

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1324

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:

Application of Duke Energy Progress, LLC,)	
for Approval of Joint Agency Asset Rider)	
for Recovery of Costs Related to Facilities)	ORDER APPROVING JOINT
Purchased from Joint Power Agency Pursuant to)	AGENCY ASSET RIDER
N.C. Gen. Stat. § 62-133.14 and Commission)	
Rule R8-70)	

HEARD: Tuesday, September 19, 2023 at 9:13 a.m., in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina

BEFORE: Commissioner Floyd B. McKissick, Jr., Presiding; Chair Charlotte A. Mitchell and Commissioners ToNola D. Brown-Bland, Daniel G. Clodfelter, Kimberly W. Duffley, Jeffrey A. Hughes, and Karen M. Kemerait

APPEARANCES:

For Duke Energy Progress, LLC:

Robert W. Kaylor, Law Office of Robert Kaylor, 353 Six Forks Road, Suite 260, Raleigh, North Carolina 27609

For Carolina Industrial Group for Fair Utility Rates II:

Douglas D.C. Conant, Bailey & Dixon, LLP, 434 Fayetteville Street, Suite 2500, Raleigh, North Carolina 27601

For Carolina Utility Customers Association, Inc.:

Amanda S. Hawkins, Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, Suite 1700, Wells Fargo Capitol Center, Raleigh, North Carolina 27601

For the Using and Consuming Public:

Anne M. Keyworth and Nadia L. Luhr, Staff Attorneys, Public Staff - North Carolina Utilities Commission, 4326 Mail Service Center, Raleigh, North Carolina 27699-4300

BY THE COMMISSION: On June 13, 2023, Duke Energy Progress, LLC (DEP or Company), filed its Application for Approval of Joint Agency Asset Rider (JAAR), to recover costs related to facilities purchased from the North Carolina Eastern Municipal Power Agency (NCEMPA), pursuant to N.C. Gen. Stat. § 62-133.14 and Commission Rule R8-70. DEP's application was accompanied by the testimony and exhibits of Bryan L. Sykes. In its application and prefiled testimony, DEP sought approval of the proposed rider, which incorporated the Company's proposed adjustments to its North Carolina retail rates.

On June 23, 2023, the Carolina Industrial Group for Fair Utility Rates II (CIGFUR II) filed its petition to intervene. The Commission granted the petition on June 27, 2023. On July 3, 2023, Carolina Utility Customers Association, Inc. (CUCA) filed its petition to intervene. The Commission granted the petition on July 11, 2023. The intervention and participation by the Public Staff of the North Carolina Utilities Commission (Public Staff) is recognized pursuant to N.C. Gen. Stat. § 62-15(d) and Commission Rule R1-19(e).

On June 30, 2023, the Commission issued an Order Scheduling Hearing, Requiring Filing of Testimony, Establishing Discovery Guidelines, and Requiring Public Notice (Scheduling Order), in which the Commission set this matter for a public witness and expert witness hearing to be held on September 19, 2023, established discovery guidelines, and provided for public notice of the hearing.

On August 28, 2023, the Public Staff filed the Affidavit of Meredith Strickland, a Public Utilities Regulatory Analyst with the Accounting Division of the Public Staff.

No other party pre-filed testimony or an affidavit in this docket.

On September 11, 2023, DEP and the Public Staff filed a Joint Motion to Excuse Witnesses from Appearance at the September 19, 2023, expert witness hearing in this proceeding. In summary, DEP and the Public Staff stated that all parties had waived cross-examination of the expert witnesses and had no objection to the admission of their testimony into evidence.

On September 13, 2023, the Commission issued an Order Canceling Expert Witness Hearing and Receiving Prefiled Testimony and Affidavit into Evidence, in which the Commission cancelled the expert witness hearing, received the prefiled testimony, exhibits, and affidavits into the record, and required that proposed orders be filed by October 19, 2023.

On September 18, 2023, DEP filed its affidavits of publication for the public notice, as required by the Scheduling Order.

The matter came on for the public witness hearing as scheduled on September 19, 2023. No public witnesses appeared.

On October 19, 2023, DEP and the Public Staff filed a Joint Proposed Order.

Based upon the foregoing, DEP's verified application, the testimony, exhibits, and affidavits received into evidence prior to the hearing, and the entire record in this proceeding, the Commission makes the following:

FINDINGS OF FACT

1. DEP is a duly organized corporation existing under the laws of the State of North Carolina, engaged in the business of developing, generating, transmitting, distributing, and selling electric power to the public in North Carolina and South Carolina, and is subject to the jurisdiction of the North Carolina Utilities Commission as a public utility. DEP is lawfully before this Commission based upon its application filed pursuant to N.C. Gen. Stat. § 62-133.14 and Commission Rule R8-70.

