

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 22nd day of December 2020.

CASE NO. 20-0845-E-SCS-PW

WILD HILL SOLAR, LLC,
an indirect subsidiary of EDF Renewables, Inc.

Application for Solar Siting Certificate to Authorize the Construction and Operation of an Exempt Wholesale Electric Generating facility in Jefferson County, West Virginia, and Petition for Waiver of Transmission Facilities information.

COMMISSION ORDER

The Commission grants two petitions to intervene and sets a procedural schedule including evidentiary hearing.

BACKGROUND

On November 6, 2020, Wild Hill Solar, LLC (Wild Hill) filed an application for a siting certificate (Application) to construct a solar exempt wholesale electric generating facility in Jefferson County, West Virginia. Wild Hill also requested a waiver of the requirement to file information related to the transmission facility.

Wild Hill proposes to construct a 92.5 megawatt solar generating facility in Jefferson County as an exempt wholesale generator. The project will be located on approximately 795 acres of agricultural land at a cost of approximately \$125 million. The site is rolling and gently sloped. The proposed project will consist of rows of photovoltaic (PV) modules in arrays dispersed throughout the project area. The arrays will be mounted on single-axis tracking racking systems which are installed on driven piles. Wild Hill states that the project area will be enclosed by a fence for safety and security. All of the transmission facilities will be located within the project footprint and will interconnect to an existing Potomac Edison (PE) 138 kV transmission line that crosses the project footprint. In light of this arrangement, Wild Hill requested a waiver of the information required by Rule 3.5 of the Rules Governing Siting Certificates for Solar Exempt Wholesale Generators, 150 C.S.R. 39 (Solar Siting Rules), which is the information required by Rule 9 of the Rules for the Government of Electric Utilities, 150 C.S.R. 3.

Wild Hill submitted the applications pursuant to W. Va. Code § 24-2-1o(n) and the Commission's Solar Siting Rules. Wild Hill requested the Commission make a determination within 15 days on the completeness of the application pursuant to Solar Siting Rule 3.7.

On November 19, 2020, Commission Staff filed its Initial Joint Staff Memorandum. Staff recommended that Wild Hill furnish detailed drawings of transmission support for the facility, including any new structures that must be constructed to interconnect the facility to existing transmission infrastructure, pursuant to Solar Siting Rule 4.1.5.a.

On November 20, 2020, the Commission verified the completeness of the Application and granted the request to waive the requirements to provide information related to the transmission facility.

On December 16, 2020, Jefferson County Vision, Inc. (JCV) filed a Petition to Intervene in the case. JCV is a nonprofit organization based in Jefferson County, West Virginia. The mission of JCV is to lead legal, political, and community action to support sustainable growth and to empower the citizens of the community to ensure clean, transparent government in Jefferson County. JCV has an informal membership of approximately 10,000 individuals. JVC argued that it has a legal interest in the Application and seeks to intervene to facilitate the dissemination of accurate information about the project to the Public and its threat to the rural character of the vicinity.

On December 17, 2020, the West Virginia Building and Construction Trades Council, AFL-CIO (Council) filed a Petition for Leave to Intervene. The Council is a labor union that represents approximately 20,000 construction workers throughout West Virginia and surrounding counties. The membership of the Council includes ratepayers and employees who work on the construction of electric generating facilities. The construction of such facilities creates job opportunities for the Council's members and will have a significant positive economic impact on the area.

DISCUSSION

The Commission adopts the procedural schedule set forth in the first ordering paragraph below. The public comment and evidentiary hearings will be held by videoconference. Because of the short statutory deadline in this case, the Commission will also shorten discovery deadlines as ordered below.

Directions to enter the public comment hearing videoconference will be posted on the Commission website, www.psc.state.wv.us, under the Hot Topics section by January 27, 2021. The Commission also will continue to receive written public comment filed with the Executive Secretary throughout the pendency of this case. Written public

comment may be mailed to the Commission and addressed to Connie Graley, Executive Secretary, P. O. Box 812, Charleston, WV 25323 or may be filed electronically through the Commission website, www.psc.state.wv.us, by selecting "Submit A Comment" on the left side of the homepage. The commenter should include the case number for this case, 20-0845-E-SCS-PW, on any public comment filed in the case. Members of the public may view the evidentiary hearing by going to the Commission website and selecting "Commission Webcast" on the left side of the homepage.

Any documents that a party wishes to enter into evidence during the evidentiary hearing should be pre-marked and provided electronically to the Law Clerk assigned to this case no later than 4:00 p.m. on January 26, 2021. The Commission will provide the proposed exhibits from the parties to the court reporter for the transcript and record.

Because of the statutory timeframe to process this matter, the Commission also will establish an expedited process to conduct discovery.

Pursuant to Rule 12.6 of the Commission's Rules of Practice and Procedure, 150 C.S.R. 1 (Procedural Rules), any person having a legal interest in the subject matter of a pending proceeding may petition to intervene. JCV and the Council each asserted a legal interest in this case and presented issues that are reasonably pertinent to the issues in this case and do not unduly broaden those issues. Both petitions to intervene should be granted.

