

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1318
DOCKET NO. EC-67, SUB 55

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Joint Application of Duke Energy Progress,)
LLC and North Carolina Electric) ORDER SCHEDULING HEARINGS,
Membership Corporation for a Certificate of) ESTABLISHING PROCEDURAL
Public Convenience and Necessity to) AND FILING REQUIREMENTS,
Construct a 1,360 MW Natural Gas-Fueled) AND REQUIRING PUBLIC NOTICE
Combinded Cycle Electric Generating)
Facility in Person County, North Carolina)

BY THE CHAIR: On March 28, 2024, Duke Energy Progress, LLC (DEP) and North Carolina Electric Membership Corporation (NCEMC, together with DEP, Joint Applicants), filed an application for a certificate of public convenience and necessity to construct a 1,360 MW natural gas-fueled combined cycle electric generating facility in Person County, North Carolina (Application).

In summary, DEP and NCEMC state that the facility will be located at the site of DEP's existing Roxboro Plant and will consist of an approximately 1,360 MW combined cycle gas turbine (CC) facility. The Joint Applicants state that the CC (Facility) will be placed into service by January 1, 2029, with DEP's owning approximately 1,135 MW of the capacity, and NCEMC's owning approximately 225 MW of the capacity. The Facility, along with the Roxboro coal-fired units 2 and 3, will be known as the Person County Energy Complex. The Application indicates that only minimal network upgrades are necessary to interconnect the replacement generation of the two units, and an interconnection request has been submitted for the incremental capacity of the Facility. The Application states that DEP has contracted for sufficient firm interstate transportation natural gas capacity to support the demand requirements for the Facility that is incremental to DEP's existing CC fleet requirements. The Application further states that DEP has contracted for intrastate firm transportation rights with Public Service Company of North Carolina, Inc. The testimony accompanying the Application discusses DEP's and NCEMC's need for and cost of the Facility. The total projected cost of the project was filed under seal as a confidential trade secret.

Based upon a review of the Application, the Chair finds good cause to set the Application for hearing, establish procedural and filing requirements for DEP, NCEMC, the Public Staff, and other parties, and require DEP and NCEMC to provide public notice of their Application.

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 seven 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 DEP's and NCEMC's prefiled direct and supplemental testimony shall be served on DEP and NCEMC no 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 ten 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 ten calendar days prior to the deadline for the filing of the Public Staff and other intervenor testimony.

4. Formal discovery requests related to the Public Staff and other intervenors prefiled direct testimony shall be served no later than five calendar days after such testimony is filed. The party served shall have up to three 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 nine calendar days after the filing of the Public Staff or other intervenor direct testimony.

5. Formal discovery requests related to DEP's and NCEMC's prefiled rebuttal testimony shall be served no later than three business days after such testimony is filed. The party served shall have up to three 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 three business days after the filing of DEP's and NCEMC'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 two calendar days to file with the Commission a motion to compel, and the party objecting to discovery shall have one 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. Discovery in most proceedings before the Commission is typically conducted without the need for Commission involvement or enforcement of the guidelines. The guidelines established in this Order 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, SO ORDERED as follows:

1. That hearings for the purpose of receiving public witness testimony on DEP's and NCEMC's Application shall be, and are hereby scheduled, as follows:

Roxboro: Thursday, June 13, 2024, at 7:00 p.m.
Person County Courthouse
105 South Main Street, Superior Courtroom
Roxboro, North Carolina 27573

Virtual: Wednesday, June 12, 2024, at 6:30 p.m.
Held remotely via Webex

2. That the June 12, 2024, public witness hearing shall be held remotely via Webex, beginning at 6:30 p.m. A link to view the hearing will be available at www.ncuc.gov. Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on June 5, 2024.

To register, please complete the electronic Remote Public Witness Registration form located on the Commission's website at www.ncuc.gov/hearings/remotepublicregister.html. If assistance is needed, please contact 919-733-0837.

