

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-100, SUB 142  
DOCKET NO. SP-2665, SUB 30

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 142	)	
	)	
In the Matter of	)	
Dismissal of CPCN Applications Pursuant to	)	
Rule R8-64(c)(2)	)	
	)	ORDER DISMISSING WITHOUT
DOCKET NO. SP-2665, SUB 30	)	PREJUDICE APPLICATION FOR
	)	CERTIFICATE OF PUBLIC
In the Matter of	)	CONVENIENCE AND NECESSITY
Application of Fresh Air Energy-II, LLC, for a	)	
Certificate of Public Convenience and	)	
Necessity to Construct a 32-MW Solar	)	
Facility in Catawba County, North Carolina	)	

BY THE CHAIRMAN: On June 15, 2015, the Commission issued an Order in this proceeding giving notice of its intent to dismiss without prejudice pursuant to Commission Rule R8-64(c)(2) the application for a certificate of public convenience and necessity (CPCN) filed by Fresh Air Energy-II, LLC, in Docket No. SP-2665, Sub 30. Commission Rule R8-64(c)(2) states:

If the applicant does not file the affidavit of publication and certificate of service within twelve months of the Commission's publication order, the Commission will automatically dismiss the application.

The Commission issued an Order Requiring Publication of Notice in Docket No. SP-2665, Sub 30 on March 7, 2014, more than twelve months ago. As of the date of this Order the applicant has not filed the affidavit of publication and certificate of service as required by the March 7, 2014 Order and Commission Rule R8-64(c)(1). The Chairman, therefore, finds and concludes that it is appropriate to dismiss this CPCN application and to close Docket No. SP-2665, Sub 30 without prejudice to the right of Fresh Air Energy-II, LLC, to subsequently file a new CPCN application for this facility.

IT IS, THEREFORE, ORDERED as follows:

1. That the application for a CPCN filed by Fresh Air Energy-II, LLC, in Docket No. SP-2665, Sub 30 shall be dismissed without prejudice and that docket closed; and

2. That the Chief Clerk shall serve this Order on Fresh Air Energy-II, LLC, via certified mail, return receipt requested.

ISSUED BY ORDER OF THE COMMISSION.

This the 29<sup>th</sup> day of September, 2015.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "Jackie Cox", written in a cursive style.

Jackie Cox, Deputy Clerk