

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. E-2, SUB 1204

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of Duke Energy Progress, LLC, )  
Pursuant to N.C.G.S. § 62-133.2 and ) ORDER REQUIRING FILING  
Commission Rule R8-55 Regarding Fuel and ) OF POST-HEARING EXHIBIT  
Fuel-Related Cost Adjustments for Electric )  
Utilities )

BY THE CHAIR: On March 10, 2020, the Commission held a hearing in the above-captioned docket concerning the contract between Duke Energy Progress, Inc. (DEP) and CertainTeed Gypsum of NC, LLC (CTG) for the sale of synthetic gypsum from DEP to CTG. As a result of a disagreement about certain provisions of the contract, DEP and CTG engaged in litigation in the North Carolina Business Court (Business Court) in *CertainTeed Gypsum NC, Inc. v. Duke Energy Progress, LLC*, 17 CVS 395 (Person County), 2018 NCBC 90 (*CTG v. DEP*).

During the hearing before the Commission, in response to questions from Commissioner Clodfelter, DEP witness John Halm testified that he filed an affidavit in *CTG v. DEP* that included a record of the quantities of gypsum delivered by DEP to CTG during the period August 2012 to January 2018. Tr. Vol. 3, 202-05.

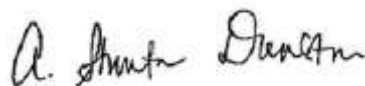
Based on the foregoing and the record, the Chair finds good cause to reopen the evidentiary record for the purpose of receiving into evidence the aforesaid DEP affidavit that was filed by witness Halm in the Business Court. Further, DEP is hereby directed to file a copy of said affidavit in this docket on or before Wednesday, June 3, 2020.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of May, 2020.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Deputy Clerk