

Public-notice problem may delay solar farm

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A failure to publish a public notice in a local newspaper could delay plans for a major solar farm in Mount Airy, an attorney for the N.C. Utilities Commission said Thursday.

“That will throw a monkey wrench in the works,” said Sam Watson, general counsel and director of the Legal Division of the commission that must grant certificates to developers of proposed electrical facilities.

O2 Energies, a Charlotte-area firm that already operates a \$5 million solar farm near the city wastewater-treatment plant, is seeking to build a much-larger facility on Quarry Road known as Ararat Rock Solar, LLC.

However, before such construction can take place, a public-comment period must be set aside allowing anyone with objections to the project — a neighboring landowner, for example — to file complaints with the Utilities Commission.

An official notice to that effect also must be published in a daily newspaper in the affected community, with the process calling for any complaints to be followed by the setting of a public hearing by the state commission.

In O2Energies’ case, such a notice did appear last month in The Tribune in Elkin, which is not a daily newspaper but published three times each week.

The Mount Airy News, which comes out seven days a week, is the only newspaper based in Surry County which fits the definition of a daily publication.

“That is a statutory requirement,” Watson, the senior counsel for the Utilities Commission, added Thursday.

Attempts were made to publish such a notice on multiple dates in The Mount Airy News by Logan Stevens, a representative of O2Energies. But Stevens backed away from doing so over cost concerns, according to email correspondence with classified-advertising personnel at the newspaper.

Along with complying with the “daily” publication rule, this would have better ensured that anyone with concerns about the 4.4-megawatt facility in the community where it is planned was made aware of the proposed construction.

The subsequent publishing of the series of notices in the Elkin newspaper drew no opposition to the planned Mount Airy-area solar facility.

“I don’t see any complaints at all on that,” a spokesperson in the office of the chief clerk of the Utilities Commission said Thursday. Under commission guidelines, the complaint period extended for 10 days after the last publication of the notice. ‘It’s past the 10 days,” the spokesperson said.

Watson, the agency’s general counsel, said the Utilities Commission is awaiting an affidavit from O2Energies to confirm that the requirement to publish the notice in a daily newspaper had been met.

But given that it has not, Watson said, “They may have to re-publish.”

This would delay plans for the Ararat Rock Solar development at a 25-acre site on Quarry Road, which is just south of the city limits in the vicinity of Ararat Rock Products Co.

Joel Olsen, founder and managing director of O2 Energies, said in early February that he expected work on the new facility to begin in the April-May period and be completed in September.

Watson said a three-month time frame usually is required for “a non-controversial” project — from the publication of the first notice to the commission’s granting of what officially is called a “certificate of public convenience and necessity.”

Attempts to contact Olsen Thursday regarding the notice problem were unsuccessful. However, he said in a voice-mail message in response to one attempt that “we’d be happy to place a \$1,000 advertisement in your newspaper.”

Olsen also seemed to question a reporter’s motives in contacting the Utilities Commission, which was done to check on the status of O2Energies’ application for a certificate.

“If you initiated a call that derailed ... the application, I’m not sure that would be in the best interest of the community,” Olsen added in the voice-mail message.

He had said in February that the Ararat Rock Solar facility would be a “much larger project” than Mayberry Solar Farm, O2Energies’ first solar venture here that is a 1.2-megawatt operation. It opened during the fall.

Other expansions are planned locally as well, Olsen has said. He added last month that no objections were expected concerning the latest project, which would make use of empty land on Quarry Road while also providing another source of clean energy and work for Surry residents.

Any power produced by local solar operations is sold to Duke Energy and goes onto the regular electrical grid.

Watson, the Utilities Commission general counsel, said that in cases in which no complaints are submitted regarding an energy-production facility, granting the certification to allow construction is a fairly uncomplicated procedure. Certain state agencies, which deal with environmental and other concerns, also must sign off on the project.

If no issues arise from either local citizens or state agencies, then the public staff of the Utilities Commission typically will recommend that the commission approve the certificate, Watson said.

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