

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

**DOCKET NO. EMP-101, SUB 0**

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

**In the Matter of the Application of )  
Edgecombe Solar LLC for a Certificate of )  
Public Convenience and Necessity and )  
Registration as a New Renewable Energy )  
Facility )**

**MOTION TO CANCEL  
EVIDENTIARY HEARING**

Edgecombe Solar LLC ("Edgecombe") through counsel, moves the Commission to cancel the evidentiary hearing in this docket scheduled for Tuesday, January 15, 2019. In support of its motion, Edgecombe shows the Commission as follows:

1. On October 5, 2018, Edgecombe filed an application pursuant to G.S. 62-110.1 and Commission Rule R8-63 for a certificate of public convenience and necessity ("CPCN") to construct at 75-MW solar photovoltaic electric generating facility in Edgecombe County, North Carolina along with a request to register the facility as a new renewable energy facility.
2. On November 8, 2018, the Commission issued an Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice ("Order").
3. The Order provides that any person having an interest in the proceeding may file a petition to intervene on or before Monday, December 31, 2018, and that all direct testimony and exhibits of Public Staff and intervenors be filed on or before that day. The Order scheduled an evidentiary hearing in this matter on Tuesday, January 15, 2019, "solely for the purpose of receiving expert testimony from the parties."
4. No petitions to intervene have been filed in the docket. As such, the only parties to the docket are the Applicant and the Public Staff.
5. On December 28, 2018, the State Clearinghouse filed comments. The cover letter states that the Department of Cultural Resources has requested additional information

from the Applicant prior to their concurrence that the facility is in compliance with the North Carolina Environmental Policy Act.

6. On December 31, 2018, the Public Staff filed the affidavit of Evan D. Lawrence, in which the Public Staff concludes that Edgecombe has met the requirements to obtain a CPCN and register as a new renewable energy facility. Public Staff recommends that the CPCN be issued subject to the following conditions:

a. That Edgecombe Solar LLC construct and operate the Facility in strict accordance with all applicable laws and regulations, including the provisions of all permits issued by the North Carolina Department of Environmental Quality;

b. That Edgecombe Solar LLC shall 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; and

c. That Edgecombe Solar LLC file with the Commission in this docket a progress report and any revisions in the cost estimates for the Facility on an annual basis, including any storage systems to be constructed at a later date, with the first report due no later than six months from the date of issuance of the CPCN.

7. Furthermore, no written complaints regarding the facility were filed and on January 2, 2019, the Commission entered an order cancelling the public hearing scheduled for January 9, 2019.

8. Edgecombe agrees with the conditions put forth by the Public Staff and specifically agrees not to commence construction until the State Clearinghouse files comments that no further review is necessary.

9. We have been authorized by the Public Staff to state that they support cancellation of the evidentiary hearing.

WHEREFORE, Edgecombe respectfully requests that the Commission cancel the evidentiary hearing scheduled for Tuesday, January 15, 2019, and decide the matter based on

the evidence and filings in the docket, including the prefiled direct testimony and exhibits of Edgecombe and the Public Staff.

Respectfully submitted this 3<sup>rd</sup> day of January, 2019.

/s/ Katherine E. Ross  
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*Attorneys for Edgecombe Solar LLC*

**CERTIFICATE OF SERVICE**

I certify that I have this day served a copy of the foregoing *Motion to Cancel Evidentiary Hearing* on the below parties of record in this proceeding or their attorneys of record by causing a copy to be deposited in the United States Mail, postage prepaid, or by electronic delivery upon agreement from the parties:

Bob Gillam  
Public Staff – North Carolina Utilities Commission  
Staff Attorney  
Email: [bob.gillam@psncuc.nc.gov](mailto:bob.gillam@psncuc.nc.gov)

This the 3<sup>rd</sup> day of January, 2019.

/s/ E. Merrick Parrott

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