

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

FILED

MAY 28 2009

Clerk's Office
N.C. Utilities Commission

DOCKET NO. E-7, SUB 831

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

OFFICIAL COPY

In the Matter of

Application of Duke Energy Carolinas, LLC)
for Approval of Save-a-Watt Approach,)
Energy Efficiency Rider and Portfolio of)
Energy Efficiency Programs)
MOTION OF THE PUBLIC STAFF
AND THE SOUTHERN
ENVIRONMENTAL LAW CENTER,
ENVIRONMENTAL DEFENSE
FUND, NATURAL RESOURCES
DEFENSE COUNCIL, AND
SOUTHERN ALLIANCE FOR
CLEAN ENERGY FOR A THIRD
EXTENSION OF TIME TO FILE
INITIAL COMMENTS

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Robert P. Gruber, and the Southern Environmental Law Center, Environmental Defense Fund, Natural Resources Defense Council, and the Southern Alliance for Clean Energy (collectively, "environmental interveners") and respectively request an extension of time to file comments on the March 31, 2009 filing by Duke Energy Carolinas, LLC (Duke). In support of this motion, the Public Staff and the environmental interveners show as follows:

1. On February 26, 2009, the Commission entered an *Order Resolving Certain Issues, Requesting Information on Unsettled Matters, and Allowing Proposed Rider to Become Effective Subject to Refund and Errata Order* in this docket (*Orders*). The *Orders* directed Duke to provide supplemental information and calculations regarding the modified internal rates of return (MIRRs) that its proposed Save-A-Watt will produce under eight cost and incentive recovery scenarios. The Commission also ordered that the other parties to this docket be allowed to file initial comments on Duke's supplemental information by May 1, 2009, and that Duke be allowed to file reply comments by May 18, 2009.
2. Duke filed the supplemental information in response to the *Orders* and included an additional scenario, its proposed Scenario I, in its filing.

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Watson
Hoover

Kite
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Jones
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3. On April 29, 2009, the North Carolina Attorney General's Office (AGO) filed a motion requesting an extension of the comment deadline until May 22, 2009. On May 4, 2009, Duke filed an opposition to the AGO's motion; however, the Public Staff and the environmental interveners did not oppose it.
4. On May 6, 2009, the Commission entered its order extending the initial comment filing deadline to May 22, 2009, and the reply comment filing deadline until June 12, 2009.
5. On May 21, 2009, environmental interveners and the Public Staff filed a joint motion requesting an extension of time from May 22, 2009, to May 29, 2009, for all parties to file comments regarding Duke's supplemental information and an extension of time from June 12, 2009, until June 19, 2009, for Duke to file its reply comments. By order issued May 22, 2009, the Commission allowed the request of the Public Staff and environmental interveners.
6. Both the environmental interveners and the Public Staff have had discussions with Duke relating to settlement of the outstanding issues in this docket. To allow these discussions to continue, the Public Staff and the environmental interveners have agreed to jointly request the Commission to extend the time to file initial comments from May 29, 2009, until Monday, June 8, 2009.
7. In addition, if the Commission grants this motion, the Public Staff and the environmental interveners request that the date for Duke to file reply comments likewise be extended until Monday, June 29, 2009.
8. The Public Staff is authorized to state that Duke does not object to this request and that the environmental interveners have consented to allow the Public Staff to file this motion on their behalf.

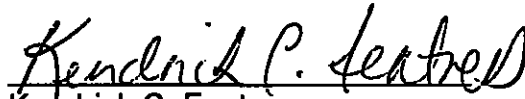
WHEREFORE, pursuant to Commission Rule R1-7, the Public Staff and the environmental interveners respectfully request the Commission to enter an order extending the time for all parties to file initial comments regarding Duke's supplemental information on or before Monday, June 8, 2009, and extending the date for filing reply comments to Monday, June 29, 2009.

Respectfully submitted, this the 28th day of May, 2009.

PUBLIC STAFF
Robert P. Gruber
Executive Director

Antoinette R. Wike
Chief Counsel

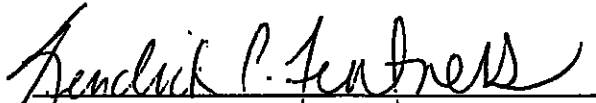
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Kendrick C. Fentrèss
Staff Attorney

CERTIFICATE OF SERVICE

I do hereby certify I have this day served a copy of the foregoing motion on each of the parties of record in this proceeding or their attorneys of record by causing a copy of the same to be deposited in the United States Mail, postage prepaid, properly addressed to each and/or by email.

This the 28th day of May, 2009.


Kendrick C. Fentrèss