



October 21, 2021

Ms. Antonia Dunston, Interim Chief Clerk
North Carolina Utilities Commission
Dobbs Building
430 North Salisbury Street
Raleigh, North Carolina 27603

Re: In the Matter of Application of Timbermill Wind, LLC, for a Certificate of Public Convenience and Necessity to Construct a Merchant Plant Wind Energy Facility in Chowan County, North Carolina and Registration as a New Renewable Energy Facility

NCUC Docket No. EMP-118, Sub 0

Dear Ms. Campbell,

The North Carolina Sustainable Energy Association (“NCSEA”) supports Timbermill Wind, LLC’s (“Timbermill”) Application for a Certificate of Public Convenience and Necessity For a Merchant Plant and Registration as a New Renewable Energy Facility (“Application”) filed in authorizing the construction and completion of the Timbermill Wind 189-megawatt facility (“Facility”) in Chowan County, North Carolina. NCSEA is not an intervenor in this proceeding but felt compelled to voice its support and request the North Carolina Utilities Commission (the “Commission”) grant Timbermill’s Application after reviewing the docket, including in particular the recent testimony filed by the North Carolina Utilities Commission – Public Staff (“Public Staff”).

NCSEA believes that the certificate for the construction of the Timbermill Wind Facility should be granted because Timbermill has exceeded the statutory requirements for a merchant facility Certificate of Public Convenience and Necessity (“CPCN”). In its July



22, 2021 Order Consolidating Dockets, Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice (“July Order”), the North Carolina Utilities Commission noted, in pertinent part, that

The Chair notes that the Commission has seen an increase in the number of merchant plant facility applications. Due to the increase in non-utility generation on the North Carolina system and the Commission’s statutory duty to examine the long-range needs for the generation of electricity in North Carolina, the Chair finds good cause to require the filing of additional testimony and exhibits in this proceeding addressing the following questions, to the extent that they are not answered in the application:

1. Are there any network upgrades to DENC’s or any affected system’s transmission system required to accommodate the operation of the Applicant’s proposed facility? If so, provide the amount of network upgrades on DENC’s or any affected system’s transmission system, if any, required to accommodate the operation of the Applicant’s proposed facility.
2. If there are any required system upgrades, does the Applicant have Levelized Cost of Transmission (LCOT) information for the system upgrades? If so, provide the LCOT information for any required transmission system upgrades or modifications.
3. Is there any interconnection study available for the proposed facility? If so, provide any interconnection study received for the proposed facility. If the Applicant has not received a study, provide a date by when the study is expected to be completed.
4. Is the Applicant aware of any system other than the studied system that is or will be affected by the interconnection? If yes, explain the impact and basis.
5. Is the Applicant proposing to sell energy and capacity from the facility to a distribution facility regulated by the Commission? If so, provide a discussion of how the facility’s output conforms to or varies from the regulated utility’s most recent integrated resource plan (IRP).
6. Is the Applicant proposing to sell energy and capacity from the proposed facility to a purchaser who is subject to a statutory or regulatory mandate with respect to its energy sourcing (e.g., a REPS requirement or Virginia’s



new statutory mandate for renewables)? If so, explain how, if at all, the proposed facility will assist or enable compliance with that mandate. In addition, provide any contracts that support that compliance.

7. Does the Applicant have a Power Purchase Agreement (PPA), REC sale contracts or contracts for compensation for environmental attributes for the output of the proposed facility? If so, provide any PPA agreements, REC sale contracts, or contracts for compensation for environmental attributes for the output of the facility.

July Order, pp. 2-3.

NCSEA does not intend to relitigate the requirements for a merchant facility CPCN under Commission Rule R8-63¹, but does want to point out that the July Order details requirements of Timbermill beyond those stated in Commission Rule R8-63. Thereafter, in subsequent filings, Timbermill was able to generally meet the requirements of the July Order. In fact, Public Staff Witness Jeff T. Thomas (“Staff Witness Thomas”) testified that he had reviewed the requisite materials and that the Timbermill Wind Facility had met the requirements set forth in the July Order, as well as those set forth in Commission Rule R8-63, and, therefore, recommended the Commission grant the request for the Timbermill Wind CPCN. *See* Testimony of Jeff T. Thomas On Behalf of the Public Staff North Carolina Utilities Commission (September 29, 2021), pp. 16-17.

NCSEA agrees with Staff Witness Thomas that the Timbermill Wind Application should be approved because Timbermill Wind met all the requirements of Commission

¹ *See Generally*, In the Matter of: Application of Friesian Holdings, LLC for a Certificate of Public Convenience and Necessity (NCUC Docket No. Emp-10, Sub 0) (“Friesian docket”). NCSEA’s position is set forth in the Friesian Docket (and thereafter in the related appeal to the North Carolina Court of Appeals) and is available for background, if necessary.



Rule R8-63 and the prerequisites set forth in the Commission’s July Order. Additionally, NCSEA would be remiss not to point out the relative importance of the Timbermill Wind Project in North Carolina. As noted by Timbermill Wind Application, the Timbermill Wind Project will provide ample opportunities for an investor-owned facility to meet North Carolina’s Renewable Energy and Energy Efficiency Portfolio Standard (“REPS”). There is no off taker here yet, but as noted by Staff Witness Thomas, the local investor-owned utilities have statewide clean energy requirements. This is further amplified the recent passage of House Bill 951, which has numerous requirements for the Duke Energy investor-owned utilities in North Carolina including a carbon emission mandate. NCSEA believes that the need for the Timbermill Wind Facility is evident and will continue to be throughout the Facility’s useful life.

NCSEA supports the Timbermill Wind CPCN application and encourages the Commission to grant the CPCN. NCSEA believes this project will have long-term impact in North Carolina, and, ultimately, provide a boon for citizens of the state as the generation mix continues to diversify and leans into cleaner emitting electric generation facilities. NCSEA hopes the Commission agrees and grants the CPCN.

Sincerely,
s/ Benjamin Smith
Regulatory Counsel
NCSEA