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FILED

JUN 14 2011

Clerk's Office
N.C. Utilities Commission

June 14, 2011

Ms. Renné C. Vance, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4325

RE: Docket No. E-100, Sub 128

OFFICIAL COPY

Dear Ms. Vance:

Enclosed for filing are the original and 30 copies of Duke Energy Carolinas, LLC's Objection to NCSEA's Comment Filing in the above referenced docket.

Sincerely,

Robert W. Kaylor

Robert W. Kaylor

Encls.

cc: Parties of Record

HM
AG
2 comm
Watson
Hoover
Wite
Hilburn
Sessions
Ericson
Jones
Hodge
Gruber
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3 PS ACATS
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BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

FILED

JUN 14 2011

DOCKET NO. E-100, SUB 128

Clerk's Office
N.C. Utilities Commission

In the Matter of) DUKE ENERGY CAROLINAS, LLC'S
Investigation of Integrated Resource) OBJECTION TO NCSEA'S COMMENT
Planning in North Carolina – 2010) FILING
)

OFFICIAL COPY

Duke Energy Carolinas, LLC (“Duke Energy Carolinas” or “the Company”) hereby submits its objection to the comments filed by North Carolina Sustainable Energy Association (“NCSEA”) on June 6, 2011 in this docket and requests that the Commission reject NCSEA’s filing and otherwise refuse to consider NCSEA’s filing as part of the record in this proceeding as it is grossly out of time. NCSEA filed its comments on June 6, 2011 “in accordance with the May 5, 2011 Order issued by the North Carolina Utilities Commission (“the Commission”) in the above-referenced docket.”

First, NCSEA’s filing is neither a “proposed order” nor is it a “brief,” so its comment filing “in accordance with the May 5, 2011 Order” is inappropriate. Second, NCSEA’s filing disregards the applicable provisions of Commission Rule R8-60(j)¹, which states that:

Within 150 days after the filing of each utility's biennial report and within 60 days after the filing of each utility’s annual report of amendments or revisions, the Public Staff or any other intervenor may file an integrated resource plan or report of its own as to any utility or **may file an evaluation of or comments on the reports filed by the utilities**, or both. (emphasis supplied)

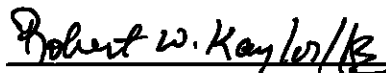
Very simply, NCSEA’s comment filing was made more than 270 days after the filing of Duke Energy Carolinas’ 2010 Integrated Resource Plan (“IRP”) and Renewable Energy and Energy Efficiency Portfolio Standard (“REPS”) Compliance Plan in this docket, almost doubling the amount of time permitted for the filing of comments under the Commission’s Rules. All

¹ Pursuant to Commission Rule R8-67(b)(3), REPS compliance plans filed by the utilities will be reviewed and approved pursuant to Rule R8-60.

other intervening parties filed their respective comments on February 10, 2011, more than 120 days ago, and the utilities already responded to the comments filed in a timely fashion by the other intervening parties more than 90 days ago. By all standards, NCSEA's comment filing is grossly out of time. The Commission's *Order Allowing Parties to File Proposed Order and/or Briefs* issued in this docket on May 5, 2011, did not extend the time within which parties could file comments on the individual IRPs or REPS compliance plans; it merely provided the opportunity for parties to file briefs and/or proposed orders. As such, NCSEA's comments, filed on June 6, 2011, should be rejected by the Commission and not considered as part of the record in this proceeding.

WHEREFORE, Duke Energy Carolinas respectfully requests that the Commission reject NCSEA's comment filing as out of time under Rule R8-60, and otherwise refuse to consider NCSEA's filing as part of the record in this proceeding.

Respectfully submitted, this the 14th day of June 2011.

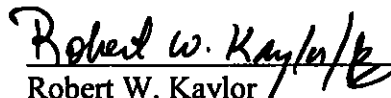

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CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Carolinas, LLC's Objection to NCSEA's Comment Filing in Docket No. E-100, Sub 128, has been served by electronic mail (e-mail), hand delivery or by depositing a copy in the United States Mail, first class postage prepaid, properly addressed to parties of record.

This the 14th day of June, 2011.



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