

June 12, 2024

**VIA ELECTRONIC FILING**

Ms. Shonta Dunston  
Chief Clerk  
North Carolina Utilities Commission  
430 North Salisbury Street  
Raleigh, North Carolina 27603

**RE: Objections to Duke's Third Set of Data Requests and First Set of Requests for Admission served on SACE, et al., on June 7, 2024 (Docket No. E-100, Sub 190)**

Dear Ms. Dunston:

Pursuant to the Commission's Procedural Orders in this docket, including the January 17 Order Scheduling Public Hearings, Establishing Interventions and Testimony Due Dates and Discovery Guidelines, Requiring Public Notice, and Providing Direction Regarding Duke's Supplemental Modeling (January 17 Procedural Order) and the May 1 Order Modifying Discovery Guideline No. 4 of the January 17, 2024 Procedural Order (May 1 Procedural Order), enclosed for filing are the item-by-item objections of the Southern Alliance for Clean Energy (SACE), Sierra Club, and Natural Resources Defense Council (NRDC) (SACE, et al.) to Duke Energy's Third Set of Data Requests and First Set of Requests for Admission. Duke Energy's original Third Set of Data Requests and First Set of Request for Admission are also attached.

These objections are being filed, pursuant to Discovery Guideline 4, within 3 business days of Duke's service of those discovery requests. SACE, et al. note that the modified Discovery Guidelines in the May 1 Procedural Order retain the original language from the January 17 Procedural Order, which limits the time that any objection may be filed to within 9 calendar days of the filing of intervenor testimony ("but in no event shall objections be filed later than 9 calendar days after the filing of that party's testimony") while also extending the time in which Duke could seek discovery on intervenors and the Public Staff. In this instance, that 9 calendar day deadline passed before SACE, et al. was served with the discovery requests in question. We believe that this nine-calendar day limitation was left in the modified Paragraph 4 as an oversight and that these objections are timely filed within the three-business day limit provided by the Commission.

Undersigned counsel have attempted to resolve these objections with counsel for Duke informally, consistent with typical practice. But given the short three-business day timeframe and in an abundance of caution, we are submitting these objections to preserve our clients' rights in the event Duke Energy were to seek a motion to compel. If we reach a resolution with counsel for Duke Energy, we will inform the Commission as soon as possible.

Sincerely,

s/ David L. Neal

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BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 190

	)	
In the Matter of Biennial	)	SOUTHERN ALLIANCE FOR
Consolidated Carbon Plan and	)	CLEAN ENERGY, SIERRA CLUB,
Integrated Resource Plans of Duke	)	AND NATURAL RESOURCES
Energy Carolinas, LLC, and Duke	)	DEFENSE COUNCIL'S
Energy Progress, LLC, Pursuant to	)	OBJECTIONS AND RESPONSES TO
N.C.G.S. § 62-110.9 and § 62-110.1(c)	)	DUKE ENERGY CAROLINAS, LLC,
	)	AND DUKE ENERGY PROGRESS,
	)	LLC'S THIRD DATA REQUEST

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The Southern Alliance for Clean Energy, Sierra Club, and Natural Resources Defense Council (SACE, et al.) provide the following objections and responses to the Third Data Request of Duke Energy Carolinas, LLC (DEC) and Duke Energy Progress, LLC (DEP) (collectively, Duke), served on undersigned counsel on June 7, 2024:

**SACE, ET AL.'s RESPONSES TO DUKE'S THIRD DATA REQUEST**

- 3-1. Please identify all non-testifying consultants retained by SACE et al. to review, analyze, or perform alternative modeling relating to the Companies' proposed Carbon Plan and Integrated Resource Plan ("CPIRP") in this Proceeding, including:
  - a. Name of consultant retained and person(s) who supported the engagement;
  - b. When the consultant(s) was engaged;
  - c. Whether the consultant(s) continues to be engaged or when the engagement was terminated;
  - d. Description of scope and purpose of the consultant's engagement; and
  - e. Estimated number of hours, by month and in total, which the engaged consultant worked on behalf of SACE et al. relating to the Proceeding.

**Response:**

SACE, et al. object to Data Request 3-1 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, work product immunity, and attorney-client privilege.

- 3-2. If SACE et al. or a retained modeling consultant(s) performed separate model runs using the Companies' produced EnCompass and/or SERVVM data relating to the Proceeding, please produce the results and any associated supporting analysis or work papers.

**Response:**

SACE, et al. object to Data Request 3-2 to the extent it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, work product immunity, and attorney-client privilege.

Notwithstanding this objection, none of SACE, et al.'s testifying consultants conducted EnCompass or SERVM modeling.

- 3-3. Why did SACE et al. decline to submit as part of its testimony in this proceeding any EnCompass modeling runs or resource portfolios designed to meet the Companies' future load over either the Base Planning Period (as that term is defined in Commission Rule R8-60A) or the Carbon Neutrality Planning Horizon (as that term is defined in Commission Rule R8-60A)?

