

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-2, SUB 1283
DOCKET NO. E-7, SUB 1259**

In the Matter of:)	
Joint Petition of Duke Energy Carolinas,)	JOINT MOTION FOR
LLC and Duke Energy Progress, LLC to)	EXTENSION OF TIME
Request the Commission to Hold a Joint)	
Hearing with the Public Service)	
Commission of South Carolina to Develop)	
Carbon Plan)	

JOINT MOTION FOR EXTENSION OF TIME

NOW COME the North Carolina Sustainable Energy Association (“NCSEA”), Carolina Utility Customers Association, Inc. (“CUCA”), Carolina Industrial Group for Fair Utility Rates II (“CIGFUR II”), and the Carolina Industrial Group for Fair Utility Rates III (“CIGFUR III”) (CIGFUR II and CIGFUR III, collectively, “CIGFUR”) pursuant to Commission Rule R1-7 and move the North Carolina Utilities Commission (“Commission”) for an extension of time through and including January 31, 2022 for parties to file initial comments on *Joint Petition to Request the Commission to Hold a Joint Hearing with the Public Service Commission of South Carolina to Develop Carbon Plan* (“Petition”) and an extension of time through and including February 22, 2022 for parties to file reply comments on the Petition. In support of this motion, NCSEA, CUCA, and CIGFUR (collectively, the “Joint Movants”) show the Commission as follows:

1. On November 9, 2021, Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (DEC and DEP, collectively, “Duke”) filed their Petition with the Commission. Among other things, Duke’s Petition set forth proposed procedures for the joint proceeding, including the recommendation that “[a]ll filings would be

simultaneously made in both states . . . [to] enhance transparency and [] make procedural coordination easier for the two commissions.” Petition, at Attachment A (“Proposed Procedures for Joint NC/SC Proceeding”).

2. Also on November 9, 2021, DEC and DEP filed a *Joint Petition of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC to Request the Commission to Hold a Joint Hearing with the North Carolina Utilities Commission to Develop Carbon Plan* (“South Carolina Petition”) with the Public Service Commission of South Carolina (“PSCSC”) in Docket No. 2021-349-E. The South Carolina Petition filed with the PSCSC is substantively identical to the Petition filed with the Commission and included the same recommendation that filings in the proceeding be made simultaneously.

3. On November 18, 2021, the PSCSC directed its clerk to set a procedural schedule, and on November 22, 2021, the PSCSC clerk set deadlines for parties to intervene of December 31, 2021, for parties to file initial comments of January 31, 2022, and for parties to file reply comments of February 22, 2022.

4. On November 22, 2021, Duke submitted a letter to the Commission in which it noted that the action of the PSCSC to establish procedural deadlines for comment (without specifically stating those precise deadlines).¹ Despite having previously recommended the filing of simultaneous comments on the companion petitions, Duke’s letter proposed a schedule in North Carolina under which parties would be required to require comments weeks in advance of the comments in the South Carolina proceeding—i.e., Duke proposed the filing of initial comments in North Carolina on December 20, 2021

¹ While the letter states that the South Carolina deadlines are tied to the intervention deadline, and it provides that deadline, the letter does not provide the actual deadlines nor does it specifically explain why Duke was deviating from its prior proposal that parties file simultaneous comments.

(instead of the South Carolina deadline of January 31) and reply comments on January 10, 2021 (instead of the South Carolina deadline of February 22).

5. Duke did not represent in its November 22 letter that it had consulted with other stakeholders concerning its proposed procedural schedule nor did it represent the position of any stakeholders concerning its procedural request.

6. On November 23, 2021, the Commission issued its *Order Requesting Comments on Petition for Joint Proceeding* setting comment deadlines consistent with Duke's recommendation— initial comments by December 20, 2021, and reply comments by January 10, 2022.

7. The Joint Movants have all been granted intervention by the Commission in the above-captioned proceedings, and NCSEA and CIGFUR have petitioned the PSCSC to intervene in Docket No. 2021-349-E.

8. Because the questions presented by the Petition and the South Carolina Petition are identical, NCSEA and CIGFUR's respective comments to the Commission and the PSCSC are likely to be substantively identical. Therefore, in the interests of efficiency, and to prevent a party from seeking to "game" the comment cycle to a party's perceived advantage, the Joint Movants believe it is appropriate to file comments and reply comments in both states on the same date.

9. The submission of simultaneous comments is consistent with Duke's own procedural recommendation as stated in its Petition filed in both states—both as to any Joint Proceeding and as to consideration of Duke's proposal for a joint proceeding. Both Duke's Petition and Duke's South Carolina Petition proposed an identical procedural schedule for both states, proposing that comments would have been due on December 3,

2021 and reply comments would have been due on December 17, 2021. Petition, Para. 22; South Carolina Petition, Para. 21.

10. The only justification provided by Duke in its November 22, 2021, letter for seeking to accelerate the comment and decision cycle in North Carolina is “allowing the North Carolina process to move forward expeditiously given the accelerated statutory deadlines under which the Commission and the Companies must develop the Carbon Plan pursuant to HB 951.” Yet the Commission has already addressed this concern by establishing a separate proceeding and timelines for development of the Carbon Plan in Docket No. E-100, Sub 179.

11. Granting an extension of time in the above-captioned proceedings would not impact the Commission’s timeline set forth in Docket No. E-100, Sub 179.

12. The undersigned counsel has contacted counsel for all parties to the above-captioned proceedings regarding this motion and the Fayetteville Public Works Commission has indicated that it does not oppose the motion; the North Carolina Utilities Commission – Public Staff has indicated that it takes no position on the motion; Duke has indicated that it opposes this motion.

WHEREFORE, NCSEA, CUCA, and CIGFUR respectfully request that the Commission grant this Motion for an extension of time in the above-captioned proceedings for initial comments on the Petition to be due on January 31, 2022 and reply comments to be due on February 22, 2022, and grant such further relief as the Commission deems just and proper.

Respectfully submitted, this the 7th day of December 2021.

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CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing Joint Motion for Extension of Time by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 7th day of December 2021.

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