

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1305

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Duke Energy Carolinas, LLC,)
for Approval of Demand-Side Management) ORDER SCHEDULING HEARING,
and Energy Efficiency Cost Recovery Rider) ESTABLISHING PROCEDURAL
Pursuant to N.C. Gen. Stat. § 62-133.9 and) AND FILING REQUIREMENTS, AND
Commission Rule R8-69) REQUIRING PUBLIC NOTICE

BY THE CHAIR: In August 2007, North Carolina enacted comprehensive energy legislation, Session Law 2007-397 (Senate Bill 3), that, among other things, established a Renewable Energy and Energy Efficiency Portfolio Standard for this State and a revised procedure for cost recovery of demand-side management (DSM) and energy efficiency (EE) expenditures. North Carolina General Statute Section 62-133.9(d) provides for an annual DSM/EE rider for each electric public utility to recover all reasonable and prudent costs incurred for adoption and implementation of new DSM and new EE measures and appropriate incentives. Commission Rule R8-69(b) also provides for the establishment of a DSM/EE experience modification factor (EMF) rider to allow the electric public utility to collect the difference between reasonable and prudently incurred costs and the revenues that were actually realized during the test period under the DSM/EE rider then in effect. Rule R8-69(e) further provides that the annual DSM/EE cost recovery rider hearing for each electric public utility will be scheduled as soon as practicable after the annual fuel and fuel-related charge adjustment proceeding hearing held by the Commission for the electric public utility under Rule R8-55. Rule R8-69(f) provides that each electric public utility shall publish notice at least 30 days prior to the hearing.

On February 27, 2024, DEC filed its application in the above-captioned docket. By its application, DEC requests a DSM/EE cost recovery rider effective for service rendered on and after January 1, 2025. By its application, DEC requests a total annual revenue requirement of approximately \$163 million for inclusion in the DSM/EE rider authorized by the statute and Commission Rule. The request, including the regulatory fee, would result in an increase of 0.118 cents per kilowatt-hour (kWh) for residential customers, and thus an increase of about \$1.18 in the monthly bill of a residential customer using 1,000 kWh of electricity. The effect of the request on current non-residential customers would depend upon each customer's particular participation in DEC's DSM or EE programs over the years. The rates of non-residential customers who have participated in all of DEC's DSM and EE programs since 2019 would decrease by 0.1365 cents per kWh. Nonresidential customers participating in DEC's DSM programs beginning in 2025 would pay DSM/EE rider charges of 0.1161 cents per kWh, and nonresidential customers participating in DEC's EE programs beginning in 2025 would pay DSM/EE rider charges of 0.3591 cents per kWh.

Non-residential customers may obtain detailed information about the rider increases or decreases applicable to their particular circumstances by contacting their DEC account representatives directly or DEC's Customer Service number at 1-800-777-9898. Industrial and large commercial customers that have opted out of and never participated in DEC's DSM and EE programs pursuant to N.C.G.S. § 62-133.9 are not subject to the DSM/EE rider.

The Commission finds good cause to issue the present Order scheduling this matter for public hearing, establishing procedural and filing requirements, and requiring public notice. The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition shall be taken before the deadline for the filing of the Public Staff and other intervenor prefiled direct testimony. Notice of deposition shall be served on all parties at least 7 calendar days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and other intervenor testimony, shall be served on the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena within 2 business days after such a motion is filed.

3. Formal discovery requests related to the application and DEC's prefiled direct and supplemental testimony shall be served on DEC not later than 14 calendar days prior to the filing of the Public Staff and other intervenor direct testimony. The party served shall have up to 10 calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than 10 calendar days prior to the deadline for the filing of the Public Staff and other intervenor direct testimony.

4. Formal discovery requests related to the Public Staff and other intervenors prefiled direct testimony shall be served no later than 5 calendar days after such testimony is filed. The party served shall have up to 3 business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than 9 calendar days after the filing of the Public Staff or other intervenor direct testimony.

5. Formal discovery requests related to DEC's prefiled rebuttal testimony shall be served no later than 3 business days after such testimony is filed. The party served shall have up to 3 calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than 3 business days

after the filing of DEC's rebuttal testimony. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have 2 calendar days to file with the Commission a motion to compel, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery due to that party's late intervention or other delay in initiating discovery.

