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**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH
Docket No. E-7, Sub 831**

FILED

JUN 12 2009

Clerk's Office
N.C. Utilities Commission

In the Matter of

Application of Duke Energy Carolinas, LLC)
For Approval of Save-a-Watt Approach,)
Energy Efficiency Rider, and Portfolio of)
Energy Efficiency Programs)

**ATTORNEY GENERAL'S
MOTION FOR
EXTENSION OF TIME**

On February 26, 2009, the Commission entered an *Order Resolving Certain Issues, Requesting Information on Unsettled Matters, and Allowing Proposed Rider to Become Effective Subject to Refund* (Order) in this docket. The Order decided several issues concerning Duke Energy Carolinas, LLC's (Duke's) application for approval of its Save-A-Watt (SAW) proposal. In addition, the Order directed Duke to provide supplemental information and calculations regarding the modified internal rates of return (MIRRs) that SAW will produce under eight cost and incentive scenarios. Further, the Commission ordered that other parties be allowed to file comments on Duke's supplemental information by May 1, 2009, and that Duke be allowed to file reply comments by May 18, 2009.

On March 31, 2009, Duke filed supplemental information in response to the Commission's order. Duke also added a ninth MIRR scenario. In response to subsequent motions for extensions of time, first by the Attorney General's Office (AGO) and later by the Public Staff, the Commission ultimately set the filing date for initial comments as June 12, 2009, and the date for reply comments as July 6, 2009.

The AGO has been informed by counsel for the Public Staff that Duke, the Public Staff, Environmental Defense Fund, Natural Resources Defense Council, Southern Alliance for Clean Energy and Southern Environmental Law Center have been negotiating toward a settlement of the issues in this proceeding. Further, the AGO was informed by the Public Staff's counsel on this date, June 12, 2009, that a proposed settlement has been reached by those parties and will be filed with the Commission on this date. Although the AGO sought to participate, the AGO was not a party to the settlement negotiations and has not yet seen a copy of the proposed settlement.

Based on the description of the proposed settlement provided by the Public Staff's counsel, the settlement terms are lengthy and complex. In addition, it is the AGO's understanding that under the settlement MIRR calculations are not used to determine the SAW earnings rates. If the AGO's understanding on that point is correct, comments on the use of MIRR calculations may be irrelevant.

The rates and methodology adopted by the Commission at this point will impact the consuming public long into the future. The attention of the parties and Commission should be focused on the proposed settlement agreement. Therefore, the AGO requests that the

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Commission order that the filing of comments and reply comments on Duke's March 31, 2009 MIRR supplemental information be extended indefinitely, until further order by the Commission.

The Commission's Order authorized Duke to implement SAW and begin recovering Duke's costs and incentives "at the levels requested by the Company, subject to refund with interest if the Commission, by final order entered in this docket, sets the rider at lower levels." See Order at 65. Therefore, Duke will not be prejudiced by the order requested by the AGO.

Wherefore, pursuant to Commission Rule R1-7, the AGO respectfully moves the Commission for entry of an order that the filing of comments and reply comments on Duke's March 31, 2009 MIRR supplemental information is extended indefinitely, until further order by the Commission.

This the 12th day of June, 2009.

ROY COOPER
Attorney General



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CERTIFICATE OF SERVICE

The undersigned certifies that he has served a copy of the foregoing ATTORNEY GENERAL'S MOTION FOR EXTENSION OF TIME upon the parties of record in this proceeding or their attorneys by email and by depositing a copy of the same in the United States Mail, postage prepaid and properly addressed.

This the 12th day of June, 2009.



Leonard G. Green
Assistant Attorney General