



Ladawn S. Toon
Associate General Counsel

NCRH 20 / P.O. Box 1551
Raleigh, NC 27602

o: 919.546.2148

Ladawn.Toon@duke-energy.com

OFFICIAL COPY

JUN 06 2024

June 6, 2024

VIA ELECTRONIC FILING

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

RE: Duke Energy Carolinas, LLC, Public Staff – North Carolina Utilities Commission, the Carolina Industrial Group for Fair Utility Rates III and the Carolina Utility Customers Association, Inc.’s Joint Motion to Excuse Certain Witnesses from Appearance at Evidentiary Hearing Docket No. E-7, Sub 1304

Dear Ms. Dunston:

Please find enclosed for filing Duke Energy Carolinas, LLC, Public Staff – North Carolina Utilities Commission, the Carolina Industrial Group for Fair Utility Rates III and the Carolina Utility Customers Association, Inc.’s Joint Motion to Excuse Certain Witnesses from Appearance at Evidentiary Hearing in the above-referenced docket.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads 'Ladawn S. Toon'.

Ladawn S. Toon

Enclosure

cc: Parties of Record

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1304

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:)	
)	
Application of Duke Energy Carolinas, LLC)	JOINT MOTION TO EXCUSE
Pursuant to G.S. 62-133.2 and NCUC Rule)	CERTAIN WITNESSES FROM
R8-55 Relating to Fuel and Fuel-Related)	APPEARANCE AT
Charge Adjustments for Electric Utilities)	EVIDENTIARY HEARING
)	
)	

NOW COME Duke Energy Carolinas, LLC (“DEC” or “Company”), Public Staff – North Carolina Utilities Commission (“Public Staff”), the Carolina Industrial Group for Fair Utility Rates III (“CIGFUR”), and the Carolina Utility Customers Association, Inc. (“CUCA”) (collectively, the “Movants”) and jointly request that the North Carolina Utilities Commission (“Commission”) issue an order excusing appearance of certain witnesses at the June 10, 2024, Evidentiary Hearing, in the above-captioned matter and allowing the introduction of the pre-filed testimony and exhibits of the excused witnesses into the record in this matter. In support of this motion, the Movants show the following:

1. On February 27, 2024, the Company filed its application for a fuel charge adjustment, pursuant to N.C.G.S. § 62-133.2 and Commission Rule R8-55, along with the accompanying testimony and exhibits, requesting a change in its fuel charges effective for service rendered on and after September 1, 2024. The Application was accompanied by the testimony and exhibits of witnesses Matthew L. Cameron, Steven D. Capps, Sigourney Clark, Jeffrey Flanagan, Kelly S. McNeil, and John D. Swez (“Initial Filing”).

2. On March 15, 2024, the Commission issued its *Order Scheduling Hearing, Requiring Filing of Testimony, Establishing Discovery Guidelines, and Requiring Public Notice* (“Scheduling Order”). Pursuant to the Scheduling Order, the Commission established, among other things, deadlines for the filing of petitions to intervene, intervenor testimony and exhibits, and Company rebuttal testimony and exhibits; and scheduled this matter for evidentiary and public hearings to be held on June 10, 2024.

3. On May 8, 2024, the Company filed supplemental testimony and exhibits of Sigourney Clark (“Supplemental Testimony”) requesting Commission approval for a revised increase in its fuel and fuel-related costs as compared to its Initial Filing. The Supplemental Filing provides revised rates reflecting impacts of the proposed EMF increment for the experienced net under-recovery of fuel and fuel-related costs through March 31, 2024 (“the Uncontested EMF”). The Supplemental Filing also addressed a new EMF increment factor (“the New EMF”).

4. On May 9, 2024, DEC filed a Motion for Expedited Waiver and Proposed Public Notice (“Waiver”), requesting authorization to publish an updated Public Notice, reflecting changes arising from the Supplemental filing, on or before May 31, 2024. Also on May 9, 2024, the Public Staff filed a letter regarding same and the New EMF.

5. On May 10, 2024, the Commission issued its *Order Granting Limited Waiver and Requiring Additional Public Notice* directing DEC to publish its updated Notice on or before May 31, 2024.

6. On May 14, 2024, Public Staff filed its Motion for Oral Argument and Leave to File Supporting Briefs.

7. On May 17, 2024, CUCA filed a Motion for Extension of Time to File Intervenor Testimony, requesting a three-day extension to file direct testimony and exhibits for CUCA, Public Staff, and other intervenors.

8. On May 20, 2024, the Commission issued its *Order Granting Extension of Time to File Expert Witness Testimony and Permitting Prehearing Legal Briefs*, permitting the Public Staff and other intervenors to file direct testimony and exhibits on or before Thursday, May 23, 2024, and authorizing parties to file legal briefs by no later than Wednesday, May 29, 2024, “limited to the legality of DEC’s proposed new EMF factor.”

9. On May 22, 2024, the Company filed a Motion for Extension of Time, requesting the Commission to grant a three- day extension of time through and including Monday, June 3, 2024, to file rebuttal testimony.

10. On May 23, 2024, Public Staff filed the direct testimonies and exhibits of Darrell Brown, Evan D. Lawrence, Michelle Boswell, and James S. McLawhorn; CUCA filed the direct testimony and exhibits of Jonathan Ly; and CIGFUR III filed direct testimony and exhibit of Brian Collins.

