



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

October 24, 2023

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

Re: Docket No. E-7, Sub 1276 – Application of Duke Energy Carolinas, LLC for Adjustment of Rates and Charges Applicable to Electric Service in North Carolina and Performance-Based Regulation

Dear Ms. Dunston:

At the conclusion of the evidentiary hearing in this docket on September 5, 2023, the Presiding Commissioner ruled that the Commission would “hold the record open for the purpose of receiving... the supplemental testimony and schedules of the Public Staff on [Duke Energy Carolinas, LLC, hereafter DEC]’s May and June updates[]” which the Public Staff had indicated would be filed “by October 13th, 2023.” Tr. vol. 16, 422. In compliance with the Commission’s ruling, on October 13, 2023, the Public Staff filed the Joint Supplemental and Settlement Testimony and Exhibits of Fenge Zhang, Michelle Boswell, and Dustin R. Metz and the Supplemental Testimony of David M. Williamson and accompanying exhibits.

On October 17, 2023, Blue Ridge *et al.* and CIGFUR III (collectively Joint Movants) filed a Joint Motion to Strike and Request for Procedural Relief. On October 19, 2023, the Public Staff filed its Response to that motion. On October 20, 2023, the Public Staff filed an Errata Sheet and Corrected Supplemental Exhibits of David M. Williamson. On October 23, 2023, Joint Movants filed a Second Joint Motion to Strike and Request for Procedural Relief seeking, among other things, to strike the October 20, 2023 Errata Sheet and Corrected Supplemental Exhibits of David M. Williamson. Also on October 23, 2023, the Commission issued an Order Denying Motion to Strike and Reconvening Hearing (Denial Motion), denying CIGFUR III’s motion, allowed DEC to file supplemental rebuttal testimony, set a discovery period for DEC’s supplemental prefiled rebuttal testimony, scheduled the hearing to be reconvened, and set a deadline for supplemental post-hearing filings.

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Ms. A. Shonta Dunston

October 24, 2023

Page 2

Because the arguments offered in Joint Movant's Second Joint Motion to Strike are substantially similar to the arguments made in their first Joint Motion to Strike, in response, the Public Staff reiterates and offers the same response that it made in its October 19, 2023 response. In addition, the Public Staff notes that the Commission's July 26, 2023 Order Rescheduling Hearing and Providing Additional Hearing Procedures ordered parties to file any corrections to prefiled testimony or exhibits at least one business day prior to the witness taking the stand, with such corrections filed in the form of an errata filing of the corrections and a complete copy of the corrected testimony and exhibit. By Commission Order, such corrections did not require prior Commission leave in order to be filed. As noted in Joint Movant's second motion, on October 17, 2023, a Commission Staff Attorney notified counsel for all parties that Monday October 30 was being held by the Commission to potentially reconvene the evidentiary hearing, which has now been confirmed by the Denial Motion. In reliance on the Commission's July 26, 2023 order, and with the understanding that a hearing may be reconvened as it was in the DEP rate case, the Public Staff filed its October 20, 2023 Errata filing so that all parties would have the ability to review the correction as soon as possible. Waiting to file this Errata until after a ruling on the first Joint Motion to Strike would have truncated the time that all parties would have to review this important corrected information by three days. This additional time enabled Movant to submit, and the Public Staff to respond to, discovery on the Errata filing.

The Public Staff has no further response to Joint Movant's second motion at this time. By copy of this letter, I am serving a copy on all parties of record by electronic delivery.

Sincerely,

Electronically submitted

/s/ Thomas J. Felling

Staff Attorney

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