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June 3, 2019

VIA ELECTRONIC FILING

Ms. M. Lynn Jarvis, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

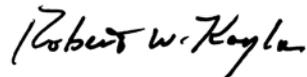
**RE: Duke Energy Carolinas, LLC's Motion for Witnesses to be Excused
from Evidentiary Hearing
Docket No. E-7, Sub 1190**

Dear Ms. Jarvis:

Enclosed for filing with the Commission is Duke Energy Carolinas, LLC Motion for Witnesses to be Excused from Appearance at the Evidentiary Hearing in the referenced matter.

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

Sincerely,



Robert W. Kaylor

Enclosure

cc: Parties of Record

OFFICIAL COPY

JUN 03 2019

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-7, SUB 1190

In the Matter of:)
)
Application of Duke Energy Carolinas, LLC.) DUKE ENERGY CAROLINAS,
Pursuant to N.C. Gen. Stat. 62-133.2 and) LLC'S MOTION FOR WITNESSES
Commission Rule R8-55 Relating to Fuel) TO BE EXCUSED FROM
and Fuel-Related Charge Adjustment for) APPEARANCE AT
Electric Utilities) EVIDENTIARY HEARING
)
)

NOW COMES Duke Energy Carolinas, LLC (“DEC” or “Company”) and requests that the North Carolina Utilities Commission (“Commission”) issue an order excusing all witnesses from testifying at the June 11, 2019 Evidentiary Hearing in this matter. In support of this motion, DEC shows as follows:

1. On February 26, 2019, DEC pre-filed direct testimony and exhibits of Kimberly D. McGee, Eric S. Grant, Regis T. Repko, Kevin Y. Houston, and Stephen D. Capps in support of the Company’s application in this docket.

2. On April 30, 2019, DEC filed the Supplemental Testimony, Exhibits and Workpapers of Kimberly D. McGee and on May 15, 2019 DEC filed the Second Supplemental Testimony and Exhibits of Kimberly D. McGee.

3. On May 20, 2019, the Public Staff – North Carolina Utilities Commission (“Public Staff”) filed affidavits of Jay B. Lucas and Jenny X. Li.

4. Counsel for DEC has consulted with counsel for all parties to this docket, and all parties except Sierra Club agree to waive cross-examination of all of the Company’s witnesses and offer no objection to the introduction of their testimony and exhibits into the record. Additionally, all the parties to this docket have consented to waive cross-

examination of the Public Staff's affiants and offer no objection to the introduction of their affidavits into the record.

5. Sierra Club has agreed to waive cross-examination of all of the Company's witnesses with the exception of Mr. Grant. The Company respectfully submits that, for the following reasons, Mr. Grant should nevertheless be excused from appearing at the hearing and that his testimony be entered into the record.

6. Sierra Club submitted a petition to intervene in this proceeding on the very last day permitted under the Commission's March 8, 2019 Order Scheduling Hearing, Requiring Filing of Testimony, Establishing Discovery Guidelines, and Requiring Public Notice (as modified by its March 18, 2019 order, the "Scheduling Order").

7. Sierra Club did not file any testimony and has not recommended any adjustments to the rates requested by the Company.

8. Thereafter, Sierra Club submitted data requests to the Company more than two weeks after the formal discovery deadline established in the Scheduling Order¹ and nearly three months after the Company's application was filed. In the interest of reaching consensus, the Company agreed to provide responses to such questions on an informal basis (which responses included providing all data request responses provided to other parties in this proceeding) and such responses were provided in advance of Sierra Club's requested due date.²

¹ Pursuant to the Scheduling Order, formal discovery related to the application and the Company's prefiled direct testimony was due on May 6, 2019. The Sierra Club data requests were submitted to the Company on May 21, 2019.

² The Company objected to those questions that sought information that was not relevant to the proceeding or was not in the Company's possession or that could not be provided due to confidentiality issues.

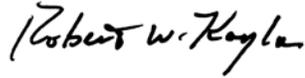
9. Nevertheless, Sierra Club has indicated that it is not prepared to waive cross examination of Mr. Grant until it has completed its review of the data request responses (but has provided no specific timing when that review will be completed). The Company is concerned by the precedent that would be set by allowing Sierra Club to leverage its failure to provide formal discovery in a timely manner in order to require a witness to appear, particularly in this case where no other party has identified a need to require Mr. Grant to appear. The Company's concern is consistent with the intent of the Scheduling Order, which states that "[a] party shall not be granted an extension of time to pursue discovery because of that party's ... delay in initiating discovery." Scheduling Order at 2. Allowing an opportunity to cross examine Mr. Grant despite Sierra Club's "delay in initiating discovery" would provide Sierra Club an "end-around" to the Commission's directive and would not serve as a disincentive to such behavior in the future. It would also seem to be inequitable to allow a party to delay the release of a witness simply so that such party can have more time to review responses to data requests that were not submitted within the deadlines contemplated by the Scheduling Order.

10. In the alternative, if the Commission elects to require Mr. Grant to appear, the Company requests that the Commission ensure that the any cross examination is narrowly limited to issues relevant to the rate modifications proposed by the Company and does not allow Sierra Club to circumvent the formal discovery deadlines established by the Scheduling Order.

WHEREFORE, DEC respectfully requests that all of their witnesses and those of the Public Staff be excused from appearing at the June 11, 2019 hearing in this docket and

that the pre-filed testimony, exhibits and affidavits of the respective witnesses and affiants be received into the evidence and made part of the record in this matter.

Respectfully submitted this 3rd day of June 2019.



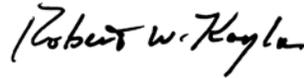
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Attorney for Duke Energy Carolinas,
LLC

CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Carolinas LLC's Motion for Witnesses to be Excused from Appearance at the Evidentiary Hearing, in Docket No. E-7, Sub 1190, has been served by electronic mail, hand delivery or by depositing a copy in the United States mail, postage prepaid to the parties of record.

This is the 3rd day of June, 2019.



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