

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 178

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Rulemaking Proceeding to Implement) ORDER REQUESTING
Performance-Based Regulation of) COMMENTS AND PROPOSED
Electric Utilities) RULES

BY THE CHAIR: On October 13, 2021, the Governor signed into law House Bill 951 (S.L. 2021-165), which enacted N.C. Gen. Stat. § 62-133.16. To implement the statute, the Commission is directed to adopt rules by no later than February 10, 2022.

The Chair finds good cause to request comments and proposed rules on the implementation of performance-based regulation (PBR) as authorized in N.C.G.S. § 62-133.16. The comments should address the following and any other relevant issues that the Commission must address to implement PBR:

1. The specific procedures and requirements that an electric public utility shall meet when requesting approval of a PBR application;
2. The criteria for Commission evaluation of a PBR application;
3. The parameters for a technical conference process to be conducted by the Commission prior to submission of any PBR application consisting of one or more public meetings at which the electric public utility presents information regarding projected transmission and distribution expenditures and interested parties are permitted to provide comment and feedback; and
4. The process by which an electric public utility may address the Commission's reasons for rejection of a PBR application, which process may include collaboration between stakeholders and the electric public utility to cure any identified deficiency in an electric public utility's PBR application.

IT IS, THEREFORE, ORDERED as follows:

1. That Duke Energy Carolinas, LLC, Duke Energy Progress, LLC, and Dominion Energy North Carolina are hereby made parties to this docket without the necessity of filing petitions to intervene;

2. That any other persons desiring to become formal parties to this proceeding may file a petition to intervene on or before November 9, 2021;

3. That parties may file comments and proposed rules on or before November 9, 2021; and

4. That parties may file reply comments on or before December 7, 2021.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of October, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Joann R. Snyder". The signature is written in black ink and is positioned above the printed name.

Joann R. Snyder, Deputy Clerk