

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1343

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of Duke Energy Progress, LLC, )  
for Approval of Clean Energy and Energy ) ORDER SCHEDULING HEARING,  
Efficiency Portfolio Standard Compliance ) ESTABLISHING PROCEDURAL  
Report and Cost Recovery Rider Pursuant ) AND FILING REQUIREMENTS, AND  
to N.C.G.S. § 62-133.8 and Commission ) REQUIRING PUBLIC NOTICE  
Rule R8-67 )

BY THE CHAIR: In August 2007, North Carolina enacted comprehensive energy legislation, Session Law 2007-397 (Senate Bill 3) that, among other things, establishes a Renewable Energy and Energy Efficiency Portfolio Standard (REPS) for this State and a procedure for cost recovery of REPS expenditures. North Carolina General Statutes Section 62-133.8(h) provides for an annual REPS rider for each electric public utility to recover all reasonable and prudent incremental costs incurred to comply with the REPS requirement with specified per-account caps for customers in each customer class. Further, Commission Rule R8-67(e) provides for the establishment of a REPS experience modification factor (EMF) rider to allow the electric public utility to collect the difference between reasonable and prudently incurred incremental costs and the revenues that were actually realized during the test period under the REPS rider then in effect. In addition, Commission Rule R8-67(e) provides that the annual REPS cost recovery rider hearing for each electric public utility will be scheduled as soon as practicable after the annual fuel and fuel-related charge adjustment proceeding hearing held by the Commission for the electric public utility under Commission Rule R8-55, that each electric public utility shall file direct testimony and exhibits at the same time that it files the information required by Rule R8-55, and that each electric public utility shall publish notice prior to the REPS hearing.

Commission Rule R8-67(c) requires each electric public utility to file an annual report describing the electric public utility's compliance with the REPS requirement during the previous calendar year. Rule R8-67(c) further provides that the annual REPS compliance report will be reviewed by the Commission at a hearing following public notice and an opportunity for interested parties to intervene and file testimony.

On October 10, 2023, the North Carolina General Assembly enacted Session Law 2023-138 changing the REPS to the Clean Energy and Energy Efficiency Portfolio Standard (CEPS), which added nuclear energy as a resource for compliance. On June 21, 2024, the Commission issued an Order Modifying Commission Rules R8-64, R8-65, R8-66, and R8-67 in Docket No. E-100, Sub 113, *Rulemaking Proceeding to Implement Session Law 2007-397 and Session Law 2023-138* implementing the rule

changes that Session Law 2023-138 necessitates. The pertinent changes consist primarily of changing references in Commission rules from REPS to CEPS and references from renewable energy to clean energy. The Commission adopts consistent terminology in this Order.

On June 11, 2024, Duke Energy Progress, LLC (DEP), filed its application for approval of CEPS cost recovery and its 2023 CEPS compliance report pursuant to N.C.G.S. § 62-133.8 and Commission Rule R8-67, along with direct testimony and exhibits supporting its cost recovery application and the 2023 CEPS compliance report. By its application, DEP proposes to implement the following monthly CEPS rates, not including regulatory fee, effective for service rendered on and after December 1, 2024: a \$1.52 charge for residential customers; an \$8.30 charge for general service customers; and a \$56.16 charge for industrial customers. DEP's proposed new monthly CEPS rates, if approved, will result in the following increases to DEP's current monthly CEPS rates, not including regulatory fee: \$0.30 for residential customers; \$1.79 for general service customers; and \$12.73 for industrial customers.

The Commission finds good cause to issue the present Order scheduling this matter for hearing for the purpose of receiving public and expert witness testimony, establishing procedural and filing requirements, and requiring public notice. The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition shall be taken before the deadline for the filing of the Public Staff and other intervenor prefiled direct testimony. Notice of deposition shall be served on all parties at least seven calendar days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and other intervenor testimony, shall be served on the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena within one business day after such a motion is filed.

3. Formal discovery requests related to the application and DEP's prefiled direct and supplemental testimony shall be served on DEP not later than 14 business days prior to the deadline for filing of Public Staff and other intervenor testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten business days prior to the deadline for filing of Public Staff and other intervenor testimony.

4. Formal discovery requests related to the Public Staff and other intervenors' prefiled direct testimony shall be served not later than three business days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than five business days after that party's testimony was filed.

5. Formal discovery requests related to DEP's prefiled rebuttal testimony shall be served not later than two business days after such testimony is filed. The party served shall have up to two calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three business days after DEP's rebuttal testimony was filed. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two business days to file with the Commission a motion to compel, and the party objecting to discovery shall have one business day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery due to that party's late intervention or other delay in initiating discovery.

