

December 22, 2023

Via Electronic Filing

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

Re: *Biennial Consolidated Carbon Plan and Integrated Resource Plans of Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC, Pursuant to N.C.G.S. § 62-110.9 and § 62-110.1(c)*
Docket Nos. E-100, Sub 190

Dear Ms. Dunston:

Pursuant to the Commission's December 20, 2023 *Order Requesting Comments on Request for Development of Supplemental Portfolios and Adjustment to Procedural Schedule*, I write to submit this letter for filing in the above-referenced docket, in lieu of limited comments, on behalf of the Carolina Industrial Group for Fair Utility Rates II ("CIGFUR II") & the Carolina Industrial Group for Fair Utility Rates III ("CIGFUR III") (together with CIGFUR II, "CIGFUR").

On November 30, 2023, Duke filed the supplemental direct testimony of Glen A. Snider, which notified the Commission and all parties of substantial and material changes in the load forecast ("Updated 2023 Load Forecast") of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC (together, "Duke Energy" or the "Companies"). On December 18, 2023, the Companies filed a letter notifying the Commission of its intent to perform limited supplemental modeling and to submit additional portfolio analysis and supporting testimony in this proceeding based upon the Updated 2023 Load Forecast. Duke Energy's December 18, 2023 letter requests that the Commission extend the deadline for the Public Staff and intervenors to file direct testimony and exhibits to April 17, 2024; for the Companies to file rebuttal testimony to May 31, 2024; and that the Commission delay the start of the expert witness hearing to June 17, 2024.

As Duke Energy represented in its December 18, 2023 filing, CIGFUR does not object to the proposed procedural schedule contained in Duke Energy's filing. As Duke also noted, CIGFUR does wish to make the Commission aware, however, of a scheduling conflict CIGFUR's counsel has during the week of July 8-12, 2024.

CIGFUR's position on this matter remains unchanged. In other words, CIGFUR continues to not object to the proposed procedural schedule contained in Duke Energy's December 18, 2023 filing for the following reasons:

- (1) While the Updated 2023 Load Forecast and the supplemental modeling to be undertaken will undoubtedly create more work for all parties and potentially more disputed issues for the Commission to resolve in this proceeding, the only alternative course of action would have been for the Companies to have withheld such significant and materially different load forecast data. It should go without saying that, from CIGFUR's perspective at least, such an alternative course of action would have been entirely unacceptable and inappropriate. Without taking any substantive position regarding the Updated 2023 Load Forecast or any of the drivers thereof and reserving the right to dispute on any substantive ground the Companies' inputs, outputs, assumptions, and/or conclusions related to the Updated 2023 Load Forecast and forthcoming supplemental modeling, CIGFUR does not believe that the Companies should be penalized for rightly disclosing this information to the Commission and all parties in a timely fashion.
- (2) Overall, if the procedural schedule proposed by Duke Energy is adopted in its entirety, the Public Staff and intervenors will have nearly 5.5 additional months of time than they received in the 2022 Carbon Plan proceeding to conduct discovery, perform analyses and modeling, and otherwise scrutinize the Companies' CPIRP and all the data/assumptions contained or relied upon therein before filing direct testimony. Although the supplemental modeling and materially different change in future load forecast causing the need for such supplemental modeling are not ideal for any party to have to contend with in the midst of a litigated resource planning proceeding, CIGFUR believes the Companies have proposed a fair and equitable solution under the circumstances.
- (3) Pursuant to Commission Rule R8-60A(g)(5), the Commission "will issue an order adopting the next CPIRP by no later than December 31 of the year after the year in which the proposed CPIRP is filed with the Commission." Assuming (1) a hearing start date of June 17, 2024; (2) that the hearing lasts three weeks similar to the initial Carbon Plan proceeding litigated in 2022; (3) that transcripts are ready within a week after the close of the hearing; and (4) that all parties are allowed one month after completion of the final testimony transcript to file Proposed Orders and Post-Hearing Briefs, the Commission will have approximately 96 working days to decide and issue its order in a proceeding that will likely have a record rivaling only an electric rate case with performance-based regulation in terms of voluminousness of the evidentiary record. By comparison, the Commission had approximately 50 working days between the filing of post-hearing submissions to issuance of its order adopting initial Carbon Plan on December 30, 2022. CIGFUR believes that the more time the Commission has to decide and issue its decision in a docket as significant as the instant one, the better able the Commission will be to issue a decision that best serves the public interest.

- (4) As indicated above and as represented in Duke Energy's December 18, 2023 filing, CIGFUR's counsel has a scheduling conflict the week of July 8-12, 2023. CIGFUR believes that the procedural schedule proposed by the Companies, if adopted in its entirety, provides the best possible chance that CIGFUR can avoid the scheduling conflict altogether. If the schedule proposed by Duke Energy is not adopted with respect to the evidentiary hearing start date, CIGFUR would alternatively propose that the evidentiary hearing be scheduled to begin no sooner than July 15, 2024.

Under the circumstances, CIGFUR believes that a 50-day extension of time for the Public Staff and intervenors to file direct testimony is an adequate amount of time. For all these reasons, CIGFUR continues not to object to the procedural schedule proposed by the Companies in its December 18, 2023 filing.

Please contact me directly should you have any questions.

Best regards,

Electronically submitted
/s/ Christina D. Cress
Counsel for CIGFUR

cc: Parties of Record

CERTIFICATE OF SERVICE

The undersigned attorney for CIGFUR hereby certifies that she caused the foregoing letter to be served upon counsel of record for all parties to this proceeding, consistent with the Service List maintained by the NCUC Chief Clerk's office, by electronic mail.

This the 22nd day of December, 2023.

/s/ Christina D. Cress
Christina D. Cress