

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-117, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Shawboro East Ridge) NOTICE OF
Solar, LLC, for a Certificate of Public) COMPLETENESS
Convenience and Necessity to Construct) AND MOTION TO STAY
a 150-MW Solar Facility in Currituck)
County, North Carolina

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission, by and through its Executive Director, Christopher J. Ayers, and provides the notice required by Commission Rule R8-63(d) with respect to the completeness of the application filed by Shawboro East Ridge Solar, LLC (Shawboro).

On June 22, 2021, Shawboro filed an application for a certificate of public convenience and necessity to construct a solar facility with a capacity of 150-MW_{AC} to be located in Currituck County, North Carolina, along with the direct testimony of Linda Nwadike supporting the application.

In its application, Shawboro provided the estimated construction cost for the solar facility as required by Rule R8-63(b)(2)(i). However, a completed affected system study was not included in Shawboro's application. PJM has assigned solar facility queue number AE1-072 to the project. The potential affected system is Duke Energy Progress, LLC (DEP), which has not yet completed an affected system study for PJM cluster AE1. The Public Staff is concerned about the results of the affected system study, which may include system impacts and cost estimates.

In addition, on October 1, 2020, DEP and other affiliated utilities (collectively, Duke) revised Duke's Affected System Operating Agreement (ASOA) template to assign the costs of affected system network upgrades directly to the interconnection customer, reversing its prior policy of repayment to the interconnection customer for the affected system costs.¹

On May 12, 2021, in response to Duke's revisions to its ASOA, Edgecombe Solar LLC (Edgecombe) filed a complaint at the Federal Energy Regulatory Commission (FERC) appealing Duke's Affected Systems Business Procedures and revised ASOA, arguing that they are inconsistent with Duke's Open Access Transmission Tariff.² Pending FERC's decision in the Edgecombe proceeding, it is uncertain whether DEP could pass on affected system costs to its customers. If Edgecombe prevails at FERC and Shawboro is eligible for reimbursement of affected system costs, this information will impact the Public Staff's review of the application.

The Public Staff has reviewed Shawboro's application in accordance with Commission Rule R8-63(d) and hereby notifies the Commission that it considers the application to be complete. However, the Public Staff recommends that the Commission stay the proceedings in this docket pending the completion of the

¹ See Docket No. E-100, Sub 170, Duke Energy Initial Comments filed on October 7, 2020, at 4 (Section 6.1 of the "Affected System Operating Agreement template" for Duke Companies (DEP, Duke Energy Carolinas, and Duke Energy Florida) effective October 1, 2020, states "The Affected System Network Upgrades shall be solely funded by Customer.").

² *Edgecombe Solar Energy LLC v. Duke Energy Progress, LLC, Duke Energy Carolinas, LLC, and Duke Energy Florida, LLC*, FERC Docket No. EL21-73-000. Edgecombe received a CPCN to construct a 75-MW solar facility in Edgecombe County, North Carolina in Docket No. EMP-101, Sub 0 by Commission Order dated November 13, 2020. The Public Staff is monitoring the status of Edgecombe's complaint at FERC.

affected system study for PJM cluster AE1 and the issuance of a ruling by FERC in the Edgecombe proceeding.

WHEREFORE, the Public Staff respectfully requests that the Commission consider Shawboro's application to be complete, that this proceeding be stayed pending further order of the Commission, and that no procedural order be issued during the period of the stay.

Respectfully submitted this the 7th day of July, 2021.

PUBLIC STAFF
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Electronically submitted
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CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Notice of Completeness on all parties of record in this proceeding, or their attorneys of record, in accordance with Commission Rule R1-39, by mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 7th day of July, 2021.

Electronically submitted
/s/ Nadia Luhr
Staff Attorney