

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP 112, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of the Application of)	
Oak Solar, LLC for a Certificate of Public)	
Convenience and Necessity to Construct a)	CONSENT MOTION TO EXCUSE
120-MW Solar Facility in Northampton)	WITNESSES, ADMIT TESTIMONY
County, North Carolina)	AND EXHIBITS, AND CANCEL
)	HEARING
)	

NOW COMES Oak Solar, LLC, (the "Applicant"), by and through its undersigned counsel, and moves the Commission to excuse witnesses, admit into the record without cross-examination all of the pre-filed testimony and exhibits submitted by any party to this proceeding, cancel further hearings on the Applicant's application for a certificate of public convenience and necessity (the "CPCN"), and to issue the requested CPCN, subject to certain conditions. Accordingly, the Applicant shows unto the Commission the following:

1. On July 15, 2020, an application for a CPCN to construct a 300-MW (AC) solar renewable electric merchant plant was filed pursuant to N.C. Gen. Stat. § 62-110.1 and NCUC Rule R8-63 on behalf of Gaston Green Acres Solar, LLC. The application was supported by the pre-filed testimony and exhibits of Linda Nwadike filed with the Commission on the same day in accordance with NCUC Rule R8-63.

2. At the time the application was filed, the Applicant was in negotiations to sell the output of the proposed solar generation facility.

3. On July 29, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff had reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considered the application to be complete. In addition, the Public Staff requested that the Commission issue a procedural order setting the application for hearing, requiring public notice pursuant to N.C.G.S. § 62-82, and addressing any other procedural matters.

4. On September 28, 2020, the Commission issued an *Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice*.

5. On October 19, 2020, the Applicant pre-filed the supplemental testimony of witness Nwadike, and pre-filed additional testimony of witness Nwadike addressing specific issues.

6. After the filing of the initial application, the Applicant entered an out-take contract for the output associated with a 120-MW solar facility, and a newly-organized affiliated entity

entered a separate out-take contract for the output associated with a separate 180-MW facility, representing the balance of the proposed 300-MW facility described in the original Application.

7. In connection with the making of the two out-take contracts, the counterparty requested that the Applicant change its legal name and become the counterparty to the outtake contract associated with the output of a 120-MW facility. A separate entity became the counterparty to the output contract associated with a 180-MW facility. The Applicant agreed to effect a change of its legal name and to amend the application in this docket to seek authority to construct only a 120-MW solar facility.

8. The current legal name of the Applicant is Oak Solar, LLC. The application and caption in this proceeding has been adjusted to conform to the new legal name of the Applicant, Oak Solar, LLC, and to conform to the amendment that reduced the size of the facility for which a CPCN is sought in this docket.

9. On March 23, 2021, the Public Staff filed the direct testimony of Mr. Jay B. Lucas, a Manager in the Electric Section of the Public Staff's Energy Division. The Public Staff, through witness Lucas, recommended that the Commission grant the requested CPCN, subject to certain conditions as set out on pages 8-9 of that testimony.

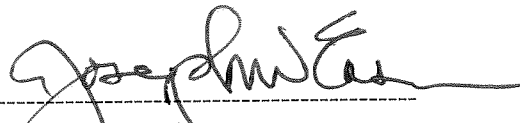
10. The Applicant is willing to accept a CPCN issued by this Commission, subject to the conditions as stated in the aforesaid testimony of Public Staff witness Lucas.

11. Since there are no disputed issues among the parties, the Applicant and the Public Staff have agree to waive cross-examination of all witnesses in this matter and to request the admission into the record of all pre-filed testimony and exhibits, and the cancellation of the hearing in this docket.

12. The Public Staff reviewed this motion before it was filed, and has authorized the undersigned to state that the Public Staff consents to the Commission granting the relief requested by the Applicant, subject to the conditions recommended in the aforesaid testimony of Public Staff witness Lucas.

WHEREFORE, the Applicant respectfully prays that the Commission: (1) admit into evidence all of the pre-filed testimony, including all exhibits thereto, submitted on behalf of the Applicant or on behalf of the Public Staff in this docket, without cross examination; (2) excuse all of the witnesses from appearing at any scheduled hearings; (3) cancel any further hearings in this docket; and (3) issue the CPCN as requested by the Applicant, subject to the conditions identified in the aforesaid testimony of Public Staff witness Lucas.

Respectfully submitted this 28th day of April, 2021.

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

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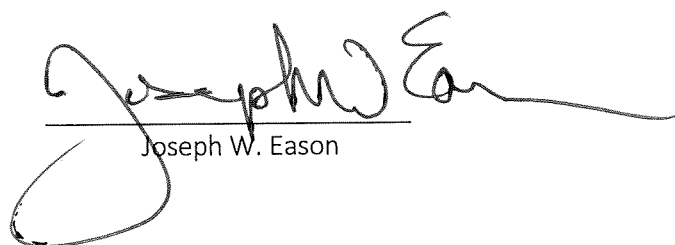
CERTIFICATE OF SERVICE

The undersigned certifies that the forgoing CONSENT MOTION TO ADMIT TESTIMONY AND EXHIBITS WITHOUT CROSS AND TO CANCEL HEARING was served upon the following by electronic mail:

Christopher Ayers, Esq.
Executive Director-NC Public Staff
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Gina C. Holt
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This the 28th day of April, 2021.



Joseph W. Eason