

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-100, SUB 190

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Biennial Consolidated Carbon Plan and )  
Integrated Resource Plans of Duke Energy )  
Carolinas, LLC, and Duke Energy )       PROCEDURAL ORDER  
Progress, LLC, Pursuant to N.C.G.S. )  
§ 62-110.9 and § 62-110.1(c) )

BY THE PRESIDING COMMISSIONER: North Carolina General Statutes Section 62-110.9 (Carbon Plan Statute) directs the Commission to take all reasonable steps to achieve a seventy percent reduction in emissions of carbon dioxide in the State from electric generating facilities owned or operated by Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP; collectively with DEC, Duke), from 2005 levels by the year 2030 and carbon neutrality by the year 2050 subject to certain discretionary limitations. In accordance with the Carbon Plan Statute, the Commission issued an Order Adopting Initial Carbon Plan and Providing Direction for Future Planning on December 30, 2022, in Docket No. E-100, Sub 179 (Initial Carbon Plan). The Carbon Plan Statute directs the Commission to review the plan every two years after the adoption of the Initial Carbon Plan. The Initial Carbon Plan provided for the consolidation of the Carbon Plan and Integrated Resource Plan (IRP) processes (CPIRP, as consolidated) and required Duke to file its first proposed biennial CPIRP by no later than September 1, 2023.

On March 15, 2023, the Commission opened this docket for the purpose of hearing the 2023 CPIRP proceeding. On August 17, 2023, Duke filed a verified petition seeking the Commission’s approval of its proposed 2023 CPIRP. On September 1, 2023, Duke prefiled direct testimony and exhibits of witnesses in support of its verified petition and proposed 2023 CPIRP.

On January 17, 2024, the Commission issued an Order Scheduling Public Hearings, Establishing Interventions and Testimony Due Dates and Discovery Guidelines, Requiring Public Notice, and Providing Direction Regarding Duke’s Supplemental Modeling (January 17, 2024 Procedural Order), which among other scheduled a technical conference on intervenor testimony. Ordering Paragraph No. 6 of the January 17, 2024 Procedural Order states that the technical conference is being held “for the purpose of receiving an oral presentation, with an opportunity for Commissioners to ask questions, on the testimony of intervenors on Duke’s proposed 2023 CPIRP[.]” Further, Ordering Paragraph No. 6 of the January 17, 2024 Procedural Order states that “each intervenor party shall be limited to a presentation of 30 minutes not including Commissioner questions.”

On February 21, 2024, the Commission issued an Order Establishing Additional Procedures for Expert Witness Hearing (February 21, 2024 Procedural Order). In pertinent part, Ordering Paragraph No. 1 of the February 21, 2024 Procedural Order requires that “parties filing intervenor testimony shall organize the testimony by issue and include a table of contents or index for each witness or panel indicating where in the testimony each designated issue is discussed.”

