

1 PLACE: Dobbs Building, Raleigh, North Carolina
2 DATE: Tuesday, February 6, 2024
3 TIME: 7:00 p.m. - 7:04 p.m.
4 DOCKET: E-100, Sub 194
5 BEFORE: Commissioner Karen M. Kemerait, Presiding
6 Chair Charlotte A. Mitchell
7 Commissioner Floyd B. McKissick, Jr.
8 Commissioner William M. Brawley
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12 IN THE MATTER OF:
13 Biennial Determination of Avoided Cost Rates for
14 Electric Utility Purchases from Qualifying
15 Facilities - 2023
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1 A P P E A R A N C E S:

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9 DUKE ENERGY PROGRESS, LLC:

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15 FOR THE USING AND CONSUMING PUBLIC:

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P R O C E E D I N G S

COMMISSIONER KEMERAIT: Good evening. Let's come to order and go on the record.

I am Karen Kemerait, a Commissioner on the North Carolina Utilities Commission, and I will be presiding over the hearing tonight. With me this evening are: Chair Charlotte Mitchell and Commissioners Floyd B. Mckissick Jr., and William M. Brawley.

I now call for hearing Docket Number E-100, Sub 194, in the Matter of Biennial Determination of Avoided Cost Rates for Electric Utility Purchases from Qualifying Facilities - 2023. These are the 2023 biennial proceedings held by the Commission pursuant to the provisions of Section 2010 of the Public Utility Regulatory Policies Act of 1978 and applicable Federal Energy Regulatory Commission Regulations pertaining to this Commission's responsibilities for determining each electric utility's avoided costs with respect to rates for purchases of power from qualifying co-generators and small power production facilities.

These proceedings are also being held pursuant to North Carolina General Statute § 62-156,

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1 which requires this Commission to determine the rates
2 to be paid by electric utilities for power purchased
3 from small power producers as defined in North
4 Carolina General Statute § 62-3(27a).

5 In pursuant to the Ethics Act, I remind
6 members of the Commission of their duty to avoid
7 conflicts of interest and inquire at this time as to
8 whether any Commissioner has a known conflict of
9 interest with respect to any matters coming before us
10 today in this proceeding.

11 (No response.)

12 COMMISSIONER KEMERAIT: Please let the
13 record reflect that no such conflicts were identified.

14 And I now call upon counsel for the parties
15 to announce their appearances for the record,
16 beginning with the utilities.

17 MS. KELLS: Good evening, Commissioner
18 Kemerait, Commissioners. I'm Andrea Kells with the
19 Law Firm of McGuireWoods, appearing on behalf of
20 Dominion Energy North Carolina.

21 COMMISSIONER KEMERAIT: Good evening.

22 MR. FELLING: Good evening, Presiding
23 Commissioner Kemerait. Tom Felling, with the Public
24 Staff on behalf of the Using and Consuming Public.

NORTH CAROLINA UTILITIES COMMISSION

1 COMMISSIONER KEMERAIT: Good evening.

2 MS. KELLS: Commissioner Kemerait, may I
3 also enter an appearance on behalf of Duke Energy
4 Carolinas and Duke Energy Progress, --

5 COMMISSIONER KEMERAIT: Yes.

6 MS. KELLS: -- LLC.

7 COMMISSIONER KEMERAIT: Yes. Your
8 appearance is noted.

9 MS. KELLS: Thank you.

10 COMMISSIONER KEMERAIT: Thank you.

11 On August 7, 2023, the Commission issued its
12 Order establishing biennial proceeding, requiring
13 data, and scheduling public hearing. Pursuant to that
14 Order, Duke Energy Carolinas, LLC; Duke Energy
15 Progress, LLC -- that I will together refer to them as
16 Duke -- Virginia Electric and Power Company, doing
17 business as Dominion North Carolina; Western Carolina
18 University; and Appalachian University, doing business
19 as New River Power and Light Company, were made
20 parties to this proceeding -- and I will herein after
21 refer to them collectively as the utilities.

22 The Public Staff, which represents the Using
23 and Consuming Public has been made a party to this
24 case pursuant to North Carolina General Statute

1 Section § 62-158(d). The Attorney General's Office
2 has also intervened in this case in accordance with
3 North Carolina General Statute § 62-20 on behalf of
4 the consumers.

5 The Commission has issued Orders allowing
6 the following parties to intervene in this proceeding:
7 The North Carolina Sustainable Energy Association; the
8 North Carolina Clean Energy Business Alliance; the
9 Carolina Industrial Groups for Fair Utility Rates; and
10 the Southern Alliance for Clean Energy.

11 On November 1, 2023, the utilities filed
12 comments, data, and proposed rates as required by the
13 Commission's August 7, 2023, Order. I will note that
14 there are other motions, filings, and matters not
15 specifically mentioned that are of record in this
16 docket.

17 And that brings us to this evening. And
18 before we begin, are there any preliminarily matters
19 that the Commission needs to take up before we move
20 into the hearing?

21 MR. FELLING: None from the Public Staff.

22 COMMISSIONER KEMERAIT: Okay. And I'm
23 looking out at the audience to see if there are any
24 public witnesses available.

1 Can the Public Staff confirm that there are
2 no public witnesses who have signed up and are present
3 this evening?

4 MR. FELLING: I'm looking at our Engineers:
5 Jeff Thomas, Dustin Metz, as well as Bob Hinton, and
6 Patrick Fahey, and I am not seeing that they've
7 identified any public speakers this evening.

8 COMMISSIONER KEMERAIT: Since there are no
9 public witnesses present for the hearing, we will now
10 adjourn the hearing.

11 Thank you very much.

12 (The proceedings were adjourned.)

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C E R T I F I C A T E

I, KAYLENE M. CLAYTON, 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.

Kaylene Clayton

Kaylene Clayton