

**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)	)
	ORDER ESTABLISHING
	ADDITIONAL PROCEDURES FOR
	EXPERT WITNESS HEARING

BY THE PRESIDING COMMISSIONER: North Carolina General Statutes Section 62-110.9 (Carbon Plan Statute) directs the Commission to take all reasonable steps to achieve a seventy percent reduction in emissions of carbon dioxide in the State from electric generating facilities owned or operated by Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP; collectively with DEC, Duke), from 2005 levels by the year 2030 and carbon neutrality by the year 2050 subject to certain discretionary limitations. In accordance with the Carbon Plan Statute, the Commission issued an Order Adopting Initial Carbon Plan and Providing Direction for Future Planning on December 30, 2022, in Docket No. E-100, Sub 179 (Initial Carbon Plan). The Carbon Plan Statute directs the Commission to review the plan every two years after the adoption of the Initial Carbon Plan. The Initial Carbon Plan provided for the consolidation of the Carbon Plan and Integrated Resource Plan (IRP) processes (CPIRP, as consolidated) and required Duke to file its first proposed biennial CPIRP by no later than September 1, 2023.

On March 15, 2023, the Commission opened this docket for the purpose of hearing the 2023 CPIRP proceeding. On August 17, 2023, Duke filed a verified petition seeking the Commission's approval of its proposed 2023 CPIRP. On September 1, 2023, Duke prefiled direct testimony and exhibits of witnesses in support of its verified petition and proposed 2023 CPIRP.

On November 30, 2023, Duke filed the Supplemental Direct Testimony of Glen A. Snider (Supplemental Testimony). Contemporaneous with the Supplemental Testimony filing, Duke filed a letter (November 30, 2023 letter) which noted that, since the preparation of Duke's proposed 2023 CPIRP, substantial and material changes arose in Duke's underlying load forecast. Duke indicated its intention to engage with the Public Staff and other intervenors regarding whether supplemental modeling and analysis are needed.

On December 18, 2023, Duke filed a second letter (December 18, 2023 letter) with the Commission addressing its updated 2023 fall load forecast (Updated 2023 Fall Load Forecast). Duke's December 18, 2023 letter stated that following consultation with the Public Staff and other parties to this proceeding, Duke determined that it was necessary

to “perform limited supplemental modeling and to submit additional portfolio analysis and supporting testimony in this proceeding based on the Updated 2023 Fall Load Forecast.”

Following the receipt and consideration of comments from interested parties regarding Duke’s request to file supplemental testimony, 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 (January 17, 2024 Procedural Order). The January 17, 2024 Procedural Order permitted Duke to file supplemental testimony, additional portfolio analysis, and supplemental testimony; set forth discovery guidelines; scheduled five public hearings across the state that includes a remote option; scheduled a technical conference on intervenor testimony; required public notice by Duke; and extended the intervention deadline, the testimony prefiling deadlines, and the expert witness hearing date established by Commission Rule R8-60A.

The January 17, 2024 Procedural Order also instructed the parties to remain cognizant of the December 31, 2024 statutory deadline for the Commission to issue its final 2023 CPIRP and to make substantial efforts to adhere to deadlines established by the Commission in that order and future procedural orders.

As this will be the Commission’s first consolidated CPIRP proceeding and first proceeding conducted pursuant to Commission Rule R8-60A, the Presiding Commissioner finds good cause to establish additional procedures to facilitate an efficient proceeding and establish expectations for hearing conduct.

IT IS, THEREFORE, ORDERED as follows:

1. That parties filing intervenor testimony shall organize the testimony by issue and include a table of contents or index for each witness or panel indicating where in the testimony each designated issue is discussed;
2. That Duke shall similarly organize its initial direct and supplemental direct testimony by issue and file with the Commission a table of contents or index for each witness or panel indicating where in the testimony each designated issue is discussed within two weeks of the issuance of this order;
3. That Duke shall organize its rebuttal testimony by issue and include a table of contents or index for each witness or panel indicating where in the testimony each designated issue is discussed;
4. That Duke shall consult with all parties and file, not later than Monday, July 15, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party’s estimated time for cross-examination of each witness. If the parties cannot reach agreement, the remaining parties shall, not later than Wednesday, July 17, 2024, make a filing indicating their points of disagreement with Duke’s filing. The

