

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET E-7, SUB 1214
DOCKET E-2, SUB 1219

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET E-7, SUB 1214)	
)	
In the Matter of)	
Application of Duke Energy Carolinas,)	
LLC for Adjustments in Electric Rate)	
Schedules and Tariffs and Request for)	
an Accounting Order)	
)	
DOCKET E-2, SUB 1219)	
)	
In the Matter of)	
Application of Duke Energy Progress,)	
LLC For Adjustments of Rates and)	
Charges Applicable to Electric Service)	
in North Carolina)	

MOTION TO EXCUSE
PUBLIC STAFF WITNESS
ROXIE MCCULLAR
FROM ATTENDING
EVIDENTIARY HEARING

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission, by and through its Executive Director, Christopher J. Ayers, and moves that its witness be excused from attending the evidentiary hearings for Docket Nos. E-7, Sub 1214 and E-2, Sub 1219.

In support of this motion, the Public Staff shows the following:

1. On February 18, 2020, the Public Staff filed public and confidential versions of the direct testimony and exhibits of Roxie McCullar, Consultant, William Dunkel and Associates in Docket No. E-7, Sub 1214. On February 19, 2020, the

Public Staff filed a revised public version to provide a copy of Exhibit RMM-1 that was inadvertently omitted in the public version of the February 18, 2020 filing.

2. On March 25, 2020, the Public Staff filed the supplemental testimony of Roxie McCullar in Docket No. E-7, Sub 1214.

3. On April 13, 2020, the Public Staff filed public and confidential versions of the testimony and exhibits of Roxie McCullar in Docket No. E-2, Sub 1219.

4. On June 17, 2020, the Commission issued its *Order Adopting Procedures for Expert Witness Hearings*, as modified in its June 25, 2020 *Errata Order*, which directed Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (collectively, “Duke”), following consultation with all parties, to file a list of topics that all parties either support or do not oppose being heard during the consolidated phase of the hearing, together with a list of witnesses to be called for all portions of the evidentiary hearing, the order of witnesses, and each party’s estimated time for cross-examination as gathered by the parties.

5. On July 2, 2020, in each respective docket, Duke be filed its List of Consolidated Issues, Order of Witnesses, and Joint Motion to Excuse Witnesses from Attending Evidentiary Hearing. In the List, the testimony of witness McCullar was listed for inclusion in the separate, Company-specific portion of the evidentiary hearings for each docket. One party, the Attorney General’s Office, indicated that they had approximately 20 minutes of cross-examination time estimated for Public

Staff witness McCullar in both Docket Nos. E-7, Sub 1214 and E-2, Sub 1219. No other party requested to cross-examine witness McCullar.

6. On July 9, 2020, the Commission issued a consolidated *Order Accepting Recommended Consolidated Issues for Remote Expert Witness Hearing and Postponing Separate Issue Hearings*, which accepted the recommended consolidated issues, but postponed the separate, Company-specific hearings to be rescheduled at a later date certain by subsequent order from the Commission. The testimony of witness McCullar would be included in the separate, Company-specific hearings.

7. Both subsequent to and following the Commission's July 9 Order, the Public Staff consulted with the Attorney General's Office regarding their planned cross-examination of witness McCullar. On July 14, 2020, the Attorney General's Office authorized the Public Staff to communicate to the Commission that it no longer plans to cross-examine Public Staff witness McCullar in either proceeding.

8. The Public Staff therefore moves that witness McCullar be excused from attending the Company-specific portions of the evidentiary hearings in Docket Nos. E-7, Sub 1214 and E-2, Sub 1219, and that the pre-filed testimony and exhibits of witness McCullar be admitted into evidence.

9. The Public Staff contacted all parties regarding this motion. No party objects to this motion, and no other parties requested the opportunity to cross-examine witness McCullar.

WHEREFORE, the Public Staff respectfully requests that the Commission:

1. Excuse Public Staff witness Roxie McCullar from attending the evidentiary hearings for Docket Nos. E-7, Sub 1214 and E-2, Sub 1219.
2. That the pre-filed testimony and exhibits of witness McCullar be accepted into evidence.

Respectfully submitted this the 21st day of July, 2020.

PUBLIC STAFF
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Executive Director

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Electronically submitted
/s/ Tim R. Dodge
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CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Motion on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement with the receiving party.

This the 21st day of July, 2020.

Electronically submitted
/s/ Tim R. Dodge
Staff Attorney