate capacity of the panels. The gross and net capacity of the resource is equal to its nameplate capacity. The expected service life of the facility is approximately 40 years.

The Applicant anticipates beginning construction of the site during 1Q 2022 and expects commercial operation of the facility by 4Q 2022. The estimated construction cost of the facility is filed under seal as confidential information (See **Confidential Schedule 2-1** of the Confidential documents submitted with this Application).

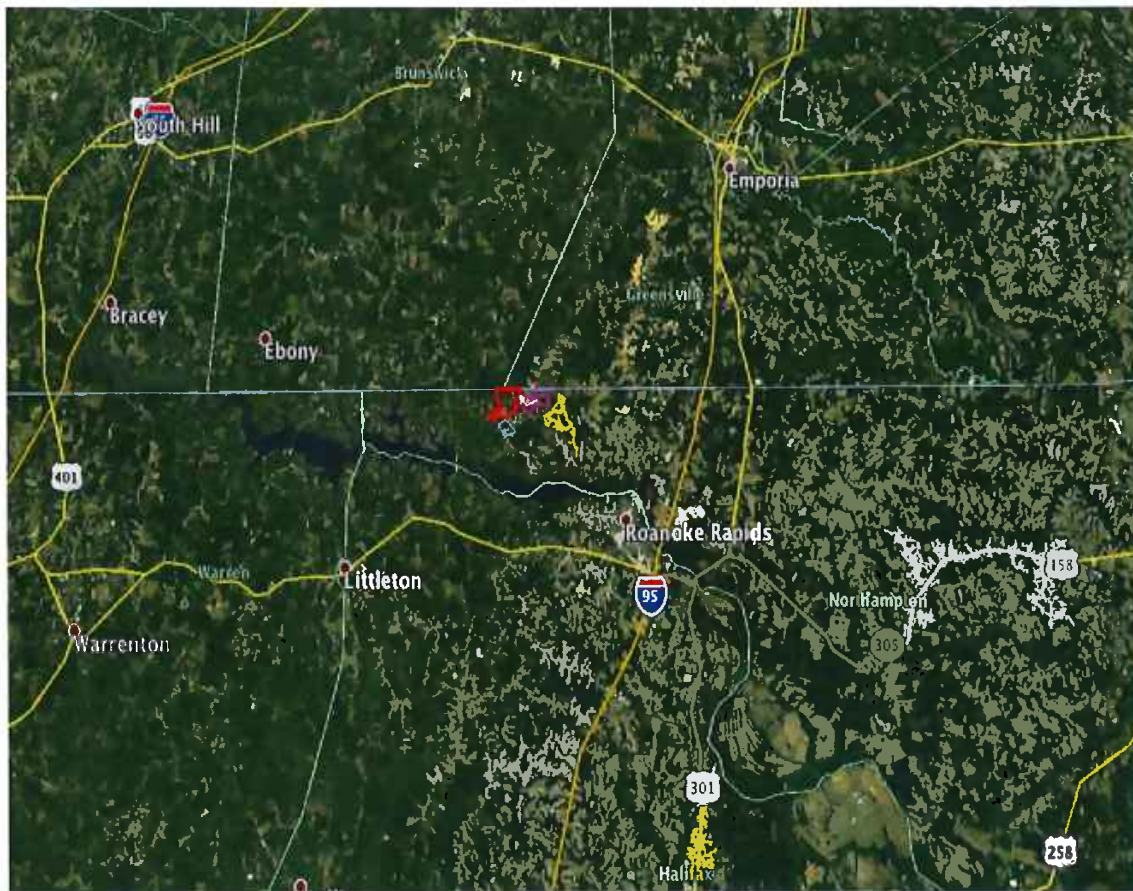
The transmission facilities to which the facility will interconnect and how the project will be interconnected to the grid has been modified. The Applicant will construct a 230kV generator lead to Dominion's existing Thelma 230kV Switching Station from its proposed generation facility. Dominion will add a new breaker bay to the Thelma switching station to accommodate the interconnection of the generator lead for the Oak Solar output. The secondary project, the proposed Cherry Solar generating facility of 180 MWs, will enter into a shared facilities agreement with the Applicant at a later time in order to use the interconnection facilities that are built to accommodate the Applicant.

- ii. A color map or aerial photo (a U.S. Geological Survey map or aerial photo map prepared via the State's geographic information system is preferred) showing the proposed site boundary and layout, with all major equipment, including the generator, fuel handling equipment, plant distribution system, startup equipment, planned and existing pipelines, planned and existing roads, planned and existing water supplies, and planned and existing electric facilities;

A Site map of Oak Solar, LLC showing the equipment layout is attached as **Schedule 2-2**.

An aerial view showing the relationship of the site to nearby highways and state boundaries and county lines in its vicinity is reproduced below as Image 2-1.

**IMAGE 2-1**  
**General location of site proposed generation resource of Oak Solar, LLC**



- iii. The E911 street address, county in which the proposed facility would be located, and GPS coordinates of the approximate center of the proposed facility site to the nearest second or one thousandth of a degree.

The E911 addresses and GPS coordinates for the proposed facility are:

207 Summit Trl  
Gaston, NC 27832  
GPS 36.5274, -77.7755

131 Oak Grove Church Rd  
Gaston, NC 27832  
GPS 36.5183,, -77.7645

172 Oak Grove Church Rd  
Gaston, NC 27832  
GPS 36.5183, -77.7645

- iv. In the case of natural gas-fired facilities, a map showing the proximity of the facility to existing natural gas facilities; a description of dedicated facilities to be constructed to serve the facility; and any filed agreements, service contracts, or tariffs for interstate pipeline capacity;  
  
The facility is not a natural gas fired facility.
- v. A list of all needed federal, state and local approvals related to the facility and site, identified by title and the nature of the needed approval is listed in **Schedule 2-3** attached hereto. The same exhibit includes a copy of such approvals as has been obtained, or a report on the current status of the approvals. There will be no application related to an application for eligible facility status or exempt wholesale generator status pursuant to Section 32 of the Public Utility Holding Company Act of 1935 (PUHCA), as amended by the Energy Policy Act of 1992, including attachments and subsequent amendments as necessary.
- vi. The proposed Oak Solar generating facility will enter into a shared facility agreement with an adjacent solar generating facility, Cherry Solar, LLC, in order to use the interconnection facilities that are built to accommodate Oak Solar, LLC. Please note that Cherry Solar, LLC is affiliated with the Applicant's parent company SunEnergy1, LLC.



