

**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)	ORDER GRANTING MOTION FOR
Solar, LLC, for a Certificate of Public)	EXTENSIONS OF DEADLINES,
Convenience and Necessity to Construct)	RESCHEDULING EXPERT WITNESS
a 150-MW Solar Facility in Currituck)	HEARING, AND ESTABLISHING
County, North Carolina)	REMOTE PROCEDURES FOR
)	EXPERT WITNESS HEARING

BY THE PRESIDING COMMISSIONER: On August 12, 2021, the Commission issued an Order Scheduling Hearings, Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice in this docket. According to the schedule established in that order, the Public Staff and other intervenors were to file direct testimony and exhibits on or before Tuesday, September 21, 2021, and the Applicant was to file rebuttal testimony and exhibits on or before Thursday, October 7, 2021. Also in that order, an expert witness hearing for the purpose of receiving expert witness testimony regarding the Applicant's CPCN application was scheduled for 1:30 p.m. on October 28, 2021.

On September 13, 2021, the Applicant filed a Motion for Extensions of Time. On September 15, 2021, the Commission issued an Order Granting Extensions of Deadlines that extended the deadline for direct testimony and exhibits of the Public Staff and other intervenors for October 5, 2021, and the deadline for Applicant's rebuttal testimony for October 21, 2021.

On October 1, 2021, the Public Staff filed a Motion for Extensions of Time. The Public Staff requests that the Commission extend the deadline for the Public Staff's filing of testimony and exhibits and the deadline for Applicant's filing of rebuttal testimony and exhibits. The Public Staff states that because of the press of other ongoing dockets and deadlines, it requires additional time to conduct a thorough investigation of the Applicant's application and testimony, and to draft its direct testimony. The Public Staff requests a two-week extension of both deadlines, which would make the Public Staff's testimony and exhibits due on October 19, 2021, and the Applicant's rebuttal due on November 4, 2021. The Public Staff asserts that counsel for the Applicant does not object to the Public Staff's motion.

On October 5, 2021, the Public Staff filed a Supplement to Motion of the Public Staff for Extensions of Time. In the supplemental filing, the Public Staff notes that the expert witness hearing in this docket is currently scheduled for October 28, 2021. That

date is before the November 4, 2021, deadline for the Applicant's rebuttal testimony and exhibits that the Public Staff requested in its October 1, 2021, Motion for Extensions of Time. The Public Staff requests that the Commission reschedule the expert witness hearing to a later date to be determined by the Commission. The Public Staff states that it has contacted the Applicant's counsel and is authorized to represent that the Applicant does not object to the Public Staff's motion, but requests that the rescheduled expert witness hearing occur on or before November 24, 2021, or, alternatively, in January 2022.

Considering the foregoing and the record in this proceeding, the Commission finds good cause to extend the deadline for the Public Staff's testimony and exhibits to Tuesday, October 19, 2021, and the deadline for the Applicant's rebuttal testimony and exhibits to Thursday, November 4, 2021. The expert witness hearing is rescheduled to Tuesday, November 23, 2021, at 9:30 a.m.

Based on the totality of the circumstances, including current high transmission rates of community spread of the delta variant of the novel coronavirus, the Presiding Commissioner finds good cause to direct that the expert witness hearing scheduled for Tuesday, November 23, 2021, shall be conducted remotely via Webex. Information on the remote hearing process including how to participate, how to submit an attorney appearance sheet, and how to request a technical check, can be found on the Commission's website under "Remote Expert Witness Process."

IT IS, THEREFORE, ORDERED as follows:

1. That the deadline for direct testimony and exhibits of the Public Staff and other intervenors is extended to Tuesday, October 19, 2021;
2. That the deadline for the Applicant's rebuttal testimony is extended to Thursday, November 4, 2021;
3. That the expert witness hearing in the above-captioned proceeding previously scheduled for Thursday, October 28, 2021, is rescheduled for Tuesday, November 23, 2021, at 9:30 a.m.;
4. That the expert witness hearing will be conducted remotely via Webex only. The hearing will be live streamed on YouTube, a link to which will be made available on the Commission's website: <https://www.ncuc.net/>;
5. That on or before Tuesday, November 9, 2021, parties shall provide the name, phone number, and email address of each attorney and witness that will participate in the hearing on the party's behalf directly to the Commission via email at ncucwebex@ncuc.net. The email providing the list of participants shall specify the docket number (EMP-117, Sub 0) in the subject line;

6. That on or before Tuesday, November 16, 2021, each party shall file a statement consenting to the Commission holding the expert witness hearing by remote means, or a statement objecting to the same;

7. That on or before Thursday, November 18, 2021, counsel appearing at the remote hearing shall submit an appearance sheet to the Commission's Court Reporter via email at reporter@ncuc.net;

8. That parties and witnesses are encouraged to avoid using confidential information during the remote hearing. If a party deems it necessary to discuss confidential information during the hearing, the party shall inform the Presiding Commissioner and the hearing will transfer to a secure telephone line. On or before Thursday, November 18, 2021, the Applicant shall provide to the Commission via email at ncucexhibits@ncuc.net, and to all other parties, the number for a secure phone line that can be used by the Commission and the parties during the hearings to present and receive expert witness testimony that involves information asserted to be confidential;

9. That each attorney and witness appearing at the remote hearing shall have an individual connection to the hearing. Two or more individuals should not share a connection;

10. That all hearing participants shall logon to the Webex event at least 15 minutes before the start of the hearing for the purpose of testing their connection; and

11. That to facilitate expeditious handling and distribution of proposed exhibits and witness testimony summaries, the parties shall adhere to the following procedures:

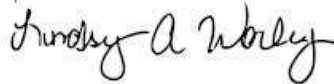
- a. On or before Tuesday, November 16, 2021, parties shall each file a list of potential cross-examination exhibits and provide electronic copies of the proposed cross-examination exhibits labeled with the party name and numbered sequentially on the face of the document (e.g., "Shawboro Proposed Cross Exhibit No. 1," "Shawboro Proposed Cross Exhibit No. 2," etc.) to the other parties and to the Commission via email at ncucexhibits@ncuc.net;
- b. On or before Thursday, November 18, 2021, parties shall each file a list of potential redirect examination exhibits and provide electronic copies of the exhibits, labeled with the party's name and numbered sequentially, to the other parties and to the Commission via email at ncucexhibits@ncuc.net;
- c. Within two business days after the conclusion of a witness's testimony, parties shall each file all cross-examination and redirect exhibits accepted into evidence during the witness's testimony, labeled on the face of the document as marked during the hearing; and

- d. Parties may utilize witness testimony summaries in their discretion. On or before Thursday, November 18, 2021, parties electing to present witness testimony summaries shall provide electronic copies of witness testimony summaries to the other parties and the Commission via email at ncucexhibits@ncuc.net.

ISSUED BY ORDER OF THE COMMISSION.

This the 7th day of October, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, reading "Lindsey A. Worley". The signature is written in a cursive, flowing style.

Lindsey A. Worley, Acting Deputy Clerk