

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-104, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Fern Solar, LLC, for a)	
Certificate of Public Convenience and)	ORDER ISSUING AMENDED
Necessity to Construct a 100-MW Solar)	CERTIFICATE FOR MERCHANT
Facility in Edgecombe County,)	GENERATING FACILITY
North Carolina)	

BY THE COMMISSION: On June 7, 2019, the Commission issued an order granting Fern Solar, LLC (Fern Solar), a certificate of public convenience and necessity (CPCN) to construct a 100-MW_{AC} solar photovoltaic (PV) electric generating facility to be located in Edgecombe County, North Carolina, and to be operated as a merchant plant.

On January 31, 2020, BayWa r.e. Solar Projects, LLC, (BayWa) on behalf of its subsidiary Fern Solar, filed an amended site plan for the facility. BayWa stated that the amended site plan revised the panel arrangement of the facility and made minor changes to the location of six access points to the facility.

On February 7, 2020, the Public Staff filed a letter recommending the Commission issue an amended CPCN due to the *de minimis* nature of the changes to the site plan.

After careful consideration, the Commission finds good cause to issue the amended CPCN for the proposed solar PV electric generating facility, subject to the conditions of the initial CPCN issued for the facility.

IT IS, THEREFORE, ORDERED as follows:

1. That an amended certificate of public convenience and necessity shall be, and is hereby, issued to Fern Solar, LLC, for the construction of a 100-MW_{AC} solar PV merchant generating facility to be located in Edgecombe County, North Carolina, and to be operated as a merchant plant. This certificate is subject to the following conditions:

- (a) Fern Solar, LLC, will construct and operate the generating facility in strict accordance with applicable laws and regulations, including any local zoning and environmental permitting requirements;

- (b) Fern Solar, LLC, will not assert that the issuance of the certificate in any way constitutes authority to exercise any power of eminent domain, and it will abstain from attempting to exercise such power; and
- (c) The certificate is subject to Commission Rule R8-63 and all orders, rules, regulations and conditions as are now or may hereafter be lawfully made by the Commission.

2. That during construction Fern Solar, LLC, shall install and maintain high-visibility fencing around the 25-foot buffer avoidance area demarcating the Lawrence Family Cemetery.

3. That Fern Solar, LLC, shall continue to file with the Commission progress reports and any revisions in the cost estimates for the facility on an annual basis.

4. That Appendix A hereto shall constitute the amended certificate of public convenience and necessity issued for the facility.

ISSUED BY ORDER OF THE COMMISSION.

This the 16th day of March, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Janice H. Fulmore", is written over a light gray circular stamp.

Janice H. Fulmore, Deputy Clerk

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Fern Solar, LLC
17901 Von Karman Avenue, Suite 1050
Irvine, California 92614

is hereby issued this

**AMENDED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO N.C. GEN. STAT. § 62-110.1**

for a 100-MW_{AC} solar photovoltaic electric generating facility

located

on non-contiguous parcels of land generally between
Battleboro-Leggett Road, Cool Spring Road, and Speights Chapel Road,
approximately 3.2 miles northeast of Rocky Mount and 6.7 miles northwest
of Tarboro, Edgecombe County, North Carolina,

subject to all orders, rules, regulations and conditions
as are now or may hereafter be lawfully made
by the North Carolina Utilities Commission.

ISSUED BY ORDER OF THE COMMISSION.

This the 16th day of March, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Janice H. Fulmore", is written over a light blue horizontal line.

Janice H. Fulmore, Deputy Clerk