COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Application of Duke Energy Kentucky,) for Order Declaring Inc., an the) Construction of Solar Facilities is an) Case No. 2020-00385 Ordinary Extension of Existing Systems in) the Usual Course of Business)

PETITION OF DUKE ENERGY KENTUCKY, INC. FOR CONFIDENTIAL TREATMENT OF INFORMATION **CONTAINED ITS APPLICATION**

Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), pursuant to 807 KAR 5:001, Section 13, respectfully requests the Commission to classify and protect certain information provided by Duke Energy Kentucky in its Application filed in this proceeding requesting an Order declaring the construction of a 2.0 MegaWatt (MW) Alternating Current (AC) solar facility in the Company's service territory constitutes an Ordinary Extension of Existing Systems in the Usual Course of Business. The information for which Duke Energy Kentucky now seeks confidential treatment generally includes sensitive information regarding negotiated leasing terms (Confidential Information) and details of estimated costs of construction. Further, Duke Energy Kentucky has an agreement with this third party not to release this leasing information to the general public.

In support of this Petition, Duke Energy Kentucky states:

1. The Kentucky Open Records Act exempts from disclosure certain commercial information. KRS 61.878 (1)(c). To qualify for this exemption and, therefore, maintain the confidentiality of the information, a party must establish that disclosure of the

commercial information would permit an unfair advantage to competitors of that party. Public disclosure of the information identified herein would, in fact, prompt such a result for the reasons set forth below.

2. The public disclosure of the Confidential Information described in this Application and in Confidential Attachment 1 contains sensitive information, the disclosure of which would injure Duke Energy Kentucky and its competitive position and business interest. The public disclosure of the Confidential Information described above would place Duke Energy Kentucky at a commercial disadvantage as they collectively negotiate contracts with potential future counterparties and vendors and could potentially harm Duke Energy Kentucky's competitive position in the marketplace, to the detriment of Duke Energy Kentucky and its customers. Moreover, this information involves negotiated terms and conditions for a lease negotiated with a specific counterparty and what that counterparty is willing to accept and if released would disclose what the Company is willing to pay, and what the counterparty is willing to accept for similar services and rights in the future. Likewise, Attachment 1 contains the Company's estimated costs of construction based upon recent cost data for other projects. The Company has not bid this project out yet, and if counterparties are able to discern what the Company anticipates individual cost components would be, the Company would be limited in its ability to negotiate better pricing.

Competitors and counter parties could use this information to manipulate their own prices and put Duke Energy Kentucky or its utility affiliates at a commercial disadvantage in negotiations for similar services going forward.

3. Duke Energy Kentucky requests confidential protections for certain data

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contained in this Application. Duke Energy Kentucky is contractually bound to maintain such information confidential.

4. The information for which Duke Energy Kentucky is seeking confidential treatment is not known outside of Duke Energy Corporation. Duke Energy Kentucky does not object to limited disclosure of the confidential information described herein, pursuant to an acceptable protective agreement, with the Attorney General or other intervenors with a legitimate interest in reviewing the same for the purpose of participating in this case.

5. This information was, and remains, integral to Duke Energy Kentucky's effective execution of business decisions. And such information is generally regarded as confidential or proprietary. Indeed, as the Kentucky Supreme Court has found, "information concerning the inner workings of a corporation is 'generally accepted as confidential or proprietary." *Hoy v. Kentucky Industrial Revitalization Authority*, Ky., 904 S.W.2d 766, 768 (Ky. 1995).

6. In accordance with the provisions of 807 KAR 5:001, Section 13(3), the Company is filing one copy of the Confidential Information separately under seal, and one copy without the confidential information included.

7. Duke Energy Kentucky respectfully requests that the Confidential Information be withheld from public disclosure for a period of ten years. This will assure that the Confidential Information – if disclosed after that time – will no longer be commercially sensitive so as to likely impair the interests of the Company or its customers if publicly disclosed.

8. To the extent the Confidential information becomes generally available to the public, whether through filings required by other agencies or otherwise, Duke Energy

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Kentucky will notify the Commission and have its confidential status removed, pursuant to 807 KAR 5:001 Section 13(10)(a).

WHEREFORE, Duke Energy Kentucky, Inc. respectfully requests that the Commission classify and protect as confidential the specific information described herein.

