

1 PLACE: Dobbs Building, Raleigh, North Carolina
2 DATE: Monday, October 8, 2018
3 TIME: 2:05 p.m. - 2:10 p.m.
4 DOCKET NO: E-2, Sub 1174
5 BEFORE: Commissioner ToNola D. Brown-Bland, Presiding
6 Chairman Edward S. Finley, Jr.
7 Commissioner Jerry C. Dockham
8 Commissioner James G. Patterson
9 Commissioner Lyons Gray
10 Commissioner Daniel G. Clodfelter
11 Commissioner Charlotte A. Mitchell

12
13 **IN THE MATTER OF:**

14 Application of Duke Energy Progress, LLC,
15 for Approval of Demand-Side Management and Energy
16 Efficiency Cost Recovery Rider Pursuant to
17 G.S. 62-133.9 and Commission Rule R8-69.

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19 VOLUME: 2
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1 A P P E A R A N C E S:

2 **FOR DUKE ENERGY PROGRESS, LLC:**

3 Kendrick C. Fentress, Esq.

4 Associate General Counsel

5 401 Wilmington Street

6 Raleigh, North Carolina 27601

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8 **FOR THE USING AND CONSUMING PUBLIC:**

9 Heather D. Fennell, Esq.

10 Public Staff - North Carolina Utilities Commission

11 4326 Mail Service Center

12 Raleigh, North Carolina 27699-4300

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NORTH CAROLINA UTILITIES COMMISSION

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T A B L E O F C O N T E N T S

E X A M I N A T I O N S :

No Witnesses of Record.

E X H I B I T S

Identified / Admitted

No Exhibits of Record.

P R O C E E D I N G S

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2 COMMISSIONER BROWN-BLAND: Let's come to
3 order and go on the record. I'm Commissioner ToNola
4 D. Brown-Bland, the presiding Commissioner for this
5 hearing. And with me this afternoon are Chairman
6 Edward S. Finley, Jr.; Commissioners Jerry C. Dockham,
7 James G. Patterson, Lyons Gray, Daniel G. Clodfelter,
8 and Charlotte A. Mitchell.

9 I now call for hearing Docket Number E-2,
10 Sub 1174, In the Matter of Application by Duke Energy
11 Progress, Inc., (sic) for Approval of Demand-Side
12 Management and Energy Efficiency Cost Recovery Rider
13 Pursuant to G.S. 62-133.9 and Commission Rule R8-69.

14 Pursuant to G.S. 62-133.9, on June 20, 2018,
15 DEP filed an Application for recovery of costs
16 incurred in providing Demand-Side Management and
17 Energy Efficiency measures.

18 The Application came on to be heard by this
19 Commission on September 18, 2018, per Scheduling Order
20 of the Commission. However, prior to that hearing,
21 DEP filed testimony and exhibits on September 10,
22 2018, in support of a decrease in their residential
23 rates requested in the initial application filed in
24 June, and an increase in the general service rates

1 initially requested. Accordingly, DEP requested and
2 the Commission ordered on September 11, 2018, that an
3 additional public hearing be held. The Commission's
4 Order scheduled an additional hearing for today,
5 October 8th, at this time and place, and ordered DEP
6 to publish notice of the time and date of the
7 additional public hearing and of DEP's requested rates
8 as modified in its September 10th filings.

9 On October 5, 2018, DEP filed Affidavits of
10 Publication of the Additional Public Hearing.

11 A letter from counsel informed the
12 Commission that due to Hurricane Florence which landed
13 in DEP's North Carolina service territory in
14 mid-September, the *Wilmington Star-News* and one other
15 area paper had not yet provided affidavits, but that
16 the *Star-News* would have published notice twice before
17 today's hearing.

18 In compliance with the requirements of
19 Chapter 138A of the State Government Ethics Act, I
20 remind the members of the Commission of our
21 responsibility to avoid conflicts of interest, and
22 inquire at this time whether any member has a known
23 conflict of interest with respect to the matter now
24 before us?

1 (No response)

2 The record will reflect no conflicts were
3 identified.

4 And I will now call for appearances,
5 beginning with DEP.

6 MS. FENTRESS: Good afternoon, Madam Chair,
7 members of the Commission. I'm Kendrick Fentress
8 appearing on behalf of Duke Energy Progress.

9 MS. FENNELL: Good afternoon. Heather
10 Fennell with the Public Staff on behalf of the Using
11 and Consuming Public.

12 COMMISSIONER BROWN-BLAND: Before we move on
13 to the public hearing, I'm interested in hearing from
14 Ms. Fentress about the status of publication of
15 notice.

16 MS. FENTRESS: The status has not changed
17 since our October 5th letter which indicated that the
18 papers had confirmed that the notice had been run
19 twice, except for the *Star-News* in Wilmington which
20 was unable to run it consecutive weeks because of
21 Hurricane Florence.

22 We also have not yet received the affidavit
23 from the Henderson paper, but as soon as we do we will
24 file it.

1 COMMISSIONER BROWN-BLAND: So to be clear,
2 is this different from the situation we heard about in
3 the JAAR matter or is it the same?

4 MS. FENTRESS: I believe it's the same as
5 Mr. Somers related in E-2, Sub 1176.

6 COMMISSIONER BROWN-BLAND: Because it's
7 different from the letter. The letter didn't indicate
8 whether the *Star-News* had published at all. And,
9 also, with regard to the other area paper, which you
10 now identify as Henderson.

11 MS. FENTRESS: Yes. The *Star-News* has
12 published the ad twice prior to the hearing. Yes,
13 that is correct. And the other paper was not
14 identified, but I will identify it as the Henderson
15 paper.

16 COMMISSIONER BROWN-BLAND: And it now -- it,
17 too, has published, we just don't have the affidavit?

18 MS. FENTRESS: That is my understanding;
19 yes.

20 COMMISSIONER BROWN-BLAND: All right. Well,
21 on that basis the Commission will hold that the
22 publication is adequate and request that those
23 affidavits be filed as soon as possible.

24 MS. FENTRESS: Thank you. We will do so.

1 COMMISSIONER BROWN-BLAND: Ms. Fennell, I
2 don't see that we have anybody in the audience that I
3 don't know and I don't believe any of them are here
4 for public witness testimony. Do you confirm?

5 MS. FENNELL: That is correct.

6 COMMISSIONER BROWN-BLAND: If I am wrong,
7 would anyone who's interested in providing public
8 testimony please come forward.

9 (No response)

10 The record will reflect no one came forward.

11 And, unless there's something else to come
12 before the Commission, we'll consider the record in
13 the DSM case closed and we will adjourn. Thank you.

14 (WHEREUPON, the proceedings were adjourned.)
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C E R T I F I C A T E

I, KIM T. MITCHELL, DO HEREBY CERTIFY that
the Proceedings in the above-captioned matter were
taken before me, that I did report in stenographic
shorthand the Proceedings set forth herein, and the
foregoing pages are a true and correct transcription
to the best of my ability.

*Kim T. Mitchell*_____

Kim T. Mitchell
Court Reporter II