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**Kiran H. Mehta**  
kiran.mehta@troutman.com

October 23, 2020

**VIA ELECTRONIC FILING**

Ms. Kimberley A. Campbell, Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4300

RE: Duke Energy Carolinas LLC's Second Motion Requesting That the Commission  
Take Judicial Notice of Certain Evidence Introduced in the Duke Energy Progress,  
LLC Hearing  
Docket No. E-7, Sub 1213  
Docket No. E-7, Sub 1214  
Docket No. E-7, Sub 1187

Dear Ms. Campbell:

Enclosed for electronic filing is Duke Energy Carolinas LLC's *Second Motion Requesting That the Commission Take Judicial Notice of Certain Evidence Introduced in the Duke Energy Progress, LLC Hearing*.

Please do not hesitate to contact me should you have any questions. Thank you for your assistance in this matter.

Sincerely,

/s/ Kiran H. Mehta

Kiran H. Mehta

Enclosure

cc: Parties of Record

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-7, SUB 1213  
DOCKET NO. E-7, SUB 1214  
DOCKET NO. E-7, SUB 1187

DOCKET NO. E-7, SUB 1213 )  
)  
In the Matter of )  
Application for Approval of Proposed )  
Prepaid Advantage Program )  
)  
DOCKET NO. E-7, SUB 1214 )  
)  
In the Matter of )  
Application of Duke Energy Carolinas, LLC )  
for Adjustment of Rates and Charges )  
Applicable to Electric Utility Service in North )  
Carolina )  
)  
DOCKET NO. E-7, SUB 1187 )  
)  
In the Matter of )  
Application of Duke Energy Carolinas, LLC )  
for an Accounting Order to Defer )  
Incremental Storm Damage Expenses )  
Incurred as a Result of Hurricanes Florence )  
and Michael and Winter Storm Diego )

**DUKE ENERGY CAROLINAS,  
LLC'S SECOND MOTION  
REQUESTING THAT THE  
COMMISSION TAKE JUDICIAL  
NOTICE OF ADDITIONAL  
EVIDENCE INTRODUCED IN  
THE DUKE ENERGY  
PROGRESS, LLC HEARING**

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NOW COMES Duke Energy Carolinas, LLC (DEC or Company), by and through its legal counsel and pursuant to Rules R1-7 and R1-24 of the Rules and Regulations of the North Carolina Utilities Commission (Commission), as well as the Commission's Order Establishing Procedures and Dates for Filing Motions Requesting Judicial Notice in the above-referenced proceeding (Judicial Notice Order), and respectfully moves that the Commission take judicial notice of additional evidence introduced during the Duke Energy Progress, LLP (DEP) expert testimony hearings in Docket No. E-2, Sub 1219 (DEP Hearings).

On October 13, 2020, this Commission issued, in both this Docket and the DEP Docket, E-2, Sub 1219, the Judicial Notice Order. The Judicial Notice Order provided guidelines with respect to when and how parties in each Docket should request judicial notice of testimony taken in the other docket. On October 21, 2020, the Commission issued an Order Granting Motion to Take Judicial Notice of

Testimony and Exhibit Presented by Witnesses Williams and Wells in the DEP Hearing. Pursuant to the Judicial Notice Order, the Company Submits this Motion requesting that the Commission take judicial notice of additional evidence presented in the DEP Hearing.

The Company requests that the Commission take judicial notice of certain evidence presented by witnesses Jessica Bednarcik, Jim Wells, Marcia Williams, David Doss, Sean Riley, and John Spanos. The chart below lists the specific evidence covered by this Motion and identifies the corresponding transcript volumes and page numbers for this evidence.

<b>Witness</b>	<b>Volume</b>	<b>Page Numbers</b>	<b>Description</b>
Bednarcik (direct)	12	319, l. 17 through 320, l. 7	Testimony regarding reasonableness and prudence of historical coal ash pond operations applicable to DEC and DEP.
Bednarcik (direct)	13	41, l. 5 through 43, l. 15	Testimony responding to questions about cost impacts of historical decisions and addressing whether costs would be lower under various hypothetical scenarios. Responses translate to historical decisions for both DEC and DEP.
Bednarcik (direct)	13	52, l. 9 through 65, l. 15, along with exhibits:  Bednarcik Direct DEP Redirect Exhibit 1  Bednarcik Direct DEP Redirect Exhibit 2  Bednarcik Direct DEP Redirect Exhibit 3  Bednarcik Direct DEP Redirect Exhibit 4	Testimony on redirect covering topics relevant and material to both DEC and DEP, including DEQ policy, the Sutton Settlement, and witness Bonaparte's analysis of peer utility closure planning practices.
Bednarcik (direct)	13	67, l. 17 through 70, l. 4	Testimony on redirect covering topics relevant and material to both DEC and DEP regarding location restrictions and industry standards.
Bednarcik (rebuttal)	17	477, l. 15 through p. 481, l. 3	Testimony covering industry standards and witness Bednarcik's knowledge and discussion with industry peers regarding coal ash closure practices pre-merger and post-merger.