## Schedule 2-1

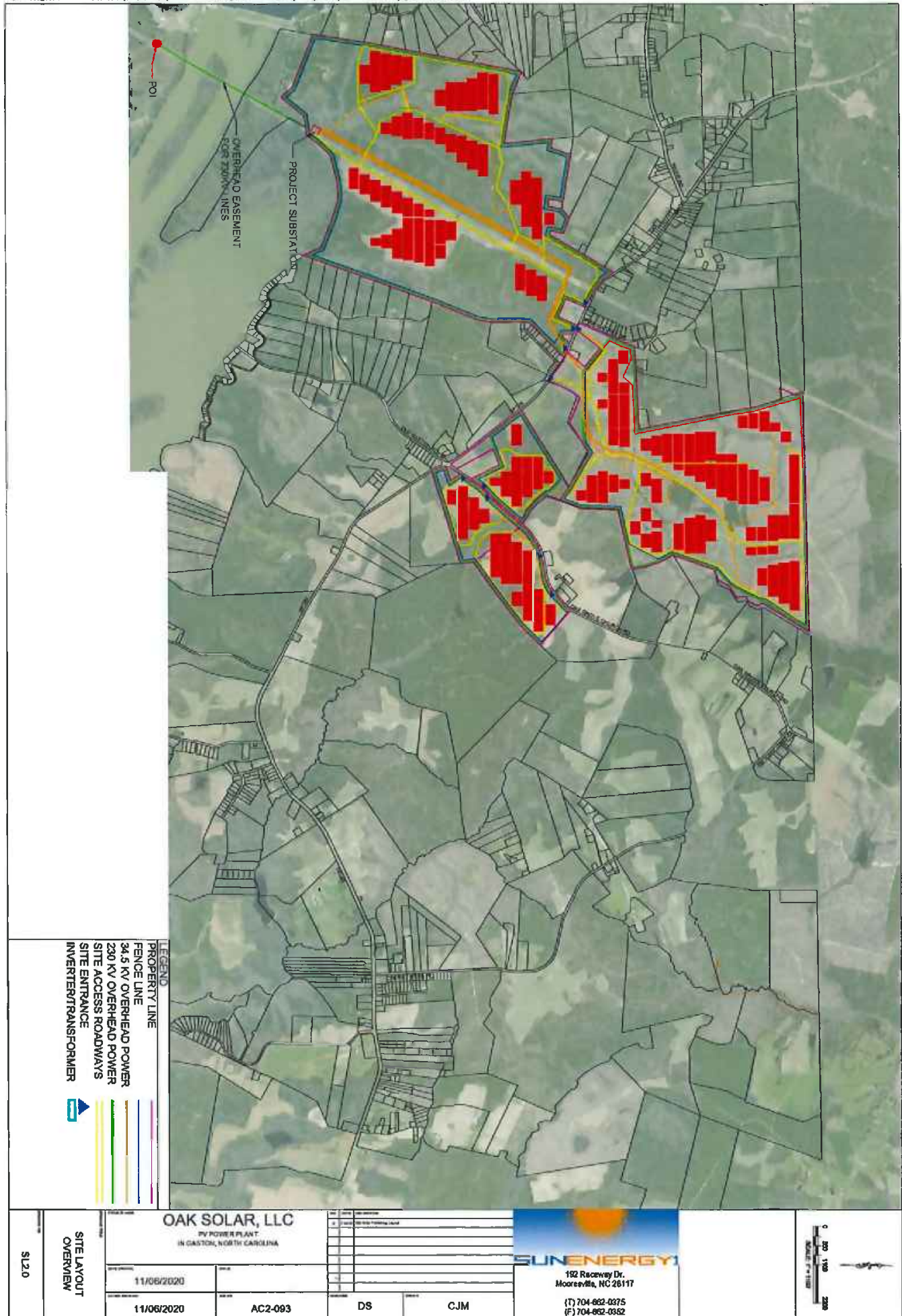
**CONFIDENTIAL**

**SEE CONFIDENTIAL EXHIBITS  
SUBMITTED WITH APPLICATION**

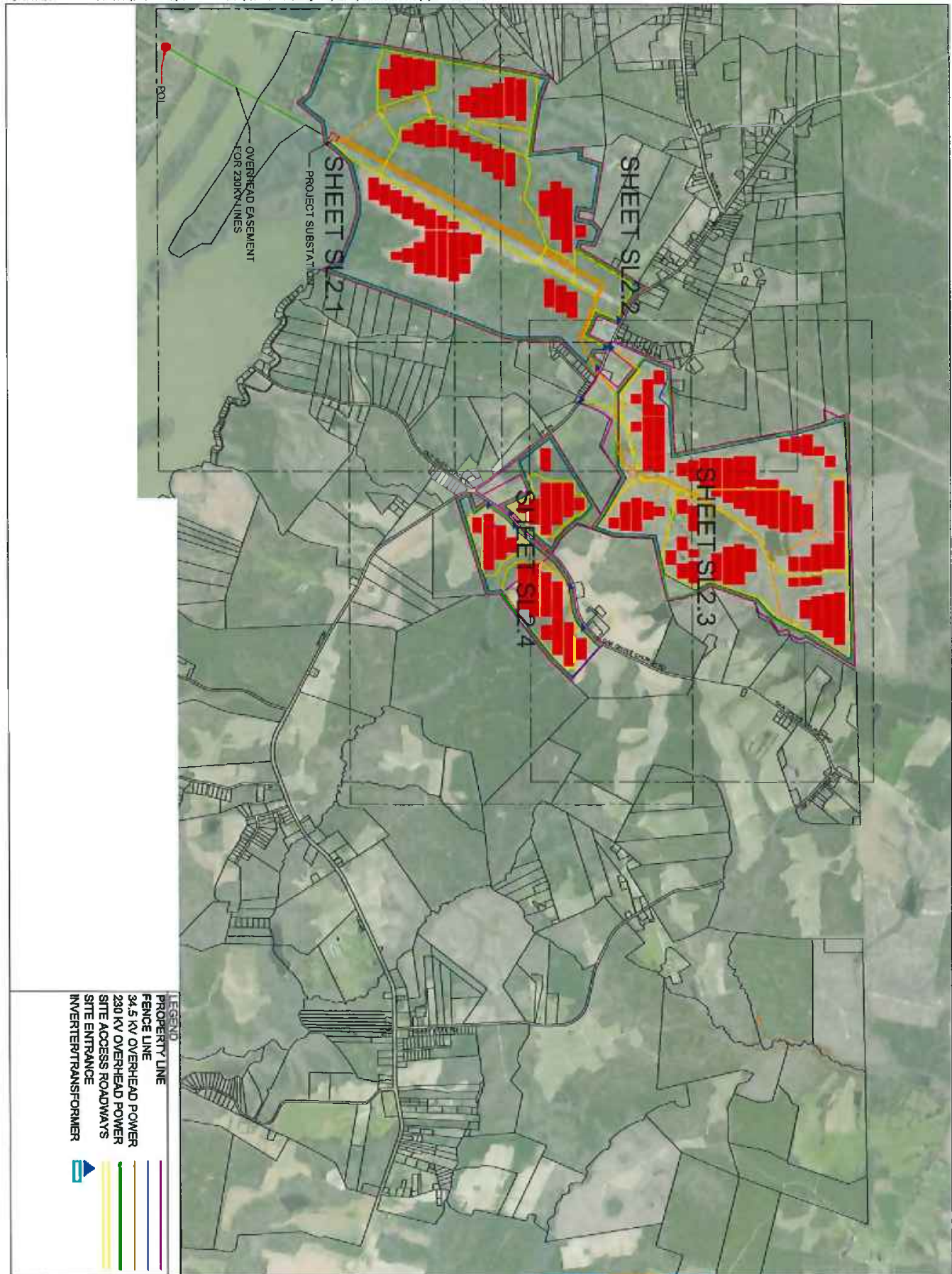
**Construction Costs**

**Schedule 2-2**

**Oak Solar Site Plan**





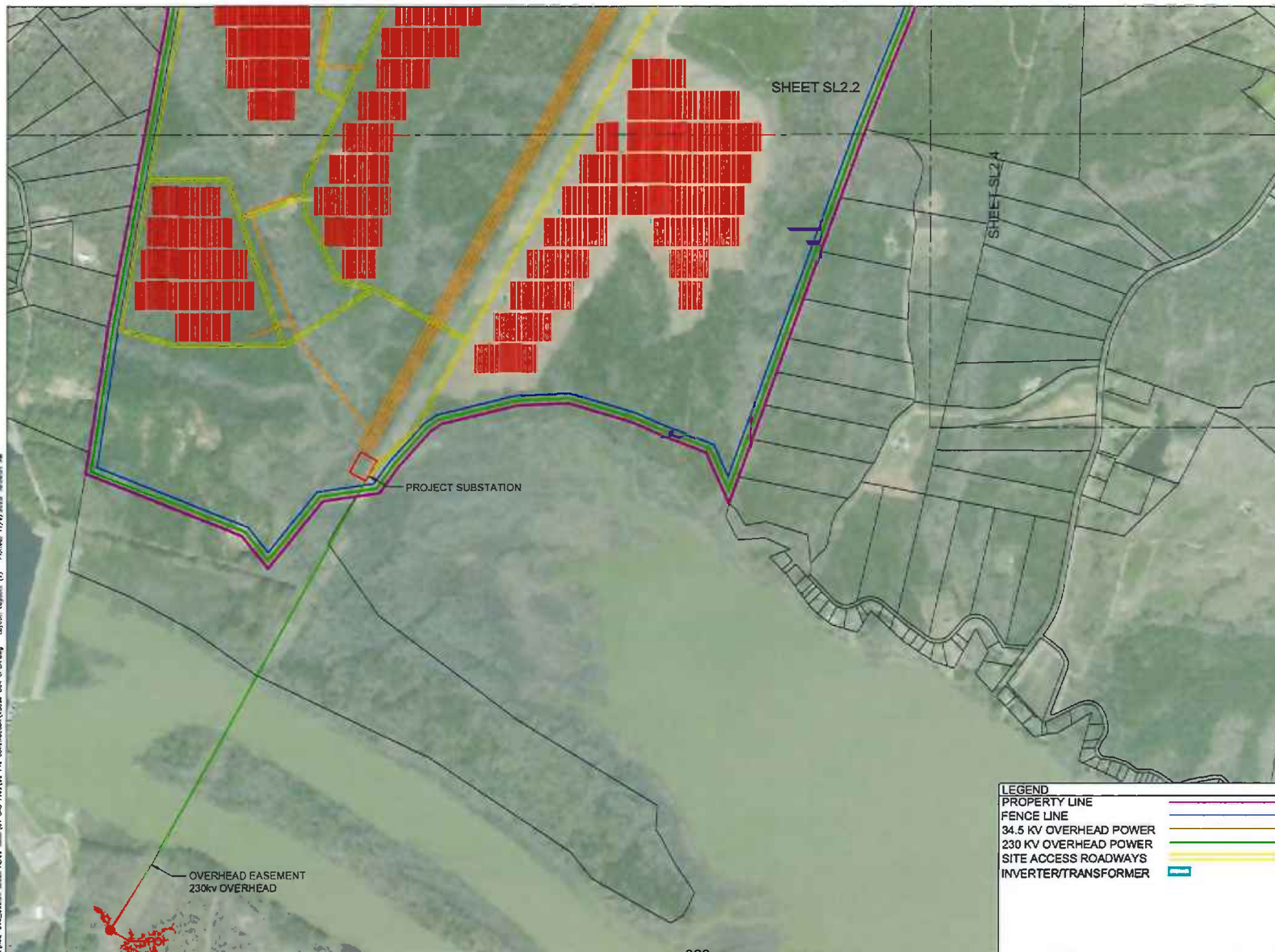


SL2.0	<b>OAK SOLAR, LLC</b> PV POWER PLANT IN GASTON, NORTH CAROLINA		192 Raceway Dr. Mooresville, NC 28117 (770) 462-0375 (770) 462-0352	1" = 100' 0 100 200
	DATE: 11/06/2020 DRAWN BY: 11/06/2020	PROJECT: AC2-093 SHEET: DS C.M.		

- 022 -



\\s421-083\_Peterson Solar Farm\_SitePlan\_V01\_CAD\_TMA\01\_PetersonSolarFarm\_DWG\_CPS.dwg Layer: Layout1 (1) Plotted: 11/19/2020 10:00:01 AM



