

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1297

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Duke Energy Carolinas, LLC,)	
for a Certificate of Public Convenience and)	ORDER GRANTING PUBLIC STAFF
Necessity to Construct an 850 MW Natural)	MOTION FOR LEAVE TO FILE
Gas-Fired Combustion Turbine Electric)	PUBLIC TESTIMONY OUT OF TIME
Generating Facility in Catawba County,)	
North Carolina)	

BY THE CHAIR: On March 14, 2024, Duke Energy Carolinas, LLC (DEC), filed an Application for a Certificate of Public Convenience and Necessity (CPCN) to Construct an 850 MW Natural Gas-Fired Combustion Turbine Electric Generating Facility in Catawba County, North Carolina at the site of DEC’s Marshall Steam Station (Marshall CPCN Application). On April 10, 2024, the Commission issued an Order Scheduling Hearings, Establishing Procedural and Filing Requirements, and Requiring Public Notice (Scheduling Order), which among other things, set forth the dates for parties to file testimony and exhibits.

On June 6, 2024, the Commission issued an Order Amending Procedural Schedule to Allow Additional Time for Testimony that directed the Public Staff and other intervenors to file testimony on or before June 20, 2024, and directed DEC to file rebuttal testimony on or before July 16, 2024.

On June 20, 2024, the Public Staff filed a Motion for Extension of Time requesting that the Commission extend the deadlines for filing intervenor testimony and rebuttal testimony by two business days.

On June 20, 2024, the Commission issued an Order Granting Motion for Extension of Time extending the deadlines for filing of intervenor testimony and rebuttal testimony by two business days. Intervenor testimony was thus due on June 24, 2024.

On June 25, 2024, the Public Staff filed a Motion for Leave to File Public Testimony Out of Time (June 25 Motion). The Public Staff states that it filed the public version of the joint testimony of witnesses Evan D. Lawrence and Dustin R. Metz at 4:20 p.m. on June 24, 2024, and that, due to an error, the cover letter accompanying the public version of the testimony did not include the docket number of this proceeding. At 5:37 p.m. the Public Staff received notice that the public version of the filing had been rejected because of the error. The Public Staff, in its June 25 Motion, requests the Commission to allow it to file a corrected public version of the joint testimony. There are no changes beyond the

addition of the docket number to the cover letter. The Public Staff maintains that no prejudice will attach to any party because of the inadvertent omission of the docket number in the first instance. The Public Staff further requests that the Commission consider the filing as being timely filed due to good cause shown for its late submission.

Considering the foregoing, the Chair determines that good cause exists for granting the requested relief.

Commission Rule R1-28(h) provides as follows:

Both paper and electronic filings must be received by the Commission by **5:00 p.m. Eastern time** to be considered to be filed on that business day. A filing may be made electronically at any time, but **filings submitted after 5:00 p.m. Eastern time are considered to be filed on the next business day.**

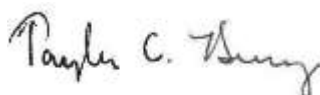
To be timely, filings must be made by 5:00 p.m. on the filing deadline. Here, the Public Staff made the filing on time, but it was rejected because of an error that the Public Staff corrected quickly. The Chair determines that no party will be disadvantaged by the granting of the requested relief. The filing will be accepted and considered to be timely filed.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 26th day of June, 2024.

NORTH CAROLINA UTILITIES COMMISSION



Taylor C. Berry, Deputy Clerk