

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1297  
DOCKET NO. E-7, SUB 1268

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Duke Energy Progress, LLC, and Duke	)	ORDER ACCEPTING WITHDRAWAL
Energy Carolinas, LLC, 2022 Solar	)	OF MOTION FOR
Procurement Pursuant to Session	)	RECONSIDERATION
Law 2021-165, Section 2(c)	)	

BY THE CHAIR: Session Law 2021-165 (S.L. 2021-165), also known as House Bill 951, enacted N.C. Gen. Stat. § 62-110.9,<sup>1</sup> directs the Commission to develop a Carbon Plan that takes reasonable steps to reduce carbon dioxide emissions in this State from electric generating facilities owned or operated by Duke Energy Progress, LLC (DEP), and Duke Energy Carolinas, LLC (DEC, together with DEP, Duke), by 70% from 2005 levels by 2030 and to achieve carbon neutrality by 2050. Section 2.(c) of S.L. 2021-165 further authorizes the Commission to direct Duke to conduct a procurement of solar energy resources in 2022 if the Commission determines that solar resources are required in order to meet the carbon emission reduction directives of N.C.G.S. § 62-110.9.

On March 11, 2022, the Commission established this docket for the purpose of considering whether a 2022 Solar Procurement is warranted consistent with the provisions of S.L. 2021-165, Section 2.(c).

On March 14, 2022, Duke filed a petition for Authorization of 2022 Solar Procurement Program, which seeks Commission authorization of a system-wide competitive procurement seeking a minimum of 700 megawatts (MW) of utility-owned and third-party solar energy resources sited in both North Carolina and South Carolina (Petition). The Petition includes a request for expedited review so as to enable Duke to launch the procurement to align with the 2022 Definitive Interconnection System Impact Study (DISIS) for the purpose of evaluating the interconnection costs associated with bids.

Through various orders, the Commission has recognized the interventions of interested third parties, including but not limited to the joint intervention of the Clean Power Suppliers Association (CPSA) and the Carolinas Clean Energy Business Association (CCEBA), as well as the Carolina Industrial Group for Fair Utility Rates II (CIGFUR II) and the Carolina Industrial Group for Fair Utility Rates III (CIGFUR III, and

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<sup>1</sup> Section 1 of S.L. 2021-165 has been codified as N.C.G.S. § 62-110.9 at the direction of the Revisor of Statutes.

together with CIGFUR II, CIGFUR). Further, the intervention of the Public Staff is recognized by statute.

On June 10, 2022, the Commission issued an Order Approving Request for Proposals and Pro Forma Power Purchase Agreement Subject to Amendments, which in pertinent part decided a contested issue as to how market participants should be permitted to “refresh” their bids during the Step 2 bid evaluation process (Bid Refresh).

On June 14, 2022, CPSA and CCEBA filed a Motion for Reconsideration asserting that the Commission’s decision with regard to the Bid Refresh mechanism was based on “incomplete and incorrect” information. Motion for Reconsideration at 1. Also on June 14, 2022, responsive to CPSA and CCEBA’s motion the Commission issued an Order Establishing Procedures for Motion for Reconsideration, which also ordered Duke to stay issuance of the Request for Proposals (RFP) and pro forma Power Purchase Agreement (PPA).

On June 15, 2022, Duke, the Public Staff, and CIGFUR each filed statements in opposition to the motion.

On June 16, 2022, CPSA and CCEBA filed a statement withdrawing the motion for reconsideration.

In light of the foregoing, the Commission finds good cause to accept CPSA and CCEBA’s withdrawal to the motion for reconsideration and to direct Duke to issue the amended RFP and pro forma PPA consistent with the provisions of the Commission’s June 10, 2022 Order.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 17th day of June, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, reading "Erica N. Green". The signature is written in a cursive, flowing style.

Erica N. Green, Deputy Clerk