Its Attorney,

/s/ Rocco O. D'Ascenzo

Rocco O. D'Ascenzo (92796) Deputy General Counsel Duke Energy Business Services, LLC 139 East Fourth Street, 1303-Main Cincinnati, Ohio 45202 Phone: (513) 287-4320 Fax: (513) 287-4385 E-mail: rocco.d'ascenzo@duke-energy.com

CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing is a true and accurate copy of the document being filed in paper medium; that the electronic filing was transmitted to the Commission on December 11, 2020; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and the original filing in paper medium will be delivered to the Commission pending further instruction from Case No. 2020-00085.¹

John G. Horne, II The Office of the Attorney General Utility Intervention and Rate Division 700 Capital Avenue, Ste 118 Frankfort, Kentucky 40601

> /s/ Rocco D'Ascenzo Rocco D'Ascenzo

¹ In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19, Order, Case No. 2020-00085 (Ky. P.S.C. March 16, 2020).

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Application of Duke Energy Kentucky,) Inc. for an Order Declaring the Construction) of Solar Facilities is an Ordinary Extension) Case No. 2020-00385 of Existing Systems in the Usual Course of) **Business**

APPLICATION AND REQUEST FOR EXPEDITED TREATMENT

)

Now comes Duke Energy Kentucky, Inc. (Duke Energy Kentucky or the Company), pursuant to KRS 278.020, and 807 KAR 5:001, Sections 14 and 15, and other applicable law, and hereby respectfully requests from the Kentucky Public Service Commission (Commission) an Order declaring the construction of a 2.0 MegaWatt (MW) Alternating Current (AC) solar facility in the Company's service territory, constitutes an Ordinary Extension of Existing Systems in the Usual Course of Business. In order to complete this construction in coordination with construction schedule of the building upon which the facility will be located, the Company requests the Commission issue its decision whether this investment constitutes an ordinary extension by March 1, 2021. In support of this Application, Duke Energy Kentucky respectfully states as follows:

Introduction

1. Pursuant to 807 KAR 5:001, Section 14(2), Duke Energy Kentucky is a Kentucky corporation originally incorporated on March 20, 1901, in good standing, and a public utility as that term is defined in KRS 278.010(3), and, therefore, is subject to the Commission's jurisdiction. Duke Energy Kentucky is engaged in the business of furnishing natural gas and electric services to various municipalities and unincorporated areas in Boone, Bracken, Campbell, Gallatin, Grant, Kenton, and Pendleton Counties in the Commonwealth of Kentucky.

Duke Energy Kentucky's business address is 139 East Fourth Street,
Cincinnati, Ohio 45202. The Company's local office address in Kentucky is Duke Energy
Operations Center, 1262 Cox Road, Erlanger, Kentucky 41018.

3. Copies of all orders, pleadings and other communications related to this proceeding should be sent to:

Rocco O. D'Ascenzo Deputy General Counsel Duke Energy Kentucky, Inc. 139 E. 4th St., Cincinnati, OH 45202 Rocco.D'Ascenzo@duke-energy.com KYfilings@duke-energy.com

Background

4. This Application is made pursuant to KRS 278.020(1) and related statutes, as well as 807 KAR 5:001 Section 15(3) and related sections.

5. KRS 278.020(1) provides in pertinent part that "[n]o person... shall commence providing utility service to or for the public or begin the construction of any plant, equipment, property, or facility for furnishing to the public any of the services enumerated in KRS 278.010... until that person has obtained from the Public Service Commission a certificate that public convenience and necessity require the service or construction."¹ KRS 278.020(1) further provides an exemption for that requirement of a Certificate of Public Convenience and Necessity (CPCN) if such new facilities are an

¹ KRS 278.020(1)

ordinary extension in existing systems in the usual course of business.²

6. 807 KAR 5:001, Section 15(3) provides further guidance regarding the nature of investments that qualify as an ordinary extension in the existing system in the usual course of business providing:

A certificate of public convenience and necessity shall not be required for extensions that do not result in wasteful duplication of plant, equipment, property, or facilities, or conflict with the existing certificates or service of other utilities operating in the same area and under the jurisdiction of the commission that are in the general or contiguous area in which the utility renders service and do not involve sufficient capital outlay to materially affect the existing financial condition of the utility involved or will not result in increased charges to its customers.³

7. Duke Energy Kentucky is proposing to construct approximately a 2.0 MW photo-voltaic (PV) solar generating array located within its service territory (Solar Installation Project) on a leased roof of the new Amazon Air Hub Facility, located at 191 Wendell Ford Boulevard, Burlington, KY 41005, (Air Hub Facility). The Company is proposing to begin construction in March 2021, and achieve mechanical completion prior to the end of July 2021 so as to maximize opportunities for at least a 22 percent investment tax credit that will reduce the overall project cost to customers. The timing of this construction, and need for expedited review, is to align the Solar Installation Project construction of the Air Hub Facility and not to impede the in-service and operation of the Air Hub Facility, which is anticipated to be in early-to-mid third quarter of 2021.

