

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-35, SUB 51

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of Western Carolina University for an Adjustment of Rates and Charges for Electric Service in North Carolina	) ) ) ) ) )	ORDER CANCELING HEARING, ADMITTING EVIDENCE TO THE RECORD, AND ALLOWING FILING OF PROPOSED ORDERS AND BRIEFS
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BY THE CHAIR: On March 9, 2020, Western Carolina University (WCU) filed an application with the Commission requesting authority to adjust its rates for retail electric service in its service area in Jackson County, North Carolina. WCU filed an amended application on June 24, 2020. WCU operates an off-campus electric distribution system that serves approximately 3,170 residential customers and 230 commercial customers. The present rates have been in effect since 2016, with annual purchased power adjustments. WCU's application was verified by Mike Byers, Vice-Chancellor for Administration and Finance for WCU, and was accompanied by the direct testimony of William R. O'Donnell, CPA.

Beginning in March 2020, Governor Roy Cooper issued a progression of Executive Orders that declared a State of Emergency in North Carolina to coordinate response and protective actions to prevent the spread of coronavirus (COVID-19). The Executive Orders place restrictions on business operations and mass gatherings including limiting face-to-face meetings to no more than ten people and requiring social distancing between individuals of at least six feet.

On April 6, 2020, the Commission issued an Order declaring this proceeding to be a general rate case pursuant to N.C. Gen. Stat. § 62-137 and suspending the proposed rate increases for up to 270 days pursuant to N.C.G.S. § 62-134. In this Order, the Commission also provided that an order scheduling hearings and requiring customer notice would be issued at a later date.

On May 20, 2020, Governor Cooper issued Executive Order No. 141 easing some restrictions on business operations and mass gatherings and lifting the statewide stay-at-home order but leaving in place the restrictions on mass gatherings. On June 24, 2020, Governor Cooper issued Executive Order No. 147 extending restrictions on mass gatherings.

On July 17, 2020, the Commission issued an order scheduling a remote hearing in this proceeding to occur on Thursday, September 10, 2020, for the purpose of receiving the testimony of public witnesses and continuing on to Monday, September 14, 2020, for the purpose of receiving the testimony of expert witnesses. That Order also provided that members of the public who wish to testify at the remote hearing on September 10, must register with the Public Staff prior to 4:00 p.m. on September 4, 2020 and further provided that the Commission would issue an order setting forth procedures for a remote expert witness hearing or confirming that the expert witness hearing will be held in the Commission Hearing Room. Finally, that Order established the test period to be used in this proceeding, required WCU to provide notice of its pending application, and established August 10, 2020, as the deadline for the filing of petitions to intervene.

On August 6, 2020, WCU filed a statement consenting to conducting the expert witness hearing remotely.

On August 10, 2020, the Public Staff filed a statement consenting to conducting the expert witness hearing remotely.

As of August 10, 2020, no persons have to intervene in this proceeding, though the Public Staff is recognized as a party to this proceeding in accordance with N.C.G.S. § 62-15(d)

On August 14, 2020, the Commission issued an order confirming that the expert witness hearing in this proceeding would be held by remote means and adopting certain procedural requirements for the remote proceeding.

On August 21, 2020, the Public Staff filed the testimony and exhibits of its witnesses Scott J. Saillor, Evan D. Lawrence, Benjamin P. Lozier, and Sonja R. Johnson.

On August 27, 2020, the Public Staff filed a notice of settlement informing the Commission that the Public Staff and WCU have reached a settlement in this proceeding. The Public Staff further stated that a detailed settlement agreement would be filed at a later date.

On September 9, 2020, the Commission issued an order canceling the public witness hearing scheduled for Thursday, September 10, 2020.

Also on September 9, 2020, the Public Staff filed a stipulation of settlement, detailing the Public Staff and WCU's agreements in settlement of this proceeding. In summary, the stipulation of settlement provides that the parties agree to certain adjustments to WCU's requested revenue requirement to produce a \$612,749 increase in WCU's revenue requirement, as recommended in the testimony and exhibits of Public Staff witness Sonja R. Johnson. The stipulation of settlement further details the parties' agreements regarding revenues per customer class and the appropriate treatment of the purchased power adjustment rider (PPA rider), which was most recently approved in Docket No. E-35, Sub 50. In addition, the stipulation of settlement provides that the Public

Staff and WCU agree to the admission of the testimony and exhibits filed in this docket and to the waiving of the right to cross-examine all witnesses. Finally, the stipulation of settlement provides that the Public Staff and WCU agree that the stipulation resulted from extensive negotiation and compromise and that the agreements reached therein, including the debt calculation methodology used, should not be given precedential effect before the Commission or any other regulatory body.

Finally, also on September 9, 2020, the Public Staff filed a motion requesting that the expert witness hearing scheduled for September 14, 2020 be canceled. In support of its motion, the Public Staff states that the parties have reached a settlement of all issues in dispute in this case, as reflected in the stipulation of settlement summarized above. The Public Staff further states that it contacted counsel for WCU and that WCU has no objection to canceling the expert witness hearing. Finally, the Public Staff requests that if the expert witness hearing is canceled, the testimony and exhibits of WCU and the Public Staff's witnesses be received into the record of evidence in this proceeding.

Based upon the foregoing and the entire record herein, the Chair finds good cause to cancel the expert witness hearing scheduled for Monday, September, 14, 2020 and to admit into the record the testimony and exhibits filed in this docket. The Chair further finds good cause to allow the parties to file proposed orders and briefs on or before October 12, 2020.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 11th day of September, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk