

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1297

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Duke Energy Carolinas, LLC,)
for a Certificate of Public Convenience and)
Necessity to Construct an 850 MW Natural)
Gas-Fired Combustion Turbine Electric)
Generating Facility in Catawba County,)
North Carolina)
	ORDER SCHEDULING HEARINGS, ESTABLISHING PROCEDURAL AND FILING REQUIREMENTS, AND REQUIRING PUBLIC NOTICE

BY THE CHAIR On March 14, 2024, Duke Energy Carolinas, LLC, (DEC), filed an application for a certificate of public convenience and necessity to construct an 850 MW natural gas-fired combustion turbine electric generating facility in Catawba County, North Carolina (Application).

In summary, DEC states that the facility will be located at the site of its existing Marshall Steam Station (Marshall) and will consist of two simple-cycle gas combustion turbine (CT) units that will be approximately 425 MW each. DEC states in the Application that it plans to put the two CTs units, collectively known as the Marshall Energy Complex (Facility), into service by January 1, 2029. The Application indicates that only minimal network upgrades are necessary to interconnect the replacement generation of the two units, and an interconnection request has been submitted for the incremental capacity of the Facility. The Facility will use natural gas as its fuel supply and will be capable of utilizing ultra-low sulfur diesel as a back-up fuel. The Application provides that DEC has plans, including contracts with Piedmont Natural Gas Company, Inc. for transportation of firm delivered Transco Zone 5 gas supply, to meet the fuel needs of the Facility. The testimony accompanying the Application discusses DEC's need for and cost of the Facility. The total projected cost of the project was filed by DEC under seal as a confidential trade secret.

Based upon a review of the Application, the Chair finds good cause to set the Application for hearing, establish procedural and filing requirements for DEC, the Public Staff, and other parties, and require DEC to provide public notice of its Application.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition shall be taken before the deadline for the filing of the Public Staff and other intervenor prefiled direct testimony. Notice of deposition shall be served on all parties at least seven calendar days prior to the taking of the deposition. Notice of

deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and other intervenor testimony, shall be served on the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena within 2 business days after such a motion is filed.

3. Formal discovery requests related to the Application and DEC's prefiled direct and supplemental testimony shall be served on DEC no later than 14 calendar days prior to the filing of the Public Staff and other intervenor direct testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten calendar days prior to the deadline for the filing of the Public Staff and other intervenor testimony.

4. Formal discovery requests related to the Public Staff and other intervenors prefiled direct testimony shall be served no later than five calendar days after such testimony is filed. The party served shall have up to three business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than nine calendar days after the filing of the Public Staff or other intervenor direct testimony.

5. Formal discovery requests related to DEC's prefiled rebuttal testimony shall be served no later than three business days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three business days after the filing of DEC's rebuttal testimony. 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 period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two calendar days to file with the Commission a motion to compel, and the party objecting to discovery shall have one 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.

7. A party shall not be granted an extension of time to pursue discovery due to that party's late intervention or other delay in initiating discovery.

The Chair urges all parties to work in a cooperative manner and to attempt to accommodate discovery within the time available. Discovery in most proceedings before the Commission is typically conducted without the need for Commission involvement or enforcement of the guidelines. The guidelines established in this Order are without prejudice to the parties' conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS, THEREFORE, SO ORDERED as follows:

1. That hearings for the purpose of receiving public witness testimony on DEC's Application shall be, and are hereby scheduled, as follows:

Newton: Wednesday, June 5, 2024, at 7:00 p.m.
Catawba County Courthouse
100 Government Drive, Courtroom 10
Newton, North Carolina 28658

Virtual: Thursday, June 6, 2024, at 6:30 p.m.
Held remotely via Webex

2. That the June 6, 2024, public witness hearing shall be held remotely via Webex, beginning at 6:30 p.m. A link to view the hearing will be available at www.ncuc.gov. Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on May 30, 2024.

To register, please complete the electronic Remote Public Witness Registration form located on the Commission's website at www.ncuc.gov/hearings/remotepublicregister.html. If assistance is needed, please contact 919-733-0837.

