

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-22, SUB 658

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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| In the Matter of | |
| Consideration of Certain Standards for |) |
| Electric Utilities Relating to Measures to |) |
| Promote Greater Electrification of the |) |
| Transportation Sector Pursuant to the |) |
| Infrastructure Investment and Jobs Act |) |
| | ORDER GRANTING MOTION TO |
| | AMEND ORDER SCHEDULING |
| | HEARINGS AND CANCELLING |
| | EXPERT WITNESS HEARING |

BY THE PRESIDING COMMISSIONER: On November 15, 2021, the President of the United States signed into law the Infrastructure Investment and Jobs Act, H.R. 3684, 117th Cong. (2021) (IIJA). Section 40431 of the IIJA amends the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. § 2611 et seq., by adding new federal ratemaking standards relating to electric vehicle charging programs (EVCP Standards) and requiring each state regulatory authority with ratemaking authority over electric utilities to commence consideration under section 111 of PURPA, 16 U.S.C. § 2611, or to set a hearing date for consideration with respect to the EVCP Standards. However, such consideration is not required if a state has previously undertaken consideration of the same or equivalent standards before the date of enactment of the IIJA using any of the following methods. IIJA § 40431(b), amending PURPA section 112(b), 116 U.S.C. § 2622(b).

On November 15, 2023, the Commission issued its Order Scheduling Hearings, finding that the Commission had undertaken consideration of standards that are the equivalent of EVCP Standards with respect to Duke Energy Carolinas, LLP and Duke Energy Progress, LLP (collectively, Duke Energy), but not with respect to Virginia Electric and Power Company d/b/a/ Dominion Energy North Carolina (DENC). Accordingly, with respect to EVCP Standards for DENC, the Commission set the following procedural schedule:

1. A public witness hearing was set for May 31, 2023 in Halifax, North Carolina;
2. An evidentiary hearing for the purpose of receiving expert witness was set for June 20, 2023 in the Commission Hearing Room;
3. The parties to this proceeding were to prefile their initial direct expert testimony and exhibits on or before April 25, 2023; and
4. Any rebuttal testimony was to be filed on or before May 23, 2023.

On March 1, 2023, ChargePoint, Inc. (ChargePoint), filed a petition to intervene. ChargePoint's petition is being granted simultaneously with the entry of this Order.

On March 17, 2023, DENC and the Public Staff filed a Joint Motion to Amend Order Scheduling Hearings (Joint Motion). They asked for three changes to the Order Scheduling Hearings. First, they requested that parties be allowed to file comments rather than pre-filing direct expert testimony. They note that the Commission has sought comments rather than testimony in dockets involving Duke Energy's electric vehicle pilot programs, Docket Nos. E-2, Sub 1197 and E-7, Sub 1195.

Second, DENC and the Public Staff request that initial comments should only be required of DENC in order to allow other parties to respond to DENC's proposals, which they contend would lead to a more efficient identification and presentation of the issues.

Third, DENC and the Public Staff request a short extension of the initial filing to May 5, 2023, which will allow for inclusion of DENC's most recent electric vehicle forecast data, due to be included in DENC's biennial Integrated Resource Plan on May 1, 2023.

DENC and the Public Staff consulted with ChargePoint, which has no objection and consented to the relief sought.

Given that the parties to this proceeding are of the opinion that they can most effectively present their case through comments, the Presiding Commissioner finds there is good cause to grant this relief. However, PURPA requires the Commission to make its determination with respect to new EVCP Standards based on evidence pursuant to procedures established by the state regulatory authority. 16 U.S.C. § 2621(b). Accordingly, consistent with this Commission's practice, the parties must verify their comments. Further, consistent with this Commission's practice of canceling expert witness hearings when no party seeks to cross-examine witnesses, given that the parties have agreed for no expert witness testimony to be filed, the Presiding Commissioner finds there is good cause to cancel the expert witness hearing scheduled in this matter.

For the reasons stated in the Joint Motion, the Presiding Commissioner finds good cause to allow, but not require, the Public Staff other interested parties to file initial comments. However, the Commission will benefit from having DENC's response to any comments that the Public Staff and ChargePoint make, and accordingly, the Presiding Commissioner finds good cause to require DENC to file rebuttal comments.

Finally, for the reasons stated in the Joint Motion, the Presiding Commissioner finds good cause to extend the time for filing initial comments to May 5, 2023.

IT IS, THEREFORE, ORDERED as follows:

1. That DENC and any other party that desires to do so shall file verified initial comments on or before May 5, 2023;

2. That interested parties shall file verified reply comments on or before June 5, 2023;

3. That DENC and any other party that desires to do so shall file verified rebuttal comments on or before June 19, 2023;

4. That the evidentiary hearing for the purpose of receiving expert witness testimony previously scheduled for June 20, 2023 is hereby cancelled; and

5. That the Order Scheduling Hearings is otherwise in full force.

ISSUED BY ORDER OF THE COMMISSION.

This the 12th day of April, 2023.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Erica N. Green". The signature is written in a cursive style with a large initial "E".

Erica N. Green, Deputy Clerk