

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 931  
DOCKET NO. E-7, SUB 1032

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 931	)	
	)	
In the Matter of	)	
Application by Carolina Power & Light	)	
Company, d/b/a Progress Energy	)	
Carolinas, Inc., for Approval of Demand-Side	)	
Management and Energy Efficiency Cost	)	ORDER DENYING
Recovery Rider Pursuant to G.S. 62-133.9	)	JOINT MOTION TO ALLOW
and Commission Rule R8-69	)	REMOTE PARTICIPATION IN
	)	TECHNICAL CONFERENCE
DOCKET NO. E-7, SUB 1032	)	
	)	
In the Matter of	)	
Application of Duke Energy Carolinas, LLC,	)	
for Approval of New Cost Recovery	)	
Mechanism and Portfolio of Demand-Side	)	
Management and Energy Efficiency Programs	)	

BY THE PRESIDING COMMISSIONER: In its Order Adopting Initial Carbon Plan and Providing Direction for Future Planning issued on December 30, 2022, in Docket No. E-100 Sub 179 the Commission directed Duke Energy Progress, LLC (DEP) and Duke Energy Carolinas, LLC (DEC, collectively Duke or the Companies) to initiate a review of their Commission-approved mechanisms for cost recovery for their demand-side management (DSM) and energy efficiency (EE) measures (the Mechanisms).

On April 27, 2023, Duke filed a letter in the above-captioned dockets initiating the Commission-directed review of the Mechanisms.

On October 30, 2023, the Commission issued the Order Granting Public Staff's Motion for Procedural Relief and Scheduling Technical Conference (Procedural Order), which, among other things, directed the parties to file comments on a number of issues and set a schedule for filing comments and reply comments.

Initial comments on the Mechanisms were filed on January 26, 2024, by Duke; Public Staff – North Carolina Utilities Commission (Public Staff); the North Carolina Attorney General's Office (AGO); the Carolina Industrial Group for Fair Utility Rates II (CIGFUR II) and the Carolina Industrial Group for Fair Utility Rates III (CIGFUR III) (together with

CIGFUR II, CIGFUR); jointly by the Southern Alliance for Clean Energy, Natural Resources Defense Council, South Carolina Coastal Conservation League, Sierra Club, North Carolina Justice Center, North Carolina Housing Coalition, and the North Carolina Sustainable Energy Association (collectively, the Efficiency Advocates); Walmart Inc. (Walmart); and Carolina Utility Customers Association, Inc. (CUCA).

On April 1, 2024, Duke and the Public Staff filed reply comments. Duke reported that it had organized nine formal stakeholder meetings, along with other stakeholder discussions and meetings. As a result, Duke reported that—aside from two issues—all parties either supported or did not oppose the revised DSM/EE mechanisms for DEC and DEP that Duke filed along with its reply comments (the Proposed Mechanisms). Duke's filing states that the Efficiency Advocates unconditionally support the Proposed Mechanisms filed as attachments to Duke's reply comments. One disputed issue is the addition of the Active Load Management Program definition and the Active Load Management Incentive, which the Public Staff opposes.

On April 5, 2024, the Commission issued its Order Scheduling Technical Conference, which scheduled a technical conference for April 22, 2024 (the Post-Comment Technical Conference) and directed the parties to make presentations on several enumerated topics, including the Public Staff's opposition to the Active Load Management provisions. The Order Scheduling Technical Conference further directed the parties to make a filing by April 15, 2024, identifying the identity of each presenter and the subject matter the individual would cover.

On April 11, 2024, the Efficiency Advocates filed their Joint Motion to Allow Remote Participation in Technical Conference (Motion). They state that Active Load Management was an issue which they had initially advanced and that they were committed to identifying an expert who could answer questions from the Commission on that topic. The Efficiency Advocates describe how they promptly and diligently sought an appropriate subject matter expert to participate on their behalf at the Post-Comment Technical Conference. On short notice they were unable to do so; however, they did identify an expert, Ryan Hledik, a principal of the Brattle Group, who was able to participate remotely. The Efficiency Advocates acknowledge that the Commission has disfavored remote participation in hearings since COVID restrictions have been lifted but note the unusual circumstances of the Post-Comment Technical Conference, which was convened on short notice and in which no evidence will be taken. The Efficiency Advocates state that no party objects to the relief requested.

In their filing on April 15, 2024, the Efficiency Advocates identified Mr. Hledik as their presenter, and asked for additional time to identify a presenter in the event that their Motion were denied.

The Presiding Commissioner has carefully considered the Motion, along with the other relevant filings in the docket, and determines that the circumstances do not warrant allowing remote participation in the Post-Comment Technical Conference as proposed by the Efficiency Advocates. Duke and the Efficiency Advocates are aligned on the issue of the Active Load Management provisions, and Duke has identified subject matter experts who will

present to the Commission on this topic and will be available to answer the Commission's questions. As the Efficiency Advocates acknowledge, the Commission disfavors remote participation in its proceedings. The purpose of the Post-Comment Technical Conference is not to take evidence, but to provide the Commissioners with an opportunity to ask questions about the Proposed Mechanisms. Although appreciative of the Efficiency Advocates' efforts to secure an expert to present to the Commission, taking the circumstances as a whole, the Presiding Commissioner does not find good cause to deviate from the Commission's usual procedures.

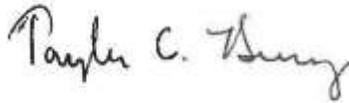
IT IS, THEREFORE, ORDERED as follows:

1. That the Joint Motion to Allow Remote Participation in Technical Conference is denied; and
2. That the Efficiency Advocates shall have until Friday, April 19, 2024 to identify an individual or individuals, if they choose to do so, who will present to the Commission on their behalf.

ISSUED BY ORDER OF THE COMMISSION

This the 17th day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION



Taylor C. Berry, Deputy Clerk