

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 177

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Rulemaking Proceeding to Implement) ORDER GRANTING, IN PART,
Securitization of Early Retirement of) MOTION FOR LEAVE
Subcritical Coal-Fired Generating Facilities)

BY THE CHAIR: On October 13, 2021, the Governor signed into law House Bill 951 (S.L. 2021-165). Section 5 of S.L. 2021-165 requires the Commission to establish rules by April 11, 2022, for the securitization of costs associated with the early retirement of subcritical coal-fired generating facilities. On October 14, 2021, the Commission issued an Order Requesting Comments and Proposed Rules in the above captioned docket. The Order directed parties to file comments or proposed rules on or before November 22, 2021, and reply comments on or before December 20, 2021.

On November 22, 2021, several parties filed initial comments in the docket. On December 20, 2021, several parties filed reply comments in the docket.

On January 3, 2022, Duke filed a Motion for Leave to File Supplemental Reply Comments. In its motion, Duke asserts that several parties filed new proposed rules, or proposed new defined terms relevant to proposed rules, in their reply comments. Duke further asserts in its motion that it would be equitable to allow Duke and other parties to file supplemental reply comments to address the new rules or defined terms provided in the reply comments. Duke requested that all parties be allowed to address the newly proposed rules and rule provision as identified in Paragraphs 8 and 9 of its motion, in supplemental comments to be filed on or before January 12, 2022.

On that same date, Carolina Utility Customers Association, Inc., (CUCA) filed a Response in Opposition to Duke’s motion. CUCA notes in its response that Duke also provided a new definition in its reply comments. CUCA requests that the Commission deny Duke’s motion, or alternatively to allow all parties to comment on all issues raised in reply comments.

Based on the motion and the record as a whole, the Chair finds good cause to grant the request for leave to file supplemental reply comments, as modified in this Order. All parties may file supplemental reply comments on all issues raised in the reply comments in this docket on or before January 12, 2022.

The Commission agrees with CUCA’s statement that if “the Commission were to allow parties to file comments until all were satisfied their best arguments were

exhausted, then the commenting process would never cease.” As noted above, S.L. 2021-165 provides that the Commission must adopt rules no later than April 11, 2022. The expedited time frame provided by S.L. 2021-165 limits the Commission’s willingness from allowing parties any additional time to comment beyond that provided for in this Order.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 4th day of January, 2022.

NORTH CAROLINA UTILITIES COMMISSION

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

Erica N. Green, Deputy Clerk