# LAW OFFICE OF **ROBERT W. KAYLOR, P.A.**

P.O. BOX 30036 RALEIGH, NORTH CAROLINA 27622 (919) 828-5250 FACSIMILE (919) 828-5240

February 27, 2024

## VIA ELECTRONIC FILING AND HAND DELIVERY

Ms. A. Shonta Dunston Chief Clerk North Carolina Utilities Commission 4325 Mail Service Center Raleigh, North Carolina 27699-4300

Re: Duke Energy Carolinas, LLC's CEPS Cost Recovery Rider and 2023

Compliance Report - PUBLIC Docket No. E-7, Sub 1306

Dear Ms. Dunston:

Enclosed for filing with the North Carolina Utilities Commission ("Commission") is the Application of Duke Energy Carolinas, LLC ("DEC" or the "Company") pursuant to N.C. Gen. Stat. §62-133.8 and Commission Rule R8-67 relating to incremental costs for compliance with the clean energy and energy efficiency portfolio standard ("CEPS") for electric utilities, together with the testimony and exhibits of Kimberly A. Presson and Veronica I. Williams containing the information required by Commission Rule R8-67.

Certain information contained in the exhibits of Ms. Williams and Ms. Presson are trade secrets, and confidential, proprietary, and commercially sensitive information. For that reason, they are being filed under seal pursuant to N.C. Gen. Stat. §132-1.2. Parties to the docket may contact the Company to obtain copies pursuant to an appropriate confidentiality agreement.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Robert W. Kaylor

Robert W. Kayla

Enclosures

## **CERTIFICATE OF SERVICE**

I certify that a copy of Duke Energy Carolinas, LLC's CEPS Cost Recovery Rider Application, in Docket No. E-7, Sub 1306, has been served by electronic mail, hand delivery, or by depositing a copy in the United States Mail, 1<sup>st</sup> Class Postage Prepaid, properly addressed to parties of record.

This the 27<sup>th</sup> day of February, 2024.

Robert W. Kaylor

Robert W. Kayla

Law Office of Robert W. Kaylor, P.A.

P.O. BOX 30036

Raleigh, North Carolina 27622

Tel: 919-828-5250

bkaylor@rwkaylorlaw.com

North Carolina State Bar No. 6237

ATTORNEY FOR DUKE ENERGY CAROLINAS, LLC

# STATE OF NORTH CAROLINA UTLITIES COMMISSION RALEIGH

DOCKET NO. E-7, SUB 1306

### BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:	
Application of Duke Energy Carolinas, LLC	APPLICATION FOR APPROVAL
for Approval of Clean Energy and Energy )	OF CEPS COST RECOVERY
Efficiency Portfolio Standard (CEPS)	RIDER AND 2023 CEPS
Compliance Report and Cost Recovery Rider	COMPLIANCE REPORT
Pursuant to N.C. Gen. Stat. § 62-133.8 and	
Commission Rule R8-67	

Duke Energy Carolinas, LLC ("DEC" or the "Company"), pursuant to N.C. Gen. Stat. § 62-133.8 and Rule R8-67 of the Rules and Regulations of the North Carolina Utilities Commission ("Commission"), hereby makes this Application (1) for approval of its 2023 Clean Energy Portfolio Standard ("CEPS")<sup>1</sup> Compliance Report, and (2) to implement a monthly charge to recover the incremental costs associated with compliance with the CEPS. In support of this Application, the Company respectfully shows the following:

1. The Company is a public utility operating in the states of North Carolina and South Carolina where it is engaged in the generation, transmission, distribution, and sale of electricity for compensation. Its general offices are located at 525 South Tryon

to include those clean energy resources.

<sup>&</sup>lt;sup>1</sup> On October 10, 2023, Session Law 2023-138 ("Senate Bill 678") became law. The law modified the name of the former Renewable Energy and Energy Efficiency Portfolio Standard ("REPS") by changing the name to the Clean Energy and Energy Efficiency Portfolio Standard. The law introduced, among other things, clean energy facilities and clean energy resources, and modified the definition of a Renewable Energy Certificate

Street, Charlotte, North Carolina 28202, and its mailing address is Post Office Box 1321, Charlotte, North Carolina 28201.