2. On July 31, 2015, DEP acquired NCEMPA's undivided ownership interests of 18.33% in the Brunswick Steam Electric Plant (Brunswick Units 1 and 2), 12.94% in Unit No. 4 of the Roxboro Steam Electric Plant (Roxboro Unit 4), 3.77% in the Roxboro Plant Common Facilities, 16.17% in the Mayo Electric Generating Plant (Mayo Unit 1), and 16.17% in the Shearon Harris Nuclear Power Plant (Harris Unit 1) (collectively, Joint Units). On May 12, 2015, the Commission issued an Order Approving Transfer of Certificate and Ownership Interests in Generating Facilities in Docket No. E-2, Sub 1067 and Docket No. E-48, Sub 8, which approved the transfer of NCEMPA's ownership interests in the Joint Units to DEP.

3. North Carolina General Statute § 62-133.14 allows DEP to recover the North Carolina retail portion of all reasonable and prudent costs incurred to acquire, operate, and maintain the proportional interest in the Joint Units. Commission Rule R8-70(c) provides for an annual proceeding to establish the JAAR and requires the electric public utility to submit an application at the same time that it files the fuel proceeding information required by Commission Rule R8-55.

4. Commission Rule R8-70 schedules an annual adjustment hearing for DEP and requires that the Company use a test period of the calendar year that precedes the end of the test period used for purposes of Commission Rule R8-55. The test period covered by the proposed rates in this proceeding is January 1, 2022, through December 31, 2022. Pursuant to Commission Rule R8-70, each annual filing will provide for the recovery of costs expected to be incurred in the rate period (prospective component), including the levelized annual cost of the plant initially acquired and appropriate annual portions of the cost of other assets acquired (excluding construction work in progress), as well as ongoing annual non-fuel operating costs, reduced by the annual effects of the acquisition on North Carolina retail allocation factors. Commission Rule R8-70(b) provides for an over- or under-recovery component as a Joint Agency Asset Rolling Recovery Factor (RRF), and requires the Company to use deferral accounting and maintain a cumulative balance of costs

incurred but not recovered through the JAAR. This cumulative balance will accrue a monthly return as prescribed by Commission Rule R8-70.

5. DEP's proposed rates consist of a prospective component related to the future billing period December 2023 through November 2024 (rate period), and a RRF component that accomplishes the true-up of costs incurred through the test year ended December 31, 2022.

6. In its testimony in this proceeding, DEP requested a total of \$158.540 million for the prospective component of its North Carolina retail revenue requirement, for the period December 1, 2023, through November 30, 2024, associated with the acquisition and operating costs of NCEMPA's undivided ownership interest in the Joint Units.

7. The annual levelized costs associated with the acquisition of the Joint Units at the time of purchase were \$55.837 million. DEP also requested an additional \$8.265 million in annual pre-tax costs associated with the acquisition costs not included in the levelized costs. The acquisition costs underlying these amounts are deemed reasonable and prudent under N.C.G.S. § 62-133.14(b)(1).

8. DEP requested an additional \$26.036 million in annual financing and operating costs relating to estimated capital additions during the rate period. The Commission finds it reasonable for the Company to recover these estimated costs during the rate period, subject to true-up through the RRF.

9. DEP estimates the annual non-fuel operating costs from December 1, 2023, to November 30, 2024, to be \$68.180 million. The Commission finds it reasonable for the Company to recover these estimated costs during the rate period, subject to true-up through the RRF.

10. DEP requested \$0.222 million for incremental regulatory fees. The Commission finds it reasonable for the Company to recover these estimated costs during the rate period, subject to true-up through the RRF.

11. The prospective annual revenue requirement of \$158.540 million resulting from the summing of the amounts set forth in Findings of Fact Nos. 7 through 10 has not been reduced by the annual effects of the acquisition on North Carolina retail allocation factors. This credit is no longer applicable in the JAAR since North Carolina retail base rates approved in Docket No. E-2, Sub 1142 reflect that more costs are being allocated to wholesale customers, because the Company is now supplying the entire electric requirements for NCEMPA.

12. In addition to the prospective components, DEP requests to collect \$23.300 million through the RRF component of its North Carolina retail revenue requirement charged during the rate period related to the under recovery of financing and non-fuel operating costs experienced through the test year ended December 31, 2022. The Commission finds the actual costs and credits underlying this true-up amount to be

reasonable and prudent for purposes of this proceeding, and recovery of this amount to be reasonable and appropriate.

13. Under N.C.G.S. § 62-133.14(b)(5), the prospective components and RRF have been allocated under the customer allocation methodology approved by the Commission in Docket No. E-2, Sub 1219, DEP’s most recent general rate case, as of the filing date in the present docket, to produce the following rates by customer class, which rates the Commission finds to be just and reasonable.

Rate Class	Applicable Schedule(s)	Prospective Rate	Rolling Recovery Factor	Combined Rate*
Non-Demand Rate Class (dollars per kilowatt-hour)				
Residential	RES, R-TOUD, R-TOUE, R-TOU	0.00500	0.00148	0.00648
Small General Service	SGS, SGS-TOUE	0.00529	0.00087	0.00616
Medium General Service	CH-TOUE, CSE, CSG	0.00386	(0.00178)	0.00208
Seasonal and Intermittent Service	SI	0.00291	0.00422	0.00713
Traffic Signal Service	TSS, TFS	0.00278	0.00057	0.00335
Outdoor Lighting Service	ALS, SLS, SLR, SFLS	-	-	-
Demand Rate Classes (dollars per kilowatt)				
Medium General Service	MGS, GS-TES, AP-TES, SGS-TOU	1.27	(0.15)	1.12
Large General Service	LGS, LGS-TOU	1.38	0.05	1.43

* The Company utilized the 0.140% regulatory fee rate in effect as of the June 13, 2023 annual filing. In the Commission's Order issued on June 30, 2023, in Docket No. M-100,

Sub 142, the regulatory fee was revised effective July 1, 2023, to 0.1475%. This change in the regulatory fee does not change the rates as filed by the Company.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 1

This finding of fact is essentially informational, procedural, and jurisdictional in nature and is uncontroverted.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 2-4

The evidence for these findings of fact can be found in DEP's application, N.C.G.S. § 62-133.14, and Commission Rule R8-70.

Under N.C.G.S. § 62-133.14(a), upon the filing of a petition of an electric public utility and a public hearing, the Commission is required to approve an annual rider to the utility's rates for the North Carolina retail portion of reasonable and prudent costs incurred to acquire, operate, and maintain the Joint Units. Pursuant to the statute, the acquisition costs shall be deemed reasonable and prudent and shall be levelized over the useful life of the Joint Units at the time of acquisition. Further, financing costs shall be included and shall be calculated using the weighted average cost of capital as authorized in the utility's most recent general rate case.

In addition, the statute provides that the utility may recover an estimate of operating costs based on the experience of the test period and the costs projected for operation of the Joint Units for the next 12 months, subject to the filing of an annual adjustment including any under- or over-recovery, any changes necessary to recover costs for the next 12-month period, or any changes to the cost of capital or customer allocation methodology occurring in a general rate case after the establishment of the initial rider. Commission Rule R8-70(c) requires the Company to propose annual updates to its JAAR in order for the hearing to be held as soon as practicable after the hearing held by the Commission under Rule R8-55.

The Commission concludes that DEP's application is in compliance with N.C.G.S. § 62-133.14 and Commission Rule R8-70.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 5-7

The evidence for these findings of fact can be found in the direct testimony of DEP witness Sykes and in the affidavit of Public Staff witness Strickland.

DEP witness Sykes' exhibits reflect that DEP's annual levelized cost associated with the acquisition price of the Joint Units was \$55.837 million. In his direct testimony, DEP witness Sykes explained that the Company seeks to recover its acquisition costs, which are the amounts DEP paid to NCEMPA to acquire the proportional ownership interest in the Joint Units, including the amount paid above the net book value of the facilities. Within this first category of acquisition costs, there are also two subgroups: costs for which the recovery is levelized and costs for which the recovery is not levelized. In general terms, the

levelized revenue requirement represents recovery of the acquisition cost for the NCEMPA assets, spread evenly over the remaining life of the assets at the time the Joint Units were purchased. DEP witness Sykes also included additional financing and operating costs of \$8.265 million associated with assets purchased that were not included as part of the levelized costs. In his direct testimony, DEP witness Sykes described these costs as including inventory amounts that are part of the asset acquisition costs, nuclear fuel inventory, dry cask storage, and materials and supplies inventory. Because these assets are not depreciated, the financing costs for these amounts are calculated on the basis of the average investment for the rate period.

North Carolina General Statute § 62-133.14(b)(2) provides that the JAAR shall include financing costs equal to the weighted average cost of capital as authorized by the Commission in the electric public utility's most recent general rate case. DEP witness Sykes' exhibits reflect that the Company computed the debt and equity rate of return and the Company's weighted average net-of-tax cost of capital as authorized by the Commission in DEP's most recent general rate case as of the filing date in the present docket.

