

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1131
DOCKET NO. E-2, SUB 1142
DOCKET NO. E-2, SUB 1103
DOCKET NO. E-2, SUB 1153
DOCKET NO. E-7, SUB 1146
DOCKET NO. E-7, SUB 819
DOCKET NO. E-7, SUB 1152
DOCKET NO. E-7, SUB 1110

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Applications by Duke Energy Carolinas,)	
LLC, and Duke Energy Progress, LLC,)	MOTION OF THE
for Adjustment of Rates and Charges)	PUBLIC STAFF FOR
Applicable to Electric Utility Service in)	EXTENSION OF TIME
North Carolina)	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission (Public Staff), by and through its Executive Director, Christopher J. Ayers, and respectfully moves the North Carolina Utilities Commission (Commission) to extend the time for parties to file comments on the procedure on remand in the above-captioned dockets. In support of this motion, the Public Staff respectfully shows the Commission the following:

1. On December 11, 2020, the North Carolina Supreme Court (Supreme Court) issued an opinion affirming, in part, and reversing and remanding, in part, the Commission’s final orders issued on February 23, 2018, and June 22, 2018 (2018 Orders), in the above-captioned matters. *State ex rel. Utils. Comm’n v. Stein*, Nos. 271A18 and 401A18, 2020 N.C. LEXIS 1058 (N.C. Dec. 11, 2020). Specifically, the Supreme Court reversed the portions of the

Commission's 2018 Orders rejecting the Public Staff's equitable sharing proposal and remanded the matters to the Commission "for further proceedings not inconsistent with [its] opinion, including consideration of the Public Staff's equitable sharing proposal."

2. On December 17, 2020, the Commission issued an order requesting comments on the procedure to be employed in responding to the Supreme Court's remand (Order). The Order set a deadline of December 31, 2020, for the filing of comments, and a deadline of January 8, 2021, for the filing of reply comments.

3. As noted by the Commission in its Order, in each of the proceedings on remand, only three of the Commissioners who heard the expert witness testimony remain on the Commission. As such, the procedural and evidentiary issues raised by the Supreme Court's remand are complex.

4. The Public Staff is working diligently to provide comments; however, because of the complexity of the issues at hand, it needs additional time to provide comments that would present an efficient and streamlined procedure on remand that would promote judicial economy and avoid procedural defects.

5. The Public Staff is engaged in ongoing discussions with Duke Energy Carolinas, LLC (DEC), Duke Energy Progress, LLC (DEP), and the Attorney General's Office concerning the procedure on remand. The Public Staff, DEC, and DEP have reached agreement in principle on a proposed procedure on remand. The requested extension would enable these parties to continue those discussions, and to discuss the procedure on remand with other parties to these

proceedings, with the goal of formulating a procedure to which all parties are agreeable.

6. An extension for the filing of comments would also increase the likelihood that the parties would receive a final order from the Commission in the pending DEC rate case, Docket No. E-7, Sub 1214, before filing comments, which would be beneficial in navigating the procedural and evidentiary issues on remand.

7. The Public Staff has contacted counsel for the other parties in these proceedings and is authorized to represent that the following parties do not object to this motion: DEC, DEP, the Attorney General's Office, the Carolina Industrial Group for Fair Utility Rates II and III, the North Carolina Electric Membership Corporation, the North Carolina League of Municipalities, and Tech Customers. The remaining parties in the above-captioned dockets were contacted but have not responded.

WHEREFORE, the Public Staff prays:

1. For an extension of time until January 11, 2021, for parties to file comments as requested by the Commission's December 17, 2020 Order;

2. For an extension of time until January 15, 2021, for parties to file reply comments; and

3. For such other and further relief as the Commission may deem just and proper.

This the 31st day of December, 2020.

PUBLIC STAFF
Christopher J. Ayers
Executive Director

Dianna W. Downey
Chief Counsel

Electronically submitted
/s/ Nadia L. Luhr
Staff Attorney

4326 Mail Service Center
Raleigh, North Carolina 27699-4300
Telephone: (919) 733-6110
Email: nadia.luhr@psncuc.nc.gov

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing Motion on all parties of record in accordance with Commission Rule R1-39, by United States mail, postage prepaid, first class; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 31st day of December, 2020.

Electronically submitted
/s/ Nadia L. Luhr