

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 179

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Duke Energy Progress, LLC, and Duke) ORDER ESTABLISHING
Energy Carolinas, LLC, 2022 Biennial) ADDITIONAL PROCEDURES AND
Integrated Resource Plans and Carbon Plan) REQUIRING ISSUES REPORT

BY THE CHAIR: Session Law 2021-165 (S.L. 2021-165) directs the Commission to develop a Carbon Plan that takes reasonable steps to reduce carbon dioxide emissions in this State from electric generating facilities owned or operated by Duke Energy Progress, LLC (DEP), and Duke Energy Carolinas, LLC (DEC, together with DEP, Duke), by 70% from 2005 levels by 2030 and to achieve carbon neutrality by 2050.

On November 19, 2021, the Commission issued an Order Requiring Filing of Carbon Plan and Establishing Procedural Deadlines, which required Duke to file an initial Carbon Plan by April 1, 2022, and permitted intervening parties to file a plan or report of their own or an evaluation of or comments on Duke's proposed Carbon Plan within 60 days from the filing of Duke's proposed Carbon Plan.

On November 29, 2021, in response to a motion for extension of time filed by Duke, the Commission extended Duke's deadline to file its proposed Carbon Plan to May 16, 2022, and ordered that intervening parties make their responsive filings by July 15, 2022.

Given the expedited nature of this proceeding due to the requirements of S.L. 2021-165, the Commission has determined that it will attempt to resolve all issues arising in this docket based on a record developed through public witness testimony, verified filings made by persons who would otherwise be qualified to present expert testimony in a formal hearing, and written comments, rather than conducting an evidentiary hearing for the purpose of receiving expert testimony. Nonetheless, the Commission is mindful that, for a proceeding of this significance, an evidentiary hearing for the purpose of receiving expert witness testimony as to certain issues may be necessary. It is premature for the Commission to determine, at this time, whether an expert witness hearing will be required to resolve disputed issues. Rather, the Commission will make this determination, including the scope of the issues to be considered at such hearing, after the filings made by the parties on July 15, 2022, and after the filing of the Issues Report, as hereinafter defined.

In light of the foregoing, the Commission directs the parties to confer prior to July 15, 2022, with the goals of identifying and narrowing the issues in controversy and

of identifying which issues merit consideration at an expert witness hearing. The Commission directs intervenor parties to identify in their July 15, 2022 filings the substantive issues, if any, that should be the subject of an expert witness hearing. The Commission further directs Duke to confer with all parties and, on or before July 22, 2022, report to the Commission on the results of that conference (Issues Report). The Issues Report shall identify all substantive issues that are anticipated to come before the Commission for determination in this proceeding, including: (1) those issues where agreement exists or can reasonably be expected to be reached; (2) those issues that are in controversy, but do not merit consideration at an expert witness hearing; and (3) those issues that are in controversy and merit consideration at an expert witness hearing. If consensus cannot be reached among the parties, then Duke shall identify in its Issues Report the points of disagreement among the parties.

Finally, the Commission puts the parties on notice that should an expert witness hearing be conducted, the procedural schedule will be abbreviated and expedited, as follows:

1. The expert witness hearing will begin on Monday, September 19, 2022;
2. The direct testimony and exhibits of Duke are to be filed on or before Friday, August 19, 2022;
3. The direct testimony and exhibits of the Public Staff and other intervenors are to be filed on or before Friday, September 2, 2022; and
4. The rebuttal testimony and exhibits of Duke will be filed on or before Friday, September 9, 2022.

The Commission provides this notice of procedural schedule to allow parties to prepare and plan, and given the December 31, 2022 deadline, should an expert hearing be deemed necessary, the Commission intends to hold the parties to the schedule outlined herein.

IT IS, THEREFORE, ORDERED that Duke shall file the Issues Report described in this Order on or before Friday, July 22, 2022.

ISSUED BY ORDER OF THE COMMISSION.

This the 1st day of April, 2022.

NORTH CAROLINA UTILITIES COMMISSION



Joann R. Snyder, Deputy Clerk