

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1289

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Duke Energy Progress, LLC, for)
a Certificate of Environmental Compatibility)
and Public Convenience and Necessity to)
Construct Approximately 2.1 Miles of New)
230 kV Transmission Line in Wake County,)
North Carolina)
	ORDER CANCELING PUBLIC WITNESS HEARING AND EXPERT WITNESS HEARING

BY THE PRESIDING COMMISSIONER: On April 14, 2022, Duke Energy Progress, LLC (DEP or Applicant), filed an application pursuant to N.C. Gen. Stat. § 62-100 et seq. and Commission Rules R1-5 and R8-62 for a certificate of environmental compatibility and public convenience and necessity (CPCN) to construct approximately 2.1 miles of new 230 kV transmission line in Wake County, North Carolina. In summary, DEP's application describes the details of the transmission line and the benefits to be provided by the line. The proposed line would serve the Fuji Film Diosynth Biotechnologies planned biopharmaceutical manufacturing facility in Holly Springs, North Carolina. Further, the application is supported by prefiled testimony and a Routing Study and Environmental Report. In addition, the application describes in detail the preferred route for the transmission line. Finally, as required by N.C.G.S. § 62-102(c), the application includes a proposed Public Notice that provides a summary of the application.

On April 22, 2022, the Commission issued an Order Scheduling Hearings and Requiring Public Notice (Scheduling Order). In the Scheduling Order, a public witness hearing was scheduled for Monday, August 22, 2022, at 7:00 p.m. for the purpose of receiving public witness testimony regarding DEP's application in accordance with Commission Rule R-21(g). The Scheduling Order noted that the public witness hearing may be canceled if no significant protests were filed with the Commission on or before August 2, 2022. The Scheduling Order also scheduled an expert witness hearing for Monday, September 12, 2022, at 1:00 p.m. Both hearings are scheduled to take place at the Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

On June 7, 2022, DEP filed an Affidavit of Publication confirming that the Public Notice had been published for four successive weeks in Wake County beginning on May 5, 2022.

On June 14, 2022, the State Clearinghouse of the North Carolina Department of Administration filed comments made in review of the environmental impact information received by the State Clearinghouse regarding the proposed transmission line and a letter

stating that it has determined that no further review action is needed for compliance with the North Carolina Environmental Policy Act.

On August 2, 2022, the Public Staff filed a letter in lieu of testimony in this proceeding stating that, based on its investigation of the application, exhibits, and other matters of record, the Public Staff believes that DEP has complied with the requirements of N.C.G.S. § 62-102 and has demonstrated as required by N.C.G.S. § 62-105 that: (1) the proposed transmission line is necessary; (2) when compared with reasonable alternative courses of action, construction of the line in the proposed location is reasonable; (3) the estimated costs associated with the line are reasonable; (4) the impact of the line on the environment is justified considering the state of available technology; and (5) the environmental compatibility, public convenience, and necessity require the transmission line. The Public Staff recommends that the Commission issue the requested CPCN. No other comments have been filed in this docket, and no other party has intervened.

On August 11, 2022, DEP filed a Motion to Cancel Hearings requesting that the Commission cancel both the public witness hearing and the expert witness hearing. DEP acknowledges that the Scheduling Order did not expressly state that the expert witness hearing may be canceled if no significant protests are filed, but notes that Commission Rule R8-62(o) states that an applicant may request the Commission to cancel an evidentiary hearing and decide the case on the filed record if no significant protests are filed with the Commission. DEP states that the Public Staff does not oppose the motion and notes that no significant protests have been received from any person. DEP requests that the Commission cancel both hearings, accept into evidence the application, testimony, and exhibits, and order DEP to file a proposed order on or before thirty days from the date of the Commission's order on DEP's motion.

Considering the foregoing, the Commission finds good cause to cancel the public witness hearing scheduled for August 22, 2022, at 7:00 p.m. and the expert witness hearing scheduled for September 12, 2022, at 1:00 p.m. in Commission Hearing Room 2115, Dobbs Building, 430 N. Salisbury Street, Raleigh, North Carolina. Further, the Applicant is ordered to file a proposed order on or before 30 days from the date of this Order.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of August, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Joann R. Snyder", is written over a light blue horizontal line.

Joann R. Snyder, Deputy Clerk