

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1323

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of Duke Energy Progress, LLC, ) ORDER SCHEDULING HEARING,  
Pursuant to N.C.G.S. § 62-110.8 and ) REQUIRING FILING OF  
Commission Rule R8-71 Relating to ) TESTIMONY, ESTABLISHING  
CPRE Compliance Report and CPRE ) DISCOVERY GUIDELINES, AND  
Cost Recovery Rider ) REQUIRING PUBLIC NOTICE

BY THE COMMISSION: Section 62-110.8 of the North Carolina General Statutes requires Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP) (together, Duke), to file for Commission approval a program for the competitive procurement of energy and capacity from renewable energy facilities with the purpose of adding renewable energy to the State's generation portfolio in a manner that allows the State's electric public utilities to continue to reliably and cost-effectively serve customers' future energy needs (CPRE Program). Further, N.C. Gen. Stat. § 62-110.8(h) permits Duke to recover its CPRE Program costs through an annual rider established pursuant to N.C.G.S. § 62-110.8(g).

Commission Rule R8-71(j) provides that the Commission will schedule an annual public hearing to review each public utility's application for recovery of costs reasonably and prudently incurred and anticipated to be incurred by the electric public utility to comply with the requirements of N.C.G.S. § 62-110.8 and will permit each electric public utility to charge an increment or decrement as a rider to its rates to recover in a timely manner those costs. Further, Commission Rule R8-71 establishes, consistent with N.C.G.S. § 62-110.8, detailed requirements for calculation of costs incurred to comply with the CPRE Program including the limit in the annual increase in the aggregate amount of costs incurred to comply with the CPRE Program that was enacted at N.C.G.S. § 62-110.8(g).

Commission Rule R8-71(h) requires each electric public utility to file an annual report describing the electric public utility's compliance with the CPRE Program during the previous calendar year. Rule R8-71(h) further provides that the annual CPRE Program compliance report will be reviewed by the Commission at the hearing on the application for CPRE Program and that the Commission will determine whether the electric public utility has complied with the CPRE Program requirements through the review the annual CPRE Program compliance report.

On June 13, 2023, DEP filed its application for approval of the CPRE Program rider and compliance report pursuant to N.C.G.S. § 62-110.8 and Commission Rule R8-7. By its

application, DEP requests a CPRE Program rider effective for service rendered on and after December 1, 2023.

The Commission finds good cause to issue the present Order scheduling this matter for public hearing, establishing discovery guidelines, and providing for public notice of the hearing. The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition shall be taken before the deadline for filing of the Public Staff and other intervenor testimony. Notice of deposition shall be served on all parties at least seven days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for filing of the Public Staff and intervenor testimony, shall be served by hand delivery or facsimile to the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena 2 business days after such motion is filed.

3. Formal discovery requests related to the application and DEP's prefiled direct testimony shall be served on DEP not later than 14 calendar days prior to the deadline for filing of the Public Staff and other intervenor testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten calendar days prior to the deadline for filing of the Public Staff and intervenor testimony.

4. Formal discovery requests related to the prefiled direct testimony of the Public Staff or intervenors shall be served not later than five calendar days after the filing of that party's testimony. The party served shall have up to three business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than nine calendar days after the filing of that party's testimony.

5. Formal discovery requests related to the prefiled rebuttal testimony shall be served not later than three business days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three business days after the rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two calendar days to file a motion to compel with the Commission, and the party objecting to discovery shall have one calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery because of that party's late intervention or other delay in initiating discovery.

The Commission recognizes that in the past most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

Finally, the Presiding Commissioner finds good cause to require that DEP, the Public Staff, and other parties who file supporting exhibits in Excel format shall provide electronic versions of the exhibits filed in native Excel format, including all supporting tabs/worksheets and formulas, to the Commission Staff within three business days of the filing of such exhibits.

