

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 165
DOCKET NO. E-100, SUB 167

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
2020 Biennial Integrated Resource Plans)
and Related 2020 REPS Compliance Plans)
Biennial Determination of Avoided Cost)
Rates for Electric Utility Purchases from)
Qualifying Facilities – 2020)

**MOTION FOR
EXTENSION FOR FILING
OF COMMENTS**

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission, by and through its Executive Director, Christopher J. Ayers, and respectfully requests that the Commission issue an order extending the filing deadlines in the above-captioned dockets.

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

Docket No. E-100, Sub 165

1. On May 1, 2020, in Docket No. E-100, Sub 165, Virginia Electric and Power Company d/b/a Dominion Energy North Carolina (DENC) filed its 2020 Integrated Resource Plan (IRP) pursuant to N.C. Gen. Stat. §§ 62-2 and 62-110.1 and Commission Rule R8-60 contemporaneously with the filing of its 2020 IRP Plan in its Virginia jurisdiction, pursuant to Va. Code § 56-599.

2. On September 1, 2020, Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP, and together with DEC, Duke) filed their 2020

Integrated Resource Plans (Duke 2020 IRPs), 2020 Renewable Energy and Energy Efficiency Portfolio Standard (REPS) Compliance Plans, and Competitive Procurement of Renewable Energy Compliance (CPRE) Compliance Plans.

3. Pursuant to Commission Rule R8-60(k), the Public Staff or any other intervenor, within 150 days after September 1 or the filing of each utility's biennial Report, may file an integrated resource plan or report of its own as to any utility or may file an evaluation of or comments on the reports filed by the utilities, or both. Additionally, within 60 days after the filing of initial comments, the parties may file reply comments.

4. The Public Staff has been diligently conducting its investigation, but due to the press of business and the complexity of the proceeding, the Public Staff requests additional time to complete its initial comments. As such, the Public Staff respectfully requests that the Commission extend the current deadline for initial comments by four weeks in the IRP proceeding from January 29, 2021, to February 26, 2021, and the deadline for reply comments from March 30, 2021, to April 27, 2021.

Docket No. E-100, Sub 167

5. On August 13, 2020, in Docket E-100, Sub 167 (2020 Avoided Cost Proceeding), the Commission issued an *Order Establishing Biennial Proceeding, Requiring Data, and Scheduling Public Hearings* (Avoided Cost Scheduling Order) establishing a schedule for the 2020 biennial proceeding for determining each utility's avoided costs with respect to rates for purchases from qualifying facilities

pursuant to the provisions of Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) and the Federal Energy Regulatory Commission (FERC) regulations implementing those provisions, and N.C. Gen. Stat. § 62-156.

6. The Avoided Cost Scheduling Order required Duke, DENC, Western Carolina University (WCU), and Appalachian State University d/b/a New River Light and Power Company (New River) (collectively, the Utilities) to file statements and exhibits by November 2, 2020; allowed comments and exhibits of the Public Staff and other intervenors to be filed by January 11, 2021; allowed reply comments of all parties to be filed by February 12, 2021; and allowed proposed orders related solely to proposed changes in the methodologies used to calculate or determine the avoided costs, as well as the data inputs and assumptions used in applying those methodologies, to be filed by March 12, 2021.

7. On October 20, 2020, Duke and DENC filed a Notification of Intended Compliance with N.C. Gen. Stat. § 62-156(b), Request for Continuance of Compliance with Certain 2020 Filing Requirements and Request to Prospectively Modify Timing of Biennial Proceedings, which: (1) notified the Commission of the intention of Duke and DENC to comply with N.C. Gen. Stat § 62-156(b) by filing “streamlined” 2020 avoided cost filings that update the inputs in their avoided cost energy rates and avoided capacity rates based on the methodological guidelines and requirements approved in the prior avoided cost Final Order in Docket E-100, Sub 158 (Sub 158 Order), (2) requested a continuance of the additional issues to be addressed by the utilities as outlined in the Sub 158 Order (Sub 158 Additional Issues) until November 1, 2021; and (3) requested to modify the timing of the

biennial avoided cost proceeding, by starting the next full biennial proceeding next year in 2021 and shifting all future proceedings to odd calendar years.

8. On October 30, 2020, the Commission issued an *Order Granting Continuance and Establishing Reporting Requirements*, acknowledging the intention of Duke and DENC to comply with N.C. Gen. Stat § 62-156(b) by filing “streamlined” 2020 avoided cost filings, requiring Duke and DENC to address the Sub 158 Additional Issues by November 1, 2021, and encouraging the parties to strictly adhere to the schedule set forth in the Avoided Cost Scheduling Order.

9. On November 2, 2020, DEC and DEP filed its Joint Initial Statements and Exhibits and DENC filed its Initial Statement and Exhibits. On November 16, 2020, DENC filed corrected information regarding its avoided costs and initial avoided energy exhibits. On December 22, 2020, New River and WCU filed their Initial Statements and Exhibits.

10. The Public Staff has been diligently conducting its investigation, but due to the press of business, delays in receiving certain filings and discovery responses, and the holidays, the Public Staff requests additional time to complete its initial comments. The Public Staff also seeks to ensure that there is sufficient time between the deadline for initial comments in the 2020 Avoided Cost Proceeding and the deadline for initial comments in the 2020 IRP Proceeding, as many of the same members of the staff work on both proceedings. As such, the Public Staff respectfully requests that the Commission extend the current deadline

for initial comments to January 25, 2021, the deadline for reply comments to February 26, 2021, and the deadline for proposed orders to March 26, 2021.

11. The Public Staff has contacted counsel for the following parties to the 2020 IRP Proceeding: Carolina Industrial Groups for Fair Utility Rates (CIGFUR), Carolina Utility Customers Association, Inc. (CUCA); DEC and DEP; DENC; the North Carolina Attorney General's Office; the North Carolina Clean Energy Business Alliance (NCCEBA); the North Carolina Sustainable Energy Association (NCSEA); NC WARN, Inc., and the Center for Biological Diversity; the Southern Alliance for Clean Energy (SACE); and Vote Solar. No parties indicated that they objected to the proposed extension.

12. The Public Staff has contacted counsel for the following parties to the 2020 Avoided Cost Proceeding: CIGFUR, CUCA; DEC and DEP; DENC; the North Carolina Attorney General's Office; NCCEBA; NCSEA; and SACE. No parties indicated that they objected to the proposed extension.

WHEREFORE, the Public Staff respectfully requests that the Commission extend the deadline for the submission of initial comments for the 2020 IRP Proceeding and the 2020 Avoided Cost Proceeding as requested above; and for such further relief as the Commission may deem just and proper.

This the 29th day of December, 2020.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Dianna W. Downey
Chief Counsel

Lucy E. Edmondson
Staff Attorney

Electronically submitted
/s/ Tim R. Dodge
Staff Attorney

4326 Mail Service Center
Raleigh, North Carolina 27699-4300
Telephone: (919) 733-6110
tim.dodge@psncuc.nc.gov

CERTIFICATE OF SERVICE

I certify that a copy of this Motion for Extension has been served on all parties of record or their attorneys, or both, by United States mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 29th day of December, 2020.

Electronically submitted
/s/ Tim R. Dodge