**Response:**

SACE, et al. object to Data Request 3-3 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity, including the mental impressions of SACE, et al.'s counsel. Notwithstanding this objection, none of SACE, et al.'s testifying experts conducted EnCompass modeling. To the extent this request seeks information concerning non-testifying consultants, please see SACE, et al.'s objections to Data Request 3-1

- 3-4. Why did SACE et al. decline to submit as part of its testimony in this proceeding any SERVM modeling runs assessing the reliability of the Companies' systems over Base Planning Period or Carbon Neutrality Planning Horizon?

**Response:**

SACE, et al. object to Data Request 3-4 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by the attorney work product immunity, including the mental impressions of SACE, et al.'s counsel. Notwithstanding this objection, none of SACE, et al.'s testifying experts conducted SERVM modeling. To the extent this request seeks information concerning non-testifying consultants, please see SACE, et al.'s objections to Data Request 3-1.

- 3-5. Witness Roumpani submitted alternative EnCompass modeling in the 2022 Carbon Plan proceeding on behalf of Apple, Inc., Google LLC, and Meta Platforms, Inc. (together "Tech Customers"). Why did Witness Roumpani decline to submit as

part of her testimony in this proceeding any EnCompass modeling runs over either the Base Planning Period or the Carbon Neutrality Planning Horizon?

**Response:**

SACE, et al. object to Data Request 3-5 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by the attorney work product immunity, including the mental impressions of SACE, et al.'s counsel.

Notwithstanding the foregoing objections, SACE, et al. did not retain Dr. Roumpani to perform EnCompass modeling.

- 3-6. On pages 12-13 of her testimony, Witness Roumpani takes issue with the Companies' reliance on new natural gas resources and asserts that the Companies' modeling should have considered additional demand side resources, load management options, transmission enhancements, and consideration of alternate load forecasts to reduce reliance on new natural gas resources. Please explain why Witness Roumpani declined to present any EnCompass modeling runs that incorporated these strategies.

**Response:**

SACE, et al. object to Data Request 3-6 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity.

Notwithstanding the foregoing objections, SACE, et al. did not retain Dr. Roumpani to perform EnCompass modeling. Dr. Roumpani provided the basis for the conclusions summarized in Data Request 3-6 in her testimony.

- 3-7. On page 13 of her testimony, Witness Roumpani states that the Companies' modeling is "overly restricted in the set of solutions it can select" and "can only provide results that are almost predetermined." Since Witness Roumpani believes the Companies' approach "reduces its informational value," please explain why Witness Roumpani declined to present any alternative EnCompass modeling runs that included a less restricted set of solutions.

**Response:**

SACE, et al. object to Data Request 3-7 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity.

Notwithstanding the foregoing objections, SACE, et al. did not retain Dr. Roumpani to perform EnCompass modeling. Dr. Roumpani provided the basis for the conclusion quoted in Data Request 3-7 in her testimony.

- 3-8. On page 13 of her testimony, Witness Roumpani states that the Companies' modeling "overestimates the role of thermal resources and underestimates the associated risks and costs, thereby leading not only to more expensive but also significantly riskier portfolios." Please explain why Witness Roumpani declined to prepare and/or present any alternative EnCompass modeling that adjusted assumptions for thermal resources consistent with her assertions.

**Response:**

SACE, et al. object to Data Request 3-8 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work-product immunity.

Notwithstanding the foregoing objections, SACE, et al. did not retain Dr. Roumpani to perform EnCompass modeling. Dr. Roumpani provided the basis for the conclusion quoted in Data Request 3-8 in her testimony.

- 3-9. On page 13 of her testimony, Witness Roumpani states that the Companies' modeling "overestimates the costs of clean energy resources and overly limits their potential" and criticizes the Companies' imposition of resource interconnection limits. Please explain why Witness Roumpani declined to prepare and/or present any EnCompass alternative modeling that adjusted assumptions for clean energy resources, including interconnection limits.

**Response:**

SACE, et al. object to Data Request 3-9 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity.

Notwithstanding the foregoing objections, SACE, et al. did not retain Dr. Roumpani to perform EnCompass modeling. Dr. Roumpani provided the basis for the conclusion quoted in Data Request 3-9 in her testimony.

- 3-10. On page 97, Witness Roumpani asserts that "[r]enewable energy resources and energy storage are the most cost effective, least risk options in addressing the Companies' energy needs within the changing market and policy landscape." Please provide all Encompass modeling or any other analysis performed by or on behalf of SACE et al. to justify or support this statement.

**Response:**

SACE, et al. object to Data Request 3-10 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity. To the extent this request seeks information concerning non-testifying consultants, please see SACE, et al.'s objections to Data Request 3-1.

