

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1249

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Duke Energy Carolinas, LLC for)	ORDER EXCUSING EXPERT
Approval of Demand-Side Management and)	WITNESSES, ACCEPTING
Energy Efficiency Cost Recovery Rider)	TESTIMONY, CANCELING
Pursuant to N.C. Gen. Stat. 62-133.9 and)	HEARING, AND REQUIRING
Commission Rule R8-69)	FILING OF PROPOSED
)	ORDERS

BY THE PRESIDING COMMISSIONER: On February 23, 2021, Duke Energy Carolinas, LLC (DEC), filed an application in the above-captioned docket for approval of cost recovery for DEC's demand-side management and energy efficiency (DSM/EE), programs pursuant to N.C.G.S. § 62-133.9 and Commission Rule R8-69. In addition, DEC filed testimony and exhibits (testimony), of Robert P. Evans and Shannon R. Listebarger in support of its application.

On March 18, 2021, the Commission issued a Scheduling Order that, among other things, scheduled this matter for a public witness and expert witness hearing to be held remotely via Webex beginning immediately following the hearings in Docket Nos. E-7, Subs 1250, 1246, and 1247, which were scheduled to begin on Webex on Tuesday, June 1, 2021, at 1:00 p.m. In addition, the Scheduling Order required DEC to publish a Public Notice of the hearing. The Public Notice stated that persons who wanted to provide public witness testimony at the hearing should register with the Public Staff, and that only those persons registered with the Public Staff by 5:00 p.m. on Monday, May 24, 2021, will be allowed to testify at the public witness hearing. No persons registered with the Public Staff to provide public witness testimony in this proceeding. As a result, the Commission issued an order on May 28, 2021, canceling the public witness hearing.

On May 10, 2021, the Public Staff filed direct testimony of Michael C. Maness and David M. Williamson, and Southern Alliance for Clean Energy, North Carolina Housing Coalition, and North Carolina Justice Center (NCJC, *et al.*) jointly filed direct testimony of Forest Bradley-Wright. No other party filed testimony.

On May 20, 2021, DEC filed rebuttal testimony of witnesses Evans and Listebarger.

On May 26, 2021, DEC, the Public Staff, and NCJC, *et al.* (Movants), filed a joint motion requesting that Movants' expert witnesses be excused from attending the expert witness hearing, and that their testimony be received into evidence. Movants stated that they have agreed to waive cross-examination of each other's witnesses. Movants further

stated that Carolina Industrial Group for Fair Utility Rates III, Carolina Utility Customers Association, Inc, and North Carolina Sustainable Energy Association, the other parties to this docket, have agreed to waive cross-examination of Movants' witnesses and offer no objection to the introduction of the testimony and exhibits of Movants' witnesses into evidence.

Also on May 26, 2021, the Public Staff filed a letter on behalf of it and DEC stating that the Public Staff and DEC have agreed to work to resolve issues raised by the Public Staff regarding DEC's Find It Duke Program, and to report to the Commission on their efforts in their testimony to be filed in DEC's 2022 DSM/EE rider proceeding. Further, the Public Staff stated that for purposes of the present DSM/EE rider proceeding the Public Staff and DEC have agreed that DEC should not be required to make any changes to its accounting related to the Find it Duke Program costs or revenues at this time.

Based on the foregoing and the record, the Presiding Commissioner finds good cause to excuse all of Movants' witnesses from testifying at the hearing, to receive the witnesses' prefiled testimony and exhibits into evidence, and to cancel the hearing.

Further, the Presiding Commissioner finds good cause to require that on or before July 1, 2021, DEC and the Public Staff shall file proposed orders, or a joint proposed order, and may file briefs if they so desire. Finally, the other parties may file proposed orders and/or briefs on or before July 1, 2021, if they so desire.

IT IS, THEREFORE, ORDERED as follows:

1. That DEC's, the Public Staff's, and NCJC, *et al.*'s expert witnesses are excused from testifying at the hearing on Tuesday, June 1, 2021, and the witnesses' prefiled testimony and exhibits are hereby admitted into evidence;
2. That the hearing scheduled to begin immediately following the hearings in Docket Nos. E-7, Subs 1250, 1246, and 1247, which are scheduled to begin on Webex on Tuesday, June 1, 2021, at 1:00 p.m., is hereby canceled; and
3. That on or before July 1, 2021, DEC and the Public Staff shall file proposed orders, or a joint proposed order, and may file briefs if they so desire. Further, the other parties may file proposed orders and/or briefs if they so desire.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of May, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Joann R. Snyder", is written over a light blue horizontal line.

Joann R. Snyder, Deputy Clerk