

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1219
DOCKET NO. E-2, SUB 1193

DOCKET NO. E-2, SUB 1219)	
)	
In the Matter of)	
Application by Duke Energy Progress,)	
LLC, for Adjustment of Rates and Charges)	
Applicable to Electric Utility Service in)	
North Carolina)	
)	MOTION OF THE PUBLIC
DOCKET NO. E-2, SUB 1193)	STAFF REQUESTING THAT
)	THE COMMISSION TAKE
In the Matter of)	JUDICIAL NOTICE OF
Application by Duke Energy Progress,)	CERTAIN EVIDENCE IN THE
LLC, for an Accounting Order to Defer)	DUKE ENERGY PROGRESS,
Incremental Storm Damage Expenses)	LLC PROCEEDING
Incurred as a Result of Hurricanes)	
Florence and Michael and Winter Storm)	
Diego)	

NOW COMES the Public Staff, by and through its Executive Director, Christopher J. Ayers, pursuant to the Commission's October 13, 2020 Order Establishing Procedures and Dates for Filing Motions Requesting Judicial Notice and Allowing Filing of Amended Motion, and respectfully moves that the Commission take judicial notice of the following evidence:

1. The Corrective Action Plans submitted by Duke Energy Progress, LLC (DEP) to the North Carolina Department of Environmental Quality (DEQ) on December 31, 2019, for the Mayo and Roxboro facilities. These documents are relevant to issues regarding the Company's remediation and closure activities at

its coal ash sites, which are the subject of recommendations made by Public Staff witnesses Jay B. Lucas and Michael C. Maness in this proceeding. These documents are located at the following web links:

- Mayo: https://files.nc.gov/ncdeq/Coal%20Ash/2019-caps/01_Mayo_CAPUpdate_FullReport_20191231.pdf
- Roxboro: https://files.nc.gov/ncdeq/Coal%20Ash/2019-caps/01_Roxboro_CAPUpdate_FullReport_20191231.pdf

The Public Staff has consulted with the other parties to this proceeding and, with the exception of North Carolina Justice Center (NCJC) et al. and Harris Teeter, all parties stated that they do not object to this motion. Counsel for NCJC et al. and Harris Teeter were contacted but did not respond to the request.

WHEREFORE, the Public Staff prays:

1. That the Commission take judicial notice in the DEP rate case proceeding of the Corrective Action Plans submitted by DEP to DEQ on December 31, 2019, for the Mayo and Roxboro facilities.
2. For such other and further relief as the Commission may deem just and proper.

This the _____ day of November, 2020.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Dianna W. Downey
Chief Counsel

Electronically submitted
/s/ Nadia L. Luhr
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CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Motion on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by electronic delivery upon agreement of the receiving party.

This the ____ day of November, 2020.

Electronically submitted
/s/ Nadia L. Luhr