FINDINGS OF FACT

1. JCV filed a Petition to Intervene.
2. The Council filed a Petition to Intervene.
3. A procedural schedule is necessary.

CONCLUSIONS OF LAW

1. It is reasonable to establish a procedural schedule, including the filing of testimony and discovery and the holding of hearings.
3. It is reasonable for Wild Hill to publish notice of Public Comment and Evidentiary Hearings.
4. JCV has a legal interest in the outcome of these proceedings. Procedural Rule 12.6.
5. The Council has a legal interest in the outcome of these proceedings. Id.

ORDER

IT IS THEREFORE ORDERED that the following procedural schedule be upheld:

EVENT	DEADLINE
Intervention deadline	January 5, 2021
Direct testimony of other parties and rebuttal testimony of other parties to Raleigh Solar's direct testimony	4:00 p.m. January 15, 2021
Last day to issue discovery requests	January 19, 2021
Rebuttal testimony of Wild Hill to all other parties and of the other parties to the direct testimony of the other parties	4:00 p.m. January 25, 2020
Agreed order of witness	4:00 p.m. January 26, 2020
Videoconference Public Comment Hearing	January 28, 2021, beginning at 9:30 a.m.
Videoconference Evidentiary Hearing	January 29, 2021, beginning at 9:30 a.m.

IT IS FURTHER ORDERED that Wild Hill Solar LLC publish the Notice of Public Comment and Evidentiary Hearings attached as Attachment A once in a qualified newspaper as provided in W. Va. Code § 59-3-1 et seq. published and of general circulation in each county in which all or a portion of the proposed Solar EWG generating facility is located and once in a qualified newspaper of general circulation in Kanawha County, West Virginia no later than December 31, 2020, and file the Affidavits of publication promptly upon their receipt.

IT IS FURTHER ORDERED that discovery requests, objections to discovery requests, and discovery responses be served on other parties electronically with paper copies filed in the Commission Executive Secretary Office.

IT IS FURTHER ORDERED that an objection to a discovery request shall be served on other parties electronically within five calendar days after electronic receipt of the request.

IT IS FURTHER ORDERED that discovery responses shall be served electronically on other parties within seven calendar days of receipt of discovery requests.

IT IS FURTHER ORDERED that the Jefferson County Vision Inc. Petition to Intervene is granted.

IT IS FURTHER ORDERED that the West Virginia Building and Construction Trades Council, AFL-CIO Petition to Intervene is granted.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement, by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Staff by hand delivery.

A True Copy, Teste,

A handwritten signature in cursive script that reads "Connie Graley".

Connie Graley, Executive Secretary

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**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

CASE NO. 20-0845-E-SCS-PW

WILD HILL SOLAR, LLC.

Application for a Solar Exempt Wholesale Generator and Petition for a Waiver to authorize Wild Hill's construction and operation of a 92.5 MW solar powered exempt wholesale electric generating facility in Jefferson County, West Virginia.

NOTICE OF PUBLIC COMMENT AND EVIDENTIARY HEARINGS

On November 6, 2020, Wild Hill Solar, LLC (Applicant) filed an application for a Solar Siting Certificate pursuant to W. Va. Code §24-2-1o(n) to authorize Wild Hill's construction and operation of a 92.5 MW solar powered exempt wholesale electric generating facility in Jefferson County, West Virginia. The application is on file with and available for public inspection at the Public Service Commission, 201 Brooks Street, in Charleston, West Virginia. Upon its completion, the Facility will be used by the Applicant to generate solar electricity exclusively for sale in the competitive wholesale market in West Virginia and other locations.

The Applicant is owned by EDF Renewables. The Applicant proposes to construct a 92.5 MW solar electric generating facility and certain ancillary facilities, and to interconnect the Facility with an existing Potomac Edison 138 kV transmission line that crosses the project site in Jefferson County.

The Applicant estimates that construction of the Facility will cost approximately \$125,000,000.

Because of the pandemic, a public comment hearing will be held by videoconference only on January 28, 2021, beginning at 9:30 a.m. Directions to enter the public comment hearing videoconference will be posted on the Commission website, www.psc.state.wv.us, under the Hot Topics section by January 27, 2021.

The evidentiary hearing will be held by videoconference only on January 29, 2021, beginning at 9:30 a.m. Members of the public may view the evidentiary hearing by going to the Commission website and selecting "Commission Webcast" on the left side of the homepage.

Anyone desiring to intervene should file a written petition to intervene by January 5, 2021. Letters of protest and comment may be filed at any time during processing of the application. All public comments or requests to intervene should briefly state the reason for the protest or intervention. Requests to intervene must comply with the Commission's rules on intervention set forth in the Commission's Rules of Practice and Procedure. All public comments and interventions should be addressed to Connie Graley, Executive Secretary, P.O. Box 812, Charleston, West Virginia 25323. Public comment may also be filed electronically through the Commission website, www.psc.state.wv.us, by selecting "Submit A Comment" on the left side of the homepage. The commenter should include the case number for this case, 20-0845-E-SCS-PW, on any public comment filed in the case.

WILD HILL SOLAR, LLC.