Notwithstanding the foregoing objections, SACE, et al. did not retain Dr. Roumpani to perform EnCompass modeling. Witness Roumpani provided the basis for the conclusion quoted in Data Request 3-10 in her testimony. SACE, et al. provided the requested information in response to Duke's Data Request 1-5.

- 3-11. On page 98, Witness Roumpani states that "I also recommend that in each of the Companies' CPCN applications for new gas plants, that the Commission should require the Companies to provide information as to whether the proposed gas resource was evaluated against a clean portfolio including all the possible Inflation Reduction Act (IRA) benefits." Has SACE et al performed any Encompass modeling to design or evaluate a "clean portfolio including all possible IRA benefits" and comparing that portfolio against the Companies' portfolios and future resource plans? If so, please provide such modeling. If not, please explain why Witness Roumpani has not performed such analysis.

**Response:**

SACE, et al. object to Data Request 3-11 to the extent it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, work product immunity, and attorney-client privilege. SACE, et al. also object to Data Request 3-11 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity.

Notwithstanding the foregoing objections, SACE, et al. did not retain Dr. Roumpani to perform EnCompass modeling. Dr. Roumpani provided the basis for her recommendation in her testimony.

- 3-12. On page 12 of his testimony, Witness Wilson asserts that the "[t]he excessive reserve margins recommended by the 2023 RA Study combine with the very high load forecasts based on somewhat speculative large load additions to result in excessive capacity needs." Please provide all EnCompass modeling, SERVM modeling, or other analysis performed by SACE et al. to demonstrate that the reserve margins recommended by the 2023 RA Study are "excessive."

**Response:**

SACE, et al. object to Data Request 3-12 to the extent it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, work product immunity, and attorney-client privilege. SACE, et

al. object to Data Request 3-12 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity.

Notwithstanding the foregoing objections, none of SACE, et al.'s testifying experts were retained to perform EnCompass or SERVIM modeling. Witness Wilson provided the basis for the conclusion quoted in Data Request 3-12 in his report.

- 3-13. Please produce any plan or alternative modeling prepared by or on behalf of SACE et al. that SACE et al. believes adequately "ensures that generation and resource changes presented in the plan maintain or improve upon the adequacy and reliability of the existing grid" as required by Rule R8-60(d).

**Response:**

SACE, et al. object to Data Request 3-13 to the extent it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, work product immunity, and attorney-client privilege. SACE, et al. object to Data Request 3-13 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity.

SACE, et al. object to Data Request 3-13 because the cited Commission rule does not place an independent requirement on SACE, et al. Furthermore, Commission Rule R8-60(d) states "(d) Purchased Power. — As part of its integrated resource planning process, each utility shall assess on an on-going basis the potential benefits of soliciting proposals from wholesale power suppliers and power marketers to supply it with needed capacity," and does not include the language quoted in Data Request 3-13.

SACE, et al. have provided their initial case to the Commission through the pre-filed direct testimony of witnesses Maria Roumpani, James Wilson, Michael Goggin, and Jake Duncan.

- 3-14. Please provide all Encompass modeling produced by or on behalf of SACE et al. that analyzed, as required by Commission Rule R8-60A(d), how to reliably serve the Companies' forecasted native load requirements for the Base Planning Period and other system capacity or firm energy obligations extending through at least one summer and one winter peak and identifying the supply-side resources and grid edge resources expected to satisfy those loads in a least-cost manner while maintain reliability.

**Response:**

SACE, et al. object to Data Request 3-14 to the extent it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina



Rules of Civil Procedure, work product immunity, and attorney-client privilege. SACE, et al. object to Data Request 3-14 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity.

SACE, et al. object to Data Request 3-14 because it presumes that the cited Commission rule places an independent requirement on SACE et al. Commission Rule R8-60A(d) places an obligation on the regulated electric public utility to “develop and keep current a proposed CPIRP to determine the planned generation and resource mix that complies with the requirements set forth in G.S. 62-110.9” and does not place any commensurate requirement on SACE, et al.

SACE, et al. have provided their initial case to the Commission through the pre-filed direct testimony of witnesses Maria Roumpani, James Wilson, Michael Goggin, and Jake Duncan.

- 3-15. Did SACE et al. conduct any Encompass modeling that resulted in a resource portfolio that reliably meets the Companies’ service obligations during the Base Planning Period and the Carbon Neutrality Planning Horizon as required by Commission Rule R8-60A(d). If yes, please provide such Encompass modelings. If not, please explain why SACE et al. did not conduct such an Encompass modeling run.

**Response:**

SACE, et al. object to Data Request 3-15 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, work product immunity, and attorney-client privilege. SACE, et al. object to Data Request 3-15 because it presumes that the cited Commission rule places an independent requirement on SACE et al. Commission Rule R8-60A(d) places an obligation on the regulated electric public utility to “develop and keep current a proposed CPIRP to determine the planned generation and resource mix that complies with the requirements set forth in G.S. 62-110.9” and does not place any commensurate requirement on SACE, et al.

