

1 PLACE: Dobbs Building, Raleigh, North Carolina
2 DATE: Tuesday, November 30, 2021
3 TIME: 4:00 p.m. - 5:03 p.m.
4 DOCKET NO.: EMP-116, Sub 0
5 BEFORE: Commissioner Kimberly W. Duffley, Presiding
6 Chair Charlotte A. Mitchell
7 Commissioner Daniel G. Clodfelter
8
9

10 IN THE MATTER OF:

11 Application of Juno Solar, LLC,
12 For Conditional Certification of Public
13 Convenience and Necessity to Construct a 275-MW
14 Solar Facility in Richmond County,
15 North Carolina

16
17 VOLUME 4
18
19
20
21
22
23
24

1 A P P E A R A N C E S:

2 FOR JUNO SOLAR, LLC:

3 Karen Kemerait, Esq.

4 Ben Snowden, Esq.

5 Fox Rothschild LLP

6 434 South Fayetteville Street, Suite 2800

7 Raleigh, North Carolina 27601

8

9 FOR THE USING AND CONSUMING PUBLIC:

10 Layla Cummings, Esq.

11 Robert G. Josey, Esq.

12 Public Staff - North Carolina Utilities Commission

13 4326 Mail Service Center

14 Raleigh, North Carolina 27699-4300

15

16

17

18

19

20

21

22

23

24

NORTH CAROLINA UTILITIES COMMISSION

T A B L E O F C O N T E N T S

E X A M I N A T I O N S

PAGE

DUSTIN R. METZ

Continued Cross Examination by Mr. Snowden 4

Redirect Examination by Ms. Cummings 21

Redirect Examination by Mr. Josey 26

Examination by Chair Mitchell 31

Examination by Commissioner Duffley 40

Examination by Commissioner Clodfelter 41

Further Examination by Commissioner Duffley 42

Examination by Mr. Snowden 44

Examination by Ms. Cummings 51

E X H I B I T S

IDENTIFIED/ADMITTED

Juno Metz Cross Examination Exhibit 1 ... --/21

Metz Direct Exhibits 1 and 2 --/54

P R O C E E D I N G S

COMMISSIONER DUFFLEY: Okay. Let's go back on the record. So, it's my understanding that we're going to try to finish up by 5:30 today. If not, I see a long continuance. Nothing in the next -- let's say nothing in 2021. So, let's give Public Staff plenty of time for rebuttal or reply. And go ahead and get started, Mr. Snowden.

CONTINUED CROSS EXAMINATION BY MR. SNOWDEN:

Q Okay. Mr. Metz, I will make a deal with you. I'm going to try to get us out of here as quickly as I can. I am going to try to avoid having to refer to documents. If you can help me with that, that would be -- that would be super great.

Okay. So, Mr. Metz, are you aware that Duke has taken the position in the IRP that achieving the carbon reduction -- the carbon reduction targets of around 70 percent will require very substantial investments in the transmission grid?

A In the 2020 IRP, there were general assumptions in the IRP process that made some assumptions on a 70 percent target with generic portfolios, but maybe not the cost optimal portfolios.

1 Q Okay. Understood that those were not highly
2 granular transmission estimates, but that --
3 would you agree that at the very, very high-level
4 estimates, that Duke was estimating on the order
5 of four-plus million dollars for the 70 percent
6 carbon reduction scenarios?

7 A Subject to check, yes.

8 Q Okay. Thank you. So the Public Staff takes the
9 position that investments in the transmission
10 system should be evaluated through a
11 comprehensive system -- comprehensive system
12 playing process; is that right?

13 A Yes.

14 Q Okay. And you provided testimony to that effect
15 in the Friesian CPCN docket; is that right?

16 A Correct.

17 Q Okay. And you provided that testimony in
18 December of 2019 or thereabouts?

19 A Subject to check.

20 Q When you provided that testimony in 2019, was
21 there a comprehensive transmission planning
22 process in North Carolina?

23 A Well, the current utilities have their
24 transmission planning. And then through the

1 North Carolina Transmission Planning

2 Collaborative that they look at, in my words,
3 sort of the immediate issues or imminent issues,
4 and as well as potential policy changes or
5 factors or functions that could increase
6 efficiency to joint utility operation.

7 Q But the North Carolina Transmission Planning
8 Collaborative is not a comprehensive transmission
9 planning process of the kind you described in
10 your testimony in Friesian, is it?

11 A No. It would be a function to inform that -- the
12 process that I was specifying in testimony.

13 Q Okay. And as I think was testified to earlier,
14 there's a colloquy between Mr. Levitas and
15 Commissioner Clodfelter that for the most part,
16 not exclusively, but for the most part, the
17 Collaborative looks at transmission work that's
18 required to maintain reliability, right?

19 A That is one function. And then there's two
20 scenarios that can be submitted. I can't
21 remember what the other -- one of them is, but
22 the other is the policy, and the policy one is
23 one which even the Public Staff initiated a
24 public policy request on a portfolio similar to

1 the 2020 IRP, sort of an all-of-the-above
2 approach simplified to evaluate the total
3 transmission investment requirements needed
4 across both utilities.

5 Q Okay. Thank you. As you sit here today, there
6 is not in existence a comprehensive transmission
7 planning process for North Carolina, is there?

8 A I mean, sitting here -- I mean, the existing
9 process that Duke Energy, as the transmission
10 owner per NERC guidance and overseeance (sic) by
11 its SERC, does evaluate -- long-term planning may
12 be the nuance there, but there are process in
13 place which the utility does evaluate the
14 transmission system. I can't specify that
15 necessarily is that a five-year horizon, 10-year
16 horizon, or 40-year horizon.

17 Q Uh-huh (yes). Well, let me go back to what you
18 previously testified to, and that's that
19 investments in the transmission system should be
20 evaluated through a comprehensive system planning
21 process.

22 A I agree.

23 Q Okay. So is there a comprehensive system
24 planning process that globally looks at necessary

1 investments in the transmission system?

2 A As of today, it is not my understanding that when
3 we're looking at a IRP over the generation assets
4 over the next 40 years, there is not a
5 all-inclusive planning collaborative.

6 Q Okay. And is North Carolina in the process of
7 developing a comprehensive transmission planning
8 process?

9 A I believe the initiative for the policy request
10 through the TAGG or NCPTC is a step in that
11 direction to help inform the Clean Power Plan.

12 Q Okay. But do you have any idea when such a
13 process might be established?

14 A No, I do not.

15 Q Okay. Thank you. And is it the Public Staff's
16 position that significant investments in the grid
17 should await the advent of a comprehensive
18 transmission planning process?