In her affidavit, Public Staff witness Strickland stated that the Public Staff's investigation included a review of DEP's application, testimony and exhibits filed in this docket, as well as the JAAR monthly reports. She further stated that the Public Staff performed a review of the underlying capital additions and operating costs added to the calculation of the rider in this proceeding and did not perform a full-scale review of the prudence and reasonableness of all such additions or expenses. She stated that Commission Rule R8-70(b)(4) provides that the Commission is to determine the reasonableness and prudence of the cost of capital additions or operating costs incurred related to the acquired plant in a general rate proceeding. However, should the Public Staff discover imprudent or unreasonable costs in a JAAR proceeding, it will recommend an adjustment in that proceeding and recommend that the impact of any disallowance also be reflected in the Company's cost of service in a general rate case. She stated the Public Staff did not find any adjustments that should be made to the calculations of either the prospective or RRF revenue requirements.

Based on the evidence, the Commission concludes that pursuant to N.C.G.S. § 62-133.14(b)(1), DEP is allowed to recover the following costs in this annual JAAR proceeding: (1) the financing and depreciation costs associated with the acquisition costs of the Joint Units on a levelized basis in the amount of \$55.837 million annually, and (2) the annual non-levelized amount of \$8.265 million of financing and operating costs associated with acquisition costs. To the extent the costs underlying these amounts are acquisition costs, such costs are deemed reasonable and prudent under N.C.G.S. § 62-133.14(b)(1). The Commission further finds it reasonable for the Company to recover the remainder of these estimated costs during the rate period, subject to true-up through the RRF.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 8-9

The evidence for these findings of fact can be found in DEP's application, the testimony of DEP witness Sykes, and the affidavit of Public Staff witness Strickland.

The Company requested annual costs of \$26.036 million to be included in the JAAR for financing and operating costs related to estimated capital additions to be incurred during the period December 1, 2023, through November 30, 2024, and an estimated \$68.180 million for annual non-fuel operating costs over the period December 1, 2023, to November 30, 2024. Under N.C.G.S. § 62-133.14(b)(3), the Commission shall include in the rider an estimate of operating costs based on the prior year's experience and the costs projected for the next 12 months, and shall include the annual financing and operating costs for any proportional capital investments in the acquired electric generation facility. Public Staff witness Strickland did not oppose the recovery of these cost components in her affidavit filed in this proceeding and stated that the Public Staff recommended approval of the Company's proposed JAAR rates. The Commission concludes that it is reasonable for the Company to recover these estimated costs during the rate period, subject to true-up through the RRF.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 10

The evidence for this finding of fact can be found in the testimony of DEP witness Sykes.

DEP witness Sykes' exhibits reflected an increase in DEP's regulatory fee to \$0.222 million during the period of December 1, 2023, through November 30, 2024. The Commission concludes that the calculation of the regulatory fee is just and reasonable.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 11

The evidence for this finding of fact can be found in DEP's application and the testimony of DEP witness Sykes, as well as the affidavit of Public Staff witness Strickland.

Under N.C.G.S. § 62-133.14(b)(4), the JAAR shall include adjustments to reflect the North Carolina retail portion of financing and operating costs related to the electric public utility's other used and useful generating facilities owned at the time of the acquisitions to properly account for updated jurisdictional allocation factors. This adjustment benefits DEP customers by reducing DEP's annual retail revenue requirement. DEP witness Sykes testified that the revenue reductions reflect changes in jurisdictional allocation factors resulting from the additional NCEMPA load that will be served by the Company's portfolio of generating facilities owned at the time of the acquisition. As a consequence, a greater portion of the cost of the Company's other generating facilities will be allocated to its wholesale jurisdiction, while a lesser portion will be allocated to its retail jurisdictions. In his direct testimony, DEP witness Sykes testified that the reallocation between retail and wholesale jurisdictions is reflected in the base rates approved by the Commission in Docket No. E-2, Sub 1142. Therefore, the reduction will not be included in JAAR revenue requirements from March 16, 2018, forward (effective date for those base rates). As a

result, the Commission concludes that the jurisdictional reallocation credit (revenue reduction), is not applicable for the test period of January 2022 through December 2022, nor the prospective rate period of December 2023 through November 2024.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 12

The evidence for this finding of fact can be found in DEP's application, the direct testimony of DEP witness Sykes, DEP's exhibits to its application, and the affidavit of Public Staff witness Strickland.

