

The Law Office of Kurt J. Olson

P.O. Box 10031
Raleigh, North Carolina, 27605
Tel: 919.916.7221
kurt.j.olson@gmail.com

November 7, 2019

VIA ELECTRONIC FILING

Ms. Kimberly A. Campbell
Chief Clerk
Office of the Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4325

Re: Docket E-100, Sub 161

Dear Ms. Campbell:

Enclosed please find Mission:data Coalition's *Response in Partial Opposition to Duke Energy Progress, LLC's and Duke Energy Carolinas, LLC's Motion for Further Extension of Time to File Comments or Proposed Rules*, to be filed in the above referenced docket. By copy of this letter, all parties of record are being served.

/s/
Kurt J. Olson, Esq.
Counsel for
Mission:data Coalition

cc: Counsel of Record

OFFICIAL COPY

Nov 08 2019

OFFICIAL COPY

Nov 08 2019

related docket, although the issues have been around long before then. *See*, Docket E-100, Sub 161, *Order Requiring Information, Requesting Comments, and Initiating Rulemaking* at 3 (February 4, 2019) (emphasis added). The Commission granted the Public Staff's request to initiate rulemaking on customer data issues and set April 15, 2019, as the date for filing initial comments or proposed rules. *Id.* at 4. Since that time the deadline for filing initial comments or proposed rules has been extended four (4) times, each time growing in duration so that the last extension, granted on September 10, 2019, pushed the deadline out an additional 60 days until November 12, 2019; 11 months after the *need* for initiating rulemaking was identified. *See*, Duke's Motion at 2-3. It is noteworthy that the matters being extended and consequently delayed, are the *initial* comments or proposed rules; the beginning of what may become a fairly lengthy process.

2. Mission:data agrees with the assertion in the Duke's Motion that the additional time previously granted in the four (4) prior extension requests has been put to good use. *See*, Duke's Motion at 3. Mission:data further agrees that the parties have not yet reached a consensus on all issues and that more time may yield positive results on this front. Ninety (90) days, however, is excessive, particularly given the four (4) prior extensions and the matters that are yet to be resolved. If past is prologue, the substantive work leading to results on the unresolved issues will inevitably take place in the latter part of that 90-day period, and as such, the issues resolved will have been addressed in a period of time much less than 90 days. This scenario is particularly likely as the holidays fall within the requested 90-day extension period and it is unlikely that anything will be addressed before or during the holiday period knowing that the final product is not due until February 10, 2020.

3. As the Commission has expressed in prior Orders, this docket raises important and complex issues. *See*, Docket E-100, Sub 161, *Order Requiring Information, Requesting Comments,*

and *Initiating Rulemaking* at 3 (February 4, 2019). Data collection is crucial to developing the most advanced and effective energy efficiency measures but at the same time raises complicated issues concerning informed consent and privacy. There is a clear need for this rulemaking and unnecessary delay should be avoided.

4. Mission:data's President has been extensively involved in hearings since the matter of an additional extension was raised by the movants and was unable to devote the time necessary to formulate a reply to DEC's and DEP's emails concerning a possible extension. Thus, Mission:data did not respond to emails alerting the interested parties that a fifth motion for extension of time would be filed. DEC and DEP are correct; Mission:data did not object to the motion, but it did not consent either. Forty (40) days seems to be a reasonable compromise. It will allow time to address yet-unresolved issues but not allocate so much time that the work *needed* will be put off until next year.

WHEREFORE, Mission:data respectfully requests that the Commission deny Duke' Motion for a 90-day extension of time in which to file *initial* comments or proposed rules, and instead extend the current deadline for filing those pleadings an additional 41 days from November 12, 2019 or to December 23, 2019.

Respectfully submitted this the 7th day of November 2019.

/s/ Kurt J. Olson
Kurt J. Olson, Esq.
Counsel for Mission:data Coalition
State Bar No. 22657
P.O. Box 10031
Raleigh, NC 27612
(919) 916-7221
kurt.j.olson@gmail.com

CERTIFICATE OF SERVICE

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

Respectfully submitted this the 7th day of November 2019.

/s/ Kurt J. Olson
Kurt J. Olson, Esq.
Counsel for Mission:data Coalition
State Bar No. 22657
P.O. Box 10031
Raleigh, NC 27612
(919) 916-7221
kurt.j.olson@gmail.com