8. As Duke Energy Kentucky explained in its Application in Case No. 2017-00155 wherein the Commission determined that three small solar installations (2-3 MWs each with a combined 7MW capacity) constituted an ordinary extension of the Company's

² <u>Id.</u>

³ 807 KAR 5:001, Section 15(3)

system in the usual course of business, the Company continues to explore locations for small solar installations within its service territory.⁴ Due to limitations in terms of size, topography (slope), availability of land and distribution circuit limitations that would be suitable for single 7-10 MW installations, the Company continues to evaluate the feasibility of smaller, installations in lieu of a single, larger installation. As a result of this exploration, the Company has identified another location that is suitable for such a smaller investment.

9. Duke Energy Kentucky respectfully states that the proposed Solar Installation Project qualifies as an ordinary extension of an existing system in the ordinary course of business for the following reasons:

a. The Solar Installation Project will not result in wasteful duplication of plant, equipment or property. Duke Energy Kentucky currently operates 7 MWs of solar capacity that is tied to its distribution system. The size of these installations is not material insofar as adding significant generation capacity on the Company's system. Likewise, the Solar Installation Project will involve a generation output of approximately 2 MWs. Unlike the current ground-mounted installations previously determined to be ordinary extensions, this new Solar Installation Project will be a roof-top mounted installation. Due to the relatively small size, a site compatibility certificate pursuant to KRS 278.161 is not required. As further explained below, the approximate 2 MWs of capacity is consistent with what was projected as being necessary in the Company's last integrated resource plan (IRP) filed

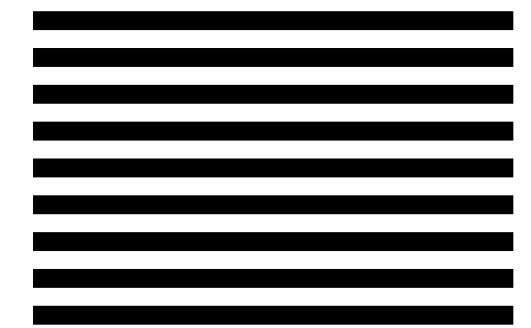
⁴ In the Matter of the Electronic Application of Duke Energy Kentucky, Inc. for an Order Declaring the Construction of Solar Facilities is an Ordinary Extension of Existing Systems in the Usual Course of Business, Application, Case No. 2017-00155 (Ky. P.S.C. July 10, 2017).

in 2018.⁵

- b. The Solar Installation Project will not conflict with the existing certificates or service of other utilities operating in the same area and under the jurisdiction of the Commission. The Solar Installation Project will be constructed on an approximately 800,000 square foot leased rooftop at the soon to be completed Air Hub Facility. The Solar Installation Project will be directly tied to the Company's distribution system and will not be tied into the Air Hub Facility building for its consumption and net metering. Rather, the energy produced by this array will be used to reduce the amount of Duke Energy Kentucky load on the circuit. By doing so, the additional solar generation will offset other sources of energy that would have been allocated to serve native load, either generation operated by the Company or energy purchased to meet native load requirements. This project will be connected to the Company's local distribution system so to reduce load on the associated circuits. The Solar Installation Project will be located in Duke Energy Kentucky's service territory and will be directly connected to Duke Energy Kentucky's electric delivery system.
- c. The Solar Installation Project will not involve sufficient capital outlay to materially affect the existing financial condition of Duke Energy Kentucky. The fully loaded total costs of construction of the Solar Installation Project is estimated to be approximately \$5 million. Confidential Attachment 1 is a detailed budget estimate for the Solar Installation Project. Duke Energy

⁵ In the Matter of 2014 Integrated Resource Plan of Duke Energy Kentucky, Inc., Application at 10, Case No. 2014-00273 (Ky. P.S.C. July 31, 2014).

