

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. E-100, SUB 128

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Investigation of Integrated Resource Planning in North Carolina - 2010 ) ORDER ON OBJECTION TO  
 ) NCSEA COMMENTS

BY THE PRESIDING COMMISSIONER: Pursuant to G.S. 62-110.1(c) and Commission Rule R8-60(h)(1), the electric power suppliers enumerated in Commission Rule R8-60(b) were each required to file an integrated resource plan (IRP) on or before September 1, 2010. Pursuant to Rule R8-60(j), the Public Staff and other intervenors were allowed an opportunity to file an evaluation of or comments on the IRPs within 150 days of the utilities' filings. Subsequent to the utilities' IRP filings in this docket, the Public Staff and two other intervenors filed comments as allowed by the Commission's rules.

By Order issued May 5, 2011, the Commission further allowed parties to file proposed orders and/or briefs. On June 6, 2011, the North Carolina Sustainable Energy Association (NCSEA) submitted Comments in this proceeding as opposed to a proposed order or brief.

On June 14, 2011, Duke filed an Objection to NCSEA's Comments Filing. In Duke's objection, it requested that the Commission reject NCSEA's filing as grossly out of time. On June 17, 2011, NCSEA submitted a Reply to Duke's Objection to NCSEA's Comment Filing. According to NCSEA, its comments were firmly grounded in the record and, like a brief, consisted of contentions based on the record evidence.

The Presiding Commissioner has thoroughly reviewed these filings and concludes that NCSEA's comments should be treated as a brief. As such, NCSEA cannot raise new issues in its filing because they should have been filed within the time allowed for comments on the utilities' IRPs. Therefore, only arguments asserted by NCSEA regarding issues previously raised in comments submitted by the Public Staff and the other intervenors will be allowed and taken into consideration by the Commission in reaching its decision in this docket on the utilities' IRPs.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28<sup>th</sup> day of September, 2011.

NORTH CAROLINA UTILITIES COMMISSION

*Gail L. Mount*

Gail L. Mount, Deputy Clerk