19 A They don't necessarily have to be precluded.

20 Q Okay. Thank you. So, Mr. Metz, the Commission
21 frequently grants CPCNs that have conditions,
22 doesn't it?

23 A Yes. Public Staff has even requested some
24 conditions in some cases.

1 Q Okay. Do you think it's important for the
2 conditions in a CPCN to have a clearly
3 understandable meaning?

4 A Yes.

5 Q Okay. And so you just mentioned a moment ago
6 that the Public Staff frequently recommends
7 granting of CPCNs with conditions; is that right?

8 A That is correct. And as we go through some of
9 those processes it can be very challenging at
10 times to try to think of every what-if or
11 iteration or possibility that may exist, but yes.

12 Q Okay. Thank you. With regard to upgrade costs,
13 what sort of conditions has the Public Staff
14 recommended that the Commission include in CPCNs?

15 A I can't recite them off the top of my head. I
16 believe we were -- there were some conditions in
17 the most recent -- when I say the most recent,
18 over the last year or 18 months on some of the
19 EMP Applications given the fluid nature of the
20 affected systems and the cost responsibility of
21 certain merchant plants. Again, as we discussed
22 earlier, that process is before appeal at the
23 FERC.

24 Q Okay. Would you agree that just at a high level

1 what those conditions said, is that if an
2 applicant or a CPCN holder sees a significant
3 increase in their upgrade costs, they need to
4 report that back to the Commission; is that
5 right?

6 A Yes.

7 Q And the Commission may reopen the CPCN if there
8 is a significant change in cost; is that right?

9 A Yes.

10 Q But none of those conditions that have been
11 imposed define what a significant increase in
12 cost is, do they?

13 A No, they do not. And that's part of the
14 challenges.

15 Q So those conditions provide very little certainty
16 to a certificate holder as to whether its CPCN
17 might be revoked; is that right? In the end --
18 in the end -- sorry -- might be revoked in the
19 event of a change in upgrade cost.

20 A That is correct.

21 Q Okay. So even if an applicant or a CPCN holder
22 knows exactly what its upgrade costs are, it
23 still doesn't really know or have any way of
24 knowing whether the Commission will revoke its

1 CPCN, does it?

2 A It's a possibility, if the circumstances change,
3 that the CPCN could be revoked for multiple
4 factors, inclusive of cost, most of which would
5 require speculation on our part for what would
6 trigger the revocation.

7 Q Uh-huh. Juno's proposed -- or Juno Solar's
8 proposed condition also allows the CPCN to be
9 revisited once upgrade costs are known, doesn't
10 it?

11 A Say that again, please.

12 Q The condition that Juno Solar has proposed for
13 its CPCN would also allow its CPCN to be
14 revisited once upgrade costs are known with more
15 specificity, doesn't it?

16 A That is one provision with the inclusion that
17 the -- one of the determination provisions at the
18 execution of the IA.

19 Q Okay. Isn't the only difference between this
20 proposed condition and the proposed condition
21 that the -- or the conditions that the Public
22 Staff has previously recommended, that Juno's
23 proposed condition provides specific guidance to
24 the Applicant as to the conditions under which

1 its CPCN will be revoked?

2 A I don't agree with that generalization. There
3 are multiple factors unique in some of the
4 specific EMP applications, and it would take some
5 time to go down the specifics and go through
6 the -- in some cases almost a year of the fluid
7 nature of some of the conversations, discoveries,
8 and testimony on multiple EMP dockets.

9 Q Well, the conditions that the Public Staff has
10 recommended in those dockets all look pretty
11 similar, don't they?

12 A Similar in some with one of the concepts being
13 evaluating the affected system attributes, which
14 that was based upon a snapshot in time, as we've
15 learned, and as I filed testimony before this
16 Commission that that has proven to be extremely
17 problematic and challenging, and changing.

18 Q So I just asked you a moment ago if you agreed
19 whether Juno's proposed condition is just a
20 variation on the condition that the Commission --
21 I'm sorry -- that the Public Staff has already
22 recommended with just additional specificity, and
23 you disagreed with that, right?

24 A General disagreeance. I mean, the variations

1 of -- I mean, anything with a minute change is a
2 variation, but not to be talking in circles,
3 but --

4 Q Okay. The Public Staff objects to the condition
5 that's proposed by Juno here; is that right?

6 A That is correct.

7 Q Okay. And you would -- you discussed the Public
8 Staff's objections in your direct testimony,
9 don't you?

10 A Yes. We believe until a completed Facility Study
11 by the Company Utility is completed, we cannot
12 provide a recommendation to the Commission.

13 Q Okay. So I'd like you to please look at page 34
14 of your testimony, starting on line 5.

15 A Page 34, line 5? I'm there.

16 Q Yes. Starting on line 5. All right. I'm sorry.
17 I think I have the -- I apologize. I have the --
18 I have the wrong page. Sorry. If you'll give me
19 just a moment. I'm close to it. Okay. I'm
20 sorry. It's page 33, line 5.

21 A Page 33, line 5. I'm there.

22 Q Okay. Okay. We're starting a little before
23 that. You say that *the Applicant's requested*
24 *condition presents other problems.* And then you

1 say that the upcoming TCS will be the first of
2 its kind for generating facilities in the Duke
3 balancing areas and the Public Staff is concerned
4 that if the cost go over the predetermined
5 conditional threshold, withdrawals and delays may
6 occur while the Commission rehears the CPCN
7 Application at the request of the Applicant.

8 Did I read that correctly?

9 A That is correct. And for context, that was based
10 upon a snapshot in time of which the Applicant
11 wanted the ability to -- not putting words in the
12 Applicant's mouth, but challenge if it went over
13 the \$4.00 LCOT in part.

14 Q Okay. But this concern has been addressed by
15 Juno's agreement that its CPCN will simply
16 terminate if the LCOT goes over \$400 -- I'm
17 sorry -- over \$4.00; is that right?

18 A In part. Especially to the withdrawals that may
19 occur while the Commission rehears the CPCN
20 Application, and so yes.

21 Q Okay. So withdrawal -- these delays would not
22 occur if the CPCN were simply terminated and
23 there was no rehearing?

24 A I'm having a hard time following you on that one.

1 Q Okay. Well, you say here that withdrawals and --
2 withdrawals and delays may occur while the
3 Commission rehears the CPCN application at the
4 request of the Applicant, right?

