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June 11, 2024

VIA ELECTRONIC FILING

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

**RE: Duke Energy Carolinas, LLC's Motion to Amend Discovery Deadlines
Docket No. E-7, Sub 1297**

Dear Ms. Dunston:

Please find enclosed for filing Duke Energy Carolinas, LLC Motion to Amend
Discovery Deadlines in the above-referenced docket.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Higginbotham", written in a cursive style.

Jason A. Higginbotham

Enclosure

cc: Parties of Record

OFFICIAL COPY

JUN 11 2024

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-7, SUB 1297

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

)	
In the Matter of)	
Application of Duke Energy Carolinas,)	DUKE ENERGY CAROLINAS,
LLC, for a Certificate of Public)	LLC’S MOTION TO AMEND
Convenience and Necessity to Construct an)	DISCOVERY DEADLINES
850 MW Natural Gas-Fired Combustion)	
Turbine Electric Generating Facility in)	
Catawba County, North Carolina)	

NOW COMES Duke Energy Carolinas, LLC (“DEC” or the “Company”), by and through counsel, pursuant to North Carolina Utilities Commission (“Commission”) Rule R1-7 and the Commission’s June 6, 2024 *Order Amending Procedural Schedule to Allow Additional Time for Testimony* (“Testimony Order”), in the above-referenced docket, and moves the Commission to amend the discovery deadlines established by the Commission’s May 15, 2024 *Order Amending Procedural Schedule to Allow for Additional Time for Discovery* in the above-referenced docket (“Discovery Order”) to align with the deadlines established by the Testimony Order. By this Motion, the Company requests an order establishing that DEC may propound discovery related to the pre-filed direct testimony of the Public Staff – North Carolina Utilities Commission (“Public Staff”) and other intervenors up to and including July 5, 2024, and that the Public Staff and intervenors are allowed five business days to respond to any discovery requests on their pre-filed testimony.

As discussed below, DEC’s request would result in the deadlines for discovery on the Public Staff’s and intervenors’ testimony to align with the discovery deadlines established in Docket Nos. E-2, Sub 1318 and EC-67, Sub 55 – Duke Energy Progress, LLC’s (“DEP”) and the North Carolina Electric Membership Corporation’s (“NCEMC”) Joint Application for a Certificate of Public Convenience and Necessity (“CPCN”) to Construct a 1,360 MW Natural Gas-Fueled Combined Cycle Electric Generating Facility in Person County, North Carolina.

In support of this Motion, the Company respectfully shows the Commission the following:

1. On April 10, 2024, the Commission issued its *Order Scheduling Hearings, Establishing Procedural and Filing Requirements, and Requiring Public Notice* in this proceeding (“Scheduling Order”) establishing deadlines for the parties to file testimony and serve and respond to discovery.

2. On May 10, 2024, DEC filed a Motion for Limited Amendment to Procedural Schedule to Allow Reasonable Period for Discovery requesting that the Commission modify the requirement of the Scheduling Order to serve discovery requests related to the pre-filed direct testimony of the Public Staff and other intervenors, and to allow additional time for the Public Staff and other intervenors to respond to the discovery requests.

3. On May 15, 2024, the Commission issued the Discovery Order, which established that the Company may serve discovery related to the Public Staff’s and intervenors’ direct testimony until June 21, 2024, which was 15 calendar days after the

testimony was scheduled to be filed on June 6, 2024.¹ The Discovery Order also allowed the Public Staff and intervenors five business days to respond to DEC's discovery.²

4. On June 6, 2024, the Commission issued the Testimony Order, in which it extended the time for the Public Staff and intervenors to file direct testimony until June 20, 2024.³ The Testimony Order also noted that the deadlines in the Discovery Order were no longer applicable and directed DEC to "consult with the intervenors to this docket and to file a motion with the Commission requesting modifications if additional amendments to the discovery deadlines are required due to the dates provided in this order".⁴

5. Accordingly, DEC respectfully requests that the Commission amend the discovery deadlines in this proceeding to reflect the same timelines established by the Discovery Order but starting from the amended deadline for the Public Staff and intervenors to file their direct testimony. Specifically, the Company requests the Commission allow DEC to serve discovery related to the Public Staff's and other intervenors' pre-filed testimony up to and including July 5, 2024, which is 15 calendar days after the amended Public Staff and intervenor testimony deadline of June 20, 2024, and allow the parties five business days to respond to DEC's discovery.

6. The relief requested in this Motion would align the discovery schedule in this proceeding with the period for DEP to propound discovery relating to DEP and NCEMC's joint application for a CPCN, which is currently pending before the Commission in Docket Nos. E-2, Sub 1318 and EC-67, Sub 55 ("DEP Proceeding"). In

¹ Discovery Order at 1-2.

² *Id.* at 2.

³ Testimony Order at 1.

⁴ *Id.* at 2.

the DEP Proceeding, the Public Staff and intervenors' testimony is due to be filed on or before June 20, 2024 (the same date on which testimony is due to be filed in the instant proceeding), and the Commission allowed DEP to serve discovery related to that testimony on or before July 5, 2024.⁵

7. As required by the Testimony Order, the Company has contacted counsel for parties of record regarding this Motion and is authorized to state that neither the Public Staff nor any intervenors object to the relief requested herein.

WHEREFORE, Duke Energy Carolinas, LLC respectfully requests that the Commission grant this Motion and allow the Company up to and including July 5, 2024 to issue discovery related to the pre-filed direct testimony of the Public Staff and intervenors and to provide parties five business days to respond to those discovery requests.

⁵ *Order Amending Procedural Schedule to Allow Additional Time for Discovery*, Docket Nos. E-2, Sub 1318 and EC-67, Sub 55 at 1-2 (May 15, 2024)

Respectfully submitted, this the 11th day of June, 2024.

/s/ Jason A. Higginbotham

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Attorneys for Duke Energy Carolinas, LLC

CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Carolinas, LLC's *Motion to Amend Discovery Deadlines*, in Docket No. E-7, Sub 1297, has been served by electronic mail, hand delivery, or by depositing a copy in the United States Mail, 1st Class Postage Prepaid, properly addressed to parties of record.

This the 11th day of June, 2024.



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