SACE, et al. have provided their initial case to the Commission through the pre-filed direct testimony of witnesses Maria Roumpani, James Wilson, Michael Goggin, and Jake Duncan.

- 3-16. Did SACE et al. perform a future bill impact analysis of the cumulative impact on customers of its recommendations in this proceeding? If so, please provide SACE et al.’s calculation of the projected changes to a typical residential customer’s bill resulting from SACE et al.’s recommendations. Please provide cumulative impacts through 2033 and 2038 for both DEC and DEP in the same format as the Companies’ analysis presented in Tables C-65 through C-68.

**Response:**

No.

- 3-17. Please describe and produce all modeling and other analysis that SACE et al. performed to ensure that its recommended changes to the Companies' CIPRP would maintain or improve upon the adequacy and reliability of the existing grid?

**Response:**

SACE, et al. object to Data Request 3-17 to the extent it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, work product immunity, and attorney-client privilege. SACE, et al. object to Data Request 3-17 because it calls for the production of confidential material protected by the attorney-client privilege as well as information protected by attorney work product immunity, including the mental impressions of SACE, et al.'s counsel.

To the extent that Data Request 3-17 is seeking the underlying analysis performed by SACE, et al.'s testifying experts, those work papers were provided in response to Duke's Data Request 1-5.

This 12th day of June, 2024

/s/ David L. Neal

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N.C. Bar No. 27992

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Notwithstanding the foregoing objections, SACE, et al. admit that SACE et al. or independent consultants retained by SACE et al. downloaded EnCompass modeling data from the Datasite platform.

- 1-3. Admit that the Companies produced to SACE et al., via an encrypted external hard drive procured by the Companies, the SERVM modeling data that the Companies used to model their proposed CPRIP.

**Response:**

Admit.

- 1-4. Admit that SACE et al., or independent consultants retained by SACE et al., downloaded the Companies' SERVM modeling data from the encrypted external hard drive referenced in Request for Admission 1-3.

**Response:**

SACE et al. object to Request for Admission 1-4 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity.

- 1-5. Admit that SACE et al. hired independent consultant(s) to evaluate the Companies' CPRIP Encompass modeling data and SERVM modeling and to perform related modeling services in connection with this proceeding (such consultants referred to herein "retained modeling consultant(s)").

**Response:**

SACE et al. object to Request for Admission 1-5 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity.

- 1-6. Admit that SACE et al. or its retained consultant(s) performed modeling in EnCompass related to this proceeding.

**Response:**

SACE et al. object to Request for Admission 1-6 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity.

- 1-7. Admit that SACE et al. or its retained modeling consultant(s) performed modeling in SERVIM related to this proceeding.

**Response:**

SACE et al. object to Request for Admission 1-7 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity.

- 1-8. Admit that SACE et al. or its retained modeling consultant(s) performed modeling in EnCompass using the CPIRP EnCompass modeling data produced by the Companies.

**Response:**

SACE et al. object to Request for Admission 1-8 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity.

- 1-9. Admit that SACE et al. or its retained modeling consultants performed modeling in SERVIM using the modeling data produced by the Companies.

**Response:**

SACE et al. object to Request for Admission 1-9 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity.

- 1-10. Admit that SACE et al. or its retained modeling consultants(s) performed separate modeling runs under alternative scenarios.

**Response:**

SACE et al. object to Request for Admission 1-10 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity.

- 1-11. Admit that SACE et al. was advised of the results of the modeling performed by its retained modeling consultant(s).

**Response:**

SACE et al. object to Request for Admission 1-11 because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity.

- 1-12. Admit that SACE et al. is aware that reliably serving the future capacity and energy needs of the Companies at least cost requires the construction of new natural gas-fueled generation.

**Response:**

SACE, et al. object to Request for Admission 1-12 to the extent it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity. SACE, et al. object to Request for Admission 1-12 because it asks a compound question, lacks a defined timeframe, and uses undefined terms.

Notwithstanding the foregoing objections, SACE, et al. deny.

- 1-13. Admit that SACE et al. did not file or otherwise propose any portfolio of resources designed to serve the Companies' future expected load for the Commission's consideration in this proceeding.

**Response:**

Admit.

- 1-14. Admit that SACE et al. did not provide to the Company any of the modeling performed by it or its retained modeling consultant(s) in preparing testimony in this proceeding.

**Response:**

SACE, et al. object to Request for Admission number 1-14 with regard to "any of the modeling performed by it or its retained modeling consultant(s)" because it calls for disclosures relating to non-testifying consultants that are protected under the North Carolina Rules of Civil Procedure, attorney-client privilege, and work product immunity. SACE, et al. object to Request for Admission number 1-14 because of its compound phrasing.