Commission expects the parties to adhere to their estimated times for cross-examination to the greatest extent possible;

5. That at least three business days prior to the commencement of the hearing, each party shall (a) file an exhibit index of potential cross-examination exhibits; and (b) provide electronic copies of the index and potential cross-examination exhibits to all other parties and to the Commission via email at [ncucexhibits@ncuc.net](mailto:ncucexhibits@ncuc.net). Each potential exhibit shall be provided separated, one from the other, as separate files;

6. That at least one business day prior to the commencement of the hearing, each party shall (a) file an exhibit index of potential redirect examination exhibits; and (b) provide electronic copies of the index and potential redirect exhibits to all other parties and to the Commission via email at [ncucexhibits@ncuc.net](mailto:ncucexhibits@ncuc.net). Each potential exhibit shall be provided separated, one from the other, as separate files;

7. That at the commencement of the hearing, each party shall provide an exhibit notebook, or set of exhibit notebooks, bound in a three-ring binder and containing those exhibits listed on the party's filed exhibit indices. Each notebook shall contain an exhibit index and a copy of each exhibit. Each exhibit shall be separately tabbed and arranged numerically in the notebook, consistent with the index. Each notebook shall be labeled with the sponsoring party's name on the cover and the spine of the notebook. Exhibit notebooks shall be placed in the designated area in front of the witness stand in the hearing room no later than 1:45 p.m. on the day the hearing commences;

8. That each potential cross-examination exhibit and potential redirect examination exhibit shall be labeled with the sponsoring party's name and numbered sequentially in the upper right corner on the face of the document. Potential exhibits, whether cross-examination or redirect examination, shall be numbered consecutively, with the numbering for each party's potential cross-examination or redirect exhibits starting with the next consecutive number after that party's potential cross exhibits ended (e.g., "Sponsoring Party's Name Potential Cross Exhibit 1," "Sponsoring Party's Name Potential Redirect Exhibit 2," etc.);

9. That any corrections to witness' prefiled testimony or exhibits must be filed with the Commission at least one business day prior to calling the witness to the stand, and each party shall file in the docket the following:

- a. An errata filing of any corrections to the witness' prefiled testimony, and a complete copy of the witness' corrected testimony; and
- b. An errata filing of any corrections to the witness' prefiled exhibits, and a complete copy of the corrected exhibits;

10. That the Commission hereby opens Docket No. E-100 Sub 190A, for the purpose of receiving the exhibits admitted during the hearing and witness summaries;

11. That at least two business days prior to calling a witness to the stand, each party shall file in Docket No. E-100, Sub 190A, a summary of the witness' testimony. Parties are hereby instructed to refrain from reading witness summaries into the record during the course of the expert witness hearing. In lieu of reading the witness' summary into the record, the witness' testimony, errata, and summary should be moved into the record at the time the witness is made available for cross-examination;

12. That within 24 hours after a cross-examination or redirect exhibit is admitted into the record, the sponsoring party shall file in Docket No. E-100, Sub 190A, the following:

- a. A list of that party's cross-examination and redirect exhibits moved into the record, noted by date and by witness; and
- b. A copy of that party's cross-examination and redirect examination exhibits moved into the record, marked as identified during the hearing;

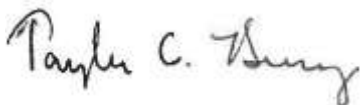
13. That consistent with the Commission's established procedures for review as set forth in the provisions of Commission Rule R8-60A(g), the expert witness hearing will begin with the Commission hearing Duke's direct case (see Commission Rule R8-60A(g)(1)), followed by the presentation of the intervenors' expert witnesses (see Commission Rule R8-60A(g)(2)), and finally, Duke may present its rebuttal witnesses (see Commission Rule R8-60A(g)(2)); and

14. That proposed orders and post-hearing briefs shall be filed with the Commission no later than 15 business days after the conclusion of the expert witness hearing.

ISSUED BY ORDER OF THE COMMISSION.

This the 21st day of February, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Taylor C. Berry". The signature is written in a cursive, flowing style.

Taylor C. Berry, Deputy Clerk