IT IS, THEREFORE, ORDERED as follows:

1. That a public hearing shall be, and is hereby, scheduled to begin immediately following the hearings in Docket Nos. E-2, Subs 1320, 1321, and 1322, which are scheduled to begin at 9:00 a.m. on Tuesday, September 19, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, for the purpose of considering DEP's cost recovery application and CPRE Program Compliance Report;

2. That any person having an interest in this proceeding may file a petition to intervene stating such interest on or before Tuesday, August 29, 2023;

3. That the direct testimony and exhibits of the Public Staff and other intervenors shall be filed on or before Tuesday, August 29, 2023;

4. That DEP may file rebuttal testimony and exhibits on or before Thursday, September 7, 2023;

5. That DEP, the Public Staff, and other parties who file supporting exhibits in Excel format shall provide electronic versions of the exhibits filed in native Excel format,

including all supporting tabs and formulas, to the Commission Staff within three business days of the filing of such exhibits;

6. That DEP shall publish the Notice attached hereto as Appendix A in a newspaper or newspapers having general circulation in its service area once a week for two successive weeks beginning at least 45 days prior to the hearing;

7. That DEP shall file affidavits of publication on or before the date of the hearing;  
and

8. That the parties shall comply with the discovery guidelines established herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 30th day of June, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive style with a large, stylized "D" at the end.

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1323

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of Duke Energy Progress, LLC, )  
Pursuant to N.C.G.S. § 62-110.8 and )  
Commission Rule R8-71 Relating to ) PUBLIC NOTICE  
CPRE Compliance Report and CPRE )  
Cost Recovery Rider )

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has scheduled a public hearing in the annual Competitive Procurement of Renewable Energy (CPRE) Program cost recovery proceeding and annual CPRE Program compliance report for Duke Energy Progress, LLC (DEP). The public hearing is scheduled to begin immediately following the hearings in Docket Nos. E-2, Subs 1320, 1321, and 1322, which are scheduled to begin at 9:00 a.m. on Tuesday, September 19, 2023, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. Public witness testimony will be received in accordance with Commission Rule R1-21(g).

This proceeding is being held pursuant to the provisions of N.C.G.S. § 62-110.8 and Commission Rule R8-71 for the purpose of determining whether an increment or decrement rider is required to allow DEP to recover all reasonable and prudent costs incurred for adoption and implementation of the CPRE Program.

On June 13, 2023, DEP filed its application and testimony for approval of its CPRE Program rider and compliance report pursuant to N.C.G.S. § 62-110.8 and Commission Rule R8-71. By its application, DEP requests to give back to DEP's North Carolina retail customers (\$491,450) related to the actual CPRE Program costs incurred and other credits for the test period and to collect \$5,281,139 for CPRE Program costs projected to be incurred during the period from December 1, 2023 through November 30, 2024. DEP proposes a net CPRE Program rider decrease, including regulatory fee, of 0.000 cents per kilowatt hour for residential customers; 0.001 cents per kilowatt hour for small general service customers; 0.000 cents per kilowatt hour for medium general service customers; 0.001 cents per kilowatt hour for large general service customers; and 0.000 cents per kilowatt hour for lighting customers. If approved, the net effect of DEP's request will result in no change to the monthly bills of a residential customers. Rider CPRE will be in effect for the twelve-month period beginning on December 1, 2023, through November 30, 2024.

Further information may be obtained from the Office of the Chief Clerk, North Carolina Utilities Commission, Dobbs Building, 5<sup>th</sup> Floor, 430 North Salisbury Street, Raleigh, North Carolina, where a copy of DEP's application and testimony is available for review by the public, or on the Commission's website at [www.ncuc.net](http://www.ncuc.net).

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff 4326 Mail Service Center, Raleigh, North Carolina 27699-4300.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, c/o Consumer Protection-Utilities, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to utilityAGO@ncdoj.gov.

Written statements are not evidence unless persons appear at a public hearing and testify concerning the information contained in their written statements.

Any person desiring to intervene in the proceeding as a formal party of record should file a petition under North Carolina Utilities Commission Rules R1-5 and R1-19 on or before Tuesday, August 29, 2023. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300. The direct testimony and exhibits of expert witnesses to be presented by intervenors should also be filed with the Commission on or before Tuesday, August 29, 2023.

ISSUED BY ORDER OF THE COMMISSION.

This the 30th day of June, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Chief Clerk