Notwithstanding the foregoing objections, SACE, et al. admit that they did not include testimony in this proceeding relating to independent modeling and consequently, admit that there was no independent modeling relating to testimony to provide to the Company.

This 12th day of June, 2024.

/s/ David L. Neal

David L. Neal

N.C. Bar No. 27992

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BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 190

	)	
In the Matter of Biennial	)	DUKE ENERGY CAROLINAS, LLC,
Consolidated Carbon Plan and	)	AND DUKE ENERGY PROGRESS,
Integrated Resource Plans of Duke	)	LLC’S THIRD DATA REQUEST TO
Energy Carolinas, LLC, and Duke	)	SOUTHERN ALLIANCE FOR
Energy Progress, LLC, Pursuant to	)	CLEAN ENERGY, THE SIERRA
N.C.G.S. § 62-110.9 and § 62-110.1(c)	)	CLUB, AND THE NATURAL
	)	RESOURCES DEFENSE COUNCIL

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Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) and together with DEC, “the Companies” or “Duke Energy”), by and through their legal counsel, hereby submit their Third Data Request to Southern Alliance for Clean Energy, the Sierra Club, and the Natural Resources Defense Council (“SACE et al.”). Please forward to the undersigned within ten (10) days of service (on or before June 17, 2024) your responses to the following data requests:

**DEFINITIONS**

The following definitions apply throughout the discovery request and are deemed to be incorporated therein:

A. “Document” means all written, recorded or graphic matters, however produced or reproduced, pertaining in any manner to the subject of this proceeding, whether or not now in existence, without limiting the generality of the foregoing, all originals, copies and drafts of all writings, correspondence, telegrams, notes or sound recordings of any type of personal or telephone communication, or of meetings or conferences, committee meetings, memoranda, inter-office communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical records, ledgers, books of account, vouchers, bank checks, x-ray prints, photographs, films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer’s notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reason of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate “document.”

B. “And” or “or” shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.

C. The terms “you” and “your” refer to SACE et al. and their respective employees, agents and consultants.



D. The term “person” means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

E. The term “regarding” means consisting of containing mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

F. The singular as used herein shall include the plural, and the masculine gender shall include the feminine and the neuter.

G. “Identify” or “identifying” or “identification” when used in reference to a person other than a natural person means to state the full name of the person and any names under which it conducts business; the present or last known address of the person; and the present or last known telephone number of the person.

H. “Identify” or “identifying” or “identification” when used in reference to a person other than a natural person means to state the full name of the person and any names under which it conducts business; the present or last known address of the person; and the present or last known telephone number of the person.

I. “Identify” or “identifying” or “identification” when used in reference to a document means to provide, with respect to each document requested to be identified by these discovery requests, a description of the document that is sufficient for purposes of a request to produce or a subpoena duces tecum, including the following:

- 1) the type of document (e.g., letter, memorandum, etc.);
- 2) the date of the document;
- 3) the title or label of the document;
- 4) the Bates number or other identifier used to number the document for use in litigation;
- 5) the identity of the originator;
- 6) the identity of each person to whom it was sent;
- 7) the identity of each person to whom a copy or copies were sent;
- 8) a summary of the contents of the document;
- 9) the name and last known address of each person who presently has possession, custody or control of the document;
- 10) if any such document was, but is no longer, in your possession, custody or control or is no longer in existence, state whether it: (1) is missing or lost; (2) has been destroyed; or (3) has been transferred voluntarily or involuntarily, and if so, state the circumstances surrounding the authorization for each such disposition and the date of such disposition.

J. “Identify”, “identifying” or identity” when used in reference to a communications means to state the date of communications, whether the communication

was written or oral, the identity of all parties and witnesses to the communication, the substance of what was said and/or transpired and, if written, the identity of the document(s) containing or referring to the communication.

K. “Proceeding” shall mean the above-captioned CPIRP proceeding in Docket No. E-100, Sub 190.

### **INSTRUCTIONS**

- A. If you contend that any response to any data request may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
- 1) The privilege asserted (e.g., attorney client privilege) and the facts upon which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit the Companies to make a full determination as to whether the claim is valid;
  - 2) The nature of the information withheld using sufficient detail to enable Duke Energy to assess the claim without revealing information itself privileged or protected;
  - 3) The subject matter of the document, except to the extent that you claim it is privileged;
  - 4) The title, date and number of pages of the document; and
  - 5) The identity of the author(s) and/or preparer(s) of the document and each person who has received the document or to whom knowledge of the contents of the document was communicated
- B. These data requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you. These discovery requests are intended to include requests for information, which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such documents may be obtained.
- C. If any data request cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.
- D. If you object to any part of a data request, answer all parts of such requests to which you do not object and, as to each part to which you object, separately set forth the specific basis for the objection.

