

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-3557, SUB 1

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Fresh Air Energy XI, LLC,) ORDER ISSUING CERTIFICATE
for a Certificate of Public Convenience and) AND ACCEPTING REGISTRATION
Necessity to Construct a 5-MW Solar Facility) OF NEW RENEWABLE ENERGY
in Lenoir County, North Carolina) FACILITY

BY THE COMMISSION: On December 29, 2014, Fresh Air Energy XI, 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 12-MW_{AC} solar generating facility to be located at approximately 5228 Skeeter Pond Road in Grifton, Lenoir County, North Carolina. The Applicant plans to sell the electricity to Duke Energy Progress, LLC (DEP).

Contemporaneously with the application, the Applicant filed a registration statement for a new renewable energy facility. The registration statement included certified attestations that: (1) the facility is in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment and conservation of natural resources; (2) the facility will be operated as a new renewable energy facility; (3) the Applicant will not remarket or otherwise resell any renewable energy certificates sold to an electric power supplier to comply with G.S. 62-133.8; and (4) the Applicant will consent to the auditing of its books and records by the Public Staff insofar as those records relate to transactions with North Carolina electric power suppliers.

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

On February 18, 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 March 24, 2016, the Applicant filed an amendment to its application reducing the generating capacity to 5-MW_{AC}.

On September 8, 2016, the Applicant filed a certificate of service stating that a copy of the Application and the related public notice were provided to DEP on November 17, 2015.

Also on September 8, 2016, the Applicant filed an affidavit of publication from the Daily Reflector (Greenville, North Carolina) stating that the publication of notice was completed on December 9, 2015. No complaints have been received.

The Public Staff presented this matter to the Commission at its Regular Staff Conference on October 17, 2016. 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. The Public Staff further stated that the registration statement contains the certified attestations required by Commission Rule R8-66(b). Therefore, the Public Staff recommended approval of the certificate and registration for the facility.

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. The Commission further finds good cause, based upon the foregoing and the entire record in this proceeding, to accept registration of the facility as a new renewable energy facility. The Applicant shall annually file the information required by Commission Rule R8-66 on or before April 1 of each year and will be required to participate in the NC-RETS REC tracking system (<http://www.ncrets.org>) in order to facilitate the issuance of RECs.

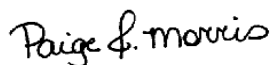
IT IS, THEREFORE, ORDERED as follows:

1. That the application of Fresh Air Energy XI, LLC, for a certificate of public convenience and necessity shall be, and is hereby, approved.
2. That Appendix A shall constitute the certificate of public convenience and necessity issued to Fresh Air Energy XI, LLC, for the 5-MW_{AC} solar generating facility to be located at approximately 5228 Skeeter Pond Road, Grifton, Lenoir County, North Carolina.
3. That the registration statement filed by Fresh Air Energy XI, LLC, for its solar photovoltaic facility located in Lenoir County, North Carolina, as a new renewable energy facility, shall be, and is hereby, accepted.
4. That Fresh Air Energy XI, LLC, shall annually file the information required by Commission Rule R8-66 on or before April 1 of each year.

ISSUED BY ORDER OF THE COMMISSION.

This the 18th day of October, 2016.

NORTH CAROLINA UTILITIES COMMISSION



Paige J. Morris, Deputy Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-3557, SUB 1

Fresh Air Energy XI, LLC
650 Townsend Street, Suite 310
San Francisco, California 94103

is hereby issued this

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

for a 5-MW_{AC} solar photovoltaic electric generating facility

located at

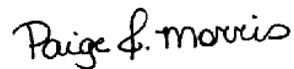
approximately 5228 Skeeter Pond Road in Grifton,
Lenoir County, North Carolina,

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 18th day of October, 2016.

NORTH CAROLINA UTILITIES COMMISSION



Paige J. Morris, Deputy Clerk