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February 5, 2024

**VIA ELECTRONIC FILING**

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

**RE: Duke Energy Carolinas, LLC and Duke Energy Progress, LLC's Joint  
Motion for Leave to File Sur-Reply Comments  
Docket No. E-100, Sub 161**

Dear Ms. Dunston:

Enclosed please find Duke Energy Carolinas, LLC and Duke Energy Progress, LLC's Joint Motion for Leave to File Sur-Reply Comments for filing in the above-referenced docket.

If you have any questions, please do not hesitate to contact me. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "KR" followed by a stylized flourish.

Kathleen H. Richard

Enclosure

cc: Parties of Record

OFFICIAL COPY

Feb 05 2024

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-100, SUB 161

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Commission Rules Related to Electric Customer Billing Data	) ) ) ) ) )	JOINT MOTION FOR LEAVE TO FILE SUR-REPLY COMMENTS OF DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC
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NOW COME Duke Energy Carolinas, LLC (“DEC”), Duke Energy Progress, LLC (“DEP”) and together with DEC, “the Companies” or “Duke Energy”, through counsel, pursuant to the North Carolina Utilities Commission’s (“Commission” or “NCUC”) April 22, 2022 *Order Requiring Filing of Supplemental Comments* and subsequent extensions of time in the above-captioned docket, and respectfully move the Commission for leave to file sur-reply comments in the above-captioned docket for the purpose of responding to issues raised by parties in their respective December 9, 2022 supplemental comments and proposed rules. The Companies request the Commission afford all parties the opportunity to file sur-reply comments on or before April 5, 2024.

In support of their joint motion, the Companies state as follows:

1. On February 4, 2019, the Commission issued an order initiating this docket for the purpose of establishing a rulemaking regarding electric customer billing data and requested comments from intervenors.

2. On or before February 10, 2020, parties including the City of Asheville, Environmental Defense Fund, Public Staff – North Carolina Utilities

Commission (“Public Staff”), North Carolina Sustainable Energy Association (“NCSEA”), Mission:data Coalition (“Mission:data”), the Companies, Dominion Energy North Carolina (“DENC”), and the Attorney General’s Office (“AGO”) filed initial comments and certain parties filed proposed R8-51 Rules including the Public Staff, the AGO, and Mission:data.

3. On May 26, 2020, and in response to parties’ request to file reply comments in response to the proposed rules, the Commission issued an order requesting parties to file reply comments on the proposed rules on or before June 29, 2020.

4. On July 17, 2020, after a Commission-approved motion for extension of time, the Companies, EDF, DENC, AGO, NCSEA, Public Staff, and Mission:data filed Reply Comments.

5. On April 22, 2022, the Commission issued an order requiring that the Companies, DENC, and the Public Staff file supplemental comments on or before May 23, 2022, on, at a minimum, the implementation of, and any updates to, the utilities’ respective customer billing and data management systems and advanced metering infrastructure and how these developments inform or affect the parties’ previously filed comments. The Commission further directed that other parties may file supplemental comments on or before May 23, 2022. Additionally, the Commission ordered that parties may file supplemental reply comments on or before June 7, 2022.

6. On July 22, 2022, and through various Commission-granted motions for extension of time, parties including the Companies, DENC, Public Staff, AGO,

and Mission:data, filed supplemental comments.

7. On or before December 9, 2022, and through various Commission-granted motions for extension of time, DENC, the Companies, AGO, Public Staff, and Mission:data filed supplemental reply comments. The Southeast Sustainability Directors Network also filed comments on December 9, 2022. As an attachment to their supplemental reply comments, the AGO provided updated proposed rules.

8. After review, the Companies have identified a number of new issues raised in the parties' supplemental reply comments including, but not limited to, the AGO's updated proposed rules.

9. Because these issues were raised for the first time in the supplemental reply comments, the Companies have not had an opportunity to provide to the Commission their position and perspective in response to the new issues raised by parties including, but not limited to, the AGO's updated proposed rules. Accordingly, the Companies are seeking leave from the Commission for all parties to file sur-reply comments on or before April 5, 2024, for the limited purpose of addressing new issues raised in parties' supplemental reply comments and to ensure the Commission has the benefit of a complete record of the issues presented in this docket.

10. Counsel for the Companies has contacted counsel for the other parties to this proceeding to advise them of this request. The Public Staff, DENC, and Mission:data stated they had no objection to the request. NCSEA stated they take no position on the Companies' request. The Companies did not receive a response from the remaining parties.

11. The Companies also wish to keep the Commission apprised of discussions amongst the parties, and therefore note that discussions regarding Green Button Connect functionality have been ongoing with the Public Staff, and that the Companies are hopeful of reaching resolution on this issue with multiple parties in this docket. Following the filing of sur-reply comments by the parties, the Companies anticipate filing a motion with the Commission for abeyance on the Green Button Connect issue in order to allow for further discussions and resolution.

WHEREFORE, the Companies respectfully request that the Commission grant their Motion and allow them to file sur-reply comments on or before April 5, 2024.

Respectfully submitted, this 5<sup>th</sup> day of February, 2024.



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*ATTORNEY FOR DUKE ENERGY  
CAROLINAS, LLC AND  
DUKE ENERGY PROGRESS, LLC*

**CERTIFICATE OF SERVICE**

I certify that a copy of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC's Joint Motion for Leave to File Sur-Reply Comments, in Docket No. E-100, Sub 161, has been served by electronic mail, hand delivery or by depositing a copy in the United States mail, postage prepaid, to parties of record.

This the 5<sup>th</sup> day of February 2024.



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