



PUBLIC STAFF – NORTH CAROLINA UTILITIES COMMISSION

May 9, 2024

VIA ELECTRONIC FILING

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

Re: In the matter of Application of Duke Energy Carolinas, LLC, Relating to Fuel and Fuel-Related Charge Adjustments for Electric Utilities Pursuant to N.C. Gen. Stat. § 62-133.2 and Commission Rule R8-55, Docket No. E-7, Sub 1304

Dear Ms. Dunston:

The Public Staff - North Carolina Utilities Commission (Public Staff) respectfully submits this letter in response to Duke Energy Carolinas, LLC's (DEC) Supplemental Testimony and Exhibits of Sigourney Clark, filed May 8, 2024, and also DEC's Motion for Expedited Waiver and Proposed Public Notice, filed May 9, 2024, in the above-referenced docket.

In the May 8 filing DEC requests, *inter alia*, that the Commission allow it to recover funds that were already addressed in the *prior* fuel rider (Docket No. E-7, Sub 1282).¹ The methodology of recovery was set forth in an Agreement and Stipulation of Partial Settlement between DEC and the Public Staff filed May 31, 2023. Essentially, DEC is requesting that the Commission create, out of whole cloth, a new, potentially perpetual, rolling true-up mechanism² that is not supported by the law or Commission Rules.

¹ See, e.g., Clark testimony page 5 ("the Company is requesting a new EMF increment factor").

² See, e.g., Clark testimony page 6 ("when the Company prepares its 2025 fuel proceeding, if it finds the \$998 million has been over-recovered, the Company would seek to flow any over recovery back to affected customers. Conversely, if the Company finds it has further under-recovered this amount, it would seek to recover that from customers.").

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The Public Staff intends to address in subsequent filings how the request is inconsistent with law and the Commission rules, in violation of the terms of the Sub 1282 Stipulation, and untimely.

Regarding the May 9 filing, the Public Staff questions why DEC waited until today to request that the Commission shorten the public notice period. DEC knew, or should have known, by the time it began running its initial newspaper notices on April 18, 2024, that it would be updating its request by including under-collections for January 2024 through March 2024, and that it would be requesting the potentially perpetual rolling true-up. In past cases where it was necessary to re-notice, it has been traditional for DEC to re-notice for the full 30 days and for a second public hearing to be scheduled.³ The Public Staff has reviewed the numbers in the proposed public notice and finds them to be mathematically correct but sees no compelling justification for a waiver of the rules.

By copy of this letter via email, only, to the persons identified below, I am hereby serving this filing on them.

With Kind Regards,

/s/ William Freeman
 William S. F. Freeman
 William E.H. Creech
 Staff Attorneys, Public Staff

cc via email only:

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³ See, Docket No. E-7, Subs 1073, 1105, and 1230.

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