Only the first 20 individuals registered by 5:00 p.m. on May 30, 2024, will be allowed to testify at the June 6, 2024, remote public witness hearing. This hearing will be canceled if no one registers to testify by 5:00 p.m. on May 30, 2024;

3. That the public witness hearings will be conducted solely for the purpose of receiving the testimony of public witnesses in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the public witness hearings pursuant to Commission Rule R1-21(g)(5);

4. That a hearing for the purpose of receiving expert witness testimony on DEC's Application is scheduled to begin immediately following the hearing in Docket No. E-100, Sub 190, which is scheduled to begin at 2:00 p.m. on Monday, July 22, 2024. If the hearing on DEC's Application has not concluded by August 9, 2024, the hearing will

resume at 2:00 pm on Tuesday, September 3, 2024, continuing as necessary until conclusion The hearing will be held in Commission Hearing Room 2115, Second Floor, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina;

5. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

6. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than June 6, 2024;

7. That the Public Staff and other intervenors' direct testimony and exhibits shall be filed on or before June 6, 2024;

8. That DEC's rebuttal testimony and exhibits, if any, shall be filed on or before July 2, 2024;

9. That all parties filing supporting exhibits shall provide to the Commission electronic versions of the exhibits filed in native format via email at NCUCexhibits@ncuc.gov, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of issuance of this Order if already filed with the Commission). That DEC and all other parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact;

10. That the Chief Clerk of the Commission shall deliver copies of the Application and the Public Notice attached hereto as Appendix A to the Clearinghouse Coordinator of the Office of Policy and Planning of the Department of Administration for distribution by the Coordinator to State agencies having an interest in the Application;

11. That DEC shall, at its own expense, publish in newspapers having general coverage in its service area, the Public Notice, attached as Appendix A, once a week for four consecutive weeks, at least 30 days in advance of the first hearing scheduled herein;

12. That DEC shall mail to each of its customers a copy of the Public Notice no later than 30 days in advance of the first hearing set herein;


13. That DEC shall make a copy of the Public Notice prominently available on its website, and provide an email with an electronic link to the Public Notice for all customers receiving bills electronically; and

14. That DEC shall file no later than the date of the first public hearing an affidavit of publication and certificate of service showing that it provided notice as required herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 10th day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "A. Shonta Dunston". The signature is written in a cursive style with a large, stylized initial "A" and a circular flourish at the end of the name.

A. Shonta Dunston, Chief Clerk

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1297

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Duke Energy Carolinas, LLC,)
for a Certificate of Public Convenience and)
Necessity to Construct an 850 MW Natural)
Gas-Fired Combustion Turbine Electric) PUBLIC NOTICE
Generating Facility in Catawba County,)
North Carolina)

NOTICE IS HEREBY GIVEN that pursuant to the provisions of Sections 62-82 and 62-110.1 of the General Statutes of North Carolina and North Carolina Utilities Commission Rule R8-61, Duke Energy Carolinas, LLC, (DEC), filed an application for a certificate of public convenience and necessity to construct an 850 MW natural gas-fired combustion turbine electric generating facility in Catawba County, North Carolina (Application). In summary, DEC states that the facility will be located at the site of its existing Marshall Steam Station (Marshall) and will consist of two simple-cycle gas combustion turbine (CT) units that will be approximately 425 MW each. The DEC also states in the Application that it plans to put the two CTs units, collectively known as the Marshall Energy Complex (Facility), into service by January 1, 2029. The Application indicates that only minimal network upgrades are necessary to interconnect the replacement generation of the two units, and an interconnection request has been submitted for the incremental capacity of the Facility. The Facility will use natural gas as its fuel supply and will be capable of utilizing ultra-low sulfur diesel as a back-up fuel. The Application provides that DEC has plans, including contracts with Piedmont Natural Gas Company, Inc. for transportation of firm delivered Transco Zone 5 gas supply to meet the fuel needs of the Facility. The testimony accompanying the Application discusses DEC's need for and cost of the Facility. The total projected cost of the project was filed by DEC under seal as a confidential trade secret.