The Company requested a RRF increment adjustment of \$23.3 million related to the under recovery of costs incurred through the test year ended December 31, 2022. The Commission notes that DEP should file a RRF adjustment rider to include a true-up between estimated and actual costs incurred during the test period under N.C.G.S. § 62-133.14(c). The deferred costs related to any true-up are to be recorded as a regulatory asset or regulatory liability, including a return on the deferred balance each month. Public Staff witness Strickland did not oppose the return on this rate component in her affidavit. The Commission finds the actual costs and credits underlying this true-up amount to be reasonable and prudent, and that the return of this amount is reasonable and appropriate.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 13

The evidence for this finding of fact can be found in DEP's application, the direct testimony and exhibits of DEP witness Sykes, and the affidavit of Public Staff witness Strickland.

Pursuant to N.C.G.S. § 62-133.14(b)(5), the costs of the rider shall be allocated utilizing the cost allocation methodology approved in DEP's last general rate case, Docket No. E-2, Sub 1219. In his direct testimony, DEP witness Sykes testified that the Company's filing used the customer allocation methods approved in DEP's last general rate case. The North Carolina retail revenue requirement was allocated among customer classes using the production demand allocation factors. The allocated revenue requirement for each North Carolina retail customer class was then divided by estimated billing units, either kilowatt-hour (kWh) or kilowatt (kW), to produce the rates reflected for each rate class, as shown in the table below.

Rate Class	Applicable Schedule(s)	Prospective Rate	Rolling Recovery Factor	Combined Rate*
Non-Demand Rate Class (dollars per kilowatt-hour)				
Residential	RES, R-TOUD, R-TOUE, R-TOU	0.00500	0.00148	0.00648
Small General Service	SGS, SGS-TOUE	0.00529	0.00087	0.00616
Medium General Service	CH-TOUE, CSE, CSG	0.00386	(0.00178)	0.00208
Seasonal and Intermittent Service	SI	0.00291	0.00422	0.00713
Traffic Signal Service	TSS, TFS	0.00278	0.00057	0.00335
Outdoor Lighting Service	ALS, SLS, SLR, SFLS	-	-	-
Demand Rate Classes (dollars per kilowatt)				
Medium General Service	MGS, GS-TES, AP-TES, SGS- TOU	1.27	(0.15)	1.12
Large General Service	LGS, LGS- TOU	1.38	0.05	1.43

*The Company utilized the 0.140% regulatory fee rate in effect as of the June 13, 2023 annual filing. In the Commission order issued on June 30, 2023, in Docket No. M-100, Sub 142, the regulatory fee was revised effective July 1, 2023, to 0.1475%. This change in the regulatory fee does not change the rates as filed by the Company.

Public Staff witness Strickland stated that based on the Public Staff's investigation of the Company's filing, the Public Staff found no adjustments that should be made to the calculations of either the prospective or RRF revenue requirement. The Public Staff, therefore, recommended that the rates requested by the Company be approved and become effective for the rate period. In light of the foregoing, the Commission finds that the

rates calculated by the Company, which were recommended by the Public Staff, are just and reasonable and should be approved.

IT IS, THEREFORE, ORDERED, as follows:

1. That DEP shall be allowed to recover in a rate rider \$181.840 million (\$158.540 million as the prospective component and \$23.3 million in the Joint Agency Asset RRF) on an annual basis to recover the costs in relation to the acquisition and operation of the Joint Units;

2. That the costs shall be allocated using the customer allocation methodology used in DEP's last general rate case, Docket No. E-2, Sub 1219, as authorized by the Commission as of the June 13, 2023 annual JAAR filing, as shown in DEP's application and the testimony of DEP witness Sykes;

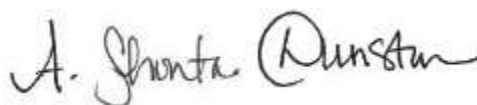
3. That DEP shall file appropriate rate schedules and riders with the Commission in order to implement these approved JAAR rate adjustments to be effective for service rendered on and after December 1, 2023, through November 30, 2024, as soon as practicable, but not later than ten days after the date of this Order; and

4. That DEP shall work with the Public Staff to jointly prepare a proposed notice to customers of the rate adjustments ordered by the Commission in this docket, as well as in Docket Nos. E-2, Subs 1320, 1321, and 1323 (DEP Rider Dockets), and shall file the proposed notice to customers for Commission approval no later than three business days after the last Commission Order is issued in the DEP Rider Dockets.

ISSUED BY THE ORDER OF THE COMMISSION.

This the 3rd day of November, 2023.

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