Kentucky will enter into a long-term lease for the rooftop space at the Air Hub Facility to construct, own and operate the Solar Installation Project. The lease payment will be in the form of



and REC value of the Solar Installation Project will be used to benefit all Duke Energy Kentucky customers. The output will *not* be used by or credited to the Air Hub Facility to offset their own energy consumption. To manage the capital costs of purchasing equipment, the Company will use a request for procurement bidding process. This strategy will enable the Company to optimize the value of the capital that it is investing on behalf of its customers.

d. The Solar Installation Project will not itself result in increased charges to Duke Energy Kentucky's customers in that the estimated approximately \$5 million capital investment is not significant enough to drive an application for an increase in customer rates. While the Company will eventually seek to recover the costs of owning and operating this project through base rates, the total cost will not result in a material increase in customer rates at that time. Duke Energy Kentucky will not seek to recover the costs of this construction outside of base rates. Therefore, any impact of this investment will be offset or measured against the Company's total cost of service.

e. Customers will benefit immediately once the resource is placed in service inasmuch as all of the zero-cost fuel energy that is generated by these facilities will be used to offset the Company's total load requirements otherwise served by generation whose fuel or energy purchases are included in and recoverable through the Company's fuel adjustment clause. The net proceeds from RECs derived from the Solar Installation Project that are sold into the market, less the cost of **Section 100**, will be shared with customers in accordance with the terms of the Company's Profit Sharing Mechanism (Rider PSM).

10. The Solar Installation Project will be located in Boone County, Kentucky and will be approximately 2.6 MWs direct current (DC)/ 2.0 MWs AC of solar capacity with an approximate annual energy production of 3,300 MWhs. The Solar Installation Project will consist of approximately 6,120 roof-mounted, fixed tilt, Hanwha QCELLS Q.PEAK DUO L-G8.2 – 430 Watt solar panels (or equivalent) and approximately 20 – Ginlong Technologies SOLIS-100K-5G-US String Inverters (or equivalent). The final engineering design will determine the precise number of panels and inverters required. The Solar Installation Project system will be interconnected with the Duke Energy Kentucky Limaburg 189 (18941) distribution feeder line to deliver the power to the electrical grid. The anticipated cost of construction of the Solar Installation Project is approximately \$5 million. Attachment 2 to this application includes a map depicting the location of the Solar Installation Project and the preliminary construction drawings, which have been stamped by a licensed Kentucky engineer. Duke Energy Kentucky does not anticipate any significant permits will be required for this construction other than local building permits once construction is ready to commence. The estimated annual ongoing cost of operation upon construction completion is approximately \$40,000.

11. In addition to the Company's previous solar array installations,⁶ the Solar Installation Project is similar in nature to other renewable generation projects considered by the Commission and determined to be ordinary extensions of an existing system in the ordinary course of business and not requiring full CPCN approval.⁷

12. The Solar Installation Project is intended to provide a small amount of renewable resource generation to Duke Energy Kentucky's predominantly coal-based generation portfolio. The installation will also allow Duke Energy Kentucky to gain operating experience with an intermittent, utility-owned rooftop mounted renewable resource in an urban/suburban region and will allow Duke Energy Kentucky to begin steps

⁶ In the Matter of the Electronic Application of Duke Energy Kentucky, Inc. for an Order Declaring the Construction of Solar Facilities is an Ordinary Extension of Existing Systems in the Usual Course of Business, Application, Case No. 2017-00155 (Ky. P.S.C. July 10, 2017).

⁷ See e.g. In re: Application of East Kentucky Power Cooperative, Inc., for an Order Declaring that the Hardin County Landfill Gas to Energy Project to be an Ordinary Extension of an Existing System in the Usual Course of Business, Order, Case No 2005-00164 (Ky.P.S.C. July 8, 2005); finding that 2.4 MW landfill gas generating facility at a cost of approximately \$5 million was an ordinary extension; In re: Application of East Kentucky power Cooperative, Inc. for an Order Declaring the Usual Course of Business, Order, Case No. 2006-0033 (Ky. P.S.C. March 10, 2006); finding 3.2 MW landfill gas generator with a cost of approximately \$5 Million was an ordinary extension; In re: Application of East Kentucky Power Cooperative for an Order Declaring that the Maysville-Mason County Landfill Gas to Energy Project to be an Ordinary Extension; In re: Application of East Kentucky Power Cooperative for an Order Declaring that the Maysville-Mason County Landfill Gas to Energy Project to be an Ordinary Extension; In re: Application of East Kentucky Power Cooperative for an Order Declaring that the Maysville-Mason County Landfill Gas to Energy Project to be an Ordinary Extension of the Existing System in the Usual Course of Business, Order, Case No. 2008); finding 1.6 MW landfill gas generator with a cost of approximately \$2.5 Million was an ordinary extension.

