

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1193
DOCKET NO. E-2, SUB 1219
DOCKET NO. E-7, SUB 1187
DOCKET NO. E-7, SUB 1213
DOCKET NO. E-7, SUB 1214
DOCKET NO. G-5, SUB 632
DOCKET NO. G-5, SUB 634
DOCKET NO. G-9, SUB 722
DOCKET NO. G-9, SUB 781
DOCKET NO. G-9, SUB 786

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Applications by Duke Energy Carolinas,)	MOTION FOR LEAVE TO FILE
LLC and Duke Energy Progress, LLC, Public)	COMMENTS IN RESPONSE TO THE
Service Company of North Carolina, Inc., and)	JOINT FINAL REPORT AND
Piedmont Natural Gas Company, Inc., for)	RECOMMENDATIONS OF THE
Adjustment of Rates and Charges Applicable)	NORTH CAROLINA LOW-INCOME
to Electric Service in North Carolina)	AFFORDABILITY COLLABORATIVE

Now come the Carolina Industrial Group for Fair Utility Rates I (CIGFUR I), the Carolina Industrial Group for Fair Utility Rates II (CIGFUR II), and the Carolina Industrial Group for Fair Utility Rates III (CIGFUR III) (together, CIGFUR), and respectfully move for leave from the North Carolina Utilities Commission (Commission) to file comments in response to the joint Final Report and Recommendations of the North Carolina Low-Income Affordability Collaborative (Final Report) filed on August 12, 2022 in the above-referenced dockets by Duke Energy Progress, LLC (DEP), Duke Energy Carolinas, LLC (DEC) (together, the Companies), and the Public Staff – North Carolina Utilities Commission (Public Staff). In support of this motion, CIGFUR respectfully shows unto the Commission the following:

1. On March 31, 2021, the Commission issued an *Order Accepting Stipulations, Granting Partial Rate Increase, and Requiring Customer Notice* in Docket No. E-7, Subs 1214, 1213, and 1187 (DEC Rate Case Order). CIGFUR III was a party to that proceeding.
2. In the DEC Rate Case Order, the Commission stated in pertinent part that following receipt of the joint report to be filed by the Companies and the Public Staff, “[t]he Commission will then issue a procedural order allowing for the public and interested parties to comment on the joint final report.” *Id.* at 179.
3. On April 16, 2021, the Commission similarly issued an *Order Accepting Stipulations, Granting Partial Rate Increase, and Requiring Customer Notice* in Docket No. E-2, Subs 1219 and 1193 (DEP Rate Case Order). CIGFUR II was a party to that proceeding.
4. In addition to DEP and DEC, Virginia Electric & Power Company d/b/a Dominion Energy North Carolina (DENC) also participated in the Low-Income Affordability Collaborative (LIAC). CIGFUR I is an association of member companies taking retail electric service from DENC.
5. The Commission allowed CIGFUR’s participation in LIAC pursuant to its June 28, 2021 *Order Accepting Submitted Participant List for the Affordability Collaborative*. Accordingly, CIGFUR actively participated throughout LIAC. At several times during LIAC, representatives for the Companies and/or the third-party facilitator referenced the provision of the DEC Rate Case Order referenced in Paragraph 2 *supra* in response to concerns raised by multiple LIAC participants, including CIGFUR, that LIAC participants (other than the Companies and the Public Staff) would not be given an opportunity to review, suggest edits, and/or provide feedback on the draft Final Report before it would be filed with the Commission. When the Public Staff indicated an intent to socialize the draft

among LIAC participants for review and comment in advance of the filing deadline, for example, representatives for the Companies and/or the third-party facilitator again stated there would not be sufficient time for other LIAC participants to review and comment upon the draft Final Report before it was filed. At this time, it was once again stated by representatives for the Companies and/or the third-party facilitator that other LIAC participants would have an opportunity to provide comments to the Commission in response to the Final Report.

6. On August 12, 2022, the Companies and the Public Staff jointly filed the Final Report.
7. On September 16, 2022, the Commission issued an *Order Acknowledging Final Report and Requiring Briefing* (September 16, 2022 Order), which orders the Companies, together with the co-leaders of LIAC's four subteams, to present a briefing to the Commission on the work of LIAC and the Final Report on Monday, October 24, 2022, at 10 a.m., or directly following Staff Conference. The September 16, 2022 Order does not, however, provide LIAC participants an opportunity to file comments with the Commission in response to the Final Report.
8. CIGFUR has been an active participant from the outset of LIAC. CIGFUR is also an interested party. For these reasons, CIGFUR believes that it has an important and unique perspective to share with the Commission in response to the Final Report. As such, CIGFUR believes the Commission would benefit from comments from CIGFUR in response to the Final Report. CIGFUR likewise believes the same to be true for other LIAC participants.

9. Counsel for CIGFUR conferred with other LIAC participants about this motion and of the parties that responded, the following parties indicated they support this motion: the Public Staff – North Carolina Utilities Commission; Duke Energy Progress, LLC; Duke Energy Carolinas, LLC; Dominion Energy North Carolina; Appalachian Voices; the North Carolina Sustainable Energy Association (NCSEA); and the Sierra Club. In addition, the following parties indicated they do not object to this motion: the North Carolina Attorney General’s Office; NCEMC; the North Carolina Department of Health and Human Services; Rowan Helping Ministries; and Crisis Assistance Ministry. In addition, the Southern Environmental Law Center (SELC) stated that while they support the relief requested; namely, to allow any LIAC participant an opportunity to file comments in response to the Final Report, SELC believes more time is needed due to the press of other business and would therefore recommend a filing deadline beyond Monday, October 17, 2022, as is proposed herein.

WHEREFORE, for the foregoing reasons, CIGFUR respectfully requests that the Commission grant this motion for leave and allow any LIAC participant, including CIGFUR, to file comments in response to the Joint LIAC Report on or before Monday, October 17, 2022.

Respectfully submitted, this the 19th day of September, 2022.

BAILEY & DIXON, LLP

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CERTIFICATE OF SERVICE

The undersigned attorney for CIGFUR I, II, and III hereby certifies that she served the foregoing *Motion for Leave to File Comments in Response to the Joint Final Report and Recommendations of the North Carolina Low-Income Affordability Collaborative* upon the parties to these proceedings, as listed on the service lists available on the NCUC's online docket system, by electronic mail.

This the 19th day of September, 2022.

/s/Christina Cress
Christina D. Cress