

**STATE OF NORTH CAROLINA UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-110 SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application of Sumac Solar LLC for a)	
Certificate of Public Convenience and)	MOTION TO CANCEL
Necessity to Construct a 120-MW Solar)	HEARINGS
Facility in Bertie County, North Carolina)	

Sumac Solar LLC (“Sumac Solar” or the “Applicant”) by and through counsel, moves the Commission to cancel the public hearing in this docket scheduled for June 23, 2020, at the Sumac County Courthouse; and the evidentiary hearing before the Commission scheduled for July 13, 2020. In support of its motion, Sumac Solar shows as follows:

1. On April 16, 2020, Sumac Solar LLC filed an application pursuant to N.C. Gen. Stat. § 62-20.1 and Commission Rule R8-63 for a certificate of public convenience and necessity (CPCN) to construct a 120-MWAC solar photovoltaic (PV) electric generating facility located to be located in Bertie County, North Carolina, operated as a merchant generating facility.

2. On April 23, 2020, the Public Staff filed a Notice of Completeness stating that the Public Staff has reviewed the application as required by Commission Rule R8-63(d) and that the Public Staff considers the application to be complete.

3. On April 28, 2020, this Commission issued an Order Requiring Filing of Testimony, Establishing Procedural Guidelines, And Requiring Public Notice (“Procedural Order”). The Procedural Order: (1) established a deadline for intervention in this matter on May 29, 2020; (2) scheduled a public hearing on Tuesday, June 23, 2020, at 6:00 p.m. at the Bertie County Courthouse, for the purpose of receiving public witness testimony regarding the Applicant’s application for a CPCN; (3) scheduled a hearing on Monday, July 13, 2020 at 2:00

p.m. for the purpose of receiving expert witness testimony regarding the Applicant's application for a CPCN; and (4) required the Applicant to publish Public Notice of the Application once a week for four successive weeks. The Procedural Order further provided that the Commission may cancel the public witness hearing if no substantial written complaints regarding the proposed facility are filed with the Commission on or before ten days following the last day of the publication of notice.

4. On May 15, 2020, the Public Staff filed the Testimony of Evan D. Lawrence. In his testimony, Mr. Lawrence states his opinion that: (1) the Applicant has shown a need for the facility; (2) the Applicant has complied with the Commission's filing requirements; and (3) the Public Staff does not currently have any concerns regarding the testimony provided by the Applicant on Network Upgrades. Mr. Lawrence recommends, on behalf of the Public Staff, that the Commission grant the CPCN, subject to certain conditions.

5. On June 4, 2020, the Applicant filed an Affidavit certifying that Notice had been published, in accordance with the Procedural Order, on May 9, May 16, May 23, and May 30, 2020.

6. More than ten days have now elapsed since the last day of the publication of notice. No written complaints have been received regarding the proposed facility.

7. The deadline for intervention established by the Commission has passed, and no petition to intervene has been filed. Consequently, the only parties to the docket are the Applicant and the Public Staff, and no party has filed comments or testimony in opposition to the Application.


8. Applicant consents to the imposition of the conditions proposed by the Public Staff in Mr. Lawrence's testimony.

9. The Public Staff has been consulted prior to the filing of this Motion and states that it consents to the cancellation of the public hearing and/or evidentiary hearing as requested herein.

Wherefore, Applicant respectfully requests that the Commission (1) cancel the public hearing scheduled for June 23, 2020; (2) cancel the evidentiary hearing scheduled for July 13, 2020; and (3) accept into the record all prefiled testimony and exhibits of the Applicant and the Public Staff.

Respectfully submitted, this the 10th day of June, 2020.

KILPATRICK TOWNSEND & STOCKTON LLP

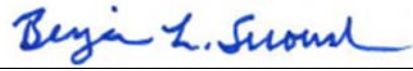
By: 

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CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing MOTION TO CANCEL HEARINGS upon all parties of record by electronic mail and/or first-class United States mail.

This the 10th day of June, 2020.



Benjamin L. Snowden