11. On May 24, 2024, the Commission issued its Order granting the Company’s request for a three-day extension.

12. On May 29, 2024, the Company and Public Staff filed limited pre-hearing briefs.

13. On June 3, 2024, the Company filed rebuttal testimony and exhibits of Sigourney Clark and Bryan Sykes and testimony of John D. Swez and Steven D. Capps.

14. On June 4, 2024, the Commission issued its *Order Scheduling Oral Arguments* on “the discreet issue of DEC’s EMF proposal.”

15. In supplemental testimony to be filed by DEC, additional adjustments will be made to the Uncontested EMF component.

16. The only disputed issue remaining in this matter is the disagreement between Public Staff and Duke regarding the New EMF.

17. Insofar as the Company’s proposed rates reflecting the Uncontested EMF, the Parties agree that the rates proposed, and the methodology used to calculate the proposed rates (as will be set forth in revised rebuttal exhibits to be filed soon), are appropriate for this proceeding.

18. However, Public Staff opposes the Company’s request for the New EMF. Thus, Public Staff witnesses Michelle Boswell and James S. McLawhorn and Company witnesses Sigourney Clark and Bryan Sykes will appear and be available for examination and Commission questions on June 10, 2024.

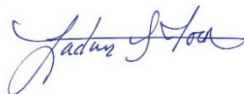
19. On behalf of the Movants, Counsel for DEC consulted with counsel for Public Staff, CUCA and CIGFUR and all parties agree to waive cross-examination of those certain witnesses listed below and offer no objection to the introduction of the pre-filed testimony and exhibits of those excused witnesses into the record. All the parties have made this agreement subject to each party’s right to ask questions on any Commission questions of any witness, if the Commission determines that it would like to hear from one or more of the witnesses.

20. Movants move to excuse the following witnesses: (1) Matthew L. Cameron; (2) Steven D. Capps; (3) John D. Swez; (4) Jeffrey Flanagan; (5) Kelly

McNeil; (6) Darrell Brown; (7) Evan D. Lawrence; (8) Jonathan Ly; and (9) Brian Collins.

Accordingly, DEC, the Public Staff, CUCA, and CIGFUR respectfully request that witnesses, Matthew L. Cameron; Steven D. Capps; John D. Swez; Jeffrey Flanagan; Kelly McNeil; Darrell Brown; Evan D. Lawrence; Jonathan Ly; and Brian Collins be excused from appearing at the June 10, 2024 hearing in this docket and that the pre-filed testimony and exhibits of the respective witnesses be received into the record and made part of the record for this matter and for any further relief as may be just and proper. The Public Staff, CUCA, and CIGFUR have authorized the undersigned to file this Joint Motion on their behalf.

Respectfully submitted, this the 6th day of June, 2024.



Ladawn Toon
Associate General Counsel
Duke Energy Corporation
P.O. Box 1551/NCRH 20
Raleigh, North Carolina 27602
(919) 546-7971
Ladawn.toon@duke-energy.com

Robert W. Kaylor
Law Office of Robert W. Kaylor, P.A.
P.O. Box 30036
Raleigh, North Carolina 27622
(919) 828-5250
bkaylor@rwkaylorlaw.com

ATTORNEYS FOR DUKE ENERGY CAROLINAS, LLC

/s/ William S. F. Freeman
Electronically submitted
s/ William S. F. Freeman, Staff Attorney
s/ William E. H. Creech, Staff Attorney
Public Staff-North Carolina Utilities Commission
4326 Mail Service Center
Raleigh, North Carolina 27699-4300
(919) 733-6110
William.Freeman@psncuc.nc.gov
Zeke.Creech@psncuc.nc.gov

*ATTORNEYS FOR PUBLIC STAFF-NORTH CAROLINA
UTILITIES COMMISSION*

/s/ Cristina D. Cress
Christina D. Cress
N.C. State Bar No. 45963
434 Fayetteville St., Suite 2500
P.O. Box 1351 (zip 27602)
Raleigh, NC 27601
(919) 607-6055
ccress@bdixon.com
Attorney for CIGFUR

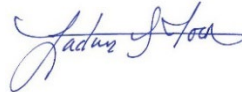
/s/ Mathew B. Tynan
Matthew B. Tynan
Marcus W. Trathen
Christopher B. Dodd
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
Suite 1700, Wells Fargo Capitol Center
150 Fayetteville Street
P.O. Box 1800 (zip 27602)
Raleigh, NC 27601
(919) 839-0300
mtrathen@brookspierce.com
mtynan@brookspierce.com cdodd@brookspierce.com

Attorneys for Carolina Utility Customers Association, Inc.
<mailto:>

CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Carolinas, LLC, Public Staff – North Carolina Utilities Commission, the Carolina Industrial Group for Fair Utility Rates III and the Carolina Utility Customers Association, Inc.’s Joint Motion to Excuse Certain Witnesses from Appearance at Evidentiary Hearing, in Docket No. E-7, Sub 1304, has been served by electronic mail, hand delivery or by depositing a copy in the United States mail, postage prepaid to parties of record.

This the 6th day of June, 2024.



Ladawn S. Toon
Associate General Counsel
Duke Energy Corporation
P.O. Box 1551/NCRH 20
Raleigh, North Carolina 27602
Tel: 919.546.2148
ladawn.toon@duke-energy.com