

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

FILED

MAY 21 2009

Clerk's Office  
N.C. Utilities Commission

DOCKET NO. E-7, SUB 831

OFFICIAL COPY

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

Application of Duke Energy Carolinas, LLC	)	MOTION OF THE PUBLIC STAFF
for Approval of Save-a-Watt Approach,	)	AND THE SOUTHERN
Energy Efficiency Rider and Portfolio of	)	ENVIRONMENTAL LAW CENTER,
Energy Efficiency Programs	)	ENVIRONMENTAL DEFENSE
	)	FUND, NATURAL RESOURCES
	)	DEFENSE COUNCIL, AND
	)	SOUTHERN ALLIANCE FOR
	)	CLEAN ENERGY FOR A SECOND
	)	EXTENSION OF TIME TO FILE
	)	INITIAL COMMENTS

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Robert P. Gruber, and the Southern Environmental Law Center, Environmental Defense Fund, Natural Resources Defense Council, and the Southern Alliance for Clean Energy (collectively, "environmental interveners") and respectively request an extension of time to file comments on the March 31, 2009 filing by Duke Energy Carolinas, LLC (Duke). In support of this motion, the Public Staff and the environmental interveners show as follows:

1. On February 26, 2009, the Commission entered an *Order Resolving Certain Issues, Requesting Information on Unsettled Matters, and Allowing Proposed Rider to Become Effective Subject to Refund and Errata Order* in this docket (*Orders*). The *Orders* directed Duke to provide supplemental information and calculations regarding the modified internal rates of return (MIRRs) that its proposed Save-A-Watt will produce under eight cost and incentive recovery scenarios. The Commission also ordered that the other parties to this docket be allowed to file initial comments on Duke's supplemental information by May 1, 2009, and that Duke be allowed to file reply comments by May 18, 2009.
2. Duke filed the supplemental information in response to the *Orders* and included an additional scenario, its proposed Scenario I, in its filing.

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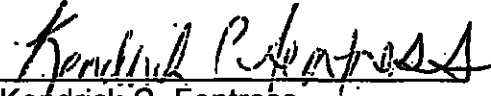
3. On April 29, 2009, the North Carolina Attorney General's Office (AGO) filed a motion requesting an extension of the comment deadline until May 22, 2009. On May 4, 2009, Duke filed an opposition to the AGO's motion; however, the Public Staff and the environmental interveners did not oppose it.
4. On May 6, 2009, the Commission entered its order extending the initial comment filing deadline to May 22, 2009, and the reply comment filing deadline until June 12, 2009.
5. The Public Staff has been diligently reviewing Duke's filing. It has sought additional information from Duke relating to this filing. Duke has recently provided this information to the Public Staff, but the Public Staff has been unable to complete its review, due to the press of other business.
6. The environmental interveners have agreed to join in this motion to extend the time to file comments for one week, from May 22, 2009, until Friday, May 29, 2009.
7. In addition, if the Commission grants this motion, the Public Staff and the environmental interveners request that the date for Duke to file reply comments likewise be extended for one week, until Friday, June 19th, 2009.
8. The Public Staff is authorized to state that Duke does not object to this request, and that the environmental interveners have allowed the Public Staff to file this motion on their behalf.

WHEREFORE, pursuant to Commission Rule R1-7, the Public Staff and the environmental interveners respectfully request the Commission to enter an order extending the time for all parties to file initial comments regarding Duke's supplemental information on or before Friday, May 29th, and extending the date for filing reply comments to Friday, June 19th, 2009.

Respectfully submitted, this the 21<sup>st</sup> day of May, 2009.

PUBLIC STAFF  
Robert P. Gruber  
Executive Director

Antoinette R. Wike  
Chief Counsel

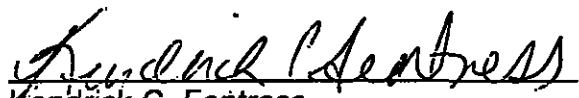
  
Kendrick C. Fentress  
Staff Attorney

4326 Mail Service Center  
Raleigh, North Carolina 27699-4326  
Telephone: (919) 733-6110

CERTIFICATE OF SERVICE

I do hereby certify I have this day served a copy of the foregoing motion on each of the parties of record in this proceeding or their attorneys of record by causing a copy of the same to be deposited in the United States Mail, postage prepaid, properly addressed to each and/or by email.

This the 21<sup>st</sup> day of May, 2009.

  
Kendrick C. Fentress