5 A Yes.

6 Q Okay. So that's not going to happen if the CPCN
7 just terminates, right?

8 A Because the Applicant will not be before the --
9 back before the Commission, yes.

10 Q Okay. Thank you. And then further down the
11 page, starting on line 12, you say that *the*
12 *Public Staff believes that the Applicant is*
13 *shifting risk from itself unjustly onto captive*
14 *ratepayers based on a metric that can be greatly*
15 *changed if the facility changes design or reduces*
16 *its nameplate capacity prior to commercial*
17 *operation or build the life of the project.*

18 Did I read that correctly?

19 A Correct.

20 Q Okay. So what you're saying here is that there's
21 a risk that the LCOT of the project could change
22 later even after the IA is issued if the facility
23 were to add a battery or reduce its nameplate
24 capacity?

1 A Correct.

2 Q Okay. But the facility would have to amend its
3 CPCN to change its design, wouldn't it?

4 A It would have to change to amend its design, and
5 that's where it gets into the nuances of the
6 provisions. But if the -- per the Applicant's
7 request, a determination provision is that the
8 execution of the IA, the Applicant can after the
9 IA perform an amendment for any situation, which
10 I specify in testimony, some may even be outside
11 of your control and may even be reasonable, but
12 it would impact the overall LCOT calculation or
13 the magnitude or any function thereof.

14 Q But if Juno were to change its design, and it
15 would have to notify the Commission of this in a
16 way that reduces its LCOT, the Commission would
17 be free to take action based on that, wouldn't
18 it?

19 A The Commission may exercise its discretion as it
20 warrants.

21 Q Okay. So this would -- the Commission's ability
22 to take action based on -- I'll rephrase that.
23 It would seem that Juno's obligation to notify
24 the Commission of a change in facility design and

1 the Commission's ability, which we all agree to
2 take action based on that, should resolve any
3 concern that you've expressed right here,
4 wouldn't it?

5 A No, because I think I just specified before if
6 the -- if the -- or if the -- if a provision is
7 that the revocable provision terminates after the
8 IA, changes may occur after the IA, which still
9 impact either the magnitude LCOT or the potential
10 upgrades, so that's what I'm saying.

11 It's -- as you start going down
12 these conditions there's multiple iterations of
13 which you have to consider and respect of the
14 timeline, and as they move through the TCS
15 process as the Applicant has requested in this.
16 Conditions, per challenging, they can be
17 implemented, but they have pitfalls.

18 Q But Juno has an obligation to notify the
19 Commission of a change to its design independent
20 of any condition in the CPCN, doesn't it?

21 A That is correct.

22 Q And don't the rules provide that the Commission,
23 upon receiving notice of a change in a facility,
24 has the discretion to take such proceedings as it

1 deems appropriate?

2 A That is correct.

3 Q Okay. Thank you. Mr. Metz, I want to talk just
4 for a few minutes about FERC's Crediting Policy.
5 Do you know what I'm referring to when I say
6 that?

7 A Generally familiar, yes.

8 Q Okay. Is it fair to say that the Public Staff
9 does not agree with the Crediting Policy and
10 believes it should be abrogated?

11 A Say that again, please?

12 Q Is it fair to say that the Public Staff believes
13 the FERC's Crediting Policy is inappropriate?

14 A I think that requires a legal conclusion. As a
15 technical evaluation, I'm not laying into FERC's
16 Crediting Policy.

17 MS. CUMMINGS: I can just offer that, you
18 know, we have comments in the ANOPR docket that speaks
19 for themselves, if that's sufficient to the
20 Commission.

21 COMMISSIONER DUFFLEY: It is.

22 BY MR. SNOWDEN:

23 Q Okay. Well, I want to -- I want to talk about it
24 a little bit again. Mr. Metz, are you familiar

1 with the comments that the Public Staff has filed
2 in FERC's ANOPR proceeding?

3 A I do not have them memorized. I am generally
4 familiar that the Public Staff filed comments and
5 reply comments.

6 Q Okay. And when we say the "ANOPR proceeding,"
7 that is the Advanced Notice of Proposed Rule
8 Making on Transmission Policy, I forget the full
9 name, that it's underway right now at FERC,
10 right?

11 A That's correct.

12 Q Okay. And are you aware that in the Public
13 Staff's comments on the ANOPR, the Public Staff
14 recommended that FERC do away with the Crediting
15 Policy?

16 A The Public Staff comments speak for themselves.
17 If that's what the -- if that's what they say,
18 that's what they say.

19 Q Okay.

20 MS. CUMMINGS: I would just offer that
21 Mr. Metz did not participate in comments in the ANOPR
22 docket.

23 BY MR. SNOWDEN:

24 Q Okay. So Mr. Metz, you did not participate in

1 developing the Public Staff's comments on the
2 ANOPR?

3 A That is correct.

4 Q Okay. Well, let me ask you this. To what extent
5 is the possible application of the Crediting
6 Policy driving the Public Staff's position on
7 Juno's CPCN Application?

8 A I don't believe my testimony rejected the
9 Application or directly took discriminatory
10 function towards the Crediting Policy. The FERC
11 Crediting Policy is the FERC Crediting Policy.

12 Q Understood. But the Public Staff expresses
13 concerns about the possibility that Juno will
14 incur upgrades that will be repaid by -- in part
15 by Duke's ratepayers, right?

16 A That is a function of the Crediting Policy, yes.

17 Q Okay. And in that potential for repayment is an
18 issue that you raised in your testimony, is it
19 not?

20 A Not the repayment mechanism itself, but the
21 nature of the upgrades and whether or not the DEP
22 system needs those upgrades.

23 MS. CUMMINGS: And I object to this line of
24 questioning. I think Mr. Metz testifies about impact

1 to ratepayers of the reimbursement policy, but does
2 not go into the merits of the policy itself.

3 COMMISSIONER DUFFLEY: Mr. Snowden --

4 MR. SNOWDEN: Yes, ma'am.

5 COMMISSIONER DUFFLEY: -- move on.

6 MR. SNOWDEN: Okay. Thank you. All right.

7 All right. Well, I have no further questions. Thank
8 you, Mr. Metz.

9 And Commissioner Duffley, I would
10 move that our Juno Cross Examination Exhibits --
11 let's see -- we have 1 and 2 (sic) be moved into
12 evidence.

13 COMMISSIONER DUFFLEY: Any objection?

14 MS. CUMMINGS: No.

15 COMMISSIONER DUFFLEY: Without objection,
16 that motion is allowed.

17 MR. SNOWDEN: Thank you.

18 (WHEREUPON, Juno Metz Cross
19 Exhibit 1 is admitted into
20 evidence.)

21 COMMISSIONER DUFFLEY: Redirect?

22 REDIRECT EXAMINATION BY MS. CUMMINGS:

23 Q Mr. Metz, I'll try to be quick. You participated
24 fully in the Queue Reform stakeholder process; is

1 that correct?