- E. These data requests are continuing in nature, requiring you to change, supplement, and correct all responses to conform to available information, including such information as first becomes available to you after the responses hereto are made, should additional information become known or should information supplied in the responses prove to be incorrect or incomplete.
- F. Each data request shall be answered separately. The response to each data request provided should first restate the data request.
- G. For each data request, identify the person or persons most knowledgeable about such response, the person or persons responsible for the preparation of such response, and the name of the witness in this proceeding who will sponsor the answer and can vouch for its accuracy. For each person identified, provide their position with the company and their professional license status, if any.
- H. Documents should be provided in electronic, native file format, and with respect to all such documents that are Microsoft (“MS”) Excel files, please provide such copies as working MS Excel files with all formulas, cell references and links left intact. If any document inquired about has been lost or destroyed, identify the document by author, date, subject matter, place, manner, reason and circumstances of the loss or destruction, the last known location of the document, and the person who has knowledge concerning the manner in which it was lost or destroyed.

## DATA REQUESTS

- 3-1. Please identify all non-testifying consultants retained by SACE et al. to review, analyze, or perform alternative modeling relating to the Companies' proposed Carbon Plan and Integrated Resource Plan ("CPIRP") in this Proceeding, including:
- a. Name of consultant retained and person(s) who supported the engagement;
  - b. When the consultant(s) was engaged;
  - c. Whether the consultant(s) continues to be engaged or when the engagement was terminated;
  - d. Description of scope and purpose of the consultant's engagement; and
  - e. Estimated number of hours, by month and in total, which the engaged consultant worked on behalf of SACE et al. relating to the Proceeding.

**Response:**

- 3-2. If SACE et al. or a retained modeling consultant(s) performed separate model runs using the Companies' produced EnCompass and/or SERVM data relating to the Proceeding, please produce the results and any associated supporting analysis or work papers.

**Response:**

- 3-3. Why did SACE et al. decline to submit as part of its testimony in this proceeding any EnCompass modeling runs or resource portfolios designed to meet the Companies' future load over either the Base Planning Period (as that term is defined in Commission Rule R8-60A) or the Carbon Neutrality Planning Horizon (as that term is defined in Commission Rule R8-60A)?

**Response:**

- 3-4. Why did SACE et al. decline to submit as part of its testimony in this proceeding any SERVM modeling runs assessing the reliability of the Companies' systems over Base Planning Period or Carbon Neutrality Planning Horizon?

**Response:**

- 3-5. Witness Roumpani submitted alternative EnCompass modeling in the 2022 Carbon Plan proceeding on behalf of Apple, Inc., Google LLC, and Meta Platforms, Inc. (together “Tech Customers”). Why did Witness Roumpani decline to submit as part of her testimony in this proceeding any EnCompass modeling runs over either the Base Planning Period or the Carbon Neutrality Planning Horizon?

**Response:**

- 3-6. On pages 12-13 of her testimony, Witness Roumpani takes issue with the Companies’ reliance on new natural gas resources and asserts that the Companies’ modeling should have considered additional demand side resources, load management options, transmission enhancements, and consideration of alternate load forecasts to reduce reliance on new natural gas resources. Please explain why Witness Roumpani declined to present any EnCompass modeling runs that incorporated these strategies.

**Response:**

- 3-7. On page 13 of her testimony, Witness Roumpani states that the Companies’ modeling is “overly restricted in the set of solutions it can select” and “can only provide results that are almost predetermined.” Since Witness Roumpani believes the Companies’ approach “reduces its informational value,” please explain why Witness Roumpani declined to present any alternative EnCompass modeling runs that included a less restricted set of solutions.

**Response:**

- 3-8. On page 13 of her testimony, Witness Roumpani states that the Companies’ modeling “overestimates the role of thermal resources and underestimates the associated risks and costs, thereby leading not only to more expensive but also significantly riskier portfolios.” Please explain why Witness Roumpani declined to prepare and/or present any alternative EnCompass modeling that adjusted assumptions for thermal resources consistent with her assertions.

**Response:**

- 3-9. On page 13 of her testimony, Witness Roumpani states that the Companies’ modeling “overestimates the costs of clean energy resources and overly limits their potential” and criticizes the Companies’ imposition of resource interconnection limits. Please explain why Witness Roumpani declined to prepare and/or present any EnCompass alternative modeling that adjusted assumptions for clean energy resources, including interconnection limits.

**Response:**

- 3-10. On page 97, Witness Roumpani asserts that “[r]enewable energy resources and energy storage are the most cost effective, least risk options in addressing the Companies’ energy needs within the changing market and policy landscape.” Please provide all Encompass modeling or any other analysis performed by or on behalf of SACE et al. to justify or support this statement.

