

**STATE OF NORTH CAROLINA UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. EMP-108 SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of American Beech Solar	)	
LLC for a Certificate of Public	)	<b>MOTION TO CANCEL</b>
Convenience and Necessity to Construct	)	<b>HEARING</b>
a 110-MW Solar Facility in Halifax	)	
County, North Carolina	)	

American Beech Solar LLC (“American Beech Solar” or the “Applicant”) by and through counsel, moves the Commission to cancel the public hearing in this docket scheduled for Monday, June 24, 2020, at the Halifax County Historical Courthouse. In support of its motion, American Beech Solar shows as follows:

1. On January 28, 2020, American Beech Solar 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 110-MWAC solar photovoltaic (“PV”) electric generating facility to be located in Halifax County, North Carolina, and operated as a merchant generating facility (“the Project”).

2. On February 6, 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.

3. On March 12, 2020, this Commission issued an *Order Scheduling Hearing, 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 April 16, 2020; (2) scheduled a public hearing on May 20, 2020, at the Halifax County

Historical Courthouse, for the purpose of receiving public witness testimony regarding the Applicant's application for a CPCN; (3) scheduled a hearing on May 21, 2020 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 April 15, 2020, the Public Staff filed the Testimony of Jay B. Lucas. In his testimony, Mr. Lucas states his opinion that: (1) the Applicant has shown a need for the facility; (2) the Applicant has complied with the Commission's filing requirements; and (3) the Public Staff does not currently have any concerns regarding the testimony provided by the Applicant on Network Upgrades. Mr. Lucas recommends, on behalf of the Public Staff, that the Commission grant the CPCN, subject to certain conditions.

5. On May 13, 2020, the Applicant filed a letter notifying the Commission that due to an administrative error, Notice of the Application had been published only once, rather than each week for four successive weeks as required by the Procedural Order. The Applicant requested that the Commission reschedule the public hearing and expert witness hearing so that adequate public notice could be provided.

6. On May 15, 2020, the Commission issued an *Order Cancelling Hearings, Rescheduling Public Witness Hearing, and Requiring Public Notice* ("Rescheduling Order"), which rescheduled the public witness hearing to June 24, 2020; and also cancelled the hearing set for May 21, stating that the expert witness hearing would be rescheduled by further order of the Commission.

7. On June 9, 2020, the Applicant filed an Affidavit certifying that Notice had been published, in accordance with the Procedural Order and the Rescheduling Order, on May 19, May 26, June 2, and June 9, 2020.

8. On June 19, 2020, ten days will have elapsed since the last day of publication of notice. As of now, no written complaints have been received regarding the proposed facility, and the Applicant has no reason to believe that any written complaints will be received.

9. The deadline for intervention established by the Commission has passed, and no petition to intervene has been filed. Consequently, the only parties to the docket are the Applicant and the Public Staff, and no party has filed comments or testimony in opposition to the Application.


10. Applicant consents to the imposition of the conditions proposed by the Public Staff in Mr. Lucas's testimony.

11. The Public Staff has been consulted prior to the filing of this Motion and states that it consents to the cancellation of the public hearing requested herein.

Wherefore, Applicant respectfully requests that once ten days have elapsed after the last date of publication, the Commission: (1) cancel the public hearing scheduled for June 24, 2020; and (2) accept into the record all prefiled testimony and exhibits of the Applicant and the Public Staff.

Respectfully submitted, this the 15th day of June, 2020.

KILPATRICK TOWNSEND & STOCKTON LLP

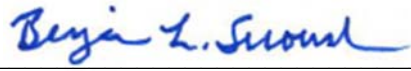
By: 

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**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has this day served the foregoing MOTION TO CANCEL HEARINGS upon all parties of record by electronic mail and/or first-class United States mail.

This the 15th day of June, 2020.



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Benjamin L. Snowden