



Ladawn S. Toon
Associate General Counsel

NCRH 20 / P.O. Box 1551
Raleigh, NC 27602

o: 919.546.7971

Ladawn.Toon@duke-energy.com

July 6, 2023

VIA ELECTRONIC FILING

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

Re: Duke Energy Carolinas, LLC's Motion to Strike the Public Staff's Filing of Supplemental Testimony and Request for Relief in the Alternative Docket No. E-7, Sub 1282

Dear Ms. Dunston:

Please find enclosed for filing in the above-referenced proceeding Duke Energy Carolinas, LLC's ("DEC" or the "Company") Motion to Strike the Public Staff's Filing of Supplemental Testimony and Request for Relief in the Alternative.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance.

Sincerely,

Ladawn S. Toon

Enclosure

cc: Parties of Record

OFFICIAL COPY

JUL 06 2023

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1282

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:

Application of Duke Energy Carolinas, LLC)	DUKE ENERGY CAROLINAS, LLC'S
Pursuant to N.C.G.S. § 62-133.2 and)	MOTION TO STRIKE THE PUBLIC
Commission Rule R8-55 Relating to Fuel and)	STAFF'S SUPPLEMENTAL
Fuel-Related Charge Adjustments for Electric)	TESTIMONY AND REQUEST FOR
Utilities)	RELIEF IN THE ALTERNATIVE

NOW COMES Duke Energy Carolinas, LLC (“DEC” or the “Company”), by and through counsel and pursuant to Rules 1-7 and R1-24 of the Rules and Regulations of the North Carolina Utilities Commission (“Commission”) and Rule 402 of the North Carolina Rules of Evidence and submits this Motion to Strike the Public Staff’s Supplemental Testimony and Request for Relief in the Alternative.

On June 30, 2023, nearly two months after the Commission’s deadline for the Public Staff testimony and approximately one month after the close of the expert hearing, the Public Staff filed the Supplemental Testimony of Mr. Evan D. Lawrence in the above-captioned docket. In this Supplemental Testimony, Mr. Lawrence, for the first time, recommends a disallowance for replacement power costs resulting from an outage more than a year ago—in April and May, 2022—at DEC’s Belews Creek generating station.

The Public Staff’s Supplemental Testimony should be stricken because the Public Staff has failed to demonstrate good cause for such a substantial departure from the procedural schedule, resulting in prejudice to the Company. Inexplicably, the Public Staff does not even request Commission leave for its blatant departure from the Commission’s procedural schedule, let alone provide a detailed explanation for its inability to adhere to the procedural schedule—a schedule

which is generally consistent with the schedule utilized by the Commission for all recent fuel proceedings. Left unchecked, the Public Staff's approach to this issue implicitly sets an unreasonable, inequitable, and principle-less precedent that would undermine the Commission's orderly and organized management of matters, casts substantial scheduling uncertainty over future proceedings, and prejudices the Company. Finally, the Public Staff has failed to expressly identify a single fact on which it relies in reaching its recommendation in the Supplemental Testimony that was not available to it at the time its initial testimony was filed. In support of this motion, the Company shows as follows:

PROCEDURAL AND FACTUAL BACKGROUND

1. Pursuant to N.C.G.S. § 62-133.2, on February 28, 2023 DEC filed its annual application to adjust rates for changes in fuel-related costs based on a test year ending December 31, 2022.

2. On March 16, 2023, the Commission issued its *Order Scheduling Hearing, Requiring Filing of Testimony, Establishing Discovery Guidelines, and Requiring Public Notice* ("Scheduling Order"). DEC filed its direct testimony in support of its application on the day the application was filed. The Commission's Scheduling Order stated that the direct testimony and exhibits of the Public Staff and other intervenors was to be filed on or before Tuesday, May 9, 2023. The Scheduling Order also stated that DEC may file rebuttal testimony and exhibits on or before Thursday May 18, 2023. The Commission scheduled the public hearing in this matter for May 30, 2023.

3. The Commission's Scheduling Order also established guidelines for discovery in this matter. Among other things, stating in pertinent part that:

- a. “[f]ormal discovery requests related to the application and DEC’s prefiled direct testimony shall be served on DEC [on or before April 25, 2022].…”
- b. “…discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial discovery from DEC. The discovery is not to permit the introduction of new adjustments.”
- c. …”[u]pon the filing of an objection, the party seeking discovery shall have 2 calendar days to file with the Commission a motion to compel, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.”