**Response:**

- 3-11. On page 98, Witness Roumpani states that “I also recommend that in each of the Companies' CPCN applications for new gas plants, that the Commission should require the Companies to provide information as to whether the proposed gas resource was evaluated against a clean portfolio including all the possible Inflation Reduction Act (IRA) benefits.” Has SACE et al performed any Encompass modeling to design or evaluate a “clean portfolio including all possible IRA benefits” and comparing that portfolio against the Companies’ portfolios and future resource plans? If so, please provide such modeling. If not, please explain why Witness Roumpani has not performed such analysis.

**Response:**

- 3-12. On page 12 of his testimony, Witness Wilson asserts that the “[t]he excessive reserve margins recommended by the 2023 RA Study combine with the very high load forecasts based on somewhat speculative large load additions to result in excessive capacity needs.” Please provide all EnCompass modeling, SERVVM modeling, or other analysis performed by SACE et al. to demonstrate that the reserve margins recommended by the 2023 RA Study are “excessive.”

**Response:**

- 3-13. Please produce any plan or alternative modeling prepared by or on behalf of SACE et al. that SACE et al. believes adequately “ensures that generation and resource changes presented in the plan maintain or improve upon the adequacy and reliability of the existing grid” as required by Rule R8-60(d).

**Response:**

- 3-14. Please provide all Encompass modeling produced by or on behalf of SACE et al. that analyzed, as required by Commission Rule R8-60A(d), how to reliably serve the Companies’ forecasted native load requirements for the Base Planning Period

and other system capacity or firm energy obligations extending through at least one summer and one winter peak and identifying the supply-side resources and grid edge resources expected to satisfy those loads in a least-cost manner while maintain reliability.

**Response:**

- 3-15. Did SACE et al. conduct any Encompass modeling that resulted in a resource portfolio that reliably meets the Companies' service obligations during the Base Planning Period and the Carbon Neutrality Planning Horizon as required by Commission Rule R8-60A(d). If yes, please provide such Encompass modelings. If not, please explain why SACE et al. did not conduct such an Encompass modeling run.

**Response:**

- 3-16. Did SACE et al. perform a future bill impact analysis of the cumulative impact on customers of its recommendations in this proceeding? If so, please provide SACE et al.'s calculation of the projected changes to a typical residential customer's bill resulting from SACE et al.'s recommendations. Please provide cumulative impacts through 2033 and 2038 for both DEC and DEP in the same format as the Companies' analysis presented in Tables C-65 through C-68.

**Response:**

- 3-17. Please describe and produce all modeling and other analysis that SACE et al. performed to ensure that its recommended changes to the Companies' CIPRP would maintain or improve upon the adequacy and reliability of the existing grid?

**Response:**

This 7<sup>th</sup> day of June, 2024.

*/s/Jack E. Jirak*

Jack E. Jirak

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BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 190

	)	
In the Matter of Biennial	)	DUKE ENERGY CAROLINAS, LLC,
Consolidated Carbon Plan and	)	AND DUKE ENERGY PROGRESS,
Integrated Resource Plans of Duke	)	LLC’S FIRST REQUESTS FOR
Energy Carolinas, LLC, and Duke	)	ADMISSION TO SOUTHERN
Energy Progress, LLC, Pursuant to	)	ALLIANCE FOR CLEAN ENERGY,
N.C.G.S. § 62-110.9 and § 62-110.1(c)	)	THE SIERRA CLUB, AND THE
	)	NATURAL RESOURCES DEFENSE
		COUNCIL

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Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) and together with DEC, “the Companies” or “Duke Energy”), by and through their legal counsel, hereby submit their First Requests for Admission to Southern Alliance for Clean Energy, the Sierra Club, and the Natural Resources Defense Council (“SACE et al.”). Please forward to the undersigned within ten (10) days of service (on or before June 17, 2024) your responses to the following data requests:

**DEFINITIONS**

The following definitions apply throughout the discovery request and are deemed to be incorporated therein:

A. “Document” means all written, recorded or graphic matters, however produced or reproduced, pertaining in any manner to the subject of this proceeding, whether or not now in existence, without limiting the generality of the foregoing, all originals, copies and drafts of all writings, correspondence, telegrams, notes or sound recordings of any type of personal or telephone communication, or of meetings or conferences, committee meetings, memoranda, inter-office communications, studies, analyses, reports, results of investigations, reviews, contracts, agreements, working papers, statistical records, ledgers, books of account, vouchers, bank checks, x-ray prints, photographs, films, videotapes, invoices, receipts, computer printouts or other products of computers, computer files, stenographer’s notebooks, desk calendars, appointment books, diaries, or other papers or objects similar to any of the foregoing, however denominated. If a document has been prepared in several copies, or additional copies have been made, and the copies are not identical (or which, by reason of subsequent modification of a copy by the addition of notations, or other modifications, are no longer identical) each non-identical copy is a separate “document.”

B. “And” or “or” shall be construed conjunctively or disjunctively as necessary to make the requests inclusive rather than exclusive.