2 A Yes.

3 Q Would you say it's an accurate -- accurate to say
4 that the Public Staff largely took a backseat
5 role in terms of any comments on milestones,
6 penalties, timelines?

7 A That is correct.

8 Q That it mostly left those discussions to the
9 developers?

10 A Yes. Developers were having multiple
11 conversations. As the Public Staff has to be --
12 at least I'm cognizant when I go into certain
13 stakeholder groups -- is that when the Public
14 Staff speaks, sometimes it can have a chilling
15 effect on the group, because we don't necessarily
16 come across as a stakeholder but we're coming
17 across as in order for this to pass, this is what
18 has to be incorporated. So we try to work
19 through that. We work through that the best we
20 can. But that was something in consideration
21 explicitly in the Queue Reform process.

22 Q And largely, the timelines affected the utility
23 and the interconnection customers and not so much
24 the Public Staff's interest?

1 A That is correct. Those were mutually agreed upon
2 timelines between the stakeholders and the
3 utility planners to perform studies.

4 Stakeholders have enough time to make their
5 decisions and to complete it within the windows
6 that were agreed upon.

7 Q And to your knowledge, both the FERC filing and
8 the North Carolina Interconnection Procedures
9 Queue Reform filing by Duke make a commitment to
10 report in two years after the Transitional Study
11 Cluster and after the first DISIS round on
12 lessons learned and potential changes to both the
13 LGIP and the NCIP.

14 A That is correct. As with any Duke policy that
15 gets -- a policy they knew initiation like this
16 takes place, there will be lessons learned.
17 There could be improvements. There could be even
18 the potential of improved efficiency leveraged as
19 we gain more knowledge.

20 Q And these timelines aren't set in stone
21 basically?

22 A The timelines aren't set in stone and can be
23 modified in future cases.

24 Q And do you recall the Public Staff's

1 interconnection comments on Duke's Queue Reform
2 filing, reply comments submitted 8/31, that
3 provided, you know, that the Public Staff was
4 concerned about the alignment of Affected System
5 Studies?

6 A Yes. The Public Staff brought that forward to
7 the stakeholders and to the Commission, and in my
8 opinion, is just the larger stakeholder group did
9 not want to further advance that potential
10 concern.

11 It could be for numerous reasons,
12 which require too much speculation on my part.
13 However, that would be a FERC-governed process to
14 the affected systems and not NCIP. Other than
15 NCIP has to reference to when an affected system
16 is triggered, you need to go follow that
17 procedure.

18 MS. CUMMINGS: Presiding Commissioner
19 Duffley, I would ask, at this time, that the
20 Commission take judicial notice of the Public Staff's
21 reply comments filed on August 31st, 2020, in the
22 Interconnection Docket, E-100, Sub 101.

23 COMMISSIONER DUFFLEY: Without objection, we
24 will take judicial notice.

1 MS. CUMMINGS: Thank you.

2 BY MS. CUMMINGS:

3 Q I wanted to clarify one quick question that you
4 answered. You, in response to a question, you
5 said that there were two FERC-jurisdictional
6 projects in the transition cluster in DEP.

7 A That is correct. Those are two solar projects
8 within DEP and FERC in North Carolina.

9 Q There are three other FERC battery projects, and
10 that can be seen in this -- this is previously
11 marked as Public Staff Miller Cross Exhibit
12 Number 1?

13 A Yes, that is correct. I misspoke earlier.

14 Q On page 9. Okay. You were asked earlier by
15 Mr. Snowden, you know, how are interconnection
16 customers supposed to proceed forward when they
17 have essentially no guidance about what the
18 Commission will consider an appropriate LCOT or
19 an appropriate magnitude of cost.

20 Would you agree that the Friesian
21 final order and discussion of the LBNL provided
22 certain benchmarks that could be relied upon
23 going forward?

24 A Absolutely, I agree.

1 Q Back to the start of questioning, you were asked
2 about the demonstration of need and when the
3 Public Staff says the demonstration of need has
4 been met, you know, maybe has had some various,
5 you know, different, you know, evolving
6 iterations.

7 Would you agree, generally though,
8 that the demonstration of need needs to be
9 balanced with cost and any other potential
10 adverse impacts to ratepayers?

11 A That is correct.

12 Q And would you say that it is appropriate to have
13 a, you know, a higher standard, a higher
14 demonstration of need when adverse impacts to
15 ratepayers are likely?

16 A That is correct, because they need the ability to
17 evaluate those adverse impacts to ratepayers.

18 MS. CUMMINGS: I'll ask my colleague if he
19 has any other redirect questions.

20 MR. JOSEY: Yes, just a few.

21 REDIRECT EXAMINATION BY MR. JOSEY:

22 Q Mr. Metz, do you remember when Mr. Snowden was
23 asking you about the Timbermill Wind project and
24 if the -- and that the Public Staff found a need

1 for the facility in EMP-118?

2 A I remember the line of questioning, yes.

3 Q Yeah.

4 MR. JOSEY: I'd move to introduce the
5 testimony -- the confidential testimony of Jeff Thomas
6 in EMP-118, Sub 0 into the record as Public Staff Metz
7 Redirect Confidential Exhibit 1. I will not have to
8 touch on any confidential information, but --

9 COMMISSIONER DUFFLEY: Any objection?

10 MR. SNOWDEN: No. And I would submit that
11 we don't have a Confidentiality Agreement with other
12 parties in that litigation, so -- and it's -- we are
13 able to see the confidential exhibits in entirety due
14 to, you know, in this proceeding, that's fine. So if
15 we're not able to review it, we would object.

16 MR. JOSEY: I can -- yeah, I can just take
17 judicial notice of his testimony, of Mr. Thomas'
18 testimony in this proceeding and ask Mr. Metz the
19 questions.

20 COMMISSIONER DUFFLEY: Do you have an
21 objection?

22 MR. SNOWDEN: We would also object to taking
23 judicial notice of a confidential filing that we do
24 not have the ability to review. Is it -- is there a

1 redacted version?

2 MR. JOSEY: Yes, there is a redacted version
3 on the -- in the file.

4 MR. SNOWDEN: Okay. Is it possible to get a
5 redacted version for us to review?

6 MR. JOSEY: Excuse me?

7 MR. SNOWDEN: Is it possible to get a
8 redacted copy?

9 MR. JOSEY: Yes, I can -- I mean, I don't
10 have one with me at this moment.

11 COMMISSIONER DUFFLEY: Mr. Josey, do you
12 want to take judicial notice of the redacted portion?

13 MR. JOSEY: Yes.

14 COMMISSIONER DUFFLEY: Any objection?

15 MR. SNOWDEN: No objection.

16 COMMISSIONER DUFFLEY: So allowed.

17 BY MR. JOSEY:

18 Q Mr. Metz, do you have a copy of the testimony of
19 Mr. Thomas in the -- in EMP-118, Sub 0?

20 A I do.

21 Q Okay. And on page 9 of Mr. Thomas' testimony,
22 the question starting on line 10, *why is the*
23 *facility needed*; do you see that?

