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May 10, 2024

VIA ELECTRONIC FILING

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

**RE: Duke Energy Carolinas, LLC's Motion for Limited Amendment to
Procedural Schedule to Allow Reasonable Period for Discovery
Docket No. E-7, Sub 1297**

Dear Ms. Dunston:

Please find enclosed for filing the Motion for Limited Amendment to Procedural Schedule to Allow Reasonable Period for Discovery of Duke Energy Carolinas, LLC in the above proceeding.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason A. Higginbotham", written in a cursive style.

Jason A. Higginbotham

Enclosure

cc: Parties of Record

OFFICIAL COPY

May 10 2024

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-7, SUB 1297

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application of Duke Energy Carolinas,)	DUKE ENERGY CAROLINAS,
LLC, for a Certificate of Public)	LLC’S MOTION FOR LIMITED
Convenience and Necessity to Construct an)	AMENDMENT TO
850 MW Natural Gas-Fired Combustion)	PROCEDURAL SCHEDULE TO
Turbine Electric Generating Facility in)	ALLOW REASONABLE PERIOD
Catawba County, North Carolina)	FOR DISCOVERY

NOW COMES Duke Energy Carolinas, LLC (“DEC” or the “Company”), by and through counsel and pursuant to North Carolina Utilities Commission (“Commission”) Rule R1-7, and moves the Commission to amend the procedural schedule set forth in its April 10, 2024, *Order Scheduling Hearings, Establishing Procedural and Filing Requirements, and Requiring Public Notice* (“Procedural Order”) by allowing the Company additional time to propound discovery related to the pre-filed direct testimony of the Public Staff – North Carolina Utilities Commission (“Public Staff”) and other intervenors through and including June 21, 2024, which is eleven calendar days before the Company’s rebuttal testimony is due on July 2, 2024.

In support of this Motion, the Company shows the Commission the following:

1. Public Staff and Intervenors will have had a total of 70 calendar days to propound discovery on the Company’s Application for a Certificate of Public Convenience and Necessity to construct an 850 MW natural gas-fired combustion turbine electric

generating facility in Catawba County, North Carolina (“Application”).¹ The Procedural Order directs the Public Staff and intervenors to file their pre-filed direct testimony no later than June 6, 2024, and to serve any discovery on the Company’s pre-filed direct testimony no later than 14 days before that deadline (May 23, 2024).²

2. In contrast to this discovery window, the Commission’s Procedural Order directs the Company to serve “[f]ormal discovery requests related to the Public Staff and other intervenors prefiled direct testimony . . . *no later than five calendar days after such testimony is filed.*”³ In other words, while the Public Staff and intervenors are granted 70 calendar days from the filing of the Application to thoroughly examine it and propound extensive discovery, the Company will have just five (5) calendar days—and only three (3) business days⁴—to assess the parties’ testimony *and* propound discovery.

3. The Company believes it should also be afforded a reasonable amount of time to sufficiently examine other parties’ filings such that it can propound all necessary and important discovery. Currently, it is unreasonable and wholly asymmetrical (relative to the discovery period allotted to all other parties) for DEC to have only five (5) calendar days to review and assess the likely-complex filings by the Public Staff and other parties and subsequently issue discovery, given both the volume and the complex and technical nature of the information the Company will be required to digest. It will likely take the Company several days to digest all of the information and a week or more to ensure that

¹ Filed on March 14, 2024.

² Procedural Order at 2 (Discovery Guideline No. 3), 4 (Ordering Paragraph No. 7).

³ *Id.* at 2 (Discovery Guideline No. 4) (emphasis added).

⁴ Since intervenor testimony is due on June 6 (Thursday) and the fifth calendar day thereafter falls on June 11 (Tuesday), the Company will have only three business days to propound discovery.

the Company has comprehensively assessed all information filed in the docket and prepare initial discovery. Under the current schedule, the Company is also effectively precluded from even the remotest possibility of follow up discovery, which has the potential to result in either discovery disputes or limiting access to information the Company can present to the Commission in rebuttal testimony.

4. Accordingly, the Company respectfully requests that the Commission amend its Procedural Order to allow it through and including June 21, 2024, to propound discovery, and correspondingly allow the Public Staff and intervenors an additional two business days (for a total of five business days instead of three) to respond to DEC's discovery requests. This minor procedural modification will allow the Company a much more feasible timeframe⁵ to digest the parties' testimony and serve discovery without any impact to the testimony or hearing schedule. In light of the extensive period for discovery afforded to other parties and recognizing the needs of this case, DEC's requested extension is reasonable and will not prejudice any party.

5. The Company has contacted counsel for parties of record regarding this Motion and is authorized to state that neither the Public Staff nor any intervenors object to the relief requested.

WHEREFORE, the Company respectfully requests that the Commission grant this Motion and amend Discovery Guideline No. 4 set forth in the Commission's Procedural Order to allow the Company through and including June 21, 2024, to issue discovery related to the pre-filed direct testimony of the Public Staff and intervenors.

⁵ June 21 is 15 calendar days and 11 business days after June 6, the date intervenor testimony is due.

Respectfully submitted, this the 10th day of May, 2024.

/s/ Jason A. Higginbotham

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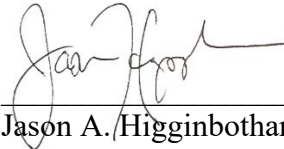
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Attorneys for Duke Energy Carolinas, LLC

CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Carolinas, LLC's Motion for Limited Amendment to Procedural Schedule to Allow Reasonable Period for Discovery, in Docket No. E-7, Sub 1297, has been served by electronic mail, hand delivery, or by depositing a copy in the United States Mail, 1st Class Postage Prepaid, properly addressed to parties of record.

This the 10th day of May, 2024.



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