



Tel (919) 755-8700 Fax (919) 755-8800
www.foxrothschild.com

BENJAMIN L. SNOWDEN
Direct No: 919.719-1257
Email: BSnowden@foxrothschild.com

December 20, 2021

Ms. A. Shonta Dunston
Chief Clerk
North Carolina Utilities Commission
430 N. Salisbury Street
Raleigh, NC 27603

RE: *In the matter of the Joint Petition of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC, to Request the Commission to Hold a Joint Hearing with the Public Service Commission of South Carolina to Develop Carbon Plan*
NCUC Dockets E-2, Sub 1283 and E-7, Sub 1259
CLEAN POWER SUPPLIERS ASSOCIATION'S COMMENTS

Dear Ms. Dunston:

On behalf of Clean Power Suppliers Association, we hereby file Comments in the above referenced matter and dockets.

Thank you for your assistance with this submittal. Should you have any questions concerning same, please do not hesitate to contact me.

Sincerely,

/s/ Benjamin L. Snowden

Benjamin L. Snowden

pbb

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1283
DOCKET NO. E-7, SUB 1259

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
)	
Joint Petition of Duke Energy Carolinas,)	COMMENTS OF THE CLEAN
LLC, and Duke Energy Progress, LLC,)	POWER SUPPLIERS
to Request the Commission to Hold a)	ASSOCIATION
Joint Hearing with the Public Service)	
Commission of South Carolina to)	
Develop Carbon Plan)	

Pursuant to the November 23, 2021 *Order Requesting Comments on Petition for Joint Proceeding* issued by the North Carolina Utilities Commission (the “Commission”), the Clean Power Suppliers Association (“CPSA”) submits the following initial comments regarding the Joint Petition to Request the Commission to Hold a Joint Hearing with the Public Service Commission of South Carolina to Develop Carbon Plan (“Petition”) filed by Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP,” and together with DEC, “Duke”) in the above-referenced docket.

CPSA is a North Carolina nonprofit trade association whose members consist of developers of utility-scale solar generating facilities in North and South Carolina. CPSA’s officers are residents of the Carolinas and have both personal and professional interests in the successful implementation of H.B. 951. CPSA supports a coordinated bi-state planning process, given the substantial implications that Duke’s implementation of H.B. 951 has for the citizens of South Carolina and for matters under the jurisdiction of the South Carolina Public Service Commission (“SC PSC”). A formalized bi-state planning approach could provide an opportunity for greater coordination between this Commission and the SC PSC

on matters related to H.B. 951, to the benefit of all stakeholders. It is currently unclear how the SC PSC will rule on the petition for a joint proceeding or whether an alternative proposal may be adopted once the SC PSC receives written feedback from other intervening parties. CPSA therefore encourages this Commission to make its decision about the Petition in consultation and coordination with the SC PSC.

Whatever decision the Commission makes on the Petition, CPSA believes that the action by this Commission on the procurement of solar resources in 2022, as authorized by H.B. 951, should be undertaken independent of the SC PSC. In order to meet the carbon reduction mandates of H.B. 951, Duke must move swiftly and aggressively to procure additional renewable resources on its system. Based on the portfolios presented in DEP's and DEC's most recent IRPs, Duke will most likely need to procure well over a gigawatt – and perhaps as much as two gigawatts – of solar resources annually in order to meet the 2030 carbon reduction targets. It is critical that Duke initiate a substantial procurement of solar resources in 2022 if it is to meet those targets. Because any procurement will require consideration of interconnection costs and related issues, it is almost certain that a 2022 procurement would need to be coordinated with the DISIS interconnection study process, which is slated to commence in September 2022. Specifically, proposals for any procurement will need to be submitted well in advance of the DISIS enrollment window closing in late June 2022.

CPSA understands that Duke recognizes the need for prompt Commission action with respect to a 2022 procurement, and that the Companies intend to engage with a variety of stakeholders prior to making a proposal for a 2022 procurement to the Commission. Once the Companies have made such a proposal, it is critical that this Commission be able

to act on it swiftly, so that any adjustments can be made to the procurement program, and documents can be finalized, in time for the opening of DISIS.

At this time there is substantial uncertainty as to how, if at all, the SC PSC may wish to participate in any joint proceeding on H.B. 951 implementation. Because this uncertainty could lead to procedural and other delays, CPSA believes that issues related to any 2022 solar procurement should not be considered within a joint proceeding, and that this Commission should consider those issues in a proceeding solely under its jurisdiction. It may be appropriate to coordinate with the SC PSC on issues related to procurement in 2023 and later years, but the urgency of the 2022 procurement is such that any significant delay could seriously undermine Duke's ability to meet the requirements of H.B. 951.

Respectfully submitted this the 20th day of December 2021.

FOX ROTHSCILD LLP



Benjamin L. Snowden
North Carolina State Bar No. 51745
434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
Telephone: 919-719-1257
E-mail: BSnowden@foxrothschild.com

*Counsel for Clean Power Suppliers
Association*

CERTIFICATE OF SERVICE

I hereby certify that all persons on the Commission's docket service list have been served true and accurate copies of the foregoing Petition to Intervene by hand delivery, first class mail deposited in the U. S. mail, postage pre-paid, or by e-mail transmission with the party's consent.

This the 20th day of December 2021.

/s/ Benjamin L. Snowden

Benjamin L. Snowden
Fox Rothschild LLP
434 Fayetteville Street
Suite 2800
Raleigh, NC 27601
Telephone: 919-719-1257
E-mail: BSnowden@foxrothschild.com