4. On March 27, 2023, The Public Staff submitted Public Staff Data Request (“PSDR”) Set 7 to the Company, requesting a response by April 7, 2023. PSDR 7-13 specifically requested a meeting to discuss the Company’s responses to PSDR 7. The Company responded to PSDR 7 on April 6, 2023, and scheduled the discussion meeting for April 14, 2023.

5. Subsequently, on April 12, 2023, the Company requested to reschedule the meeting due to a scheduling conflict with a key Company subject matter expert. Public Staff Flanagan Cross Ex. 1, Ex. vol. 2, pp 7-9.

6. On April 17, 2023, in response to the Company’s offer to reschedule, the Public Staff, among other things, stated that “[a]t this time we are just too busy to have this meeting.” *Id.* at 7-9.

7. On April 20, 2023, the Public Staff, as a follow-up to PSDR 7, served PSDR 21 on the Company, with a response date of April 27, 2023.

8. The Company responded in full to PSDR 21 on an expedited schedule, meeting the Public Staff's requested date of April 27, 2023.

9. On May 9, 2023, the Public Staff caused to be filed in the above-captioned docket the pre-filed direct testimony of Evan D. Lawrence consisting of 29 pages and 1 appendix. Tr. Vol. 2, pp 260-289.

10. In Lawrence's direct testimony, he stated that the "Public Staff has been unable to complete its investigation into...[certain] outages..." and he was therefore unable to make a recommendation for disallowances of replacement power costs resulting from the following test-period outages:¹

- a. McGuire Nuclear Station Unit 2, February 21, 2022
- b. Belews Creek Steam Station Unit 2, April 22, 2022
- c. Belews Creek Steam Station Unit 2, August 31, 2022
- d. W.S. Lee Combined Cycle Plant, December 11, 2022

Tr. vol. 2, pp 267-276.

11. Mr. Lawrence first summarily asserts that the Public Staff was "unable to complete its investigation into the outages and cannot make recommendations at this time." Mr. Lawrence then points specifically to a meeting that the Public Staff and Company attempted to schedule, stating that "[t]he Public Staff and the Company attempted, but were unable, to find a mutually compatible time when required personnel were available, in part due to other matters pending before the Commission." Finally, Mr. Lawrence asserted that it would "continue to investigate the

¹ See also Public Staff Witness Lawrence Direct at 16.

[above listed] outages and provide the results of its investigation in a supplemental filing...” In his testimony, Mr. Lawrence did not acknowledge the Commission’s Scheduling Order or indicate an intention to seek the Commission’s permission to file such supplemental testimony outside of the established schedule. Tr. vol. 2, pp 15-17.

12. Earlier in his pre-filed direct testimony, Mr. Lawrence discusses a standing agreement with the Company regarding the provision of outage-related information on a semi-annual basis and indicates that the Public Staff is “concerned that the documents we have received ... do not satisfy the intent of this agreement.” Tr. vol. 2, p 266. The Public Staff then goes on to assert that it is “working with the Company to ensure that we receive all documents necessary to complete future investigations in a timely manner.” Tr. vol. 2, p 267. However, such differences of opinion regarding the standing agreement is not referenced later in the pre-filed testimony in explaining the basis for withholding his recommendations with respect to the outages in question.

13. In his pre-filed direct testimony, Mr. Lawrence alleges that the outages in question were “preventable” (despite, by his own admission, having not completed his investigation). However, despite concluding that the outages were “preventable,” Mr. Lawrence did not recommend any disallowances.

14. On May 18, 2023, in accordance with the Commission’s Scheduling Order, the Company filed the rebuttal testimony of Company Witness Jeffrey Flanagan. Mr. Flanagan’s testimony addressed both the Public Staff’s allegations regarding the provision of information, as well as the substantive allegation regarding the allegedly “preventable” nature of the outages. Tr. vol. 2, p 76.