**OAK SOLAR, LLC**  
PV POWER PLANT  
IN GASTON, NORTH CAROLINA

DATE: 11/05/2020  
DRAWN: 11/05/2020

PROJECT: AC2-083

**SUNENERGY1**  
182 Recovery Dr.  
Mooresville, NC 28117  
(704) 662-0915  
(704) 662-0962

DATE: 11/05/2020  
DRAWN: 11/05/2020

PROJECT: AC2-083

**SITE LAYOUT**

SL2.1

DATE: 11/05/2020  
DRAWN: 11/05/2020

PROJECT: AC2-083

DATE: 11/05/2020  
DRAWN: 11/05/2020



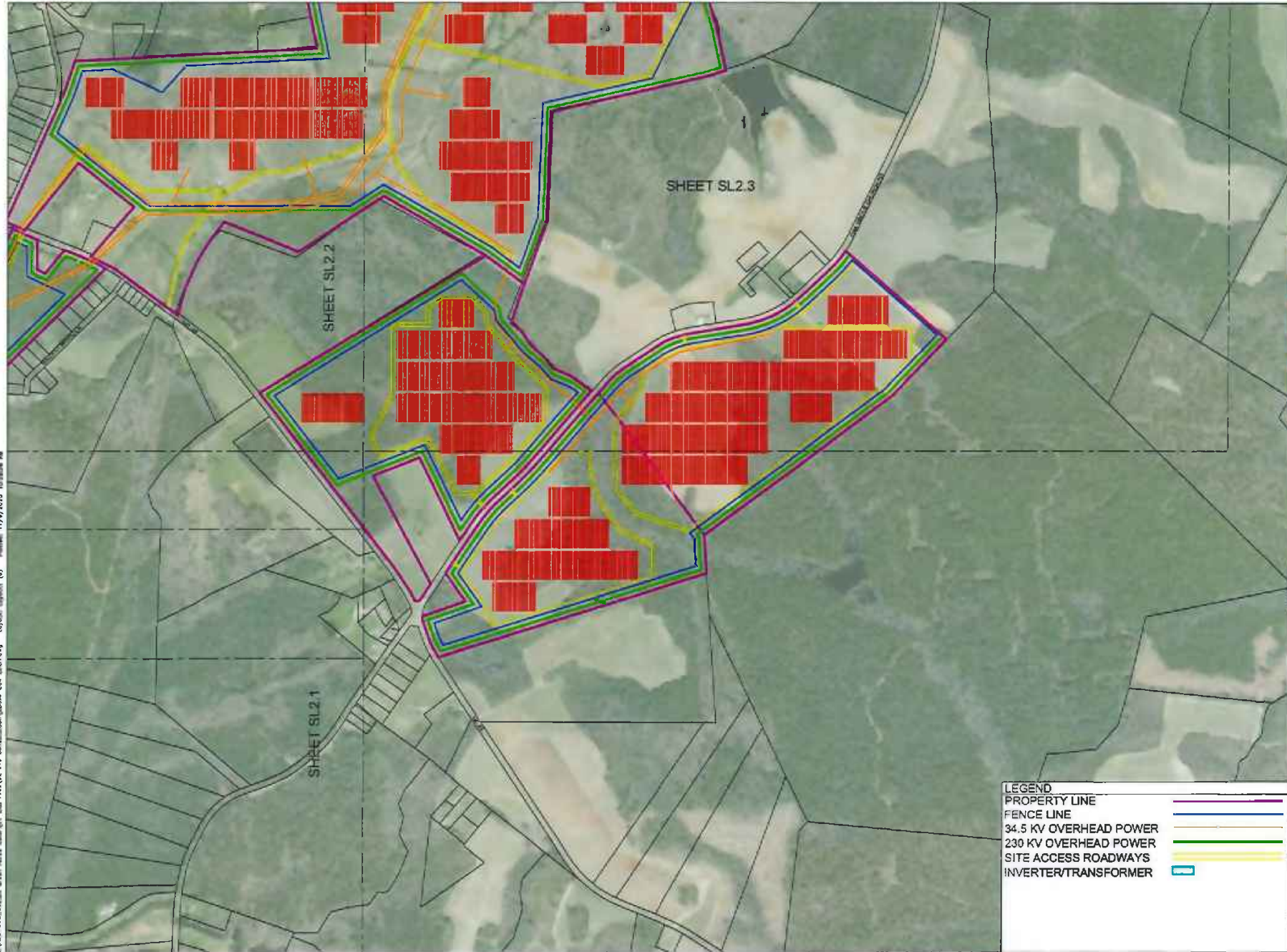








X:\AC2-093\_Gallatin Green Acres Solar\01\_Site Plan\02\_Prop Construction\JBox Doc E20N.dwg Layout Layout1 (D) Printed: 11/19/2020 10:33:38 AM



- LEGEND**
- PROPERTY LINE
  - FENCE LINE
  - 34.5 KV OVERHEAD POWER
  - 230 KV OVERHEAD POWER
  - SITE ACCESS ROADWAYS
  - INVERTER/TRANSFORMER



**OAK SOLAR, LLC**  
 10000 W. WILSON ROAD  
 SUITE 100  
 GASTON, NORTH CAROLINA 28043



DATE		11/06/2020	11/06/2020	11/06/2020	11/06/2020
BY					
CHECKED BY					
APPROVED BY					
PROJECT NO.		AC2-093			
SHEET NO.		SL2.4			
PROJECT NAME		OAK SOLAR, LLC			
PROJECT LOCATION		PV POWER PLANT IN GASTON, NORTH CAROLINA			
PROJECT DESCRIPTION		SOLAR			
PROJECT OWNER		OAK SOLAR, LLC			
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## Schedule 2-3

### Required List of Permits or Certificates

	Title	Status	Copy	
<b>Federal</b>				
USACOE	Wetland Delineation	In Process	N	
FERC	Market Base Rate Authorizatlon	Forthcoming	N	
FERC	EQR	Forthcoming	N	
<b>State</b>				
CPCN	Generation CPCN-NCUC	Application	N	
NC-DOT	Driveway Permits	Forthcoming	N	
NCDEQ	Erosion and Sedimentation Control Permit	In Process	N	
NCDNR	Archaeological Survey	Forthcoming	N	
<b>Local</b>				
	Zoning ( some parcels)	Obtained	Y	Note the permit will be revised to capture the correct entity.
	Zoning ( other parcels)	Forthcoming	N	
	Building/Electrical Permit	Forthcoming	N	

WILLIAM FLYNN  
DIRECTOR

TIM LASSITER  
ZONING OFFICER

CINDY ROYCE  
ADMIN. ASSISTANT

TOMMY LAMM  
BUILDING INSPECTOR

EMP-112 Sub 0  
Gaston Green Acres Solar, LLC

## **NORTHAMPTON COUNTY CODE ENFORCEMENT DEPARTMENT**

PO BOX 97 JACKSON, NC 27845  
Ph. (252) 534-5171 Fax (252) 534-1538



November 7, 2019

Linda Nwadike  
Sun Energy I  
192 Raceway Drive  
Mooresville, NC 28117

Ms. Nwadike:

I have once again reviewed the proposed Gaston Green Acres solar farm and was unable to find anything that would prevent a zoning permit from being issued. However, it is my recommendation that you wait until you are closer to breaking ground to re-instate the permit.

A typical zoning permit has a life of only six (6) months. It can be extended a bit if a building permit is purchased for the same project but that too is only good for six (6) months unless an inspection is performed within that first six months, then it is good for a year. The life of the zoning permit will run with the life of the building permit for up to three years. Unless you are within six months of breaking ground, there is no need to issue a zoning permit at this time.

Again, I saw no reason why we wouldn't be able to issue the zoning permit based on the plans provided but unless your company is ready to go to work, it really doesn't make much sense to do so because we will be going through this again in six months. If you are ready to pull all permits and start construction then I'd suggest we go ahead and move forward. Otherwise, it's probably best to wait.

Sincerely,

William Flynn  
Northampton County  
Code Enforcement Director  
william.flynn@nhcnc.net

# NORTHAMPTON COUNTY ZONING DEPARTMENT

ZONING PERMIT # 201703684

PO Box 995  
Jackson, NC 27845  
(252) 534-1905

Application: 9300

Applicant: SUN ENERGY 1

Application Date: 05/15/2017

Issue Date: 06/16/2017

Owners: NORWOOD, JACK

MUSTIN CAPITAL MANAGEMENT AND CONSULTING GROUP, LLC

Mailing Address: 4812 OLD WAKE FOREST ROAD  
RALEIGH, NC 27609

Parcel # 0103664, 0101732, 0101200, 0100879, 0103658, 0101331

911 Address: 105 CROSSVINE LANE  
GASTON, NC 27832

610 CHERRY TREE RD  
GASTON, NC 27832

Physical Location of Property: 0103664, 0101732, 0101200, 0100879, 0103658, 0101331

Zoning District: AR

Description of Work: 112.0 MW D/C - 80.0 MW A/C PHOTOVOLTAIC GEN FACILITY

Existing Use :