24 A I see it.

1 Q Yes. And the answer is *according to Timbermill*
2 *Wind, the facility is needed because of the North*
3 *Carolina Renewable Energy*, and it goes on to
4 discuss why Timbermill states that the facility
5 is needed, not that the Public Staff found that
6 there was need.

7 A That is correct.

8 Q Okay. And on page 17, lines 3 and 4, Mr. Thomas
9 does recommend approval of this facility,
10 correct?

11 A Yes.

12 Q And on page 12, line 9, Mr. Thomas states that
13 *Timbermill Wind is solely responsible for 100*
14 *percent of the network upgrades*, correct?

15 A You say page 9?

16 Q Yes, page 9.

17 A That is correct.

18 Q Excuse me. That's page 12, line 9. Sorry about
19 that.

20 And then also on line 12 of page
21 9, Mr. Thomas states that *as recently as February*
22 *26, 2021, PJM confirmed that Timbermill Wind does*
23 *not rely on any affected systems cost*, correct?

24 A Yeah, you're losing me on the page numbers,

1 but --

2 Q Page 12, lines 12 through 14.

3 A That is correct.

4 Q Okay. And as you just discussed with
5 Ms. Cummings, when there are no costs borne by
6 ratepayers to construct the facility, the
7 analysis of the CPCN Application and the need of
8 the facility and the associated benefits require
9 a different analysis than we are looking at in
10 this proceeding here, correct?

11 A That is correct.

12 Q Okay. And just one final line of questioning.
13 On page 11, Mr. Thomas states that *Timbermill*
14 *finalized its Facility Study in September of*
15 *2015*; is that correct?

16 A That is correct.

17 Q And on page 3 does Mr. Thomas state that
18 Timbermill filed its CPCN application on June
19 14th, 2021?

20 A That would be after the completed Facility Study,
21 yes.

22 Q Yes. Almost six years after, correct?

23 A Yes. That is correct.

24 Q Okay.

1 MR. JOSEY: No further questions.

2 COMMISSIONER DUFFLEY: Commission questions?

3 CHAIR MITCHELL: All right, Mr. Metz. Just
4 a few for you.

5 EXAMINATION BY CHAIR MITCHELL:

6 Q The two FERC-jurisdictional projects that are
7 identified in the Transitional Cluster report.
8 Do you have that in front of you?

9 A I do not. I have it in front of me.

10 Q Okay. I'm looking at page 9, just to get you
11 there quickly. But what -- so one of those
12 projects obviously is Juno. What's the other
13 project? What can you tell me about the other
14 project?

15 A You're referencing the 69.9-MW project?

16 Q Yes.

17 A That's a -- I believe that was discussed earlier.
18 That was Friesian.

19 Q That is Friesian. And so in this project what
20 we're hearing, make sure I understand this
21 correctly, we're hearing from the developer that
22 it needs the CPCN to move forward -- it needs the
23 certainty of the CPCN to move forward with
24 various phases of the interconnection process

1 it's now in.

2 Have we heard anything? Has the
3 Public Staff heard anything on the Friesian
4 project that's similar -- a similar argument from
5 the Friesian project?

6 A I have not.

7 Q Okay. Are you aware of whether an entity
8 associated with Friesian has made a filing
9 similar to the filing made in this docket?

10 A I would only look over to counsel. They may be
11 involved in more conversations than me, but --

12 Q But you're --

13 A -- I am not cognizant.

14 Q -- you're not aware? Okay. That's all I needed
15 to know. What line is it -- to the extent that
16 you know, Mr. Metz, what line has to be upgraded
17 for the Juno project?

18 A That information was not provided. We asked for
19 that in discovery or became a question of whether
20 or not we could evaluate critical energy
21 infrastructure, whether or not we had the
22 clearance given the timeline that we did not
23 pursue that any further.

24 Only thing I can add is that we

1 see facility upgrades publicly through the PJM
2 Facility Study and System Impact Study that had
3 nothing to do per se with a CEI.

4 Q So do you -- so -- but given all of that, you
5 don't know what line has to be upgraded here?

6 A I do not.

7 Q Okay. Is it possible that it was the same line
8 that was involved in the -- with the Friesian
9 interconnection?

10 A I do not know.

11 Q Okay. Fair.

12 A It is a possibility that it's not -- these are
13 just -- whether it is in the southeast North
14 Carolina, which involves many counties given the
15 topology of the transmission system, they are
16 somewhat isolated from one another. We did have
17 in discovery a Q&A that we asked from the
18 Applicant in the Friesian upgrades. I can find
19 that if you want or we can bring that to your
20 attention in a late-filed exhibit that asked the
21 exact question about Friesian.

22 Q I would like that as a late-filed exhibit, the
23 Applicant's response to the data request to be --
24 Help me -- we've heard a lot today

1 in testimony from the Applicant about the
2 consequences of upgrading this portion of the DEP
3 transmission system, you know, as it relates to
4 requirements now set out in the State Law, et
5 cetera. You've kind of been here the whole time.
6 You've heard it. What -- Mr. Metz, just help me
7 understand sort of the engineering of all of
8 this.

9 So, how does upgrading the line
10 associated with this one facility unlock, you
11 know, or sort of create a solution to a catch 22?

12 A Without taking the argument of catch 22 --

13 Q Understood.

14 A -- when we look at generation, generation needs
15 available, capacity or room on the transmission
16 system. So let's just simplify it and say the
17 larger the wire the more of electricity that I
18 can move through. So I'm applying assumptions.
19 That if load increases, it creates heat, and
20 therefore I have to upsize the transmission line,
21 yada, yada, yada. I need more generation, so
22 generation solving for load. And to the extent
23 that you have excess generation, you need to
24 reconfigure -- in some cases you need to

1 reconfigure the electrical system to allow that
2 excess generation to get to the parts of the
3 system, so that way you don't have excess voltage
4 or decrease or increase in voltage or increase
5 and decrease in frequency, because the system has
6 to balance.

7 So when you're evaluating those
8 configurations in the system at that given point
9 in time, sometimes multiple projects can be
10 impacting a single line. Sometimes it can be a
11 sole project just based upon the configuration
12 and sort of the resistances and impedances of the
13 system at that snapshot.