2. The attorneys for the Company, to whom all communications and pleadings should be addressed, are:

Ladawn S. Toon
Associate General Counsel
Duke Energy Corporation
P.O. Box 1551
Raleigh, North Carolina 27602
919.546.2148
Ladawn.Toon@duke-energy.com

Robert W. Kaylor Law Office of Robert W. Kaylor, P.A. P.O. BOX 30036 Raleigh, North Carolina 27622 919.828.5250 bkaylor@rwkaylorlaw.com

3. N.C. Gen. Stat. § 62-133.8 requires North Carolina's electric power suppliers to supply twelve and one-half (12.5) percent of their North Carolina retail kilowatt hours ("kWh") sales from "renewable energy resources," as that term is defined by N.C. Gen. Stat. § 62-133.8(a)(8), for calendar year 2023. In addition, N.C. Gen. Stat. § 62-133.8(d) requires that the electric power suppliers supply 0.20 percent of their North Carolina retail kWh sales from solar photovoltaic or thermal solar resources in 2023. Further, N.C. Gen. Stat. § 62-133.8(e) and (f) require that the electric power suppliers also obtain their allocated share of the state-wide requirement of 0.05 percent of the total North Carolina retail kWh sold from swine waste resources and 900,000 megawatt hours

("MWh") of the total electric power sold to North Carolina retail customers from poultry waste resources, respectively, in 2023.<sup>2</sup>

4. N.C. Gen. Stat. § 62-133.8(h) provides that the electric public utilities shall be allowed to recover the incremental costs<sup>3</sup> associated with complying with N.C. Gen. Stat. § 62-133.8 through a rider not to exceed the following annual per-account charges:

Customer Class	20	08-2011	20	12-2014	2015 - forward		
Residential	\$	10.00	\$	12.00	\$	27.00	
Commercial	\$	50.00	\$	150.00	\$	150.00	
Industrial	\$	500.00	\$ 1	,000.00	\$	1,000.00	

The statute provides that the Commission shall ensure that the incremental costs to be recovered from individual customers on a per-account basis are in the same proportion as the per-account annual charges for each customer class set out in the chart above.

5. Rule R8-67(c) requires the Commission to conduct an annual proceeding for each electric public utility to review the utility's costs to comply with N.C. Gen. Stat. § 62-133.8 and establish the electric public utility's annual rider to recover such costs in a timely manner. The Commission shall also establish an experience modification factor ("EMF") to collect the difference between the electric public utility's actual reasonable and prudent CEPS costs incurred during the test period and the actual revenues realized during the test period. Rule R8-67(c) further provides that the Commission shall consider each

<sup>&</sup>lt;sup>2</sup> Both the Poultry Waste and Swine Waste Set-Aside Requirements established by N.C. Gen. Stat. § 62-133.8 have been modified by Commission order pursuant to N.C. Gen. Stat. § 62-133.8(i)(2), as discussed herein

<sup>&</sup>lt;sup>3</sup> "Incremental costs" include (1) all reasonable and prudent costs incurred by an electric utility to meet the solar and renewable generation requirements of the statute that are in excess of the utility's avoided costs, (2) costs associated with research that encourages the development of renewable energy, energy efficiency, or improved air quality provided those research costs do not exceed one million dollars (\$1,000,000) per year, and (3) costs, including program costs, incurred to provide incentives to customers pursuant to N.C.Gen. Stat. § 62-155(f) (solar rebate program costs and incentives).

electric public utility's CEPS compliance report at the hearing provided for in Rule R8-67(e) and shall determine whether the electric public utility has complied with N.C. Gen. Stat. § 62-133.8(b), (d), (e) and (f).