Proposed Use:

Permit Expiration Date: 06/15/2020

Building Hgt:

Setbacks:

FRONT

RIGHT


LEFT

REAR

ALL SET BACK AND BUFFER REQUIREMENTS SET FORTH IN THE NORTHAMPTON COUNTY ZONING  
ORDINANCE HAVE BEEN MET AND ARE SHOWN IN DETAIL ON THE SITE PLANS ON FILE -W.FLYNN-

WFF

*This permit does not give the permit holder the right to occupy or use the structure, or land, for which the permit has been approved for. Occupancy or use shall only be permitted after a Certificate of Compliance has been issued by the Northampton County Zoning Office. The issuance of a Certificate of Compliance does not negate the requirement of a Certificate of Occupancy from the Northampton County Building Inspections Office when applicable.*



Signature of Applicant

7-14-17

Date



Signature of Zoning Official

7-10-17

Date

# NORTHAMPTON COUNTY ZONING DEPARTMENT

ZONING PERMIT # 201502631

PO Box 995  
Jackson, NC 27845  
(252) 534-1905

Application: 8677

Applicant: GASTON GREEN ACRES SOLAR, LLC

Application Date: 10/10/2016

Owners: PRICE SOLAR, LLC  
LEON THOMAS BAIRD

Issue Date: 10/10/2016

Mailing Address: 192 RACEWAY DRIVE  
MOORESVILLE, NC 28117

Parcel # 0109857

911 Address: 207 SUMMIT TRL.

Physical Location of Property:

Zoning District: AR

Description of Work: 168 MW D/C - 120 MW A/C SOLAR FARM

Existing Use :

Proposed Use:

This is a large project with several parcels involved with several access points. Therefore there are 5 E911 addresses to satisfy the ordinance requirements. The addresses are as follows:

207 Summit Trail – Gaston, NC  
131 Oak Grove Church Road – Gaston, NC  
172 Oak Grove Church Road – Gaston, NC  
922 Oak Grove Church Road – Gaston, NC  
1315 Cherry Tree Road – Gaston, NC

Permit Expiration Date: 10/10/2019

Building Hgt: N/A

Setbacks:

FRONT 0.00 RIGHT 0.00 LEFT 0.00 REAR 0.00

All setbacks and buffer requirements have been satisfied and are shown on the site plan on file

*This permit does not give the permit holder the right to occupy or use the structure, or land, for which the permit has been approved for. Occupancy or use shall only be permitted after a Certificate of Compliance has been issued by the Northampton County Zoning Office. The issuance of a Certificate of Compliance does not negate the requirement of a Certificate of Occupancy from the Northampton County Building Inspections Office when applicable.*

Signature of Applicant

Date

Signature of Zoning Official

Date

Oak Solar, LLC  
CPCN Amended Application – Merchant Plant  
NCUC EMP-115, Sub 0

DESCRIPTION OF THE NEED FOR THE FACILITY  
Exhibit 3

Forecasts of the quantities of renewable power to be purchased within the PJM market over the next several years, and elsewhere in the southeastern United States, reflect a strong public need for additional utility-scale solar power production. The proposed facility will share an interconnection facility which interconnects with Dominion's transmission grid, providing direct access to all load-serving suppliers participating in PJM, a Regional Transmission Organization ("RTO") in which Dominion participates. PJM coordinates the movement of electricity through all or parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of Columbia.

In the initial application dated July 15, 2020, the Applicant sought a CPCN to construct a 300 MW (AC) solar facility in Northampton County. During the initial application submittal, the Applicant was negotiating a power purchase agreement with an entity for the original Facility. On or about October 6, 2020, the Applicant entered into a long-term power purchase agreement with a fortune 100 company who had requested a name change for the Facility and division of the original Facility into two separate projects (Oak Solar, LLC and Cherry Solar, LLC) to match the initial targeted commercial operational date and PJM queue numbers/energy output for the Facility. A copy of the Power Purchase Agreement related to the output of the proposed facility is attached as **Confidential Schedule 3-1.**

Demand for renewable energy is expected to increase in the southeast over the expected lifetime of the proposed facility. Additionally, load growth for the PJM RTO as a whole, and more specifically for the Dominion zone, which serves parts of Eastern North Carolina where the Facility is located, is expected to increase over the next ten to fifteen years as described both for winter and summer months. Summer peak load is expected to grow by 1.2% per year over the next ten years, and by 1.0% over the next fifteen years. (PJM Load Forecast Report (Jan. 2020), available at <https://www.pjm.com/-/media/library/reports-notices/load-forecast/2020-load-report.ashx> ). Winter peak load growth in the Dominion zone is expected to grow by 1.4% per year over the next ten years, and 1.2% per year over the next fifteen years. Finally, the annual net energy in Dominion zone is expected to grow by 1.5% per year over the next ten years, and 1.3% per year over the next fifteen years. Therefore, the Applicant believes that there are strong market conditions and needs for renewable energy projects such as this facility.

Schedule 3-1

CONFIDENTIAL

SEE CONFIDENTIAL EXHIBITS  
SUBMITTED WITH APPLICATION

Oak Solar PPA

VERIFICATION

NOW COMES Linda Nwadike, being first duly sworn, deposes and says that I am duly authorized to act on behalf of Oak Solar, LLC as Director of Permitting and Community Relations for SunEnergy1, LLC, parent and affiliate of the Applicant; that I have read the foregoing Amended Application For a Certificate of Public Convenience and Necessity For Merchant Plant and Prefiled Testimony incorporated therein, and that the statements and information therein are true and accurate to my personal knowledge and belief, except where otherwise indicated, and in those instances, I believe the statements and information to be true.

Signed this 12 day of November, 2020.



Linda Nwadike  
Director of Permitting and Community  
Relations  
SunEnergy1, LLC

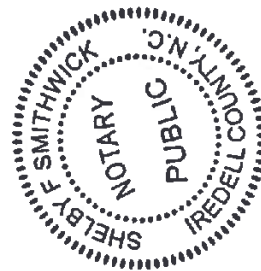
SIGNED AND SEALED BEFORE ME THIS 12 day of November, 2020.

Sworn to and subscribed to before me  
this 12 day of November, 2020.

  
Notary Public (Signature)

Shelby F. Smithwick  
Notary Public (Printed)

My Commission Expires: March 27, 2023.





