

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 12, 2019

SCC-CLERK'S OFFICE
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2019 MAR 12 A 9:39

APPLICATION OF

C4GT, LLC

CASE NO. PUE-2016-00104

For certification of an electric generating facility in Charles City County pursuant to § 56-580 D of the Code of Virginia

ORDER GRANTING EXTENSION

On September 14, 2016, C4GT, LLC ("C4GT") filed with the State Corporation Commission ("Commission") an application for a certificate of public convenience and necessity ("Certificate") to construct and operate a 1,060 megawatt generating facility in Charles City County, Virginia ("Facility").¹ C4GT filed its application pursuant to § 56-580 D of the Code of Virginia and the Commission's Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility.²

The Commission issued a Certificate to C4GT through its Final Order issued May 3, 2017. The Final Order granted the Certificate subject to certain findings and requirements, including the following Sunset Provision:

As a requirement of our approval herein, we find that the authority granted by this Final Order shall expire two (2) years from the date hereof if construction of the Facility has not commenced, though C4GT subsequently may petition the Commission for an extension of this sunset provision for good cause shown.

¹ C4GT identifies 1,060 megawatts as the net nominal generating capacity of the proposed Facility at 95°F ambient temperature. Ex. 1 (Application) at 5.

² 20 VAC 5-302-10 *et seq.*

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As such, C4GT's Certificate expires May 3, 2019, if C4GT has not commenced construction of the Facility by that date.

On March 1, 2019, C4GT filed a Petition to Extend Sunset Provision ("Petition"). The Petition seeks approval of a two-year extension of the Sunset Provision such that the authority granted by the Final Order expires on May 3, 2021, or four, rather than two, years from the date of the Final Order, if C4GT has not commenced construction of the Facility by such date.

In support of its Petition, C4GT cites an unexpected change in the market for additional electric generating capacity that caused C4GT to delay construction of the Facility.³ Notwithstanding, C4GT states that it has launched a comprehensive effort to finalize financing for the Facility, with a projected financial close or completion date expected by the latter part of 2019.⁴ C4GT further represents that while it delayed construction of the Facility, C4GT believes the Facility is still viable and has proceeded with obtaining the approvals needed for the Facility.⁵ C4GT asserts in support of its Petition that the relief requested therein – a total sunset provision of four years from the date of the Final Order – also is consistent with recent Commission orders that have granted approval and certificates of public convenience and necessity to build and operate electric generating facilities subject to five-year sunset provisions.⁶

NOW THE COMMISSION, having considered this matter, is of the opinion and finds that this case should be re-opened, for the limited purpose of addressing the Petition, and C4GT's

³ Petition at 2-3, 7.

⁴ *Id.* at 3.

⁵ *Id.* at 3-6, 7.

⁶ *Id.* at 6-7.

Petition should be granted. The Sunset Provision of the Commission's May 3, 2017 Final Order in this proceeding is revised as follows:

Sunset Provision

As a requirement of our approval herein, we find that the authority granted by this Final Order shall expire May 3, 2021, if construction of the Facility has not commenced, though C4GT subsequently may petition the Commission for an extension of this sunset provision for good cause shown.

Accordingly, IT IS ORDERED THAT:

- (1) This case is re-opened for the limited purpose of addressing C4GT's Petition.
- (2) C4GT's Petition is granted. The Sunset Provision of the Commission's May 3, 2017

Final Order in this proceeding is revised as set forth herein.

- (3) The Commission's May 3, 2017 Final Order in all other respects shall remain the same.

- (4) This case is dismissed.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

Robert D. Perrow, Esquire, and Paul G. Saunders, II, Esquire, Williams Mullen, 200 South 10th Street, 16th Floor, Richmond, Virginia 23218-1320; Robert F. Riley, Esquire, Williams Mullen, 1666 K Street NW, Suite 1200, Washington D.C. 20006; and Evan D. Johns, Appalachian Mountain Advocates, 415 Seventh Street Northeast, Charlottesville, Virginia 22902. A copy also shall be delivered to the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Utility Accounting and Finance.