

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1297
DOCKET NO. E-7, SUB 1268

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Duke Energy Progress, LLC, and Duke)	ORDER ESTABLISHING
Energy Carolinas, LLC, 2022 Solar)	PROCEDURES FOR MOTION FOR
Procurement Pursuant to Session)	RECONSIDERATION AND STAYING
Law 2021-165, Section 2(c))	ISSUANCE OF REQUEST FOR
)	PROPOSALS AND PRO FORMA
)	POWER PURCHASE AGREEMENT

BY THE CHAIR: Session Law 2021-165 (S.L. 2021-165), also known as House Bill 951, enacted N.C. Gen. Stat. § 62-110.9¹ which directs the Commission to develop a Carbon Plan that takes reasonable steps to reduce carbon dioxide emissions in this State from electric generating facilities owned or operated by Duke Energy Progress, LLC (DEP), and Duke Energy Carolinas, LLC (DEC, together with DEP, Duke), by 70% from 2005 levels by 2030 and to achieve carbon neutrality by 2050. Section 2.(c) of S.L. 2021-165 further authorizes the Commission to direct Duke to conduct a procurement of solar energy resources in 2022 if the Commission determines that solar resources are required in order to meet the carbon emission reduction directives of N.C.G.S. § 62-110.9.

On March 11, 2022, the Commission established this docket for the purpose of considering whether a 2022 Solar Procurement is warranted consistent with the provisions of S.L. 2021-165, Section 2.(c).

On March 14, 2022, Duke filed a Petition for Authorization of 2022 Solar Procurement Program, which seeks Commission authorization of a system-wide competitive procurement seeking a minimum of 700 megawatts (MW) of utility-owned and third-party solar energy resources sited in both North Carolina and South Carolina (Petition). The Petition includes a request for expedited review to enable Duke to launch the procurement to align with the 2022 Definitive Interconnection System Impact Study (DISIS) for the purpose of evaluating the interconnection costs associated with bids.

Through various orders, the Commission has recognized the interventions of interested third parties, including but not limited to the Clean Power Suppliers Association (CPSA) and the Carolinas Clean Energy Business Association (CCEBA).

¹ Section 1 of S.L. 2021-165 has been codified as N.C.G.S. § 62-110.9 at the direction of the Revisor of Statutes.

During this proceeding, the Commission has received several rounds of comments from interested parties on a number of contested issues. One such issue involves a “Bid Refresh” mechanism, which would require market participants to recalculate and submit their bids as part of the Step 2 bid evaluation process. Particularly at issue was whether bids should be permitted to increase in response to market conditions – as propounded by CPSA and CCEBA – or only allowed to refresh in a downward manner – as proposed by Duke.

On June 10, 2022, the Commission issued an Order Approving Request for Proposals and Pro Forma Power Purchase Agreement Subject to Amendments, which decided the Bid Refresh issue in Duke’s favor.

On June 13, 2022, CPSA and CCEBA filed a Motion for Reconsideration asserting that the Commission’s decision approving the one-way, downward Bid Refresh and rejecting CPSA and CCEBA’s request for a two-way Bid Refresh was based upon a misapprehension or disregard of a fact and requesting expedited consideration.

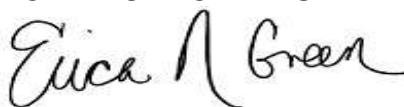
Based on the foregoing, the Commission finds good cause to require that any party hereto desiring to file a response to the Motion for Reconsideration may do so by no later than June 15, 2022. Further, CPSA and CCEBA are hereby given leave to file reply comments by no later than June 16, 2022. Finally, Duke is directed to stay issuance of the Request for Proposals and pro forma Power Purchase Agreement pending the Commission’s decision on the Motion for Reconsideration.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of June, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "Erica N. Green". The signature is fluid and cursive, with the first name "Erica" being more prominent.

Erica N. Green, Deputy Clerk