Specific information about the Application, may be obtained at the business offices of DEC or at the Office of the Chief Clerk of the North Carolina Utilities Commission, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina, where a copy of the Application is available for review. These materials, as well as pleadings, the prefiled testimony and exhibits of all parties, the transcripts of all hearings, briefs, and proposed orders, may be viewed as they become available on the Commission's website at www.ncuc.gov. Click on "Docket Search" and search for docket number "(E-7 Sub 1297)".

FURTHER NOTICE IS GIVEN that the North Carolina Utilities Commission has scheduled hearings for the purpose of receiving public witness testimony on the Application as follows:

Newton: Wednesday, June 5, 2024, at 7:00 p.m.
Catawba County Courthouse
100 Government Drive, Courtroom 10
Newton, North Carolina 28658

Virtual: Thursday, June 6, 2024, at 6:30 p.m.
Held remotely via Webex

The June 6, 2024, public witness hearing shall be held remotely via Webex, beginning at 6:30 p.m. A link to view the hearing will be available at www.ncuc.gov. Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on May 30, 2024 .

To register, please complete the electronic Remote Public Witness Registration form located on the Commission's website at www.ncuc.gov/hearings/remotepublicregister.html. A confirmation email will be sent to the email provided after the registration form is submitted. Further instructions, including the call-in number, will be provided to you by email approximately one week before the hearing. Witnesses calling from a different number than provided at registration may experience delays or other difficulties in providing their testimony. If assistance is needed, please contact 919-733-0837.

Only the first 20 individuals registered by 5:00 p.m. on May 30, 2024, will be allowed to testify at the June 6, 2024, remote public witness hearing. This hearing will be canceled if no one registers to testify by 5:00 p.m. on May 30, 2024.

The public witness hearings will be solely for the purpose of receiving the testimony of public witnesses in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the public witness hearings pursuant to Commission Rule R1-21(g)(5).

A hearing for the purpose of receiving expert witness testimony on DEC's Application is scheduled to begin immediately following the hearing in Docket No. E-100, Sub 190, which is scheduled to begin at 2:00 p.m. on Monday, July 22, 2024. If the hearing on DEC's Application has not concluded by August 9, 2024, the hearing will resume at 2:00 pm on Tuesday, September 3, 2024, continuing as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Second Floor, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

Persons desiring to present testimony for the record should appear at one of the public hearings. Persons desiring to send written statements to inform the Commission of their positions in the matter should address their statements to the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300 and reference Docket No. E-7, Sub 1297. However, such written statements cannot be considered competent evidence unless those persons appear at the hearing and testify concerning the information

contained in their written statements. Customers can also email the Commission a statement about DEC's Application via the Commission's website at www.ncuc.gov/contactus.html. In either case, consumer statements will be placed in Docket No. E-7, Sub 1297CS, and may be accessed by searching that docket number via the Commission's website.

Persons having an interest in the investigation and desiring to intervene in the matter as formal parties of record may file their petitions to intervene not later than June 20, 2024. These petitions should reference Docket No. E-7, Sub 1297 and should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300. All parties to this proceeding planning to present expert testimony must prefile their testimony and exhibits not later than June 20, 2024.

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information which the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to:

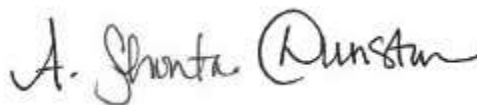
Mr. Christopher J. Ayers
Executive Director
Public Staff – North Carolina Utilities Commission
4326 Mail Service Center
Raleigh, North Carolina 27699-4300

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to:

The Honorable Josh Stein
Attorney General of North Carolina
c/o Consumer Protection – Utilities
9001 Mail Service Center
Raleigh, North Carolina 27699-9001

This the 10th day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION



A. Shonta Dunston, Chief Clerk

NOTE TO PRINTER: DEC shall pay advertising costs. It is required that an Affidavit of Publication be filed with the Commission by DEC.