15. More specifically, Mr. Flanagan confirmed that the Company responded fully and accurately “...to all data requests and has made itself available to the Public Staff to answer any

outstanding questions, including through in-person meetings regarding outages occurring in the test period.” Tr. vol. 2, p 86. Mr. Flanagan also detailed the extensive discovery responses submitted by the Company. Importantly, Mr. Flanagan provided clarifying evidence regarding the attempted meeting in question, which established that the Public Staff expressly declined the Company’s attempt to reschedule because the Public Staff was “just too busy” to meet. Tr. vol. 2, p 99. Finally, Mr. Flanagan rebutted Mr. Lawrence’s assertion regarding the standing agreement. Mr. Flanagan first explained that the standing agreement itself is an accommodation that “provides Public Staff with information outside and in advance of the cadence of the actual fuel cost proceedings.” Tr. vol. 2, p 82. Mr. Flannagan next confirmed that in this proceeding, “the Company did in fact provide all of [the] responsive information for the outages in question.” *Id.* Mr. Flannagan next confirmed that that “both DEC and DEP responded to the exact same semi-annual data request, in the same manner, for completed outages for calendar years 2020 through 2022” and that the Public Staff had not previously objected to the Company’s approach. Tr. vol. 2, pp 82-83. Finally, Mr. Flannagan further explained that the standing agreement in no way serves as any limit on the Public Staff’s discovery rights and that “separate and apart from the semi-annual data request or in response thereto, the Public Staff could have issued discovery for additional outage documentation, explanation, and further clarification to complete its investigation of test -period outages, and in fact, the Public Staff did issue substantial discovery regarding test-period outages” as is described above. Tr. vol. 2, p 83.

16. In addition, Mr. Flanagan rebutted Mr. Lawrence’s assertion that the outages in question were “preventable” (despite the fact that Mr. Lawrence did not make a disallowance recommendation in his direct testimony).

17. The Public Staff conducted additional discovery with respect to Mr. Flanagan's rebuttal testimony. Specifically, on May 23, 2023, the Public Staff issued PSDR 30, regarding Company Witness Flanagan's rebuttal testimony, requesting an expedited response by May 26, 2023.

18. On May 26, 2023, the Company responded to PSDR 30 in full.

19. In accordance with the Commission's Scheduling Order, the evidentiary hearing in the matter was called to order on May 30, 2023.

20. On May 31, 2023, Mr. Lawrence was called to the witness stand, by counsel for the Public Staff, to testify. Under direct examination, Mr. Lawrence testified that based on supplemental information received (presumably the responses to PSDR 30), he now had enough information to make a recommendation with respect to the Belews Creek Unit 2, April 22, 2022 outage extension. Mr. Lawrence did not explain the recommendation or identify the new information that he had received that allowed him to reach a recommendation. Tr. vol. 2, p 246.

21. Under cross examination, Mr. Lawrence seemingly confirmed that his inability to make a recommendation in his pre-filed direct testimony was not due to any alleged failure on the part of the Company to provide "adequate and timely responses to the data requests."² However, Mr. Lawrence then pointed to his vague concerns regarding the standing request (though in his pre-filed direct testimony, he had not connected those vague "concerns" to his inability to reach a recommendation). Mr. Lawrence also confirmed that there was nothing different with respect to

² Q. Okay. So do I understand that you've been critical of the Company not providing adequate and timely responses to the data requests that were submitted by the Public Staff and presumably by you since you were working on this investigation?

A. I wouldn't characterize it that way. I believe the data requests that were submitted in this case, the Company has been responsive to the -- you know, one of the concerns I have is about the standing, I believe it's been characterized as a standing agreement that the Company has with the Public Staff. We have that same agreement or at least a very similar agreement with this Company, DEC, Duke Energy Progress, and Dominion Energy to provide documentation related to outages because of the amount of time and complexity that outages involve for investigation. Tr. Vol. 2, pp. 309-310.

how the Company responded in connection with the standing agreement as compared with prior years.³

22. In response to Mr. Lawrence's stated intention to file supplemental testimony, Counsel for the Company requested as follows:

Could we reserve a right to object to any supplemental testimony til we see it. We're not aware that there's a procedure to allow supplemental testimony in this proceeding. So we would reserve the right to object to any offering of any supplemental testimony by this witness.

Tr. vol. 2, p 327.

Presiding Commissioner Kemerait responded, "yes you may reserve the right to object." *Id.*

23. On May 31, 2023, Presiding Commissioner Kemerait from the bench adjoined the hearing as follows:

...proposed orders due 30 days from service of the transcript. And with that, we'll close the evidentiary hearing and go off the record. And thanks to everyone for your work in this case.

Tr. vol. 2, p 355.

24. The Public Staff made no formal request to the Commission to hold the record open in order to present this supplemental testimony. At the close of the hearing Presiding Commissioner Kemerait asked if any party had any further requests before the record was closed. The Public Staff did not make any request.

25. On June 30, 2023, nearly two months following the initial deadline for the Public Staff testimony and one month after the Commission closed the evidentiary record, the Public Staff caused to be filed the Supplemental Testimony of Mr. Lawrence.

³ Tr. Vol. 2, pp. 310.

26. The Public Staff did not obtain leave from the Commission to file its Supplemental Testimony. Instead, the Public Staff appears to assume that the Commission would automatically modify its Scheduling Order without the Public Staff first having to show just cause.

ARGUMENT

27. As the Commission has previously noted,

The Commission's orders establishing procedural schedules are critical to the orderly and organized management of matters coming before the Commission. In general, the Commission modifies procedural schedules only when good cause is shown by the party requesting the modification and when no prejudice will result to the parties or the proceeding as a result of the modification. The Commission has allowed the filing of supplemental testimony in limited instances, where the need to file such supplemental testimony is driven by the subject matter of the testimony, such as cost updates in general rate case proceedings or settlement reached by parties prior to the evidentiary hearing.

Order Allowing Supplemental and Supplemental Rebuttal Testimony, and Providing for Limited Discovery, Docket No. W-1300, Sub 60, at 2 (March 3, 2022) (“Order Allowing Supplemental Testimony”) (finding no such emergent situation justifying supplemental testimony, but nevertheless allowing it given that the parties were working cooperatively together and neither party opposed the relief sought). In this proceeding, the Public Staff unilaterally departs from the Scheduling Order without showing good cause and, furthermore, has done so in a manner that is uniquely prejudicial to the Company.

28. Though the Public Staff has not provided a single comprehensive explanation justifying its need to file supplemental testimony, piecing together the various statements of Mr. Lawrence, it appears that the sole basis alleged to justify the Public Staff's inability to follow the Scheduling Order are (1) an alleged inability to complete its investigation, (2) a single cancelled meeting and (3) a vague “concern” that the Company did not adhere to a standing agreement to

provide certain outage information on a biannual basis. All such basis are insufficient and certainly do not amount to good cause as required by the Commission.

29. The Scheduling Order in this case was established consistent with past practice and therefore, by definition, provides sufficient time for the Public Staff to conduct discovery and formulate testimony in accordance with the Scheduling Order. If the Public Staff believed that the Scheduling Order did not provide sufficient time, it should have petitioned the Commission shortly after the issuance of the Scheduling Order for appropriate relief. A single cursory statement that the Public Staff could not complete its investigation is not sufficient to justify the Public Staff's departure from the Scheduling Order.

30. The inability to schedule a particular meeting is similarly an insufficient basis for allowing supplemental testimony. As was established by Mr. Flannagan, the Public Staff expressly declined the Company's attempts to reschedule the meeting in question.

31. Finally, the standing agreement to provide outage information outside of the cadence of the fuel cases is an accommodation in itself and the Public Staff was, in no way, denied opportunity to pursue discovery. In fact, as was confirmed by Mr. Lawrence, the Company's responsiveness to discovery was not the basis for his delay. Moreover, Mr. Lawrence only generally expressed "concerns" regarding the standing agreement and never articulated with specificity the nature of the Company's alleged shortcoming. And while the Public Staff has not alleged any discovery failure on the part of the Company, even if such a failure were alleged, the appropriate recourse would be to file a motion to compel at the Commission and seek relief at the time of such failure—not to unilaterally elect to file supplemental testimony two months after the otherwise applicable deadline for testimony. Therefore, the Public Staff has utterly failed to establish good cause for this substantial departure from the Scheduling Order.

32. Furthermore, the Company would be prejudiced by acceptance of the supplemental testimony. The basic structure of most litigated proceedings gives the Company the final response through the opportunity to submit rebuttal testimony. In this scenario, the Public Staff's approach in which Mr. Lawrence asserted in his initial direct testimony that the outages were "preventable" forced the Company to rebut such assertions. But by withholding his final recommendation, Mr. Lawrence was then able review the Company's rebuttal testimony and fine-tune his opinions prior to submitting his supplemental testimony. This approach provides an inequitable procedural advantage—effectively an "end-around" of the standard cadence of the litigated proceeding—that is simply inconsistent with the Scheduling Order, has prejudiced the Company, and has not been justified by good cause.

33. Mr. Lawrence indicates that additional information gathered through discovery on the Company's rebuttal testimony allowed him to finalize his opinion and therefore somehow justifies the filing of his supplemental testimony. This too is an insufficient basis for allowing supplemental testimony outside of the Scheduling Order. Parties are nearly always granted discovery rights with respect to the Company's rebuttal testimony and will, through such discovery, undoubtedly gather new information. But that fact alone is not sufficient to justify the opportunity to file supplemental testimony (absent any evidence that the Company withheld information, which has not been alleged in this case). If new information gathered through discovery on the Company's rebuttal testimony alone were a sufficient basis to justify supplemental testimony, then parties would always have the right to file supplemental testimony. Taken to its extreme and absurd logical endpoint, proceedings could continue endlessly, with each round of testimony bringing with it new discovery and new information, giving rise in turn to the right to file more supplemental testimony. In contrast, the Commission's scheduling orders set

reasonable timelines guided by the applicable statutory frameworks, and departures are only permitted for good cause and where no prejudice would result. At the point in time where the rebuttal aspect of the case occurs, all the issues should have been identified and the positions of the parties should have been at least adequately identified, if not fully vetted. The only purpose of the limited discovery available with respect to rebuttal testimony should be to permit parties to conduct meaningful cross examination of the Company's rebuttal witnesses on rebuttal issues. The Commission's willingness to allow intervening parties without the ultimate burden of proof to conduct discovery on rebuttal testimony is not to create an opportunity for parties to present surrebuttal testimony. To do so would further delay the Commission's ability to render final decision and give intervening parties the last word, thereby depriving the party with the burden of proof of the opportunity to respond.

34. Moreover, in considering whether good cause exists in this case, it is notable that Mr. Lawrence's Supplemental Testimony neither expressly references any of the information gathered by Mr. Lawrence after the date on which his initial pre-filed direct testimony was filed nor identifies the new fact(s) gathered after his direct testimony that finally allowed Mr. Lawrence to reach his recommendation. Even if a new fact alone was sufficient to justify supplemental testimony (which it is not for the reasons explained above), there does not appear to have been any new factual matters that prevented Mr. Lawrence from reaching his final position in accordance with the timeline contemplated by the Scheduling Order. In fact, it is unclear whether Mr. Lawrence relies at all on the Company's response to PSDR 30 (the data request submitted with respect to the Company's rebuttal testimony). Mr. Lawrence makes no attempt to clearly delineate what linchpin fact the Public Staff learned after filing its direct testimony that allowed Mr. Lawrence to finalize his recommendation. What is clear is that in his Supplemental Testimony,

Mr. Lawrence references to PSDR 21 on four separate occasions, even though the responses to PSDR 21 were provided on April 27, 2023, prior to the Public Staff filing its May 9, 2023, direct testimony. Specifically, Mr. Lawrence relies on the Company's responses to PSDR 21-5(c), PSDR 21- 5(i) including the Company's RRE Foreign Material Exclusion document, which was provided in response to PSDR 21. Finally, Mr. Lawrence rehashes background details, previously discussed in his direct testimony, and again those details are based on the Company's discovery response provided on or before April 27, 2023. The Public Staff has failed to identify one single reason or fact why it was not in a position to recommend a disallowance in its May 9, 2023 direct testimony. Further, by his own admission, Mr. Lawrence's Supplemental Testimony does not add to his direct testimony, rather it "further confirmed [his] initial conclusion."⁴

35. The Public Staff's approach would also set a dangerous precedent that introduces uncertainty and essentially renders the Commission's discovery and testimony deadlines optional any time the Public Staff is "unable" to reach a recommendation and determines that additional time is needed. In this particular case, if the Commission does not strike the testimony, the Commission is now placed in an untenable position of potentially having to reopen the hearing to allow for supplemental rebuttal followed by an additional hearing and additional post-hearing briefing. The net result of such extensions could result in a scenario in this case that allows the Commission less than a month to issue a decision.

36. It should also be noted that not all supplemental testimony is the same. As the Commission noted in its Order Allowing Supplemental Testimony, the Commission does allow supplemental testimony in particular circumstances involving good cause where other parties will not be prejudiced and where the need for such supplemental testimony is driven by the subject

⁴ Public Staff Witness Lawrence Supplemental Testimony at p 7.

matters. For instance, DEP filed various pieces of supplemental testimony in the currently pending base rate case (Docket No. E-2, Sub 1300) in accordance with the Commission's scheduling order in that proceeding that permitted updates to the Company's case through a capital cutoff period. Importantly, such supplemental filings were contemplated by the Commission's scheduling order in that matter and agreed to by the Public Staff. The timing of such supplemental filings were also necessarily driven by the availability of updated information, information that was not previously available (*i.e.*, the actual results from the Company's operations in months occurring after the application). A similar fact pattern exists where supplemental filings are permitted in support of stipulations reached during a proceeding. In contrast, the Public Staff's supplemental testimony in this proceeding is not driven by the subject matter—the outage occurred in April and May 2022 and the Public Staff had complete and unfettered discovery rights with respect to the outage. The Public Staff has failed to demonstrate good cause and the Company will be prejudiced if the testimony is allowed.

