

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-5448, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Duke Energy Renewables)
NC Solar, LLC, for a Certificate of Public)
Convenience and Necessity to Construct) ORDER ISSUING CERTIFICATE
a 80-MW Solar Facility in Currituck County,)
North Carolina)

BY THE COMMISSION: On April 2, 2015, Duke Energy Renewables NC Solar, LLC (Applicant), filed an application seeking a certificate of public convenience and necessity pursuant to G.S. 62-110.1(a) for construction of a 80-MW_{AC} solar photovoltaic electric generating facility to be located at 1384 -1390 Caratoke Highway, near Moyock, Currituck County, North Carolina. The Applicant plans to sell the electricity generated by this facility to Virginia Electric and Power Company, d/b/a Dominion North Carolina Power (DNCP) or to other wholesale or retail customers where allowed.

On April 9, 2015, the Commission issued an Order Requiring Publication of Notice.

On May 28, 2015, the State Clearinghouse filed comments. Because of the nature of the comments, the cover letter indicated that no further State Clearinghouse review action by the Commission was required for compliance with the North Carolina Environmental Policy Act.

On June 15, 2015, the Applicant filed a certificate of service stating that a copy of the application and the public notice were provided to DNCP on April 16, 2015. Contemporaneously with the certificate of service, the Applicant filed an affidavit of publication from The Daily Advance (Elizabeth City, North Carolina) stating that the publication of notice was completed on May 13, 2015. No complaints have been received.

The Public Staff presented this matter to the Commission at its Regular Staff Conference on July 20, 2015. The Public Staff stated that it had reviewed the application and determined it to be in compliance with the requirements of G.S. 62-110.1(a) and Commission Rule R8-64. Therefore, the Public Staff recommended approval of the certificate for the facility.

The Public Staff noted that Exhibit 3 of the application indicated that the Applicant plans to “sell the output through a negotiated Power Purchase Agreement (PPA) to DNCP or to one or more retail customers in deregulated states that allow for such sales, or to sell the output in the PJM market.” Pursuant to Commission Rule R8-64(b)(6)(i)(c), however, an applicant for a CPCN for a solar facility exceeding 25 MW_{AC} in capacity

must submit “[a] statement obtained by the applicant from the electric utility to which the applicant plans to sell the electricity to be generated setting forth an assessment of the impact of such purchased power on the utility’s capacity, reserves, generation mix, capacity expansion plan, and avoided costs.” The Applicant therefore requested a waiver of this requirement in Exhibit 6, since the Applicant has not yet determined to what entity or entities the output of the facility will be sold.

The Public Staff indicated that it supports the Applicant’s request for a waiver, due to the uncertainty at this time of what entity the applicant plans to sell the power to, and also because DNCP’s obligation under the Public Utility Regulatory Policies Act of 1978 to purchase energy and capacity from QFs is limited to QFs with a net capacity of 20 MW or less. See Virginia Electric and Power Company, 124 FERC 61,045 (2008). Since DNCP does not have a mandatory purchase obligation for this facility, requiring the utility to prepare a statement of this nature seems unnecessary, unless DNCP ultimately does become the purchaser of the output from the facility. The Public Staff therefore requests that the Commission require the Applicant, upon determining the entity or entities to which the output of the facility will be sold, to make a supplemental filing to provide this information to the Commission.

After careful consideration, the Commission finds good cause to approve the application and issue the attached certificate for the proposed solar photovoltaic electric generating facility.

IT IS, THEREFORE, ORDERED as follows:

1. That the application of Duke Energy Renewables NC Solar, LLC, for a certificate of public convenience and necessity shall be, and is hereby, approved.

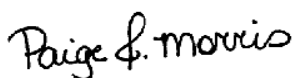
2. That the Applicant’s request for a waiver from the requirements of Rule R8-64(b)(6)(i)(c) is granted, on condition that the Applicant make a supplemental filing with the Commission identifying the entity or entities to which the output of the facility will be sold, once that determination is made.

3. That Appendix A shall constitute the certificate of public convenience and necessity issued to Duke Energy Renewables NC Solar, LLC, for the 80-MW_{AC} solar photovoltaic electric generating facility located at 1384 - 1390 Caratoke Highway, near Moyock, Currituck County, North Carolina.

ISSUED BY ORDER OF THE COMMISSION.

This the 21st day of July, 2015.

NORTH CAROLINA UTILITIES COMMISSION



Paige J. Morris, Deputy Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-5448, SUB 0

Duke Energy Renewables NC Solar, LLC
139 East Fourth Street
Cincinnati, Ohio 45202

is hereby issued this

**CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY
PURSUANT TO G.S. 62-110.1**

for a 80-MW_{AC} solar photovoltaic electric generating facility

located at

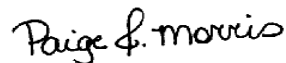
1384 -1390 Caratoke Highway, near Moyock, Currituck County, North Carolina,

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 21st day of July, 2015.

NORTH CAROLINA UTILITIES COMMISSION



Paige J. Morris, Deputy Clerk