

January 3, 2023

VIA ELECTRONIC FILING

Ms. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4300

**Re: CUCA Letter in Lieu of Comments on Supplemental Analysis
and Proposed Changes to Procedural Schedule
*Docket No. E-100, Sub 190***

Dear Ms. Dunston:

On behalf of the Carolina Utility Customers Association (“CUCA”), this letter responds to Commission’s *Order Requesting Comments on Request for Development of Supplemental Portfolios and Adjustment to Procedural Schedule* issued December 20, 2023, in the above-referenced docket.

In its order the Commission seeks comment on (1) Duke’s planned supplemental modeling, additional portfolio analysis, and supplemental testimony, and (2) Duke’s proposed procedural schedule.

CUCA responds as follows:

1. In its supplemental filing on November 30, 2023, Duke explains that since the time of the preparation of its load forecast relied on its CPIRP modeling, “the Carolinas have experienced continued strong and unprecedented economic development that is well above the Companies’ historical experience” and which has “resulted in projected load growth across the Carolinas that substantially exceeds even the high load case included in the Companies’ CPIRP filing in August.”
2. CUCA is sympathetic to the premise of Duke’s supplemental filing—which is that the planning exercise at issue in this proceeding should be informed by the best information available on Duke’s projected future load. It makes little sense to engage in a planning effort designed to meet an obsolete target—a “bridge to nowhere”.

3. That said, planning is inherently imperfect and subject to change. The issue here is whether the changes identified by Duke are sufficiently material, certain, and imminent that they materially impact the current planning process. Duke's filing suggests that this test is satisfied.
4. Should the Commission accept Duke's showing on the necessity of making changes, in midstream, to the load forecast, the other parties to the proceeding must be afforded the opportunity to meaningfully and fully evaluate the supplemental data, testimony, and modeling submitted by Duke. Based on its communications with parties that are endeavoring to submit modeling-based testimony,¹ CUCA is persuaded that revised load forecast may require substantial and material changes to ongoing modeling efforts—essentially restarting the clock on parties' efforts to understand what Duke is proposing, to develop potential alternative approaches for satisfying load needs, and to run various test scenarios. The Commission is well-versed in the challenges inherent in this software driving planning exercise and, in its prior orders, purposefully established processes intended to afford parties the opportunity to meaningfully and constructively participate in the proceeding.
5. CUCA believes that the Commission has the inherent statutory authority to adjust its procedural schedule in his proceeding in light of changed circumstances to afford parties the opportunity to fully participate. *See* G.S. § 62-110.9 ("The Carbon Plan shall be reviewed every two years and may be adjusted as necessary in the determination of the Commission and the electric public utilities."); G.S. § 62-30 ("The Commission shall have and exercise such general power and authority to supervise and control the public utilities of the State as may be necessary to carry out the laws providing for their regulation, and all such other powers and duties as may be necessary or incident to the proper discharge of its duties.").

CUCA respectfully requests that the forgoing comments be given due consideration by the Commission.

¹ For clarity, CUCA does not presently envision sponsoring modeling-based testimony itself.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, LLP

A handwritten signature in blue ink, appearing to read 'Marcus W. Trathen', with a horizontal line extending from the end of the signature.

Marcus W. Trathen

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cc: Parties of Record