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May 29, 2024

Ms. A. Shonta Dunston
Chief Clerk
NC Utilities Commission
430 N. Salisbury Street
Room 5063
Raleigh, NC 27603

Re: In the Matter of
Biennial Consolidated Carbon Plan and Integrated Resource Plans
of Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC
NCUC Docket E-100 Sub 190
*CCEBA's Motion to Deem Testimony as Timely Filed; or, in the
Alternative, to Accept Late-Filed Testimonies filed on Behalf of Carolinas
Clean Energy Business Association*

Dear Ms. Dunston:

On behalf of Carolinas Clean Energy Business Association ("CCEBA"), we herewith provide CCEBA's Motion to Deem Testimony as Timely Filed; or, in the Alternative, to Accept Late-Filed Testimonies of Michael Hagerty, Nicole Miller, and Sam Newell with Exhibits.

If you have any questions concerning this filing, please let me know.

Sincerely,

/s/ Benjamin L. Snowden

Benjamin L. Snowden

pbb

A Pennsylvania Limited Liability Partnership

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Enclosures

Copies to NC Public Staff
Parties and Counsel of Record

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MAY 29 2024

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-100, SUB 190

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Biennial Consolidated Carbon Plan and Integrated Resource Plans of Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC, Pursuant to N.C.G.S. § 62-110.9 and § 62-110.1(c))))))))	CCEBA’S MOTION TO DEEM TESTIMONY AS TIMELY FILED; OR, IN THE ALTERNATIVE, TO ACCEPT LATE-FILED TESTIMONY
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Intervenor Carolinas Clean Energy Business Association (“CCEBA”) respectfully submits this Motion to Deem the Direct (Non-Confidential) Testimony of CCEBA Witnesses Michael Hagerty, Sam Newell, and Nicole Miller as Timely Filed; or, in the Alternative, to accept that testimony as late filed.

CCEBA submits the following information in support of this Motion and shows the Commission as follows:

1. On January 17, 2024, the Commission issued an *Order Scheduling Public Hearings, Establishing Interventions And Testimony Due Dates And Discovery Guidelines, Requiring Public Notice, and Providing Direction Regarding Duke’s Supplemental Modeling* (“Order”) in this docket. The Order established a deadline of May 28, 2024, for the submittal of petitions to intervene and the filing of direct testimony and exhibits by intervenors.

2. CCEBA filed a petition to intervene in this docket on October 9, 2023. The Commission granted CCEBA’s petition to intervene on October 16, 2023.

3. Commission Rule R1-28(h) provides that:

Both paper and electronic filings must be received by the Commission by 5:00 p.m. Eastern time to be considered to be filed on that business day. A filing may be made electronically at any time, but filings submitted after 5:00 p.m. Eastern time are considered to be filed on the next business day.

4. Mindful of this requirement, CCEBA completed filing of the confidential testimony of CCEBA witness Michael Hagerty well before 5:00 p.m., and initiated filing of the non-confidential testimony and exhibits of CCEBA witnesses Hagerty, Newell, and Miller with adequate time to complete submittal before the 5:00 pm deadline.

5. Unfortunately, when CCEBA's paralegal attempted to submit the completed filing, the NCUC's e-filing web site generated an error (which does not appear to have been caused either by the filed documents or user error), requiring CCEBA's paralegal to restart the filing process from scratch. As a result, the electronic submittal was not completed successfully until 5:03 p.m. CCEBA's non-confidential testimony was docketed the morning of May 29, with a May 29 date stamp.

6. CCEBA's counsel and paralegal promptly informed the Clerk's Office that the electronic filing had not been completed before 5:00 (and the reason for that), and requested that the filings be date-stamped May 28, 2024. The Clerk's Office confirmed on the morning of May 29 that this would be acceptable.

7. CCEBA's counsel is mindful of the requirements of Rule R1-28(h), as well as the Commission's recent admonitions (in Orders issued in other dockets) regarding strict compliance with this rule. CCEBA's counsel sincerely regret this error. However, CCEBA's counsel made good-faith attempts to comply with the 5:00 filing deadline, and

would have been in compliance if not for an error with the Commission's e-docketing web site. Moreover, no party has been or will be prejudiced by CCEBA's error.

8. Going forward, CCEBA and counsel will endeavor to submit filings earlier in the day to allow for the possibility of similar technical issues.

9. Under the circumstances, CCEBA submits that there is good cause to waive the strict requirements of Rule R1-28(h), and to direct the Clerk to date-stamp the non-confidential public testimony of CCEBA witnesses Hagerty, Newell, and Miller as being filed on May 28, 2024. In the alternative, good cause exists to accept this testimony as late filed.

10. CCEBA has informed all parties to this docket of its intent to file this motion, and no party has objected.

WHEREFORE, CCEBA respectfully requests that that the Commission direct the Clerk to docket the non-confidential direct testimony of CCEBA witnesses Michael Hagerty, Sam Newell, and Nicole Miller as having been filed on May 28, 2024; or, in the alternative, to accept its late-filed testimony.

Respectfully submitted, this the 29th day of May 2024.

/s/ John D. Burns

John D. Burns

North Carolina State Bar No. 24152

General Counsel

Carolinas Clean Energy Business Association

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*Counsel for
Carolinas Clean Energy Business Association*

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing **Motion to Deem Testimony as Timely Filed; or, in the Alternative, to Accept Late-Filed Testimony** upon NC Public Staff and all parties and counsel of record by electronic mail.

This the 29th day of May, 2024.

/s/ *Benjamin L. Snowden*