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May 13, 2019

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**VIA ELECTRONIC FILING**

Ms. Martha Lynn Jarvis  
Chief Clerk  
North Carolina Utilities Commission  
430 North Salisbury Street  
Raleigh, NC 27603

Re: **Docket No. EMP-104, Sub 0**

Fern Solar LLC's Application for a Certificate of Public Convenience and Necessity to Construct a Merchant Plant

Dear Ms. Jarvis:

Fern Solar LLC filed an Application for a Certificate of Public Convenience and Necessity to Construct a Merchant Plant ("the Application") in this docket on November 27, 2018. On December 20, 2018, the Commission issued an Order Scheduling Hearings, Requiring Filing Of Testimony, Establishing Procedural Guidelines and Requiring Public Notice. As indicated by the filings on the docket, the Applicant provided Public Notice in accordance with this Order. No person filed comments or intervened in opposition to the Application. On January 31, 2019, the Commission issued an Order cancelling the proposed public hearing in Edgecombe County because of the absence of any negative comments.

On January 28, 2019, the Public Staff filed an Affidavit from Evan D. Lawrence stating its conclusion that Fern Solar has satisfied the requirements to obtain a CPCN pursuant to N.C. Gen. Stat. § 62-110.1 and Commission Rule R8-63. The Public Staff recommended that the Commission issue a CPCN for Fern Solar with certain conditions, including that that the Applicant not begin construction until the State Clearinghouse files comments indicating that no further review action by the Commission is required for compliance with the North Carolina Environmental Policy Act.

On February 6, the Commission issued an Order suspending the scheduled expert witness hearing in Raleigh pending receipt of comments from the State Clearinghouse.

The State Clearinghouse filed initial comments on February 20, and also requested that supplemental documents requested by the Department of Cultural Resources be submitted for further review and comment. The Applicant provided the requested documents, and on May 3, 2019, the State Clearinghouse provided additional comments based on review of those documents. The Clearinghouse stated that "[b]ecause of the nature of the comments, it has been determined

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that no further State Clearinghouse review action on your part is needed for compliance with the North Carolina Environmental Policy Act.” In its comments, the State Historic Preservation Office recommended that a 25-foot buffer avoidance area around a family cemetery located in the vicinity of the project site “be demarcated with high-visibility fencing during construction.” Fern Solar LLC has agreed to implement this recommendation.

At this time all the requirements of Rule R8-63 and the Commission’s orders in this docket have been fulfilled. Accordingly, Applicant respectfully requests that the Commission issue an Order approving the Application.

Sincerely,



Benjamin L. Snowden

Enclosure

cc: Layla Cummings, Public Staff