

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, AUGUST 26, 2024

SOC - CLERK'S OFFICE  
GOVERNMENT CONTROL CENTER

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APPLICATION OF

2024 AUG 26 A 11:04

AUGUSTA SOLAR LLC

CASE NO. PUR-2024-00034

For certificates of public convenience and necessity for a solar generating facility totaling up to 150 MWac in Augusta County, Virginia

ORDER GRANTING MOTION AND DISMISSING CASE

On March 8, 2024, Augusta Solar LLC ("Augusta Solar" or "Company") filed with the State Corporation Commission ("Commission") an application and supporting documents ("Application") for certificates of public convenience and necessity for a solar generating facility, transmission lines, and associated facilities in Augusta County, Virginia ("Project").<sup>1</sup>

On April 15, 2024, the Commission entered an Order for Notice and Hearing ("Procedural Order") that, among other things, docketed the Application; directed Augusta Solar to provide notice of its Application; directed Commission Staff ("Staff") to investigate the Application and file testimony summarizing the results of Staff's investigation; established a procedural schedule, including a public hearing set to convene on September 18, 2024; provided opportunities for interested persons to intervene and participate in this case; and appointed a Hearing Examiner to conduct further proceedings in this matter.

On May 28, 2024, upon motion by Augusta Solar, the Senior Hearing Examiner issued a Hearing Examiner's Ruling Rescheduling a Portion of the Hearing and Extending Certain Procedural Dates ("Procedural Ruling"). The Procedural Ruling extended certain filing dates established by the Procedural Order and extended, to September 25, 2024, the portion of the

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<sup>1</sup> Application at 1.

hearing to receive the testimony and evidence of Augusta Solar, Staff, and any respondents. The Procedural Ruling maintained the September 18, 2024 hearing date to receive any public witness testimony.

No notices of participation have been filed in this proceeding.

On August 13, 2024, Augusta Solar filed its Motion to Withdraw Application and Terminate Proceeding ("Withdrawal Motion"). In its Withdrawal Motion, Augusta Solar requested that the Commission: (1) permit the Company to withdraw its Application without prejudice to re-file at a later date; and (2) terminate this proceeding.<sup>2</sup> In support of its requested relief, Augusta Solar indicated, among other things, that the Augusta County Board of Supervisors voted to deny the Company's special use permit application for the Project on July 24, 2024.<sup>3</sup> Augusta Solar represented that Staff takes no position on the Withdrawal Motion.<sup>4</sup>

On August 15, 2024, the Report of D. Mathias Roussy, Jr., Senior Hearing Examiner ("Report"), was issued. In the Report, the Senior Hearing Examiner recommended that the Commission enter an order that grants Augusta Solar's requested withdrawal of the Application and dismisses this case without prejudice.<sup>5</sup> The Senior Hearing Examiner found that, because Staff – the only case participant other than Augusta Solar – takes no position on the Withdrawal Motion, it was unnecessary to provide an opportunity for comments on the Report.<sup>6</sup>

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<sup>2</sup> Withdrawal Motion at 2-3.

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

<sup>5</sup> Report at 2.

<sup>6</sup> *Id.*

Additionally, the Senior Hearing Examiner suspended the remaining filing schedule in this case pending a Commission decision on the Report.<sup>7</sup>

NOW THE COMMISSION, upon consideration of the matter, is of the opinion and finds that: the Senior Hearing Examiner's recommendation should be adopted; Augusta Solar's Withdrawal Motion should be granted; and this case should be dismissed without prejudice as requested.

Accordingly, IT IS SO ORDERED.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.

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<sup>7</sup> *Id.*