

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-7, SUB 819

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

|   |                       |
|---|-----------------------|
| In the Matter of                          |                       |
| Application of Duke Energy Carolinas, LLC | ) ORDER ALLOWING DATE |
| for Approval of Decision to Incur Nuclear | ) CERTAIN FOR WITNESS |
| Generation Project Development Costs      | ) BRADFORD TO TESTIFY |

BY THE CHAIRMAN: On March 8, 2011, the Intervenor Public Advocacy Groups filed a motion whereby the Commission was requested to schedule a time certain for their witness, Peter A. Bradford, to testify at the hearing in this docket which is scheduled to commence on Tuesday, March 15, 2011, at 9:00 a.m. In support of their motion, the Public Advocacy Groups further stated that "there may be a few public witnesses who wish to testify so it may be appropriate to have Mr. Bradford testify as the first of the expert witnesses."

On March 9, 2011, Duke Energy Carolinas, LLC (Duke or Company) filed an objection to the Public Advocacy Groups' motion stating that the motion should be denied for the following reasons:

1. The Commission issued its Order scheduling this hearing on November 29, 2010. Parties have been aware of this hearing date for over three months and should have planned accordingly with respect to the appearance of witnesses.
2. The Company has the burden of proof and should be permitted to present its case prior to any testimony by an intervenor witness.
3. The Company has scheduled its witnesses to be present and testify at the commencement of the hearing and these witnesses should not have to wait while an intervenor presents its witness.
4. The Motion also seems to request an appearance by public witnesses. There is no provision in the Commission's November 29, 2010 Scheduling Order for public witnesses and public witnesses should not be allowed to appear and delay the commencement of the evidentiary hearing.

**WHEREUPON**, the Chairman finds good cause to allow the Public Advocacy Groups to present the testimony of witness Bradford at an appropriate time to be determined on Tuesday, March 15<sup>th</sup>. The Commission staff contacted the attorney for the Public Advocacy Groups to determine why Mr. Bradford has a scheduling conflict

that necessitated the motion and the Chairman is satisfied with the response given. The Chairman also finds good cause to announce that, in accordance with customary practice, limited time will be available for testimony from public witnesses at the hearing beginning on March 15<sup>th</sup>, but the Commission reserves the right to impose reasonable time limits depending upon the number of public witnesses who request to be heard in order to receive the expert testimony of party witnesses within the time allotted by the Commission for this case.

The parties to this case are requested to meet with the Chairman at 8:45 a.m. in the Hearing Room to discuss procedural matters, including the order of presenting witnesses. The Chairman will then determine the point in time when witness Bradford will be allowed to testify.

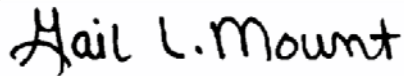
The parties are also requested to file estimates of their cross-examination times on a witness-by-witness basis. These estimates should be filed not later than 3:00 p.m. on Monday, March 14, 2011.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 10<sup>th</sup> day of March, 2011.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Gail L. Mount". The signature is written in a cursive, flowing style.

Gail L. Mount, Deputy Clerk