The Chair urges all parties to work in a cooperative manner and to attempt to accommodate discovery within the time available. The Commission recognizes that in the past, most discovery has been conducted in an informal manner without the need for Commission involvement or enforcement, and that such has been generally successful. The above guidelines are without prejudice to the parties conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS, THEREFORE, ORDERED as follows:

1. That a public hearing for the purpose of considering the annual DSM/EE cost recovery proceeding for DEC shall be, and is hereby, scheduled to begin immediately following the hearing in Docket No. E-7, Sub 1304, which is scheduled to begin at 2:00 p.m. on Monday, June 10, 2024, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina;

2. That any person having an interest in this proceeding may file a petition to intervene stating such interest on or before Monday, May 20, 2024;

3. That the direct testimony and exhibits of the Public Staff and other intervenors shall be filed on or before Monday, May 20, 2024;

4. That DEC may file rebuttal testimony and exhibits on or before Wednesday, May 29, 2024;

5. That all parties filing supporting exhibits in either PDF or Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.gov, including all of the supporting worksheets and

formulas, within three days of the filing of such exhibits (or within three business days of the issuance of this order if already filed with the Commission), and that DEC and all other parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact;

6. That DEC shall publish the Notice attached hereto as Appendix A in a newspaper or newspapers having general circulation in its service area once a week for two successive weeks beginning at least 30 days prior to the hearing;

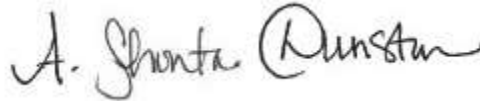
7. That DEC shall file affidavits of publication on or before the date of the hearing; and

8. That the parties shall comply with the discovery guidelines established herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of March, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive style with a large, stylized "D" at the end.

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1305

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Duke Energy Carolinas, LLC,)
for Approval of Demand-Side Management)
and Energy Efficiency Cost Recovery Rider) PUBLIC NOTICE
Pursuant to N.C. Gen. Stat. § 62-133.9 and)
Commission Rule R8-69)

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has scheduled a public hearing in the annual DSM/EE cost recovery proceeding for Duke Energy Carolinas, LLC (DEC). The public hearing is scheduled to begin immediately following the hearing in Docket No. E-7, Sub 1304 which is scheduled to begin at 2:00 p.m. on Monday, June 10, 2024, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. Public witness testimony will be received in accordance with Commission Rule R1-21(g).

This proceeding is being held pursuant to the provisions of N.C. Gen. Stat. § 62-133.9 and Commission Rule R8-69, and for the purpose of determining whether an increment or decrement rider is required to allow DEC to recover all reasonable and prudent costs incurred for adoption and implementation of new DSM and new EE measures and appropriate incentives.

On February 27, 2024, DEC filed its application in the above-captioned docket. By its application, DEC requests a DSM/EE cost recovery rider effective for service rendered on and after January 1, 2025.

By its application, DEC requests a total annual revenue requirement of approximately \$163 million for inclusion in the DSM/EE rider authorized by the statute and Commission Rule. The request, including the regulatory fee, would result in an increase of 0.118 cents per kilowatt-hour (kWh) for residential customers, and thus an increase of about \$1.18 in the monthly bill of a residential customer using 1,000 kWh of electricity. The effect of the request on current non-residential customers would depend upon each customer's particular participation in DEC's DSM or EE programs over the years. The rates of non-residential customers who have participated in all of DEC's DSM and EE programs since 2019 would decrease by 0.1365 cents per kWh. Nonresidential customers participating in DEC's DSM programs beginning in 2025 would pay DSM/EE rider charges of 0.1161 cents per kWh, and nonresidential customers participating in DEC's EE programs beginning in 2025 would pay DSM/EE rider charges of 0.3591 cents per kWh. Non-residential customers may obtain detailed information about the rider increases or decreases

applicable to their particular circumstances by contacting their DEC account representatives directly or DEC's Customer Service number at 1-800-777-9898. Industrial and large commercial customers that have opted out of and never participated in DEC's DSM and EE programs pursuant to N.C.G.S. § 62-133.9 are not subject to the DSM/EE rider.

Further information may be obtained from the Office of the Chief Clerk, North Carolina Utilities Commission, Dobbs Building, 5th Floor, 430 North Salisbury Street, Raleigh, North Carolina, where a copy of DEC's application and testimony is available for review by the public, or on the Commission's website at www.ncuc.gov.

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff 4326 Mail Service Center, Raleigh, North Carolina 27699-4300.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, c/o Consumer Protection-Utilities, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to utilityAGO@ncdoj.gov.

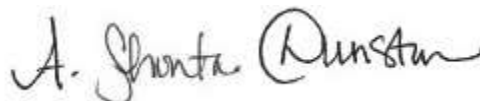
Written statements are not evidence unless persons appear at a public hearing and testify concerning the information contained in their written statements.

Any person desiring to intervene in the proceeding as a formal party of record should file a petition under North Carolina Utilities Commission Rules R1-5 and R1-19 on or before Monday, May 20, 2024. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300. The direct testimony and exhibits of expert witnesses to be presented by intervenors should also be filed with the Commission on or before Monday, May 20, 2024.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of March, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Chief Clerk