

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-111, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of)	APPLICANT’S MOTION FOR
Sweetleaf Solar LLC for a Certificate)	FURTHER EXTENSION AND ORDER
of Public Convenience and Necessity)	DIRECTING SUPPLEMENTAL
to Construct a 94-MW Solar Facility in)	TESTIMONY
Halifax County, North Carolina)	

NOW COMES Sweetleaf Solar, LLC (“Sweetleaf Solar” or the “Applicant”), by and through counsel, and pursuant to Commission Rule R1-7, moves the North Carolina Utilities Commission for an extension of time to file supplemental testimony and exhibits as directed by the Commission in its July 8, 2020, *Order Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice*. Applicant also seeks an extension of deadlines for responsive and rebuttal testimony.

In support of its motion, Applicant shows the following:

1. On June 2, 2020, Sweetleaf Solar filed an application in accordance with N.C. Gen. Stat. § 62-20.1 and Commission Rule R8-63 for a certificate of public convenience and necessity to construct a 94-MW solar photovoltaic electric generating facility to be located in Halifax County, North Carolina, operated as a merchant generating facility (the “Project”).
2. On June 15, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff had reviewed the application and considered the application to be complete.
3. On July 8, 2020, the Commission issued an *Order Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice* (“Procedural Order”),

establishing a procedural schedule for this matter and directing the Applicant to file additional testimony and exhibits addressing a number of questions posed by the Commission. The Procedural Order established a deadline of July 21, 2020, for Applicant's supplemental testimony and exhibits; August 10, 2020, for direct testimony and exhibits by the Public Staff and intervenors; and August 25, 2020, for rebuttal testimony and exhibits by Applicant.

4. On July 22, 2020, the Commission, on Applicant's Motion, issued an Order extending the Applicant's deadline for filing additional testimony and exhibits to August 11, 2020; the Public Staff and Intervenors' testimony and exhibits deadline to August 31, 2020; and Applicant's rebuttal testimony and exhibits to September 15, 2020.

5. On August 11, 2020, Applicant filed the Supplemental Pre-Filed Direct Testimony of Donna Robichaud and Exhibits.

6. On August 24, 2020, the Commission held the public witness hearing remotely via WebEx.

7. On August 25, 2020, the Public Staff filed a motion seeking an extension of time to file further testimony.

8. On September 1, 2020, the Commission issued an Order granting a further extension of time, extended the deadline for the Public Staff to file testimony and exhibits to September 18, 2020, and extended the date for the Applicant to file rebuttal testimony to September 29, 2020.

9. On September 16, 2020, in Docket No. E-100, Sub 170, the Commission issued an Order Requiring Comments and Reply Comments Regarding Affected System Study Process and Cost Allocation (September 16 Order) to receive comments in response to questions regarding the affected system study process and electric merchant generation. At this time, both the Public Staff

and the Applicant believe it would be beneficial to allow additional time prior to filing testimony to review the affected system study to be released by DEP and to review comments addressing specific questions in response to the September 16 Order due for the electric utilities by October 7, 2020 and reply comments filed by other interested parties due by October 14, 2020, in Docket E-100, Sub 170.

10. On September 18, 2020, the Commission issued an Order rescheduling the evidentiary hearing in this matter to October 29, 2020, providing procedures for the hearing, and establishing related procedural deadlines.

11. On September 18, 2020, the Public Staff filed the Testimony of Jay B. Lucas in this docket. In his testimony, Mr. Lucas declines to offer a recommendation as to whether the Commission should grant the Applicant's request for a CPCN for the Facility. Mr. Lucas states that "insufficient information regarding the total costs to construct the facility, including the costs to interconnect and to construct any necessary transmission network upgrades, is available at this time to recommend approval of the CPCN for the Facility." He notes that DEP anticipates completing affected system studies for Clusters AC2, AD1, and AD2, on October 1, 2020. (The applications for both facilities in Docket Nos. EMP-110, Sub 0 and EMP-111, Sub 0 are being studied as part of Cluster AD1.) Mr. Lucas further recommends that the results of the affected system study costs for Cluster AD1 be reviewed and the additional information submitted in the E-100 Sub 170 docket be evaluated before the Commission decides whether to issue a CPCN for the Facility.

12. Based on the foregoing, the Applicant requests that the Commission amend and extend the procedural order in this case so that the parties can review and provide testimony concerning the additional information referenced in Mr. Lucas's testimony, and so that the Public

Staff can provide a recommendation to the Commission as to whether the CPCN should be granted. The Applicant requests that the Commission issue an order directing the Public Staff to file supplemental testimony and a recommendation on the Application on or before October 23, 2020; and extending the Applicant's deadline to file responsive testimony and exhibits (currently September 29, 2020) to October 30, 2020. The Applicant further requests that the evidentiary hearing currently scheduled for October 29 be rescheduled for mid-November or early December 2020, as the Commission's schedule permits, and that the procedural deadlines established in the Commission's September 18, 2020 *Order Rescheduling Hearing and Providing Procedures for Remote Hearing* be adjusted accordingly.


13. The undersigned counsel for the Applicant has contacted counsel for the Public Staff and the Public Staff supports the request.

WHEREFORE, Sweetleaf Solar, LLC, respectfully requests that the Commission issue an order:

1. Directing the Public Staff to file Supplemental Testimony and Exhibits on or before October 23, 2020;
2. Extending Applicant's deadline to file responsive testimony and exhibits to October 30, 2020;
3. Rescheduling the Evidentiary Hearing currently scheduled for October 29, 2020, to a date in mid-November or early December 2020, and adjusting the procedural deadlines in the September 18, 2020 *Order Rescheduling Hearing and Providing Procedures for Remote Hearing* accordingly.

Respectfully submitted, this the 28th day of September, 2020.

KILPATRICK TOWNSEND & STOCKTON LLP

By: 
Benjamin L. Snowden
N.C. Bar No. 51745
4208 Six Forks Road, Suite 1400
Raleigh, North Carolina 27609
Telephone: (919) 420-1700
Email: bsnowden@kilpatricktownsend.com
Attorney for Sweetleaf Solar, LLC

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing **MOTION FOR FURTHER EXTENSION AND ORDER DIRECTING SUPPLEMENTAL TESTIMONY** upon the following by electronic mail as follows:

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

Megan Jost
NC Public Staff - Legal Division Megan.Jost@psncuc.nc.gov

Layla Cummings
NC Public Staff - Legal Division Layla.cummings@psncuc.nc.gov

This the 28th day of September 2020.

/s/ _____
Benjamin L. Snowden