Only the first 20 individuals registered by 5:00 p.m. on June 5, 2024, will be allowed to testify at the June 12, 2024, remote public witness hearing. This hearing will be canceled if no one registers to testify by 5:00 p.m. on June 5, 2024;

3. That the public witness hearing will be conducted solely for the purpose of receiving the testimony of public witnesses in accordance with Commission Rule R1-21(g).

The Commission reserves the right to limit testimony at the public witness hearings pursuant to Commission Rule R1-21(g)(5);

4. That a hearing for the purpose of receiving expert witness testimony on DEP's and NCEMC's Application is scheduled to begin at immediately following the hearing in Docket No. E-7, Sub 1297, which is scheduled to begin immediately following the hearing in Docket No. E-100, Sub 190, which is scheduled to begin at 2:00 p.m. on Monday, July 22, 2024. If the hearing on DEP's and NCEMC's Application begins prior to August 9, 2024, and has not concluded by August 9, 2024, the hearing will resume at 2:00 p.m. on Tuesday, September 3, 2024, continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Second Floor, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina;

5. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

6. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than June 20, 2024;

7. That the Public Staff and other intervenors' direct testimony and exhibits shall be filed on or before June 20, 2024;

8. That DEP's and NCEMC's rebuttal testimony and exhibits, if any, shall be filed on or before July 16, 2024;

9. That all parties filing supporting exhibits shall provide to the Commission electronic versions of the exhibits filed in native format via email at NCUCexhibits@ncuc.gov, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of issuance of this Order if already filed with the Commission). That DEP, NCEMC, 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;

10. That the Chief Clerk of the Commission shall deliver copies of the Application and the Public Notice attached hereto as Appendix A to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration for distribution by the Coordinator to State agencies having an interest in the Application;

11. That DEP and NCEMC shall, at their own expense, publish in newspapers having general coverage in its service area, the Public Notice, attached as Appendix A, once a week for four consecutive weeks, at least 30 days in advance of the first hearing scheduled herein;

12. That DEP and NCEMC shall mail to each of their customers a copy of the Public Notice no later than 30 days in advance of the first hearing set herein;

13. That DEP and NCEMC shall make a copy of the Public Notice prominently available on their websites, and provide an email with an electronic link to the Public Notice for all customers receiving bills electronically; and

14. That DEP and NCEMC shall file no later than the date of the first public hearing an affidavit of publication and certificate of service showing that they provided notice as required herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 10th day of April, 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

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1318
DOCKET NO. EC-67, SUB 55

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Joint Application of Duke Energy Progress,)
LLC and North Carolina Electric)
Membership Corporation for a Certificate) PUBLIC NOTICE
of Public Convenience and Necessity to)
Construct a 1,360 MW Natural Gas-Fueled)
Combinded Cycle Electric Generating)
Facility in Person County, North Carolina)

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Sections 62-82 and 62-110.1 of the General Statutes of North Carolina and North Carolina Utilities Commission Rule R8-61, Duke Energy Progress, LLC (DEP) and North Carolina Electric Membership Corporation (NCEMC), (together with DEP, Joint Applicants), filed an application for a certificate of public convenience and necessity to construct a 1,360 MW natural gas-fueled combined cycle electric generating facility in Person County, North Carolina (Application). In summary, DEP and NCEMC state that the facility will be located at the site of DEP's existing Roxboro Plant and will consist of an approximately 1,360 MW combined cycle gas turbine (CC) facility. The Joint Applicants state that the CC (Facility) will be placed into service by January 1, 2029, with DEP's owning approximately 1,135 MW of the capacity, and NCEMC's owning approximately 225 MW of the capacity. The Facility, along with the Roxboro coal-fired units 2 and 3, will be known as the Person County Energy Complex. The Application indicates that only minimal network upgrades are necessary to interconnect the replacement generation of the two units, and an interconnection request has been submitted for the incremental capacity of the Facility. The Application states that DEP has contracted for sufficient firm interstate transportation natural gas capacity to support the demand requirements for the Facility that is incremental to DEP's existing CC fleet requirements. The Application further states that DEP has contracted for firm intrastate transportation rights with Public Service Company of North Carolina, Inc. The testimony accompanying the Application discusses DEP's and NCEMC's need for and cost of the Facility. The total projected cost of the project was filed under seal as a confidential trade secret.