The Chair urges all parties to work in a cooperative manner and to attempt to accommodate discovery within the time available. Discovery in most proceedings before the Commission is typically conducted without the need for Commission involvement or enforcement of the guidelines. The guidelines established in this Order are without prejudice to the parties' conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS, THEREFORE, ORDERED as follows:

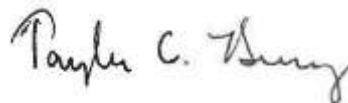
1. That a hearing for the purpose of receiving public and expert witness testimony on DEP's application for approval of CEPS cost recovery and the 2023 compliance report shall be, and is hereby, scheduled to be heard along with DEP's other 2024 rider proceedings, which are scheduled to begin at 1:00 p.m. on Monday, September 16, 2024, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina;

2. That the parties shall comply with the discovery guidelines established herein;
3. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than August 26, 2024;
4. That the Public Staff and other intervenors' direct testimony and exhibits shall be filed on or before August 26, 2024;
5. That DEP's rebuttal testimony and exhibits, if any, shall be filed on or before September 4, 2024;
6. That all parties filing supporting exhibits in either PDF or Excel format shall provide the Commission Staff electronic versions of the exhibits filed in native Excel format via email at NCUCexhibits@ncuc.gov, including all of the supporting worksheets and formulas, within three days of the filing of such exhibits (or within three business days of the issuance of this order if already filed with the Commission). That DEP and all other parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact;
7. That DEP shall publish the Notice attached hereto as Appendix A in a newspaper or newspapers having general circulation in its service area once a week for two successive weeks beginning at least 30 days prior to the hearing; and
8. That DEP shall file affidavits of publication on or before the date of the hearing.

ISSUED BY ORDER OF THE COMMISSION.

This the 5th day of July, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Taylor C. Berry". The signature is written in a cursive style.

Taylor C. Berry, Deputy Clerk

**STATE OF NORTH CAROLINA  
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RALEIGH**

DOCKET NO. E-2, SUB 1343

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of Duke Energy Progress, LLC, )  
for Approval of Clean Energy and Energy ) PUBLIC NOTICE  
Efficiency Portfolio Standard Compliance )  
Report and Cost Recovery Rider Pursuant )  
to N.C.G.S. § 62-133.8 and Commission )  
Rule R8-67 )

NOTICE IS HEREBY GIVEN that the North Carolina Utilities Commission has scheduled a hearing for the purpose of receiving public and expert witness testimony on the annual Clean Energy and Energy Efficiency Portfolio Standard (CEPS) cost recovery proceeding for Duke Energy Progress, LLC (DEP). The hearing is scheduled to begin at 1:00 p.m. on Monday, September 16, 2024, along with DEP's other 2024 rider proceedings, in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. Public witness testimony will be received in accordance with Commission Rule R1-21(g).

The proceeding is being held pursuant to N.C. Gen. Stat. § 62-133.8 and Commission Rule R8-67 to consider DEP's application for approval of CEPS cost recovery and compliance with the CEPS requirements during the 2023 calendar year.

On June 11, 2024, DEP filed its application in the above-captioned docket. By its application, DEP proposes to implement the following monthly CEPS rates, not including regulatory fee, effective for service rendered on and after December 1, 2024: a \$1.52 charge for residential customers; an \$8.30 charge for general service customers; and a \$56.16 charge for industrial customers. DEP's proposed new monthly CEPS rates, if approved, will result in the following increases to DEP's current monthly CEPS rates, not including regulatory fee: \$0.30 for residential customers; \$1.79 for general service customers; and \$12.73 for industrial customers.

Further information may be obtained from the Office of the Chief Clerk, North Carolina Utilities Commission, Dobbs Building, 5th Floor, 430 North Salisbury Street, Raleigh, North Carolina, where a copy of DEP's application and testimony is available for review by the public, or on the Commission's website at [www.ncuc.gov](http://www.ncuc.gov).

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of

the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff 4326 Mail Service Center, Raleigh, North Carolina 27699-4300.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, c/o Consumer Protection-Utilities, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to utilityAGO@ncdoj.gov.

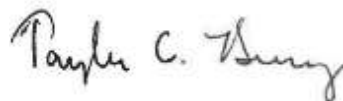
Written statements are not evidence unless persons appear at a hearing and testify concerning the information contained in their written statements.

Any person desiring to intervene in the proceeding as a formal party of record should file a petition under North Carolina Utilities Commission Rules R1-5 and R1-19 on or before August 26, 2024. Such petitions should be filed with the Chief Clerk of the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300. The direct testimony and exhibits of expert witnesses to be presented by intervenors should also be filed with the Commission on or before August 26, 2024.

ISSUED BY ORDER OF THE COMMISSION.

This the 5th day of July, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Taylor C. Berry".

Taylor C. Berry, Deputy Clerk