toward meeting any future carbon reduction or renewable targets that could be established by either the Commonwealth of Kentucky or on the federal level. The Solar Installation Project is small in nature so to allow the Company to gain experience with owning, operating, and maintaining a renewable generation resources now, so that, for example, if carbon legislation is eventually enacted, the learning and compliance curves will not be so steep. The Solar Installation Project will also allow the Company to gain such experience with a minimal, incremental capital commitment so as not to overburden customers with costs of a more robust and expansive investment.

13. As part of its most recent IRP, filed June 21, 2018, in Case No. 2018-00195, Duke Energy Kentucky, among other things, projected a slow load growth in the near-term with demand accelerating in the latter half of the 2020s, but nonetheless, due to customer desire for renewable investments to diversify its generation portfolio, identified the need for renewable resources in the coming years. The Company's analysis identified a need for approximately 10 MW of solar resources beginning in 2019, with annual 10 MW installations coming online.⁸

14. As a result, Duke Energy Kentucky believes that the need exists to continue procurement of solar now, and to take advantage of the federal tax credits currently that are phasing down each year as well as the existing market conditions that have made such investments more affordable. Projects built in 2021 will receive an investment tax credit of 22 percent. After 2021, the commercial and utility credit will drop to a permanent 10 percent.⁹

⁸ In the Matter of 2014 Integrated Resource Plan of Duke Energy Kentucky, Inc., Application at 11, Case No. 2018-00195 (Ky. P.S.C. June 21, 2018).

⁹ 26 U.S. Code § 48 - Energy credit:

15. The Solar Installation will allow the Company to run its Kentucky-sited generation portfolio in a cleaner fashion in terms of total carbon output without a degradation to the capacity available to serve its customer load requirements. The Solar Installation Project is anticipated to have an approximate 19% capacity factor, which will provide some reduction in terms of Duke Energy Kentucky's total carbon emission to the extent these projects will offset the amount of coal-fired generation that is currently used to satisfy native load requirements.

WHEREFORE, Duke Energy Kentucky respectfully requests that the Commission:

- Issue a declaration that its proposed Solar Installation Project constitutes an ordinary extension of an existing system in the ordinary course of business by March 1, 2021.
- 2) Grant any other relief to which the Company may be entitled.

VERIFICATION

STATE OF OHIO)	
)	SS:
COUNTY OF HAMILTON)	

The undersigned, Amy B. Spiller, being duly sworn, deposes and says that she is the President of Duke Energy Kentucky, Inc., that she has personal knowledge of the matters set forth in the foregoing, and that the information contained therein is true and correct to the best of her knowledge, information and belief.

DUKE ENERGY KENTUCKY

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By: Amy B. Spiller, Affiant President Duke Energy Kentucky, Inc.

Subscribed and sworn to before me by Amy B. Spiller, President, Duke Energy Kentucky, Inc., on this <u>Hb</u> day of December 2020.

DOLLAN

My Commission Expires: 9,2022



Its Attorney,

/s/ Rocco O. D'Ascenzo

Rocco O. D'Ascenzo (92796) Deputy General Counsel Duke Energy Business Services, LLC 139 East Fourth Street, 1303-Main Cincinnati, Ohio 45202 Phone: (513) 287-4320 Fax: (513) 287-4385 E-mail: rocco.d'ascenzo@duke-energy.com

CERTIFICATE OF SERVICE

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John G. Horne, II The Office of the Attorney General Utility Intervention and Rate Division 700 Capital Avenue, Ste 118 Frankfort, Kentucky 40601