- 6. According to Rules R8-67(c) and (e), the electric public utility is to file its application for recovery of its CEPS costs, as well as its CEPS compliance report, at the same time it files the information required by Rule R8-55, and the Commission is to conduct an annual rider hearing as soon as practicable after the hearing required by Rule R8-55.
- 7. Pursuant to the provisions of N.C. Gen. Stat. § 62-133.8 and Commission Rule R8-67(e), DEC requests the Commission to establish a rider to recover its reasonable and prudent forecasted CEPS compliance costs to be incurred during the rate period. As provided in Rule R8-67(e), the Company requests to charge DEC's retail customers, through the EMF, an under-collection of CEPS costs incurred totaling \$5,309,133 for the period January 1, 2023 through December 31, 2023 ("EMF Period"). The Company also requests collection from DEC's retail customers CEPS costs of \$47,467,407 projected to be incurred during the rate period from September 1, 2024 through August 31, 2025 ("Billing Period"). The CEPS rider and EMF will be in effect for the twelve-month period September 1, 2024 through August 31, 2025.
- 8. Pursuant to the provisions of N.C. Gen. Stat. § 62-133.8 and Rule R8-67, DEC requests Commission approval of the annual billing statements, including both the CEPS monthly charge and the EMF monthly charge, for each customer class as follows:

Customer Class	CEPS		CEPS EMF		Total CEPS (excl. regulatory fee)		Total CEPS (incl. regulatory fee)	
Residential	\$	1.14	\$	0.11	\$	1.25	\$	1.25
General Service	\$	6.11	\$	0.75	\$	6.86	\$	6.87
Industrial	\$	34.64	\$	6.32	\$	40.96	\$	41.02

The calculation of these rates is set forth in Exhibit No. 4 of the direct testimony of Veronica I. Williams filed with this Application.

- 9. Further, pursuant to the provisions of N.C. Gen. Stat. § 62-133.8 and Commission Rule R8-67(c), the Company requests Commission approval of its 2023 CEPS Compliance Report, Presson Confidential Exhibit No. 1. Presson Confidential Exhibit No. 2 provides actual and forecasted CEPS compliance costs, by resource, that the Company has incurred during the Test Period and projects to incur during the Billing Period in support of compliance with CEPS. Presson Confidential Exhibit No. 3 is a worksheet detailing the other incremental costs included in the DEC CEPS filing, listing the labor costs by activity, as directed by the North Carolina Utilities Commission ("Commission") in its August 17, 2018 Order in Docket No. E-7, Sub 1162. Presson Exhibit Nos. 4 -28 are updates and results of studies the costs of which the Company is recovering via the CEPS Rider.
- 10. The information and data required to be filed under Commission Rule R8-67 is contained in the direct testimony and exhibits of Witnesses Presson and Williams, which are being filed simultaneously with this Application and incorporated herein by reference.

WHEREFORE, the Company respectfully prays:

That consistent with this Application, the Commission approves the Company's 2023 CEPS Compliance Report and allows the Company to implement the monthly rider charges as set forth above.

Respectfully submitted, this the 27<sup>th</sup> day of February, 2024.

Robert W. Kayla.

Robert W. Kaylor Law Office of Robert W. Kaylor, P.A. P.O. BOX 30036 Raleigh, North Carolina 27622 919.828.5250 bkaylor@rwkaylorlaw.com

Ladawn S. Toon
Associate General Counsel
Duke Energy Corporation
P.O. Box 1551
Raleigh, North Carolina 27602
919.546.2148
Ladawn.Toon@duke-energy.com

ATTORNEYS FOR DUKE ENERGY CAROLINAS, LLC

#### VERIFICATION

☐STATE OF NORTH CAROLINA )

DOCKET NO. E-7, SUB 1306

COUNTY OF MECKLENBURG )

Veronica I. Williams, being first duly sworn, deposes and says:

That she is Rates and Regulatory Strategy Manager for Duke Energy Carolinas, LLC; that she has read the foregoing Application and knows the contents thereof; that the same is true except as to the matters stated therein on information and belief; and as to those matters, she believes them to be true.

Veronica I. Williams

Sworn to and subscribed before me this the 26 day of February, 2024.

(Official Seal)

Official Signature of Notary

Peggy Hotton

Notary Public

Notary's printed or typed name

My commission expires: 12/20/26

I signed this notarial certificate on 2-26-27 according to the emergency video notarization requirements contained in G.S. 10B-25.

Notary Public location during video notarization: World County

Stated physical location of principal during video notarization: Mecklenbu County