

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1283  
DOCKET NO. E-7, SUB 1259

In the Matter of		
Joint Petition of Duke Energy Carolinas, LLC,	)	ATTORNEY GENERAL'S
and Duke Energy Progress, LLC, to Request	)	OFFICE INITIAL
the Commission to Hold a Joint Hearing with	)	COMMENTS
the Public Service Commission of South	)	ON DUKE'S PETITION
Carolina to Develop Carbon Plan	)	FOR JOINT PROCEEDING

The Attorney General's Office (AGO) respectfully submits these initial comments pursuant to the Commission's Order issued November 21, 2021, requesting comments on Duke's petition for a joint proceeding of the Commission and the Public Service Commission of South Carolina to consider the development of plans for meeting the legislative policy enacted in HB951 requiring carbon dioxide emissions reductions at North Carolina power plants.<sup>1</sup>

While the AGO supports efforts to collaborate on plans through a stakeholder process, the AGO does not support convening a joint proceeding as requested by Duke. Trying to consolidate the proceedings formally with the South Carolina Commission will add procedural burdens and uncertainties.

As outlined in Duke's proposed procedures for a Joint North Carolina/South Carolina Proceeding, most interveners would potentially intervene in both dockets, with each Commission having its own dockets. Duke suggests that the filings be made simultaneously in both states and include both docket

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<sup>1</sup> North Carolina S.L. 2021-165 (HB 951, Part I, Section I(1)).

numbers. Duke characterizes this procedure as only “a ‘slight’ additional burden on parties.”<sup>2</sup> However, a formal evidentiary hearing involving parties, staff, and Commissioners from both states would be unwieldy considering the numerous parties potentially involved. Moreover, Duke suggests that the hearing be conducted in person in Raleigh, with the PSCSC members participating virtually. As the Commission and parties learned in the most recent general rate cases for Duke Energy Carolinas and Duke Energy Progress, consolidation can add unexpected complications to the proceedings.

Further, Duke anticipates that briefing on the issues to be decided by each Commission should be done separately based on the record, which Duke admits may be “potentially modified by the PSCSC for its own docket and record.”<sup>3</sup> Ultimately then, under Duke’s plan, each Commission would issue its own separate decision and there is no assurance that those decisions will align.<sup>4</sup>

The AGO therefore respectfully recommends that the Commission deny Duke’s request for a Joint Proceeding with the PSCSC. Instead, interested parties in South Carolina should be asked to participate in the stakeholder meetings that are required prior to the deadline for Duke to file the carbon plan proposal on 16 May 2022 in order to effectuate a collaborative effort. Indeed, Duke has already been ordered to engage with stakeholders before plans are submitted to this Commission in May, and can take that opportunity to gain

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<sup>2</sup> Duke Motion for Joint Proceeding, Appendix, p. 1

<sup>3</sup> Id. at 2

<sup>4</sup> Indeed, in a recent order of the PSCSC regarding Duke IRP proceedings, the portfolio approved by that commission does not align with the carbon reduction policy addressed in this proceeding. See the PSCSC Commission Directive issued December 14, 2021 in Docket Nos. 2019-224-E and 2019-225-E.

support from South Carolina as well as North Carolina stakeholders for a collaborative approach that addresses carbon emissions reduction while maintaining reliable, safe, adequate, least cost service. Furthermore, the initial plan developed by the end of 2022 will be reviewed in subsequent proceedings, and collaboration and coordination will be possible in ongoing stakeholder proceedings.

Respectfully submitted this the 20<sup>th</sup> day of December, 2021.

JOSHUA H. STEIN  
ATTORNEY GENERAL

/s/

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#### CERTIFICATE OF SERVICE

The undersigned certifies that she has served a copy of the foregoing ATTORNEY GENERAL'S OFFICE INITIAL COMMENTS ON DUKE'S PETITION FOR JOINT PROCEEDING upon the parties of record in this proceeding by email or by depositing a copy of the same in the United States Mail, postage prepaid, this the 20<sup>th</sup> day of December, 2021.

/s/

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Margaret A. Force  
Special Deputy Attorney General