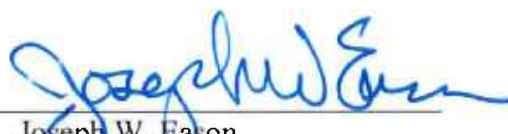
**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Oak Solar LLC's Amended Application For A Certificate of Public Convenience and Necessity For Merchant Plant was served upon the following by electronic mail:

Christopher Ayers, Esq.  
Executive Director, NC Public Staff  
[Chris.Ayers@psncuc.gov](mailto:Chris.Ayers@psncuc.gov)

Nadia Luhr  
NC Public Staff Legal Division  
[Nadia.Luhr@psncuc.gov](mailto:Nadia.Luhr@psncuc.gov)

This the 12<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Joseph W. Eason

BEFORE THE  
NORTH CAROLINA UTILITIES COMMISSION  
RALEIGH, NORTH CAROLINA

OAK SOLAR, LLC  
DOCKET NO. EMP-112, SUB 0

PRE-FILED SUPPLEMENTAL DIRECT TESTIMONY  
OF  
LINDA NWADIKE

November 12, 2020

1 INTRODUCTION

2 Q. PLEASE STATE YOUR NAME, TITLE, AND BUSINESS ADDRESS.

3 A. My name is Linda Nwadike. I am the Director of Permitting and Community Relations for  
4 SunEnergy1, LLC ("SunEnergy1" or the "Company"), the parent and an affiliate of the  
5 Applicant Oak Solar, LLC ("Oak Solar" or "Applicant"). Oak Solar is a North Carolina limited  
6 liability company that was formed on September 25, 2020. It was previously named Gaston  
7 Green Acres Solar, LLC, but during September of 2020, the Applicant changed its name to  
8 Oak Solar LLC. My business address is 192 Raceway Drive, Mooresville, North Carolina  
9 28117.

10 Q. PLEASE IDENTIFY THE PARENT COMPANY OF THE APPLICANT.

11 A. SunEnergy1 has been and remains the parent company of the Applicant, now named Oak  
12 Solar, LLC.

13 Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THIS COMMISSION?

14 A. Yes, I provided testimony in support of the application for a Certificate of Public  
15 Convenience and Necessity ("CPCN") for Merchant Plant and filed construction Progress  
16 Reports for the applicant for that project, Albemarle Beach Solar, LLC (NCUC Docket EMP-  
17 103). I also submitted the pre-filed Direct Testimony that was filed in this docket with the  
18 original application submitted on July 15, 2020 (hereinafter the "Original Application"), and  
19 the pre-filed Supplemental Testimony that was filed in this docket on October 19, 2020.

20 Q. WHAT IS THE PURPOSE OF THIS PRE-FILED SUPPLEMENTAL DIRECT TESTIMONY NOW  
21 BEING SUBMITTED IN THIS PROCEEDING?

22 A. The purpose of this pre-filed Supplemental Direct Testimony is to update my previous pre-  
23 filed testimony in this docket based on events that have occurred since my earlier

1 testimony was filed. Another purpose is to incorporate here the Amended Application and  
2 the exhibits and schedules attached to it that I have verified, and to support the Amended  
3 Application.

4 After the filing of the Original Application, a Power Purchase Agreement (a "PPA") was  
5 made with a Fortune 100 company. A copy of that PPA is attached to the Amended  
6 Application being filed in this docket as Confidential Schedule 3-1. The off-taker  
7 counterparty asked the Applicant to change its legal name from Gaston Green Acres Solar  
8 LLC, to Oak Solar LLC. It also asked the Applicant to divide the project as it was initially  
9 proposed in the Original Application into two separate projects, with the Applicant seeking  
10 authority to construct only the 120 MW plant described in its Amended Application  
11 submitted on behalf of Oak Solar concurrently with this Supplemental Direct Testimony.

12 The same out-take party agreed in a separate contract made with another newly formed  
13 limited liability company affiliated with SunEnergy1, that being Cherry Solar, LLC ("Cherry  
14 Solar"), to buy all of the output of the proposed 180 MW facility, representing the balance  
15 of the output from the project as proposed in the Original Application.

16 This testimony is intended to briefly summarize how the project as now proposed by the  
17 Applicant has changed, and to satisfy the requirements of Commission Rule R8-63 under  
18 which this Application for a Certificate of Public Convenience and Necessity ("CPCN") for a  
19 proposed merchant plant is being requested.

20 Q. HAS YOUR EDUCATION AND PROFESSIONAL EXPERIENCE CHANGED SINCE THE FILING OF  
21 YOUR PRE-FILED DIRECT TESTIMONY SUPPORTING THE ORIGINAL APPLICATION?

22 A. No. I obtained a Bachelor of Science degree in Chemical Engineering with a concentration  
23 in Biological Technology, and I am a licensed project manager professional. The remainder

1 of my background information is the same as was provided in my pre-filed direct testimony  
2 submitted in July, 2020. I incorporate that portion of my pre-filed testimony from July into  
3 this testimony.

4 Q. HAVE YOU CURRENT RESPONSIBILITIES WITH SUNENERGY1 CHANGED  
5 SINCE YOUR PRE-FILED DIRECT TESTIMONY WAS SUBMITTED IN JULY OF THIS YEAR.

6 A. No, not materially. My current employment responsibilities remain the same as those I  
7 described in the pre-filed testimony submitted in July, 2020. I also incorporate that  
8 portion of my pre-filed testimony from July into this testimony here.

9  
10 COMPANY BACKGROUND AND PROJECT FINANCE

11 Q. HAVE THERE BEEN ANY SUBSTANTIAL CHANGES WITH REGARD TO THE COMPANY'S  
12 PERSONNEL, TECHNICAL EXPERIENCE, OR FINANCIAL CAPABILITY TO OWN AND OPERATE  
13 THE PROJECT, AS YOU DESCRIBED THOSE IN YOUR TESTIMONY SUMMITTED IN JULY 2020?

14 A. No, not materially. SunEnergy1 remains a top five U.S. solar developer, owner, and  
15 operator of utility-scale solar projects, with over 1 GW of installed solar  
16 power. SunEnergy1 has pioneered large-scale solar power on the East Coast for nearly a  
17 decade and has developed numerous record-breaking solar projects in the Southeast  
18 region. SunEnergy1 is vertically integrated and controls all stages of development in-house.  
19 I incorporate that portion of my pre-filed testimony from July into this testimony also.

20

21 SITE AND FACILITY DESCRIPTION

1 Q. FOCUSING ON YOUR DIRECT TESTIMONY AS FILED IN JULY TO SUPPORT THE ORIGINAL  
2 APPLICATION, HOW HAS THE PROJECT THAT IS THE SUBJECT OF THE AMENDED  
3 APPLICATION CHANGED FROM THAT DESCRIBED IN THE ORIGINAL APPLICATION?

4 A. The general location of the project has not changed but the size of the project has. The  
5 site plan is smaller because the proposed 120 MW facility is located on only some of the  
6 parcels that formed a part of the site as proposed in the Original Application. As shown by  
7 Schedule 2-2 attached to the Amended Application, the smaller project is located on 207  
8 Summit Trail, 131 Oak Grove Church Rd., and 172 Oak Grove Church Rd., in the Town of  
9 Gaston, Northampton County, North Carolina.