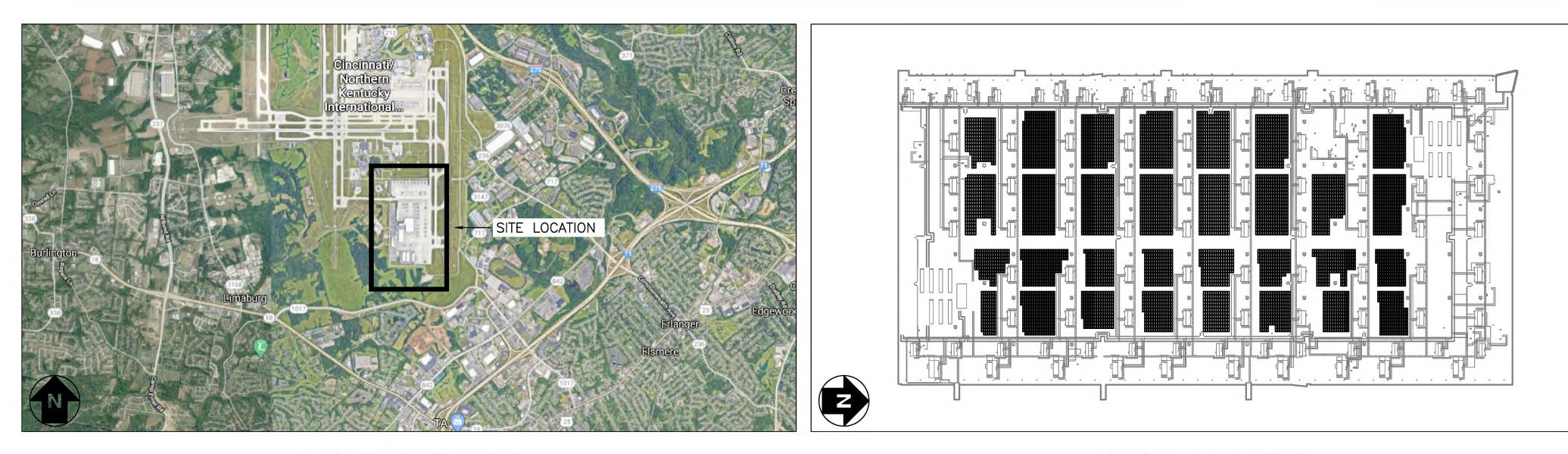
> /s/ Rocco D'Ascenzo Rocco D'Ascenzo

¹⁰ In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19, Order, Case No. 2020-00085 (Ky. P.S.C. March 16, 2020).

Aero Solar Estimate	Cost
EPC	\$
Panels	\$
Inverters	\$
Grid Interconnection	\$
Duke Development & Permitting	\$
PM Oversight	\$
Contingency	\$
Subtotal	\$
AFUDC	\$
OH Allocations	\$
Total Estimate	\$ 5,000,000

AERO SOLAR

2,631.60 KW SOLAR ROOFTOP SYSTEM AT 191 WENDELL FORD BLVD, BURLINGTON, KY 41005



LOCATION MAP SCALE: 1" = 4000' - 0"

TOTAL SYSTEM SUMMARY:

2,631.60 kWDC

2,000.00 kWAC

18

6,120

340

10°

180°

20

HANWHA Q CELLS

Q.PEAK DUO L-G8.2 430W

GINLONG TECHNOLOGIES

SOLIS-100K-5G-US

TIGO ENERGY

TS4-R-F

3,060

TOTAL DC SYSTEM SIZE: AC SYSTEM SIZE:

00-

29-

0-

MODULE MANUFACTURER: MODULE MODEL: MODULES PER STRING: MODULE QUANTITY: STRING QUANTITY:

MODULE TILT: MODULE AZIMUTH:

INVERTER MANUFACTURER: INVERTER MODEL: INVERTER QUANTITY:

MLPE MANUFACTURER: MLPE MODEL: MLPE QUANTITY:

UTILITY:

DUKE ENERGY

SCOPE OF WORK SUMMARY

ROOFTOP PV ARRAY: • INSTALL SOLAR MODULES AND ROOFTOP BALLASTED RACKING SYSTEM ON TOP OF EXISTING 1 STORY BUILDING. INSTALL INVERTERS AND ELECTRICAL DISTRIBUTION EQUIPMENT. INTERCONNECT AT NEW UTILITY ELECTRICAL EQUIPMENT.

