

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1318
DOCKET NO. EC-67, SUB 55

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Joint Application of Duke Energy Progress, LLC and North Carolina Electric Membership Corporation for a Certificate of Public Convenience and Necessity to Construct a 1,360 MW Natural Gas-Fueled Combined Cycle Electric Generating Facility in Person County, North Carolina)	ORDER ESTABLISHING ADDITIONAL PROCEDURES FOR EXPERT WITNESS HEARING

BY THE CHAIR: On March 28, 2024, Duke Energy Progress, LLC (DEP) and North Carolina Electric Membership Corporation (NCEMC), filed an Application for a Certificate of Public Convenience and Necessity to Construct a 1,360 MW Natural Gas-Fueled Combined Cycle Electric Generating Facility in Person County, North Carolina (Application). On April 10, 2024, the Commission issued an Order Scheduling Hearings, Establishing Procedural and Filing Requirements, and Requiring Public Notice (Scheduling Order), which among other things, scheduled a hearing for the purpose of receiving expert witness testimony on the Application.

The Chair finds good cause to establish additional procedures to facilitate an efficient proceeding and establish expectations for hearing conduct.

IT IS, THEREFORE, ORDERED as follows:

1. That DEP shall consult with all parties and file, not later than July 22, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party’s estimated time for cross-examination of each witness. If the parties cannot reach agreement, the remaining parties shall, not later than July 24, 2024, make a filing indicating their points of disagreement with DEP’s filing. The Commission expects the parties to adhere to their estimated times for cross-examination to the greatest extent possible;
2. That no later than July 29, 2024, each party shall (a) file an exhibit index of potential cross-examination exhibits; and (b) provide electronic copies of the index and potential cross-examination exhibits to all other parties and to the Commission via email at ncucexhibits@ncuc.gov. Each potential exhibit shall be provided separated, one from the other, as separate files;

3. That no later than July 31, 2024, each party shall (a) file an exhibit index of potential redirect examination exhibits; and (b) provide electronic copies of the index and potential redirect exhibits to all other parties and to the Commission via email at ncucexhibits@ncuc.gov. Each potential exhibit shall be provided separated, one from the other, as separate files;

4. That at the commencement of the hearing, each party shall provide an exhibit notebook, or set of exhibit notebooks, bound in a three-ring binder and containing those exhibits listed on the party's filed exhibit indices. Each notebook shall contain an exhibit index and a copy of each exhibit. Each exhibit shall be separately tabbed and arranged numerically in the notebook, consistent with the index. Each notebook shall be labeled with the sponsoring party's name on the cover and the spine of the notebook. Exhibit notebooks shall be placed in the designated area in front of the witness stand in the hearing room no later than 15 minutes prior to when the hearing commences;

5. That each potential cross-examination exhibit and potential redirect examination exhibit shall be labeled with the sponsoring party's name and numbered sequentially in the upper right corner on the face of the document. Potential exhibits, whether cross-examination or redirect examination, shall be numbered consecutively, with the numbering for each party's potential cross-examination or redirect exhibits starting with the next consecutive number after that party's potential cross exhibits ended (e.g., "Sponsoring Party's Name Potential Cross Exhibit 1," "Sponsoring Party's Name Potential Redirect Exhibit 2," etc.);

6. That any corrections to witness' prefiled testimony or exhibits must be filed with the Commission at least one business day prior to calling the witness to the stand, and each party shall file in the docket the following:

- a. An errata filing of any corrections to the witness' prefiled testimony, and a complete copy of the witness' corrected testimony; and
- b. An errata filing of any corrections to the witness' prefiled exhibits, and a complete copy of the corrected exhibits;

7. That the Commission hereby opens Docket Nos. E-2, Sub 1318A, and EC-67, Sub 55A, for the purpose of receiving the exhibits admitted during the hearing and witness summaries;

8. That at least two business days prior to calling a witness to the stand, each party shall file in Docket Nos. E-2, Sub 1318A, and EC-67, Sub 55A, a summary of the witness' testimony. Parties are hereby instructed to refrain from reading witness summaries into the record during the course of the expert witness hearing. In lieu of reading the witness' summary into the record, the witness' testimony, errata, and summary should be moved into the record at the time the witness is made available for cross-examination; and

9. That within 24 hours after a cross-examination or redirect exhibit is admitted into the record, the sponsoring party shall file in Docket Nos. E-2, Sub 1318A, and EC-67, Sub 55A, the following:

- a. A list of that party's cross-examination and redirect exhibits moved into the record, noted by date and by witness; and
- b. A copy of that party's cross-examination and redirect examination exhibits moved into the record, marked as identified during the hearing.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of July, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "A. Shonta Dunston". The signature is written in black ink and is positioned above the printed name of the signatory.

A. Shonta Dunston, Chief Clerk