14 Q Okay. So if this one -- if the line -- if there
15 is a line associated with Juno that's upgraded,
16 will -- how does that -- how does that single
17 upgrade or how do the upgrades associated with
18 the project facilitate the interconnection of
19 other projects? Does it necessarily mean that
20 they're going to -- that those projects are going
21 to have to interconnect to the same line or it's
22 just fewer upgrades on the system in general that
23 the next project has to conduct?

24 A It's very complicated in nature. It's always you

1 sort of get to that tipping point. So we never
2 want to build out the system in too much excess,
3 so we continue to add in incremental amounts. It
4 could be just under the unique circumstances of
5 that change case or load case in transmission
6 planning that it was just enough energy in that
7 unique configuration. So, like say
8 hypothetically, two projects never triggered it
9 but three projects did. Well, through the TCS
10 process, we'll assign the cost accordingly. But
11 it's not to say that this project is going to
12 be -- this -- again, that they're -- I don't know
13 the nature of the upgrades, so I don't want to
14 speculate too much. It's unknown of how this
15 would magically unlock the southeast part of the
16 system.

17 I have one project that's
18 triggering by the Applicant's studies \$13 million
19 to \$16 million studies over here in this part of
20 the state. But I have another project that's a
21 fraction of the size of Juno that triggered \$200
22 million, whatever the final number was. It's
23 hard to correlate those. And to me, it just
24 doesn't make much sense that this sole 275-MW

1 project is going to be the silver bullet to
2 unlock the -- all the upgrades.

3 Q Okay. I'm going to ask -- I've got two more
4 questions for you. The first one I'm going to
5 ask you to speculate.

6 What does the inclusion of the
7 battery in this facility do to upgrades that
8 would have to made on the system?

9 A So, with the assumption that the battery is DC
10 connected and therefore I don't have to look at
11 it as a load, I'm not charging the battery off
12 the AC line, under that assumption is that the --
13 typically when you look at energy output of a
14 solar facility, you look at it in a generation
15 profile. I forget the exact hours. Let's just
16 call it nine to nine, sunrise/sunset, little
17 caveats in the timeline. But then you look at
18 it's the transmission load -- the coincident load
19 over those timings, so where the battery starts
20 introducing, a unique caveat is saying well, if
21 the battery can discharge at any point in time
22 because it's a merchant power generator, how does
23 Duke Energy Progress transmission owner need to
24 evaluate that injection onto the system? Because

1 you have to -- as we've had comments before the
2 Commission, you need to evaluate the ramp of
3 discharge and as well as the amplitude.

4 And so the utility would need to
5 evaluate those during different periods than just
6 the summer profile.

7 Q Okay. All right. Last question for you. We've
8 talked a lot about the LCOT today. This is a, as
9 proposed, 275-MW solar generating facility. I
10 assume that, and you can tell me if I'm sort of
11 thinking about this incorrectly, but the facility
12 really can be downsized at any point in time
13 prior to construction occurring. Is that a
14 correct assumption? Like you could -- the
15 facility could be studied as 275, certificated as
16 275, but then could be constructed at a lower
17 nameplate, a smaller nameplate capacity or lesser
18 nameplate capacity; is that correct?

19 A That is correct.

20 Q Does that happen frequently?

21 A Well, based upon SP applications, I would say
22 yes, but I don't have that quantified as a
23 percentage of change.

24 Q And that's fair. But just in your experience,

1 that does happen?

2 A Yes, it does happen. Sometimes it's actually to
3 the benefit. If a facility was triggering
4 upgrades, they could actually reduce it and say
5 oh, 223, again hypothetical, is the magic number,
6 go to 223. Other times, you can get into an
7 Operating Agreement to say well, we're having
8 challenges on the system on July between two p.m.
9 and three p.m., again, being somewhat facetious,
10 you down rate for that given hour when we call
11 upon you to go down to 100 megawatts and not 275.
12 That'll save you \$50 million in upgrade cost if
13 you agree to that in the Operating Agreement.

14 Those create -- I wouldn't say
15 challenges, but Operating Agreements are another
16 provision that could be utilized in the event
17 that once potential impacts or triggers are
18 known.

19 Q Are you aware of whether there are any Operating
20 Agreements in existence as of today between
21 either of the Duke's and a third-party generator?

22 A I've only had conversations and concept of
23 operating agreements that can exist. There is
24 one -- there is one unique operating agreement

1 with Dominion and PJM under certain
2 configurations of the transmission system for the
3 Greenville Combined Cycle Plant to the best of
4 my knowledge.

5 Q Okay. But with respect to third-party solar, QF
6 solar, you're not aware of an Operating
7 Agreement?

8 A That is correct.

9 Q Okay. All right. That's all I have. Thank you,
10 Mr. Metz. I appreciate your testimony.

11 A Thank you.

12 COMMISSIONER DUFFLEY: I have one question.
13 It's a follow-up and then I'll turn it to you.

14 EXAMINATION BY COMMISSIONER DUFFLEY:

15 Q Mr. Metz, just one follow-up on this Operating
16 Agreement. Would you need to go through the
17 Facility Study process to be able to determine a
18 proper Operating Agreement; at what point in the
19 process?

20 A I don't have an exact answer to that to be fair.
21 I don't know when that could be implemented. My
22 assumption from an engineering perspective, I
23 would need to know what the upgrades are or
24 basically what are the overloads. Once I

1 identify the overloads and the time period of
2 those overloads, I could be able to tell you when
3 you need to curtail the percentage of
4 curtailment. And that would be an informed
5 decision that the Applicant can make to say well,
6 really can we curtail or not operate. Is it
7 economical or is it better? Is it more
8 economical to go ahead and pay for the upgrades?
9 What's the cost benefit on either scenario.

10 Q Okay. Thank you.

11 COMMISSIONER DUFFLEY: Commissioner
12 Clodfelter?

13 EXAMINATION BY COMMISSIONER CLODFELTER:

14 Q Mr. Metz, we've been told that we need to take
15 into consideration the risk that if we do not
16 grant this Conditional CPCN request that the
17 Transitional Cluster Study process may possibly
18 implode.

19 When I look at Public Staff Miller
20 Cross Examination 1, I can see that there are six
21 projects that will propose to interconnect at the
22 transmission level that are large enough to
23 require CPCNs in South Carolina. Two of those
24 are FERC-jurisdictional projects interconnection;

1 one at 165 MW and one at 150 MW.

2 By any rogue chance, do you have
3 any information as to whether any of those six
4 projects, especially the two that are FERC
5 jurisdictional, have obtained or have requested
6 CPCNs in South Carolina?