C. The terms “you” and “your” refer to SACE et al. and their respective employees, agents and consultants.

D. The term “person” means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

E. The term “regarding” means consisting of containing mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

F. The singular as used herein shall include the plural, and the masculine gender shall include the feminine and the neuter.

### **INSTRUCTIONS**

- A. If you contend that any response to any request for admission may be withheld under the attorney-client privilege, the attorney work product doctrine or any other privilege or basis, please state the following with respect to each such response in order to explain the basis for the claim of privilege and to permit adjudication of the propriety of that claim:
- 1) The privilege asserted (e.g., attorney client privilege) and the facts upon which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit the Companies to make a full determination as to whether the claim is valid; and
  - 2) The nature of Documents or other information withheld using sufficient detail to enable Duke Energy to assess the claim without revealing information itself privileged or protected.
  - 3) The subject matter of the document, except to the extent that you claim it is privileged;
  - 4) The title, date and number of pages of the Document; and
  - 5) The identity of the author(s) and/or preparer(s) of the Document and each person who has received the document or to whom knowledge of the contents of the document was communicated.
- B. These requests for admission are to be answered based on all information in your possession, custody or control or reasonably available to you. Your responses to these requests for admission are intended to reflect information which is physically within your possession, custody or control as well as in the possession, custody or control of your agents, attorneys, or other third parties from which such information may be obtained.

- C. If any request for admission cannot be responded to or answered in full, answer to the extent possible and specify the reasons for your inability to answer fully.
- D. If you object to any part of a request for admission, answer all parts of such requests to which you do not object and, as to each part to which you object, separately set forth the specific basis for the objection.
- E. These data requests are continuing in nature, requiring you to change, supplement, and correct all responses to conform to available information, including such information as first becomes available to you after the responses hereto are made, should additional information become known or should information supplied in the responses prove to be incorrect or incomplete.
- F. You are instructed to separately admit or otherwise respond to each of the below requests for admission.
- G. If you deny any request in party, specify which part of the request you deny and admit the remainder of the request. You should not deny a request in its entirety when denial is proper only to part of the request.

## REQUESTS FOR ADMISSION

- 1-1. Admit that on or about August 15, 2023, the Companies produced to SACE et al., through the Datasite platform, the EnCompass modeling data that the Companies used to model their proposed Carbon Plan and Integrated Resource Plan and later produced to SACE et al. on or about January 31, 2024, EnCompass modeling data used to model the Supplemental Planning Analysis (“collectively “CPIRP Encompass modeling data”).

**Response:**

- 1-2. Admit that SACE et al., or independent consultants retained by SACE et al., downloaded the CPIRP EnCompass modeling data from the Datasite platform.

**Response:**

- 1-3. Admit that the Companies produced to SACE et al., via an encrypted external hard drive procured by the Companies, the SERVM modeling data that the Companies used to model their proposed CPRIP.

**Response:**

- 1-4. Admit that SACE et al., or independent consultants retained by SACE et al., downloaded the Companies’ SERVM modeling data from the encrypted external hard drive referenced in Request for Admission 1-3.

**Response:**

- 1-5. Admit that SACE et al. hired independent consultant(s) to evaluate the Companies’ CPIRP Encompass modeling data and SERVM modeling and to perform related modeling services in connection with this proceeding (such consultants referred to herein “retained modeling consultant(s)").

**Response:**

- 1-6. Admit that SACE et al. or its retained consultant(s) performed modeling in EnCompass related to this proceeding.

**Response:**

- 1-7. Admit that SACE et al. or its retained modeling consultant(s) performed modeling in SERVIM related to this proceeding.

**Response:**

- 1-8. Admit that SACE et al. or its retained modeling consultant(s) performed modeling in EnCompass using the CPIRP EnCompass modeling data produced by the Companies.

**Response:**

- 1-9. Admit that SACE et al. or its retained modeling consultants performed modeling in SERVIM using the modeling data produced by the Companies.

**Response:**

- 1-10. Admit that SACE et al. or its retained modeling consultants(s) performed separate modeling runs under alternative scenarios.

**Response:**

- 1-11. Admit that SACE et al. was advised of the results of the modeling performed by its retained modeling consultant(s).

**Response:**

- 1-12. Admit that SACE et al. is aware that reliably serving the future capacity and energy needs of the Companies at least cost requires the construction of new natural gas-fueled generation.

**Response:**

- 1-13. Admit that SACE et al. did not file or otherwise propose any portfolio of resources designed to serve the Companies' future expected load for the Commission's consideration in this proceeding.

**Response:**

1-14. Admit that SACE et al. did not provide to the Company any of the modeling performed by it or its retained modeling consultant(s) in preparing testimony in this proceeding.

**Response:**

This 7<sup>th</sup> day of June, 2024.

*/s/Jack E. Jirak*

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