Consistent with the deadline for intervenor testimony established in the Commission’s January 17, 2024 Procedural Order, on May 28, 2024, the following parties timely prefiled the testimony of expert witnesses: the Environmental Justice Community Action Network and North Carolina Environmental Justice Network, appearing jointly, filed the testimony of Andrew Yates; TotalEnergies Carolina Long Bay, LLC (TotalEnergies) filed the testimony of Matthew W. Tanner, PhD; NC WARN filed the testimony of Rao Konidena; NC WARN and the Environmental Working Group jointly filed the testimony of Grant Smith; Appalachian Voices filed the testimony of Evan Hansen; the Carolina Industrial Group for Fair Utility Rates II and the Carolina Industrial Group for Fair Utility Rates III (appearing jointly as CIGFUR) filed the testimony of witnesses Brian C. Collins and Bradford D. Muller; Tract Capital Management, LP (Tract) filed the testimony of Ronald J. Moe; the North Carolina Sustainable Energy Association (NCSEA) filed the testimony of Dr. John O'Brien and Philip O. Moor P.E.; the Clean Energy Buyers Association filed the testimony of Jennifer Chen, Kyle Davis, and the joint testimony of R. Brent Alderfer and Ivan Urlaub; Walmart Inc. filed the testimony of Lisa V. Perry; Avangrid Renewables, LLC (Avangrid), filed the testimony of Jeffrey Bower and the joint testimony of Mical Nobel and Elizabeth Andrews; the Environmental Defense Fund filed the testimony of Josh Kaplowitz and William B. McAleb; the Attorney General’s Office filed the testimony of Edward Burgess; the Southern Alliance for Clean Energy, and Sierra Club, Natural Resources Defense Council (appearing jointly as, SACE et al.) and NCSEA jointly filed the testimony of witnesses James F. Wilson, Maria Roumpani, Michael Goggin, and Jake Duncan; the North Carolina Electric Membership Corporation filed the testimony of Amadou Fall and S. Lee Ragsdale, Jr.; and the Public Staff – North Carolina Utilities Commission (Public Staff) filed the testimony of witnesses Jordan A. Nader, Michelle M. Boswell, Evan D. Lawrence, Jeff Thomas, David M. Williamson, Blaise C. Michna, Dustin R. Metz, and the joint testimony of John R. Hinton and Patrick A. Fahey.

Upon review of the intervenor testimony, the Presiding Commissioner notes that several parties – TotalEnergies, Tract, NCSEA (filing the testimony of Dr. John O'Brien and Philip O. Moor P.E.), and Avangrid – did not comply with the Commission’s February 21, 2024 Procedural Order by failing to “organize the testimony by issue and include a table of contents or index for each witness or panel indicating where in the testimony each designated issue is discussed.” Accordingly, the Presiding Commissioner will require these parties to provide the Commission with a designated issues index corresponding to Duke’s corrected index filed May 14, 2024, within three business days of the issuance of this Order. For further guidance, these parties may refer to the indexes filed by the Public Staff or SACE et al. (included with testimony cover letter) on May 28, 2028. Failure to comply with this Order will result in these parties’ testimony being stricken.

Further, the Presiding Commissioner notes that the number of intervening parties that filed testimony is considerable. If each intervening party that filed testimony is afforded 30 minutes of presentation time at the intervenor technical conference, the technical conference could last upward of eight hours. Following the intervenor technical conference the Commission is scheduled to hear a second technical conference in Docket Nos. E-2, Sub 1340 and E-7, Sub 1310. In order to use the Commission's time efficiently while affording the intervening parties sponsoring testimony a reasonable opportunity to explain that testimony to the Commission, the Presiding Commissioner finds good cause to amend and clarify the perimeters of the intervenor technical conference as described by the January 17, 2024 Procedural Order. Accordingly, each intervention group<sup>1</sup> sponsoring testimony shall be afforded 15 minutes of presentation time, with the exception of the Public Staff which shall be afforded 30 minutes of presentation time.<sup>2</sup>

IT IS, THEREFORE, ORDERED as follows:

1. That TotalEnergies, Tract, NCSEA, and Avangrid shall file a designated issues testimony index corresponding to Duke's corrected index filed May 14, 2024, within three business days of the issuance of this order; and

2. That at the June 17, 2024 intervenor technical conference each intervention group (as elaborated on in footnote no. 1) sponsoring testimony shall be afforded 15 minutes of presentation time, with the exception of the Public Staff which shall be afforded 30 minutes of presentation time.

ISSUED BY ORDER OF THE COMMISSION.

This the 31st day of May, 2024.

NORTH CAROLINA UTILITIES COMMISSION



Tamika D. Conyers, Deputy Clerk

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<sup>1</sup> Multiple entities participating as a consolidated intervention group, e.g., SACE et al. or CIGFUR, shall be permitted one 15-minute presentation block.

<sup>2</sup> Stated times do not include time for Commissioner questions.