7 A I do not know at this time, Commissioner
8 Clodfelter.

9 Q Thank you.

10 FURTHER EXAMINATION BY COMMISSIONER DUFFLEY:

11 Q I wanted to follow-up with something that you
12 stated with respect to comprehensive transmission
13 planning. Do you not consider the North Carolina
14 Transmission Planning Collaborative a proper
15 vehicle for comprehensive transmission planning?

16 A I do. I'm going to try to clarify it, so if I
17 said it incorrectly, that was not meant to come
18 across that way. I believe that certain policy
19 initiatives of which the Planning Collaborative
20 can evaluate, if structured in such a way, it can
21 be a vehicle to inform the overall either sort of
22 like the transmission process or inform sort of
23 the IRP how to incorporate the sort of the rate
24 impact or the transition to go to these potential

1 portfolios and do it in a form process versus a
2 post-processing analysis in the IRP.

3 Q Okay. Thank you for that. And Ms. Miller's
4 testimony indicated the upgrades for the Juno
5 project will be minimal. Could you speak to that
6 issue or that testimony?

7 A The overall application of their discovery, I
8 believe they listed it as their identified
9 upgrade costs are \$13 million with their assigned
10 cost, or worst case if they're assigned all cost
11 is \$16.84 million for approximately, I believe,
12 it was 17 miles of some type of rebuild. I
13 evaluated that on both in my testimony sort of
14 the overall LCOT impact, which would be a
15 dollar -- approximately a dollar - \$1.34, give or
16 take. But then I also provided with the
17 Commission in Table 2 is the rate impact of those
18 lower dollar values.

19 Q Okay.

20 A And that's in Metz Table 2 if you were trying to
21 reference it.

22 Q Okay. Thank you. And then going to the Public
23 Staff Miller Cross Exhibit Number 1 on page 9, in
24 the last column, it says *Percentage Study Cost*

1 DEP and so how is that determined if you know?

2 A It is my understanding, I haven't checked the
3 math, but that should be a simple ratio. You
4 take up the sum of the megawatts and the supply
5 of their pro rata share. So let's say I had a
6 thousand megawatts, if 1.08 was their share, the
7 math on-the-stand standards, but 108 MW.

8 Q Okay.

9 A No, less than that. No, that's right. Sorry.

10 Q Thank you.

11 COMMISSIONER DUFFLEY: Questions on
12 Commission questions?

13 MR. SNOWDEN: Yes, ma'am. We have just a
14 few.

15 EXAMINATION BY MR. SNOWDEN:

16 Q I will start at the end. So Mr. Metz, this
17 follows on Chair Mitchell had some questions
18 about the downsizing of the project.

19 A Yes.

20 Q Isn't it the case that if a FERC-jurisdictional
21 project downsizes by more than 10 percent, that
22 triggers a material modification under the LGIP?

23 A That's my general understanding.

24 Q Okay. And that requires a restudy of the

1 project, doesn't it?

2 A The LGI -- yes, that is my understanding.

3 Q Okay. Chair Mitchell also asked you a few
4 questions about the potential upgrades that were
5 identified for Juno in relation to the
6 upgrades -- the Friesian upgrades that were
7 discussed in the Friesian proceeding. Do you
8 recall that?

9 A Yes.

10 Q Would you agree that there are a lot fewer
11 megawatts in the queue or in the Transitional
12 Cluster now than there were when the Friesian
13 upgrades were studied?

14 A That's true, but I don't see the correlation of
15 that to the Friesian upgrades. The Friesian
16 upgrades were the cost causer or the tipping
17 point of the overall system at that point in
18 time.

19 Q I understood that they were the first to cause
20 that specific overload; is that right?

21 A That's correct.

22 Q Okay. But the baseline for a Friesian study
23 included a lot of megawatts of projects which may
24 or may not be still in the interconnection

1 process; is that right?

2 A I can't agree to that, no.

3 Q Well, do you disagree with that or you just have
4 no basis for agreeing or disagreeing?

5 A I have no basis disagreeing -- to agree or
6 disagree. It's just the -- my general
7 understanding of the base case would not assume
8 that the -- I forget what the numbers are -- I'm
9 not going to start spitting out thousands of
10 megawatts -- should not have been in the base
11 case. But it had to have been at that point in
12 time for the -- my general understanding is that
13 at that point in time when the system is studied,
14 it is a future look, but it's not based upon
15 other specifically to Friesian, it's not
16 speculative SPs that have not interconnected with
17 the utility, but the utility would factor in
18 known -- would factor in known upgrades that are
19 taking place for the existing service.

20 Q Well, wouldn't you agree that all higher queued
21 interconnection customers would've been
22 considered in the baseline for Friesian when it
23 was studied?

24 A In relation to -- I can't answer that, because

1 now I'm trying to -- I'm trying to draw the
2 correlation between the FERC queue and the state
3 queue and when Friesian was jumping back and --
4 not jumping back and forth, but they originally
5 were state-queued projects and then transitioned
6 over to the FERC queue.

7 Q Understood. But when Duke studies projects in
8 the serial process, it treats -- from a study
9 standpoint, it treats FERC-jurisdictional and
10 state-jurisdictional projects on equal footing,
11 right? They're in a single queue for purposes of
12 study, aren't they?

13 A I believe that's correct.

14 Q Okay. So, would you agree that the baseline so
15 to speak for the Friesian interconnection studies
16 would've included every prior queue project
17 whether it was state or FERC jurisdictional at
18 that time?

19 A I don't know the answer to that at this point in
20 time.

21 Q Okay. Okay. And I'm just trying to sort of --
22 what I'm getting at here is understanding why the
23 Juno upgrades are so different from the Friesian
24 upgrades.

1 So, what I heard you say is that
2 you would neither agree nor disagree with the
3 possibility that a lot of projects falling out
4 the queue as they went into the Transitional
5 Cluster might be partially responsible for the
6 different study results for Juno than for
7 Friesian?

8 A That is possible. They also had in discovery,
9 which I believe has been provided to the
10 Commission, is what was the base case for the
11 Juno Application and the base case was the
12 cluster study at that particular point in time or
13 the cluster. Sorry. The cluster or the FERC
14 queue at that particular point in time as we
15 already know is that the transitional serial
16 cluster process that will be studied is actually
17 much different now than the queue was when the
18 Applicant evaluated the project. And some of the
19 inter -- relationships that start to occur when
20 you start looking at Power Flow Analysis is the
21 possibility, again, under a hypothetical, is that
22 if you put -- if you put a facility on this line
23 on this part of the system and put a facility on
24 this line on this part of the system, in some

1 unique circumstances, the power flows could butt
2 one another and the power could go into different
3 parts of the system.