Specific information about the Application may be obtained at the business offices of DEP or at the Office of the Chief Clerk of the North Carolina Utilities Commission, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, where a copy of the Application is available for review. These materials, as well as pleadings, the prefiled testimony and exhibits of all parties, the transcripts of all hearings, briefs, and proposed orders, may be viewed as they become available on the Commission's website at www.ncuc.gov. Click on "Docket Search" and search for docket number "(E-2 Sub 1318 and/or EC-67 Sub 55)".

FURTHER NOTICE IS GIVEN that the North Carolina Utilities Commission has scheduled hearings for the purpose of receiving public witness testimony on the Application as follows:

Roxboro:	Thursday, June 13, 2024, at 7:00 p.m. Person County Courthouse 105 South Main Street, Superior Courtroom Roxboro, North Carolina 27573
Virtual:	Wednesday, June 12, 2024, at 6:30 p.m. Held remotely via Webex

The June 12, 2024, public witness hearing shall be held remotely via Webex, beginning at 6:30 p.m. A link to view the hearing will be available at www.ncuc.gov. Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on June 5, 2024.

To register, please complete the electronic Remote Public Witness Registration form located on the Commission's website at www.ncuc.gov/hearings/remotepublicregister.html. A confirmation email will be sent to the email provided after the registration form is submitted. Further instructions, including the call-in number, will be provided to you by email approximately one week before the hearing. Witnesses calling from a different number than provided at registration may experience delays or other difficulties in providing their testimony. If assistance is needed, please contact 919-733-0837.

Only the first 20 individuals registered by 5:00 p.m. on June 5, 2024, will be allowed to testify at the June 12, 2024, remote public witness hearing. This hearing will be canceled if no one registers to testify by 5:00 p.m. on June 5, 2024.

The public witness hearings will be solely for the purpose of receiving the testimony of public witnesses in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the public witness hearings pursuant to Commission Rule R1-21(g)(5).

A hearing solely for the purpose of receiving expert witness testimony from the parties' witnesses and for cross-examination of expert witnesses for DEP, NCEMC, the Public Staff, and any other intervenors will be held in Raleigh immediately following the hearing in Docket No. E-7, Sub 1297, which is scheduled to begin immediately following the hearing in Docket No. E-100, Sub 190, which is scheduled to begin at 2:00 p.m. on Monday, July 22, 2024. If the hearing on DEP's and NCEMC's Application begins prior to August 9, 2024, and has not concluded by August 9, 2024, the hearing will resume at 2:00 p.m. on Tuesday, September 3, 2024, continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Second Floor, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

Persons desiring to present testimony for the record should appear at one of the public hearings. Persons desiring to send written statements to inform the Commission of their positions in the matter should address their statements to the North Carolina Utilities

Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300 and reference Docket No. E-2, Sub 1318 / EC-67, Sub 55. However, such written statements cannot be considered competent evidence unless those persons appear at the hearing and testify concerning the information contained in their written statements. Customers can also email the Commission a statement about DEP's and NCEMC's Application via the Commission's website at www.ncuc.gov/contactus.html. In either case, consumer statements will be placed in Docket No. E-2, Sub 1318 / EC-67, Sub 55CS, and may be accessed by searching that docket number via the Commission's website.

Persons having an interest in the investigation and desiring to intervene in the matter as formal parties of record may file their petitions to intervene not later than June 20, 2024. These petitions should reference Docket No. E-2, Sub 1318 / EC-67, Sub 55 and should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300. All parties to this proceeding planning to present expert testimony must prefile their testimony and exhibits not later than June 20, 2024.

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 which 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 – North Carolina Utilities Commission
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 of North Carolina
c/o Consumer Protection – Utilities
9001 Mail Service Center
Raleigh, North Carolina 27699-9001

This the 10th day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Chief Clerk

NOTE TO PRINTER: DEP and NCEMC shall pay advertising costs. It is required that an Affidavit of Publication be filed with the Commission by DEP and NCEMC.