

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-115, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Cherry Solar, LLC, for a)	
Certificate of Public Convenience and)	ORDER GRANTING
Necessity to Construct a 180-MW Solar)	PUBLIC STAFF MOTION TO FILE
Facility in Northampton County,)	SUPPLEMENTAL TESTIMONY
North Carolina)	

BY THE PRESIDING COMMISSIONER: On November 13, 2020, Cherry Solar, LLC, (Cherry Solar or Applicant), filed an amended application (Application) pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule 8-63 for a certificate of public convenience and necessity (CPCN) to construct a 180-MWac solar photovoltaic (PV) electric generating facility to be located in Northampton County, North Carolina, and to be operated as a merchant generating facility.

On December 18, 2020, the Commission issued an Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (Scheduling Order). The Scheduling Order required that: (1) additional testimony by the Applicant be filed by March 11, 2021; and (2) direct testimony and exhibits of the Public Staff and any other intervenors be filed by April 15, 2021. The Scheduling Order also allowed the Applicant to file rebuttal testimony and exhibits by April 29, 2021, if the Applicant so chose. The parties complied with the deadlines set forth in the Scheduling Order for the Applicant's supplemental testimony and the Public Staff's direct testimony and exhibits. The Public Staff, via witness Jay B. Lucas's testimony filed on April 14, 2021, recommended that the Commission issue the requested CPCN with conditions. The Applicant did not file rebuttal testimony, but on April 28, 2021, filed a letter stating that the Applicant will not object to the issuance of the CPCN with the conditions recommended by the Public Staff.

On November 4, 2021, the Public Staff filed a Motion for Leave to File Supplemental Testimony. In support of its motion, the Public Staff states that, on October 1, 2021, the Federal Energy Regulatory Commission (FERC) rejected an Affected System Operator Agreement (ASOA) between DEP and another interconnection customer, American Beech in Docket No. ER21-1955-002. On November 1, 2021, DEP filed a Request for Rehearing with FERC, requesting that FERC reconsider its October 1, 2021 order addressing the ASOA between DEP and American Beech. The Public Staff states that FERC's rejection of the ASOA between DEP and American Beech may impact future ASOAs and reimbursements between DEP and other generators, including Cherry Solar. Therefore, the Public Staff seeks to file supplemental testimony in this docket after

it reviews and evaluates FERC's response to the Request for Rehearing. The Public Staff requests that it be allowed to file supplemental testimony on or before December 17, 2021, and that the Applicant be allowed to file reply testimony on or before January 13, 2022.

Considering the foregoing and the entire record in this case, the Presiding Commissioner finds good cause to grant the Public Staff's motion and allow the Public Staff to file supplemental testimony in this docket on or before December 17, 2021, and to allow the Applicant to file testimony replying to the Public Staff's supplemental testimony on or before January 13, 2022.

IT IS, THEREFORE, ORDERED as follows:

1. That the Public Staff is allowed to file supplemental testimony in this docket on or before December 17, 2021; and
2. The Applicant, Cherry Solar, LLC, is allowed to file reply testimony to the Public Staff's supplemental testimony on or before January 13, 2022.

ISSUED BY ORDER OF THE COMMISSION.

This the 5th day of November, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk