

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. E-7, SUB 1282

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

Application of Duke Energy Carolinas, LLC     )  
Pursuant to N.C.G.S. § 62-133.2 and     ) **PUBLIC STAFF'S**  
Commission Rule R8-55 Regarding Fuel and     ) **MOTION TO COMPEL**  
Fuel-Related Cost Adjustments for Electric     )  
Utilities     )

NOW COMES the Public Staff of the North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and hereby respectfully moves the North Carolina Utilities Commission (Commission) for an Order compelling Duke Energy Carolinas, LLC (DEC) to respond to Public Staff Data Request 29 in accordance with the applicable jurisprudence. In support of this motion, the Public Staff would respectfully show the Commission the following:

1. On Thursday, May 18, 2023, DEC filed its rebuttal testimony in this matter.
2. On Monday, May 22, 2023, the Public Staff served DEC with Public Staff Data Request 29 entitled "Rebuttal Credit Metrics" (PSDR 29). The stated deadline for a response to PSDR 29 was May 25, 2023. On May 23, 2023, DEC inquired regarding the substance of one of the questions and the Public Staff

responded. PSDR 29, the service email, and the email chain between DEC and the Public Staff are attached hereto as Exhibit 1.

3. On Thursday, May 25, 2023, DEC responded to PSDR 29 but failed to provide substantive information. Instead, to each of the four questions propounded in PSDR 29, DEC stated: “This is outside the scope of this fuel docket/statute.” A copy of DEC’s response to PSDR 29 is attached hereto as Exhibit 2.

4. Thereafter, also on Thursday, May 25, 2023, counsel for the Public Staff spoke with counsel for DEC regarding providing substantive responses to PSDR 29 and DEC declined to provide additional information.

5. DEC’s rebuttal testimony discussed credit issues at length and included several documents from Moody’s Investors Service. PSDR 29 asked DEC to provide additional information regarding the purported impacts of the mitigation proposed and to square its forecasts regarding debt in March 2023 (in Docket No. E-7, Sub 1292) with its assertions regarding debt in this matter.

6. The information sought is necessary to investigate the rebuttal testimony and the assertions made therein. Providing information in response to data requests would allow the Public Staff to satisfy concerns, narrow issues, and evaluate assertions.

7. The failure of DEC to provide responses will impair the Public Staff's ability to address the merits of the contentions raised in DEC's rebuttal testimony at the hearing of this matter.

WHEREFORE, the Public Staff respectfully moves and requests that DEC be required to provide responses to PSDR 29 forthwith and for such other and further relief as may be just and proper.

Respectfully submitted this 26th day of May, 2023.

PUBLIC STAFF

Christopher J. Ayers  
Executive Director

Lucy E. Edmondson  
Chief Counsel

/s/ William Freeman, by electronic filing  
William S. F. Freeman  
Staff Attorney

4326 Mail Service Center  
Raleigh, North Carolina 27699  
telephone: (919) 733-6110  
email: William.Freeman@psncuc.nc.gov

## CERTIFICATE OF SERVICE

I certify that I have caused to be served a copy of the foregoing on all the parties of record on the date set forth below in the manner set forth below on the person(s) set forth below and in accordance with the applicable jurisprudence, especially Commission Rule R1-39.

Served on May 26, 2023, via email electronic delivery by agreement of the receiving party, upon those persons identified in the filed documents or in the Commission's online docket's service list at the following addresses:

[mmagarira@selcnc.org](mailto:mmagarira@selcnc.org)  
[ccress@bdixon.com](mailto:ccress@bdixon.com)  
[Jack.Jirak@duke-energy.com](mailto:Jack.Jirak@duke-energy.com)  
[Ladawn.toon@duke-energy.com](mailto:Ladawn.toon@duke-energy.com)  
[tgooding@selcnc.org](mailto:tgooding@selcnc.org)  
[dconant@bdixon.com](mailto:dconant@bdixon.com)  
[mtrathen@brookspierce.com](mailto:mtrathen@brookspierce.com)  
[cschauer@brookspierce.com](mailto:cschauer@brookspierce.com)  
[Robert.Kaylor@duke-energy.com](mailto:Robert.Kaylor@duke-energy.com)  
[bkaylor@rwkaylorlaw.com](mailto:bkaylor@rwkaylorlaw.com)  
[Gina.Freeman@duke-energy.com](mailto:Gina.Freeman@duke-energy.com)  
[Peggy.Holton@duke-energy.com](mailto:Peggy.Holton@duke-energy.com)  
[Kimberley.Campbell@duke-energy.com](mailto:Kimberley.Campbell@duke-energy.com)

*/s/ William Freeman, by electronic filling*  
William S. F. Freeman  
Staff Attorney



**DUKE ENERGY CAROLINAS, LLC**  
**Docket No. E-7, Sub 1282**  
**Public Staff Data Request No. 29**  
**Date Requested: May 22, 2023**  
**Due Date: May 25, 2023**

**Public Staff Technical Contacts:**                      **Bob Hinton**  
   **Phone #: (919) 733-0896**  
   **Email: [bob.hinton@psncuc.nc.gov](mailto:bob.hinton@psncuc.nc.gov)**

**Public Staff Legal Contacts:**                              **William E. H. Creech**  
   **Phone #: (919) 733-0974**  
   **Email: [zeke.creech@psncuc.nc.gov](mailto:zeke.creech@psncuc.nc.gov)**

**William S. F. Freeman**  
**Phone #: (919) 733-0887**  
**Email: [william.freeman@psnuc.nc.gov](mailto:william.freeman@psnuc.nc.gov)**

**Please provide responses to this request in a searchable native electronic format (e.g., Excel, Word, or PDF files). If in Excel format, please include all working formulas. In addition, please include: (1) the name and title of the individual who has the responsibility for the subject matter addressed therein; and (2) the identity of the person making the response by name, occupation, and job title. Please also refer to Public Staff Data Request No. 1 for instructions for responding to this and all other Data Requests served on the Company by the Public Staff in the above-captioned proceeding.**

**Topic: Rebuttal Credit Metrics**

1. Please re-calculate the Company's response to Items 2 and 3 of the Public Staff's Data Request in Docket No. E-7, Sub 1292 to reflect the reduced cash flow associated with the Public Staff's Option 3 discussed in the testimony of witness Public Staff witness Lawrence for the recovery of fuel costs in this proceeding. This response should include detailed support the projected credit metric, CFO pre-WC / debt, in a method that is consistent with the definition defined by Moody's Investors Service.
2. Please re-calculate the Company's response to Items 2 and 3 of the Public Staff's Data Request in Docket No. E-7, Sub 1292 to reflect the reduced cash flow associated with the Company's alternative proposal to partially offset the fuel increase as discussed in the Company's rebuttal testimony. This response should include detailed support the projected credit metric, CFO pre-WC / debt, in a method that is consistent with the definition defined by Moody's Investors

Service. Lastly, please confirm that the EDIT rider credit that originated from a 2021 Commission Order was included in the attached Data Response.

3. In response to Items 1 and 2 above, does the Company's financial forecast of the Moody's ratios reflect: (a) an expected rate increase; and/or (b) recovery of fuel costs.
4. Please state the revenue increase (in both dollars and expressed as a percentage increase%) that would result if all the items requested in (1) this docket, (2) docket E-7, Sub 1276, and (3) any other docket filed by the Company were approved in the manner requested by the Company for the following dates: September 1, October 1, November 1, and December 1, 2023. Please state said information as to all classes.

**From:** [Freeman, William](#)  
**To:** [Ladawn Toon](#)  
**Subject:** Re: [EXTERNAL] E-7 Sub 1282 PSDR 29  
**Date:** Tuesday, May 23, 2023 9:16:43 AM

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It was an earlier data request regarding an issuance of debt which we believe was 1292. I'm at a site visit today so please let me know if that's not correct.

Thank you.  
Will

Get [Outlook for iOS](#)

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**From:** Toon, Ladawn S . <Ladawn.Toon@duke-energy.com>  
**Sent:** Tuesday, May 23, 2023 9:10:21 AM  
**To:** Freeman, William <william.freeman@psncuc.nc.gov>  
**Subject:** RE: [EXTERNAL] E-7 Sub 1282 PSDR 29

**CAUTION:** External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Good morning, Will,

Confirming you mean E-7, Sub 1282 not E-7, Sub 1292?

Thank you,  
L.

---

**From:** Freeman, William <william.freeman@psncuc.nc.gov>  
**Sent:** Monday, May 22, 2023 4:32 PM  
**To:** 'mmagarira@selcnc.org' <mmagarira@selcnc.org>; 'Christina Cress' <ccress@bdixon.com>; Jirak, Jack <Jack.Jirak@duke-energy.com>; Toon, Ladawn S . <Ladawn.Toon@duke-energy.com>; 'Thomas Gooding' <tgooding@selcnc.org>; 'Conant, Douglas' <dconant@bdixon.com>; 'Marcus W. Trathen' <mtrathen@brookspierce.com>; 'Craig Schauer (cschauer@brookspierce.com)' <cschauer@brookspierce.com>; Kaylor, Robert W <Robert.Kaylor@duke-energy.com>; 'Bob Kaylor' <bkaylor@rwkaylorlaw.com>; Freeman, Gina S <Gina.Freeman@duke-energy.com>; Holton, Peggy H <Peggy.Holton@duke-energy.com>; Campbell, Kimberley Anne <Kimberley.Campbell@duke-energy.com>  
**Cc:** Heironimus, Jessica <jessica.heironimus@psncuc.nc.gov>; Jones, Erica S <erica.jones@psncuc.nc.gov>; Creech, William <zeke.creech@psncuc.nc.gov>; Brown, Darrell <darrell.brown@psncuc.nc.gov>; Lawrence, Evan D <evan.lawrence@psncuc.nc.gov>; Hinton, Bob <bob.hinton@psncuc.nc.gov>  
**Subject:** [EXTERNAL] E-7 Sub 1282 PSDR 29

**\*\*\* CAUTION! EXTERNAL SENDER \*\*\* STOP. ASSESS. VERIFY!!** Were you expecting this email? Are grammar and spelling correct? Does the content make sense? Can you verify the sender? If suspicious report it, then do not click links, open attachments or enter your ID or



password.

All:

I hope this finds you doing well. Please find attached for service on you the Public Staff's data request in this matter. Please provide responses or queries regarding this Data Request to all the Public Staff personnel copied on this email.

Thank you.

Will

William S. F. Freeman

Staff Attorney

Public Staff – North Carolina Utilities Commission

[William.Freeman@psncuc.nc.gov](mailto:William.Freeman@psncuc.nc.gov)

Direct: (919) 733-0887

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Public Staff  
Docket No. E-7, Sub 1282  
2023 DEC Fuel  
Public Staff Data Request No. 29  
Item No. 29-1  
Page 1 of 1

**DUKE ENERGY CAROLINAS, LLC**

**Request:**

Please re-calculate the Company's response to Items 2 and 3 of the Public Staff's Data Request in Docket No. E-7, Sub 1292 to reflect the reduced cash flow associated with the Public Staff's Option 3 discussed in the testimony of witness Public Staff witness Lawrence for the recovery of fuel costs in this proceeding. This response should include detailed support the projected credit metric, CFO pre-WC / debt, in a method that is consistent with the definition defined by Moody's Investors Service.

**Response:**

This is outside the scope of this fuel docket/statute.

Responder: Sigourney Clark, Rates & Reg. Strategy Manager

Public Staff  
Docket No. E-7, Sub 1282  
2023 DEC Fuel  
Public Staff Data Request No. 29  
Item No. 29-2  
Page 1 of 1

**DUKE ENERGY CAROLINAS, LLC**

**Request:**

Please re-calculate the Company's response to Items 2 and 3 of the Public Staff's Data Request in Docket No. E-7, Sub 1292 to reflect the reduced cash flow associated with the Company's alternative proposal to partially offset the fuel increase as discussed in the Company's rebuttal testimony. This response should include detailed support the projected credit metric, CFO pre-WC / debt, in a method that is consistent with the definition defined by Moody's Investors Service. Lastly, please confirm that the EDIT rider credit that originated from a 2021 Commission Order was included in the attached Data Response.

**Response:**

This is outside the scope of this fuel docket/statute.

Responder: Sigourney Clark, Rates & Reg. Strategy Manager

Public Staff  
Docket No. E-7, Sub 1282  
2023 DEC Fuel  
Public Staff Data Request No. 29  
Item No. 29-3  
Page 1 of 1

**DUKE ENERGY CAROLINAS, LLC**

**Request:**

In response to Items 1 and 2 above, does the Company's financial forecast of the Moody's ratios reflect: (a) an expected rate increase; and/or (b) recovery of fuel costs.

**Response:**

This is outside the scope of this fuel docket/statute.

Responder: Sigourney Clark, Rates & Reg. Strategy Manager

Public Staff  
Docket No. E-7, Sub 1282  
2023 DEC Fuel  
Public Staff Data Request No. 29  
Item No. 29-4  
Page 1 of 1

**DUKE ENERGY CAROLINAS, LLC**

**Request:**

Please state the revenue increase (in both dollars and expressed as a percentage increase%) that would result if all the items requested in (1) this docket, (2) docket E-7, Sub 1276, and (3) any other docket filed by the Company were approved in the manner requested by the Company for the following dates: September 1, October 1, November 1, and December 1, 2023. Please state said information as to all classes.

**Response:**

This is outside the scope of the fuel docket/statute.

Responder: Sigourney Clark, Rates & Reg. Strategy Manager