<b>Witness</b>	<b>Volume</b>	<b>Page Numbers</b>	<b>Description</b>
Bednarcik (rebuttal)	18	43, l. 12 through p. 44, l. 9	Redirect Testimony addressing witness Bonaparte report and industry standards.
Bednarcik (rebuttal)	18	48, l. 4 through p. 50, l. 15	Redirect testimony applicable to both DEC and DEP addressing compliance boundary costs.
Wells / Williams panel	19	700, l. 12-24	Redirect testimony applicable to both DEC and DEP addressing EPA policies and practices, industry standards, and EPA decision-making.
Wells / Williams panel	19	701, l. 1 (note: Objection here that interrupts testimony) through 710 l. 11	Redirect testimony applicable to both DEC and DEP addressing witness Quarles' recommendations, the 2004 EPRI decommissioning report, and EPA Report to Congress on basin closure.
Wells / Williams panel	19	712, l. 8 through 717, l. 15 (721, l. 17 through 723, l. 1	Testimony applicable to both DEC and DEP regarding perched aquifer; groundwater monitoring and level of knowledge during the 1980s. In addition, this testimony addresses witness Wells' expertise, research, and ability to testify regarding DEC and DEP historical decisions.
Doss / Spanos / Riley panel	16	408, l. 18 through 413, l. 16	Testimony on cross examination responding to several broad accounting topics applicable to DEC and DEP including witness Maness' recommendations, ARO accounting classifications.
Doss / Spanos / Riley panel	17	38, l. 17 through 48, l. 3	Redirect testimony applicable to both DEC and DEP, including ARO accounting impact on ratemaking and GAAP classifications and requirements.
Doss / Spanos / Riley panel	17	49, l. 1 through 50, l. 20	Testimony applicable to DEC and DEP regarding coal plant retirements.

The above-referenced evidence presents information generally applicable to both the DEC and DEP Dockets.

The Company has consulted with the other parties to this proceeding and is authorized to represent to the Commission that the other parties do not object to this Motion.

WHEREFORE, the Company requests that:

1. The Commission take judicial notice of the aforementioned testimony excerpts from the DEP Hearings, along with Bednarcik Direct DEP Redirect Exhibits 1-4.

2. For such other and further relief as may be just and proper.

Respectfully submitted, this the 23<sup>rd</sup> day of October 2020.

**DUKE ENERGY CAROLINAS, LLC**

*/s/ Kiran H. Mehta*

Kiran H. Mehta (NC Bar No. 11011)  
Troutman Pepper Hamilton Sanders LLP  
301 South College Street, Suite 3400  
Charlotte, North Carolina 28202  
Tel: 704-998-4072  
[kiran.mehta@troutman.com](mailto:kiran.mehta@troutman.com)

**CERTIFICATE OF SERVICE**

DOCKET NO. E-7, SUB 1213  
DOCKET NO. E-7, SUB 1214  
DOCKET NO. E-7, SUB 1187

I hereby certify that a copy of the foregoing **DUKE ENERGY CAROLINAS, LLC'S SECOND MOTION REQUESTING THAT THE COMMISSION TAKE JUDICIAL NOTICE OF CERTAIN EVIDENCE INTRODUCED IN THE DUKE ENERGY PROGRESS, LLC HEARING** was served electronically or by depositing a copy in United States Mail, first class postage prepaid, properly addressed to the parties of record.

This the 23<sup>rd</sup> day of October 2020.

*/s/ Kiran H. Mehta*  
Kiran H. Mehta  
Troutman Pepper Hamilton Sanders LLP  
301 S. College Street, Suite 3400  
Charlotte, North Carolina 28202  
Telephone: 704.998.4072  
[Kiran.mehta@troutman.com](mailto:Kiran.mehta@troutman.com)

ATTORNEY FOR DUKE ENERGY CAROLINAS, LLC