

**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)
Performance-Based Regulation of) ORDER GRANTING, IN PART,
Electric Utilities) MOTION FOR LEAVE

BY THE CHAIR: On October 13, 2021, the Governor signed into law House Bill 951 (S.L. 2021-165), which enacted N.C.G.S. § 62-133.16. To implement the new statute, the Commission is directed to adopt rules by no later than February 10, 2022. On October 14, 2021, the Commission issued an Order Requesting Comments and Proposed Rules in the above captioned docket. The Order directed parties to file comments or proposed rules on or before November 9, 2021, and reply comments on or before December 7, 2021.

On November 19, 2021, Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC, (DEP, together with DEC, Duke) filed a Motion for Extension of Time to File Reply Comments. The Commission granted that request and allowed reply comments to be filed on or before December 17, 2021. Multiple parties filed reply comments on December 17, 2021.

On December 29, 2021, Duke filed a Motion for Leave to File Supplemental Reply Comments (Duke's Motion for Leave). In its motion, Duke stated that it would be equitable to allow the electric public utilities to file supplemental reply comments to address the new positions reflected in the reply comments filed by multiple parties. On that same date, Virginia Electric Power Company, d/b/a Dominion Energy North Carolina (DENC) filed a letter supporting Duke's motion.

Based on the motion and the record as a whole, the Chair finds good cause to grant the request for leave to file supplemental reply comments, as modified in this Order. All parties may file supplemental reply comments on Duke's Motion for Leave and on the issues detailed in paragraphs 13-15 of that Motion on or before January 5, 2022.

As noted above, S.L. 2021-165 provides that the Commission must adopt rules no later than February 10, 2022. The expedited time frame provided by S.L. 2021-165 limits

the Commission from allowing parties any additional time to comment beyond that provided for in this Order.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 30th day of December, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Erica N. Green". The signature is written in a cursive style with a large, stylized initial "E".

Erica N. Green, Deputy Clerk