37. DEC is the party requesting an adjustment in its rates for fuel and fuel related costs. DEC bears the burden of proof. As such, DEC is entitled to the last word. Its rebuttal testimony constitutes the last word and is the means through which DEC responds to arguments in direct testimony of intervenors.

38. The Commission allows liberal discovery. The Public Staff bore the responsibility to conduct its discovery of the Company's initial case and submit its position in the Public Staff's direct case in compliance, with the Commission's Scheduling Order. At no time did the Public Staff question or object to the Company's outage related discovery responses or file a motion to compel for inadequate or untimely responses. When the hearing concludes, the record should

close and the evidence should not be altered or augmented endlessly with post hearing filings with information accessible and available months earlier.

39. Pursuant to long established procedures developed by the Commission for conducting the expert witness hearings in its dockets, liberal discovery is permitted and testimony is filed in advance. Of late, the Commission has refined its procedures to require the filing of cross examination exhibits in advance of formal proceedings in order to prevent unanticipated surprises, thereby leaving the Commission with a clear record. The Commission's rules require that parties seeking to strike expert testimony should do so 5 days before the hearing begins. NCUC Rule R1-24(g)(4). In this fashion, the Commission's procedures protect against the raising of unanticipated issues for which parties affected are left unprepared to address. When the Commission begins the hearing, the Commissioners and their staff have been fully apprised of the issues they must resolve and can craft any questions they may have on issues they deem subject to further clarification. The rules and procedures are fashioned to produce a complete record fair to all parties and to provide the Commission with a record to enable the Commission to issue well-reasoned orders resolving issues before it. The Commission's procedures and practices are circumvented when parties disregard them, as the Public Staff has done here.

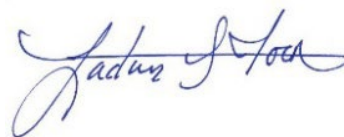
WHEREFORE, Duke Energy Carolinas, LLC respectfully moves that the Commission grant the Company's Motion to Strike the Public Staff Supplemental Testimony of Evan D. Lawrence, for the reasons stated above and in the interest of judicial economy. In the event the Company's Motion to Strike is denied, DEC respectfully requests that:

- a. the Company be given the opportunity to file supplemental rebuttal testimony on the issues raised by Mr. Lawrence in his Supplemental Testimony on or

before ten days following the date of the Commission's order regarding the Company's Motion to Strike;

- b. the Company be granted five business days following the date of the Commission's order regarding the Company's Motion to Strike to conduct discovery regarding the Supplemental Testimony;
- c. the evidentiary record in the above-captioned docket be reopened for the purpose of receiving the Company's supplemental rebuttal testimony related to issues raised in the Supplemental Testimony of Evan D. Lawrence;
- d. the Commission establish a hearing date to allow for the cross examination of Mr. Lawrence with respect to his Supplemental Testimony; and
- e. for such other relief as the Commission deems just and proper.

Respectfully submitted, this the 6th of July, 2023.



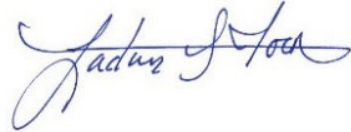
Ladawn S. Toon
Associate General Counsel
Duke Energy Corporation
Post Office Box 1551/NCRH 20
Raleigh, North Carolina 27602
919.546.7971
Ladawn.Toon@duke-energy.com

ATTORNEY FOR DUKE ENERGY
CAROLINAS, LLC

CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Carolinas, LLC's Motion to Strike the Public Staff's Filing of Supplemental Testimony and Request for Relief in the Alternative, in Docket No. E-7, Sub 1282, has been served by electronic mail, hand delivery or by depositing a copy in the United States mail, postage prepaid, properly addressed to parties of record.

This the 6th day of July, 2023.



Ladawn S. Toon
Associate General Counsel
Duke Energy Corporation
Post Office Box 1551/NCRH 20
Raleigh, North Carolina 27602
919.546.7971
Ladawn.Toon@duke-energy.com

ATTORNEY FOR DUKE ENERGY
CAROLINAS, LLC