

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 179

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Duke Energy Progress, LLC, and Duke Energy Carolinas, LLC, 2022 Biennial Integrated Resource Plans and Carbon Plan) ORDER DENYING MOTION TO REOPEN RECORD TO RECEIVE LATE FILED EXHIBIT

BY THE CHAIR: On October 18, 2022, a group of intervenors in the above-captioned proceeding – the Clean Power Suppliers Association, the Carolinas Clean Energy Business Association, the North Carolina Sustainable Energy Association, the Southern Alliance for Clean Energy, the Sierra Club, and the Natural Resources Defense Council (collectively Joint Intervenors) – filed a Joint Motion to Reopen Record to Receive Late Filed Exhibit (Motion). The Motion requests that the Commission, pursuant to Commission Rules R1-7 and R1-24(b) and N.C. Gen. Stat. § 62-65(b), reopen the record in this proceeding to receive a late-filed exhibit or, in the alternative, to take judicial notice of the same, a report prepared by the National Renewable Energy Laboratory titled “Duke Energy Carbon-Free Resource Integration Study” (Report).

The Commission has carefully considered the Joint Intervenors’ Motion and Duke’s Letter. The evidentiary record in this matter was closed on September 29, 2022, following a hearing during which the record was developed. In accordance with N.C.G.S. § 62-110.9, the Commission must render a final decision in this docket by no later than December 31, 2022. Time is, as it has been, of the essence.

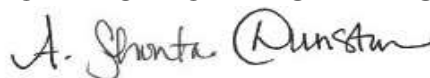
The Commission is mindful that were it to reopen the record to accept the Report, parties to the proceeding have the right to demand that the hearing be reopened in order to allow opportunity to litigate the probative value of the Report. See, e.g., *State ex rel. Utilities Com. v. Carolina Water Service, Inc.*, 328 N.C. 299, 308, 401 S.E.2d 353, 358 (1991). The Commission interprets footnote 18 to the Motion as such a request from a party to the proceeding, or at least an indication that such a request would be forthcoming. In light of the foregoing, the Commission declines to reopen the record to receive any additional evidence. Additionally, the Commission, in its discretion, declines to take judicial notice of the Report.

IT IS, THEREFORE, ORDERED that Intervenors’ Motion is hereby denied.

ISSUED BY ORDER OF THE COMMISSION.

This the 21st day of October, 2022.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Chief Clerk