4 So the moment that you start
5 retiring plants, removing plants, in this example
6 I'm saying sort of like Duke Energy Carolinas and
7 Duke Energy Progress, power flows change. This
8 is a snapshot in time under those unique specs
9 and circumstances and I don't know what was
10 evaluated. Only thing I can say is the TCS where
11 we're at right now is a lot different than what
12 we understood in discovery.

13 Q Understood. And the TCS as we look at it right
14 now is a lot different than what the queue looked
15 like when Friesian was evaluated, right?

16 A That's correct.

17 Q Okay. Are you familiar with the Interconnection
18 Settlement between Duke Energy and various
19 settling developers that was filed with this
20 Commission back in September 2020? Generally
21 familiar with that?

22 A I'm generally familiar. Now, for some reason I
23 think there's multiple settlements.

24 Q Do you recall, Mr. Metz, that there was a

1 provision of that settlement that allowed certain
2 distribution projects to be curtailed during high
3 congestion periods so that they could
4 interconnect congested areas?

5 A I'm generally familiar.

6 Q Okay. And do you think that Duke's ability to
7 curtail those projects may have to some extent
8 alleviated some of the upgrades that were
9 originally assigned to Friesian?

10 A Unknown. I don't know if in Duke's study if they
11 would actually evaluate or call on those
12 curtailments, so it would be speculation.

13 Q Understood. Thank you. So you talked just a
14 little bit about the Timbermill Wind proceeding
15 and Mr. Josey asked you -- well, you pointed out
16 that the Public Staff didn't explicitly support
17 Timbermill Wind's assertion of need. It simply
18 didn't oppose it; is that correct?

19 A I think the Testimony speaks for itself.

20 Q Okay. But the Public Staff did support approval
21 of Timbermill Wind's Application, did it not?

22 A That's correct.

23 Q Okay. And it would've only -- would only have
24 done so if it agreed that Timbermill Wind had met

1 the statutory standard for getting a CPCN, right?

2 A It's an elastic standard giving the unique facts
3 and circumstances of the specific case at that
4 time. The Public Staff viewed the circumstances
5 for Timbermill warranted approval of the CPCN.

6 Q Okay. But at least implicitly the Public Staff
7 supported Timbermill Wind's assertion that there
8 was a need for the project; is that right?

9 A I don't know I can say that's implicitly, the
10 Public Staff supported the approval of the
11 application.

12 Q Okay. You also testified in response to
13 Mr. Josey's question that where there are --

14 COMMISSIONER DUFFLEY: Excuse me.

15 MR. SNOWDEN: I'm sorry.

16 COMMISSIONER DUFFLEY: Keep in mind these
17 are questions on Commission questions.

18 MR. SNOWDEN: I'm sorry. I apologize.

19 Yeah. This was recross, so -- those are all my
20 questions. Thank you.

21 MS. CUMMINGS: Just one question in response
22 to Chair Mitchell's questions about downsizing.

23 EXAMINATION BY MS. CUMMINGS:

24 Q Do you have a copy of Public Staff Levitas Cross

1 Exhibit Number 1, which is the Large Generator
2 Interconnection Procedures?

3 A They may not be marked. I have a pile of stuff.
4 Yes.

5 Q In the definition section, on page 6, there's a
6 definition of "material modification". Do you
7 see that?

8 A Yes, I do.

9 Q And it states that "In regard to the definitive
10 interconnection study process as opposed to a
11 serial process that modifications that have a
12 material impact on the cost or timing of any
13 interconnection request with a later queue
14 position or a queue position which is included in
15 the same cluster". So it has to -- a material
16 modification has to impact another project. Do
17 you agree with that?

18 A I would agree, yes.

19 Q And if you turn to page 32, this is the bottom of
20 page 32, section 5.4.1 --

21 A Okay.

22 Q -- there's specific provisions regarding material
23 modifications prior to System Impact Study. That
24 includes a decrease of up to 60 percent in the

1 electrical output of the facility.

2 A Yes, it would. As you note, it was prior to
3 System Impact Study Agreement.

4 Q Right. And 5.4.2, material modifications prior
5 to facility study which includes an additional 15
6 percent decrease in electrical output. Do you
7 see that?

8 A I see that.

9 MS. CUMMINGS: That's all. Thank you.

10 COMMISSIONER DUFFLEY: Chair Mitchell, you
11 have one more question?

12 CHAIR MITCHELL: I did, but Mr. Metz
13 answered it, so no more questions for me.

14 COMMISSIONER DUFFLEY: Okay. It looks like
15 we've come to the end of the day. Thank you, Mr.
16 Metz. I appreciate -- we all appreciate your
17 testimony today. You can step down.

18 (The witness is excused)

19 COMMISSIONER DUFFLEY: One housekeeping
20 matter, Mr. Snowden, I only have one --

21 MR. SNOWDEN: Yes.

22 COMMISSIONER DUFFLEY: -- Juno Metz Cross --

23 MR. SNOWDEN: Yes, ma'am. I was in error.
24 We handed out two more exhibits, but I did not ask to

1 be identified, so I would only ask that Exhibit --
2 Juno Cross Exhibit Metz 1 (sic) be entered into the
3 record.

4 COMMISSIONER DUFFLEY: Okay. Without
5 objection.

6 MS. CUMMINGS: And can I move witness Metz's
7 two exhibits from his prefiled testimony into the
8 record?

9 COMMISSIONER DUFFLEY: Without objection,
10 both motions are allowed.

11 (WHEREUPON, Juno Metz Cross
12 Exhibit 1 was previously received
13 into evidence on page 21.)

14 (WHEREUPON, Metz Direct Exhibits
15 1 and 2 are received into
16 evidence.)

17 COMMISSIONER DUFFLEY: Okay. Are there any
18 other matters, housekeeping matters? Okay. Proposed
19 orders will be due 30 days from the receipt of the
20 transcript.

21 I will hold the record open for potential
22 additional evidence and will issue an Order in the
23 future closing the record.

24 We're adjourned.

1 (The proceedings were adjourned)

2
3 C E R T I F I C A T E

4 I, KIM T. MITCHELL, DO HEREBY CERTIFY that
5 the Proceedings in the above-captioned matter were
6 taken before me, that I did report in stenographic
7 shorthand the Proceedings set forth herein, and the
8 foregoing pages are a true and correct transcription
9 to the best of my ability.

10
11 Kim T. Mitchell

12 Kim T. Mitchell
13
14
15
16
17
18
19
20
21
22
23
24