10 Q. WHAT IS THE CURRENT LAND USE AND ANTICIPATED USE?

11 A. The project will be located on several parcels in Northampton County, North Carolina, at  
12 the addresses described above and as shown on the layout map attached to the Amended  
13 Application as Schedule 2-2. The site is comprised of rural land, some of which is utilized  
14 for agricultural purposes. SunEnergy1's affiliate, VL Director Land Holdings, LLC, owns a  
15 portion of the site; additionally, Leon Thomas Baird and Lewis Belmont Properties, LLC  
16 each own or claim to own some or all of the other portions of the site for the 120MW  
17 project. The above-mentioned landowners have provided Oak Solar with the right to  
18 develop and use the property for solar energy purposes, including the installation of solar  
19 panels, inverters, transformers, and other elements of the facility described in the  
20 Amended Application.

21 Q. WHAT IS THE FACILITY'S ANTICIPATED ELECTRICITY PRODUCTION CAPACITY?

22 A. The maximum gross power production capacity of the facility will be 120 MW, which is the  
23 nameplate and gross capacity of the proposed project.

1 Q. PLEASE DESCRIBE THE BASIC COMPONENTS OF THE FACILITY.

2 A. Oak Solar is a 120-MW PV array, and the sole source of its power is solar energy. The  
3 facility will be a single-axis tracking, ground-mounted solar PV system, and the facility will  
4 be comprised of solar arrays, inverters, generator step-up ("GSU") transformers, racking,  
5 posts, wiring, utility poles, communication poles, security camera, collector station, and  
6 accessories. A color map showing the proposed site boundary, layout with all major  
7 equipment, roads, and, and electric facilities is attached to Exhibit 2 of the Amended  
8 Application as Schedule 2-2.

9 Q. PLEASE DESCRIBE THE TRANSMISSION FACILITIES TO WHICH THE FACILITY WILL  
10 INTERCONNECT AND HOW THE PROJECT WILL BE INTERCONNECTED TO THE GRID?

11 A. Oak Solar will construct a new 230kV attachment transmission line between the solar site  
12 and the Thelma substation on the transmission system of Virginia Electric and Power  
13 Company, d/b/a Dominion Energy North Carolina ("Dominion Energy" or  
14 "Dominion"). This new transmission line will be approximately 1 mile long and will be  
15 located along a right of way adjacent to the existing Dominion 500kV transmission  
16 line. The transmission line will connect into a new substation at the generation site and  
17 will feed into the existing Dominion Thelma substation. An easement will be required  
18 from Dominion for the right of way leaving Thelma substation and crossing Clements and  
19 Baker Islands. Continuing north the line goes directly into the parcel utilized for the  
20 proposed solar generation site.

21 The GSU transformers will connect the solar inverters to the newly constructed collector  
22 station. A diagram showing the location of the collector station and the Thelma

1 substation/ point of interconnection is attached to the Amended Application as Schedule  
2 2-2.

3 NEED FOR THE FACILITY

4 Q. PLEASE EXPLAIN THE NEED FOR THE PROPOSED 120 MW FACILITY.

5 A. Oak Solar will interconnect with the Dominion Energy transmission grid, providing the  
6 merchant plant with direct access to PJM, a Regional Transmission Organization ("RTO") in  
7 which Dominion participates. PJM coordinates the movement of electricity through all or  
8 parts of Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, North  
9 Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and the District of  
10 Columbia.

11 As was explained in my Supplemental Testimony in this docket filed on October  
12 19, the Applicant reached a PPA with a Fortune 100 company after the Original Application  
13 was filed. The counterparty asked the Applicant to change its name to Oak Solar, which it  
14 has done, and also asked that the project as originally proposed be divided into two  
15 separate projects, and that the Applicant seek authority to construct only the 120 MW  
16 facility. The Amended Application was accordingly filed as to that smaller production  
17 facility.

18 Contemporaneously, another newly formed North Carolina limited liability  
19 company that is affiliated with SunEnergy1, Cherry Solar, LLC, signed a separate outtake  
20 contract with the same counterparty for the output from the remainder of the generation  
21 facilities described in the Original Application. Cherry Solar has filed a separate application  
22 with this Commission to obtain a Certificate of Public Convenience and Necessity (a  
23 "CPCN") to construct a 180 MW solar production facility that adjoins the 120 MW facility



1 for which the Applicant is also seeking a CPCN. The Applicant believes that the PPA it  
2 signed, as well as the PPA signed with Cherry Solar, provides substantial evidence that a  
3 public need exists for the 120 MW project.

4 Oak Solar also believes that there are strong market conditions in the PJM market  
5 that will create sustainable off-take for its power production after its PPA ends. Demand  
6 for renewable energy is expected to increase in the Southeast over the expected lifetime  
7 of the project. Also, Dominion Energy has committed to increasing its use of renewable  
8 power. Dominion's commitment to renewable power is consistent with state-level policy  
9 set by the Virginia Assembly, which affirmed the importance of renewable energy  
10 generation in passing the Grid Transformation and Security Act of 2018 ("GTSA"), signed  
11 into law on March 9, 2018. The GTSA finds that up to an additional 5,000 MW of utility-  
12 scale electric generating facilities powered by solar and wind energy is in the public  
13 interest, along with up to an additional 500 MW of non-utility scale solar or wind  
14 generating facilities, including rooftop solar installations.

15 After its PPA ends, Oak Solar anticipates contracting for the sale of its energy,  
16 capacity, and Renewable Energy Credits ("RECs") through PJM. Load growth for the PJM  
17 RTO as a whole, and more specifically for the Dominion Virginia power zone, which serves  
18 parts of Eastern North Carolina and Virginia, is expected to increase over the next ten to  
19 fifteen years as described both for winter and summer months. Summer peak load is  
20 expected to grow by 1.2 % per year over the next ten years, and by 1.0 % over the next  
21 fifteen years. (Preliminary PJM Load Forecast Report (Jan. 2020), available  
22 at [https://www.pjm.com/-/media/library/reports-notice/load-forecast/2020-load-](https://www.pjm.com/-/media/library/reports-notice/load-forecast/2020-load-forecast.ashx?la=en)  
23 [forecast.ashx?la=en](https://www.pjm.com/-/media/library/reports-notice/load-forecast/2020-load-forecast.ashx?la=en)) Winter peak load growth in the Dominion zone is expected to grow

1 by 1.4 % per year over the next ten years, and 1.2 % per year over the next 15 years. Finally,  
2 the annual net energy in Dominion zone is expected to grow by 1.5% per year over the  
3 next 10 years, and 1.3 % per year over the next fifteen years. Therefore, the Applicant  
4 believes that there are strong market conditions and needs for renewable energy projects  
5 such as this proposed 120 MW facility.

6  
7 REGULATORY APPROVALS AND PERMITS

8 Q. DOES NORTHAMPTON COUNTY HAVE A SOLAR ENERGY ORDINANCE?

9 A. Yes. Northampton County adopted its Solar Power Generation Facilities for commercial  
10 power generation portion of its Ordinance on January 1, 2016 as part of Article II, entitled  
11 District Regulation of the Zoning Ordinance for Northampton County. The Solar  
12 Development Ordinance was adopted by the Northampton County Board of  
13 Commissioners pursuant to the authority and provisions of N.C. Gen. Stat. § 153A-121  
14 (general ordinance-making power), N.C. Gen. Stat. § 153A-340 (grant of power), and  
15 other applicable law, provided nothing shall be interpreted to conflict with or supersede  
16 any provision of N.C. Gen. Stat. § 153A-144 (limitations on regulating solar collectors).

