

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1294

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Application of Duke Energy Progress, LLC, for Approval of Demand-Side Management and Energy Efficiency Cost Recovery Rider Pursuant to N.C.Gen. Stat. § 62-133.9 and Commission Rule R8-69	) ) ) ) ) ) ) ) ) )	ORDER EXCUSING WITNESSES, CANCELING EXPERT WITNESS HEARING, REQUIRING LATE FILED EXHIBIT AND TAKING NOTICE OF PRIOR TESTIMONY
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BY THE PRESIDING COMMISSIONER: On July 8, 2022, the Commission issued an Order scheduling the above-captioned matter for a hearing on September 14, 2022. Testimony and exhibits (testimony) have been filed herein for Duke Energy Progress, LLC (DEP), by witnesses Shannon R. Listebarger, Karen K. Holbrook, and Lynda Powers; for the Public Staff by witnesses Michelle M. Boswell and David M. Williamson; and jointly for Southern Alliance for Clean Energy, North Carolina Justice Center, and North Carolina Housing Coalition (SACE, *et al.*), by Forest Bradley-Wright. No other party filed testimony.

On September 7, 2022, DEP, the Public Staff, and SACE, *et al.* (Movants), filed a joint motion requesting that the Commission excuse their witnesses from attending the hearing. Movants stated, among other things, that counsel for DEP consulted with counsel for all parties to this docket, and all parties agree to waive cross-examination of all witnesses and offer no objection to the introduction of the testimony and exhibits of the witnesses into the record. Further, Movants stated that all the parties have reserved their right to ask questions on any Commission questions of any witness that is not excused from testifying.

Based on the foregoing and the record, the Presiding Commissioner finds good cause to excuse all of Movants' witnesses from testifying at the expert witness hearing on September 14, 2022, to receive the witnesses' testimony and exhibits into evidence, and to cancel the expert witness hearing.

In addition, the Presiding Commissioner notes that during the hearing on the DSM/EE rider application of Duke Energy Carolinas, LLC (DEC), in Docket No. E-7, Sub 1265 (Sub 1265), on June 7, 2022, the Commission, Public Staff, and SACE, *et al.* asked the DEC witnesses numerous questions about DEC's My Home Energy Report (MyHER) energy efficiency program, which is essentially identical to DEP's MyHER program. The Presiding Commissioner finds good cause to give the parties notice pursuant to N.C. Gen. Stat. § 62-65 that the Commission will incorporate as evidence in this docket the following testimony of the DEC witnesses in Sub 1265 about the MyHER program:

Witness Holbrook, Transcript (Tr.), p. 156, lines 5-24 through p. 159, lines 1-11.

Witness Williams, Tr. p. 166, lines 4-24 through p. 167, lines 1-5.

Witness Williams, Tr. p. 167, lines 22-24 through p. 168, lines 1-11.

At the public witness hearing to be held herein as scheduled on September 14, 2022, counsel for DEP or the other parties may state their objection, if any, to the Commission's incorporation of the above Sub 1265 testimony into the present record.

Further, the Presiding Commissioner finds good cause to require DEP to file a late-filed exhibit that provides information on how energy savings resulting from DEP's energy efficiency programs were treated in DEP's most recent general rate case, Docket No. E-2, Sub 1219, for purposes of calculating DEP's revenue requirement. The exhibit should be similar to the exhibit filed by DEC as Late-Filed Exhibit No. 2 on June 30, 2022, in Sub 1265.

Finally, the Presiding Commissioner finds good cause to require that DEP and the Public Staff file proposed orders, or a joint proposed order, on or before October 14, 2022, and that the other parties file briefs and/or proposed orders by the same date, if they desire to file briefs or proposed orders.

IT IS, THEREFORE, ORDERED as follows:

1. That the Movants' expert witnesses are excused from appearing and testifying at the hearing on September 14, 2022, their testimony and exhibits are hereby accepted into evidence, and the expert witness hearing is canceled;
2. That the Commission shall incorporate into the record as evidence in this docket the testimony, as specified in the body of this Order, of DEC's witnesses in Docket No. E-7, Sub 1265 pertaining to the MyHER program;
3. That on or before October 14, 2022, DEP shall file a late-filed exhibit that provides information on how energy savings resulting from DEP's energy efficiency programs were treated in DEP's most recent general rate case, Docket No. E-2, Sub 1219, for purposes of calculating DEP's revenue requirement; and
4. That on or before October 14, 2022, DEP and the Public Staff shall file proposed orders, or a joint proposed order, and the other parties may file briefs and/or proposed orders by the same date, if they desire to file briefs or proposed orders.

ISSUED BY ORDER OF THE COMMISSION.

This the 12th day of September, 2022.

NORTH CAROLINA UTILITIES COMMISSION



Erica N. Green, Deputy Clerk