SYSTEM PLAN SCALE: 1" = 150' - 0"





111 RIVER STREET, SUITE 1110 HOBOKEN, NEW JERSEY, 07030

KvPSC Case No. 2020-003 Attachment 2 Page 1 of 3

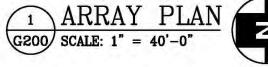
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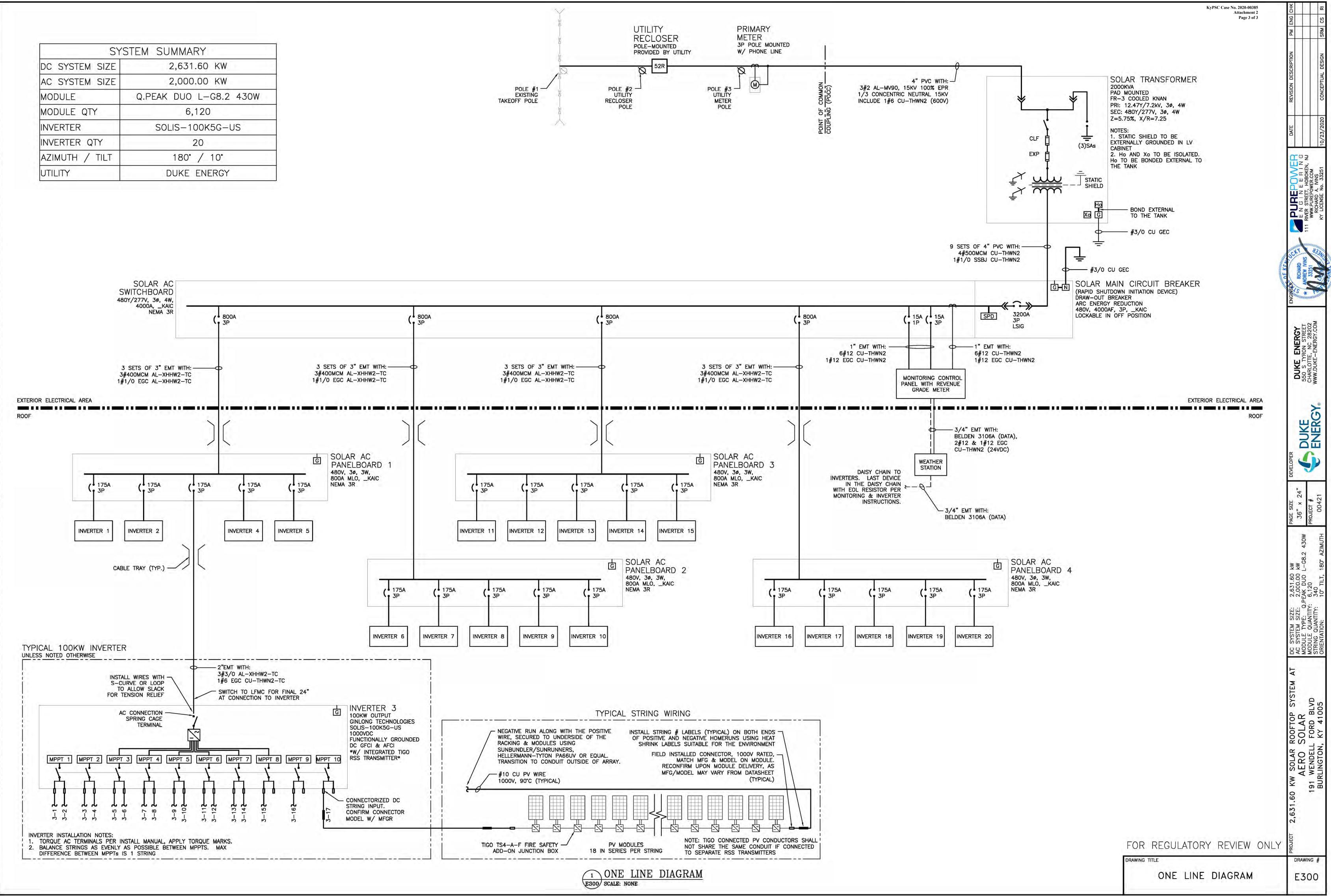
DUKE ENERGY

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						TITLE SHEET	G001









SY	STEM SUMMARY					
DC SYSTEM SIZE	2,631.60 KW					
AC SYSTEM SIZE	2,000.00 KW					
MODULE	Q.PEAK DUO L-G8.2 430W					
MODULE QTY	6,120					
INVERTER	SOLIS-100K5G-US					
INVERTER QTY	20					
AZIMUTH / TILT	180° / 10°					
UTILITY	ITY DUKE ENERGY					

<u>_</u>_ 4m_ 2 12-2-00-4m-N-24-0-