17 Q. DESCRIBE THE PERMITS AND APPROVALS YOU ANTICIPATE WILL BE NECESSARY TO  
18 COMMENCE CONSTRUCTION OF THE FACILITY.

19 A. Oak Solar has obtained some of the Zoning Permits (permits 201502631 & 201703684) as  
20 required by the Northampton County zoning requirements (please note the permits  
21 received will be revised to rename the permit owner from Gaston Green Acres Solar, LLC  
22 to Oak Solar, LLC). The Planning and Zoning Director has final authority to approve  
23 Zoning Permits, and copies of the approved Zoning Permits are attached and included in

1        Schedule 2-3 to the Amended Application. In addition to the Zoning Permits for the  
2        other parcels, Oak Solar will also obtain a Building Permit from Northampton County.

3                From the State of North Carolina, the facility will require driveway permit(s) from  
4        the North Carolina Department of Transportation, and approval of an erosion and  
5        sedimentation control plan from the NC Department of Environmental Quality  
6        ("NCDEQ"). The project also will require a Certificate of Public Convenience and Necessity  
7        for its construction, and a Certificate of Environmental Compatibility and Public  
8        Convenience and Necessity for the transmission line that will interconnect the generation  
9        site with the Thelma substation on the transmission system of Dominion. The State  
10       Clearinghouse recently identified a possible archaeological site of interest that may  
11       require a permit or other form of approval. That has been added to the list attached to  
12       the Amended Application. There are other possible state permits that may be required,  
13       depending on whether a determination is made that "wetlands" are involved, but those  
14       were not listed because those permits may not ultimately be required.

15               With regard to federal permits and approvals, a wetland delineation for the  
16        entire site will be submitted to the US Army Corps of Engineers ("USACE"). Assuming  
17        that delineation is approved, fewer state permits will likely be necessary. Additionally,  
18        Oak Solar may apply for a Market-Based Rate Authorization from the Federal Energy  
19        Regulatory Commission ("FERC"), pursuant to Sections 205 and 206 of the Federal Power  
20        Act. The facility will also be registered as a Generator-Owner with the North American  
21        Electric Reliability Corporation ("NERC").

22  
23

COMMUNITY

Q. PLEASE DESCRIBE THE ANTICIPATED BENEFITS OF THE FACILITY TO THE LOCAL COMMUNITY.

A. The Oak Solar facility brings a variety of financial benefits to Northampton County. Oak Solar anticipates that the County will realize property and real estate tax revenues from the project. Aside from these financial benefits, Oak Solar will also create additional community benefits. Oak Solar will enhance the County's reputation as an attractive and friendly environment for advanced manufacturing, technology, and related jobs. Local contractors and businesses engaged in installation, fencing, landscaping, and machine rental companies, will receive sales opportunities during the facility's construction, and also afterwards, during its post-construction operations. During the approximately year-long construction process, the facility will offer full-time construction jobs. Oak Solar expects to hire up to a thousand (1,000) workers for the duration of the construction of the 120 MW facility. Increased economic activity in the area is expected to also increase revenue for local hotels, restaurants, service stores, and other vendors.

Q. WHAT ARE THE EXPECTED ENVIRONMENTAL IMPACTS OF THE SMALLER FACILITY?

A. By design and by its nature as a solar PV facility, the facility will provide clean renewable power with minimal environmental impacts. The facility will create no air or water emissions and no environmental contamination. There will be no noise impact outside of the fence line. At the end of the facility's useful life, materials can be recycled or sold for scrap, and the land can be returned to agricultural use.

RESPONSES TO THE COMMISSION'S SUPPLEMENTAL QUESTIONS

Q. TURNING TO THE SUPPLEMENTAL TESTIMONY YOU FILED ON OCTOBER 16, 2020, CAN YOU EXPLAIN BRIEFLY HOW THE PREVIOUS RESPONSES OF THE APPLICANT WOULD HAVE CHANGED FOR PURPOSES OF THE AMENDED APPLICATION?

A. Yes, I can. The project as described in the Original Application was made up of two PJM queues, AB1-132, and AC1-086. The 120 MW project proposed in the Amended Application corresponds to PJM Queue AB1-132. So, for example, the testimony and exhibits relating to that PJM Queue identifier that was submitted on October 16, 2020, such as Exhibits 2, 3 & 4 to that testimony, represents, respectively, the System Impact Study, Facilities Study, and Feasibility Study for the 120 MW facility proposed in the Amended Application. The studies and testimony relating to AC1-086 in the October filing corresponds to the portion of the project for which Cherry Solar has become responsible. With regard to network upgrades on the transmission system of Dominion, PJM Queue AB1-132 ISA forecasts network upgrades and relay setting changes at Dominion's Thelma and Lakeview substations to accommodate the 120 MW generator. The estimated cost of this work has not changed since October 16.

With regard to the awareness of the Applicant of any system other than the studied system that is or will be affected by the interconnection, Oak Solar notes that its PJM Queue AB1-132 for 120 MW has an Interconnection Service Agreement (an "ISA") that was filed with the FERC in May, 2018. PJM did not require any affected system studies for PJM Queue AB1-132.

The responses of the Applicant to the other supplemental questions posed by the Commission can be inferred from my previous testimony. The Applicant is not proposing



1 to sell energy and/or capacity from the facility that is proposed in the Amended Application  
2 to any distribution utility not regulated by this Commission, or to a purchaser who is  
3 subject to a statutory or regulatory mandate with respect to its energy sourcing. The PPA  
4 attached to the Amended Application as Confidential Schedule 3-1 reflects the identity of  
5 the counterparty.

6 Q. DOES THIS CONCLUDE YOUR PREFILED SUPPLEMENTAL DIRECT TESTIMONY IN SUPPORT  
7 OF THE AMENDED APPLICATION OF OAK SOLAR?

8 A. Yes.

9

1 STATE OF NORTH CAROLINA

2  
3 COUNTY OF IREDELL

4  
5 VERIFICATION

6  
7 I, Linda Nwadike, being first duly sworn, depose and say that I am duly authorized to act  
8 on behalf of Oak Solar, LLC as Director of Permitting and Community Relations for SunEnergy1,  
9 LLC, the parent and an affiliate of the Applicant; that I have read the foregoing Pre-Filed  
10 Supplemental Direct Testimony being submitted in support of the Amended Application, and that  
11 the same is true and accurate to my personal knowledge and belief except where otherwise  
12 indicated, and in those instances, I believe my answers to be true.

13 This 12 day of November, 2020.

14  
15 

16 Linda Nwadike  
17 SunEnergy1, LLC  
18  
19

20 Sworn to and subscribed to before me  
21 this 12 day of November, 2020.

22   
23  
24 Notary Public (Signature)

25 Shelby F. Smithwick  
26  
27 Notary Public (Printed)

28  
29 My Commission Expires: 3/27/23  
30  
31

