

**BEFORE THE
NORTH CAROLINA UTILITIES COMMISSION**

**DOCKET E-7, SUB 1214
DOCKET E-2, SUB 1219**

DOCKET E-7, SUB 1214)
)
 In the Matter of)
 Application of Duke Energy Carolinas, LLC)
 for Adjustments in Electric Rate Schedules)
 and Tariffs and Request for an Accounting)
 Order)
 DOCKET E-2, SUB 1219)
)
 In the Matter of)
 Application of Duke Energy Progress, LLC)
 For Adjustments of Rates and Charges)
 Applicable to Electric Service in North)
 Carolina)

**AMENDED MOTION TO EXCUSE
WITNESSES FROM ATTENDING
EVIDENTIARY HEARING**

COMES NOW Vote Solar, by and through its undersigned counsel, and moves that its witnesses be excused from attending the evidentiary hearing for Docket Nos. E-7, Sub 1214 and E-2, Sub 1219. In support of this motion, Vote Solar states the following:

1. On February 18, 2020, Vote Solar caused to be filed in Docket No. E-2, Sub 1219 the *Direct Testimony of James Van Nostrand and Tyler Fitch on Behalf of Vote Solar* with accompanying exhibits Nos. JMV-TF 1 through JMV-TF 7. Witnesses Van Nostrand's and Fitch's joint testimony solely addresses the Grid Improvement Plan.

2. On April 13, 2020, Vote Solar caused to be filed in Docket E-2, Sub 1219, the *Direct Testimony of James Van Nostrand and Tyler Fitch on Behalf of Vote Solar* with accompanying exhibits Nos. JMV-TF 1 through JMV-TF 7. Witnesses Van Nostrand's and Fitch's joint testimony solely addresses the Grid Improvement Plan.

3. On July 9, 2020, in each respective docket, Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) caused to be filed an *Agreement of Settlement and Stipulation* (“Settlement”) resolving the contested issues between Vote Solar and the Companies on the Grid Improvement Plan. As part of the Settlement, Vote Solar agreed to waive cross examination on issues related to the Grid Improvement Plan¹ and to seek to have witnesses Van Nostrand and Fitch excused from attending the evidentiary hearing.

4. On July 9, 2020, the Commission issued a consolidated order *Accepting Recommended Consolidated Issues for Remote Expert Witness Hearing and Postponing Separate Issue Hearings* which included the Grid Improvement Plan as one of the seven issues designated for the consolidated phase of the evidentiary hearing. Vote Solar Witnesses Van Nostrand and Fitch are designated to appear solely in the consolidated portion of the evidentiary hearing scheduled to begin on July 27th, testifying on the Grid Improvement Plan issue.

5. Vote Solar has consulted with all parties regarding this motion. No party objects to this motion and all parties have affirmatively waived the right to cross examination of witnesses Fitch and Van Nostrand.

¹ Vote Solar wishes to clarify that it waives cross of all DEC, DEP, and intervenor witnesses designated in the Company’s *Issues List* for the consolidated portion of the evidentiary hearing, with the exception of witnesses testifying on the issue of “affordability.”

WHEREFORE, Vote Solar prays that:

1. Witnesses Van Nostrand and Fitch be excused from attending the consolidated phase of the evidentiary hearing for Docket Nos. E-7, Sub 1214 and E-2, Sub 1219.
2. That their pre-filed testimony and exhibits be accepted into evidence.

Respectfully submitted, July 16, 2020.

/s/ Thadeus B. Culley
Thadeus B. Culley
N.C. State Bar No. 47001
Counsel for Vote Solar
1911 Ephesus Church Road
Chapel Hill, NC 27517
Telephone: (504) 616-0181
Email: thad@votesolar.org

CERTIFICATE OF SERVICE

DOCKET NO. E-7, SUB 1214

DOCKET NO. E-2, SUB 1219

I hereby certify that I have served the persons listed on the official service list for the above-referenced dockets a copy of the *Amended Motion to Excuse Witnesses from Attending Evidentiary Hearing* and via U.S. Mail or email, where parties have consented to electronic service, on this day, July 16, 2020.

/s/

Thadeus B. Culley