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Apr 15 2020

April 15, 2020

Via Electronic Filing

Kim Campbell
Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4300

***Re: Docket No. E-2, Sub 1220
Alternative Request for Extension of Time***

Dear Ms. Campbell:

This letter is submitted on behalf of Williams Solar, LLC, for filing in the above-referenced docket.

On April 14, 2020, Complainant filed a Consent Request for Approval of Revised Procedural Schedule in which it sought an order dispensing with the evidentiary hearing and permitting the parties to simultaneously file affidavits in lieu of live witness testimony. This Request would have the ancillary effect of extending the existing deadlines for the filing of Complainant’s direct testimony by one month and Respondent’s direct testimony by 10 days.

In the event that Commission does not wish to dispense with the evidentiary hearing in this matter and, for that reason, is disinclined to grant the Request for Approval of Revised Procedural Schedule, Complainant would, alternatively, request that the Commission issue an order extending the applicable procedural deadlines as follows:

Event	Current Deadline	Proposed New Deadline
Complainant’s Direct Testimony	April 20, 2020	April 28, 2020
Respondent’s Direct Testimony	May 5, 2020	May 12, 2020
Complainant’s Rebuttal Testimony	May 15, 2020	May 19, 2020

In support of this alternative request, Complainant shows the Commission as follows:

1. On March 10, 2020, Governor Cooper declared a State of Emergency in response to the COVID-19 pandemic.
2. On March 27, 2020, Governor Cooper issued Executive Order No. 121, which included a stay-at-home order until April 29, 2020 in response to the COVID-19 pandemic.
3. In response, the Commission has suspended all hearings through April 29, 2020. *See* Press Release, North Carolina Utilities Commission Extends Suspension of Scheduled Hearings and Waiver of Certain Filing Requirements Through April 29, 2020, In Response to Coronavirus (COVID-19) Pandemic (March 30, 2020).
4. The pandemic and the Governor's Executive Order have made the gathering of documents and testimony more difficult and time-consuming. Nonetheless, the parties have exchanged written discovery, including interrogatories and requests for production of documents. As of this date, however, discovery is ongoing, including a request for certain documents in the possession of a third party vendor performing services for Respondent. Williams Solar requested issuance of a subpoena by the Commission, but the Commission has not issued the subpoena. Nevertheless, Williams Solar has pursued informal attempts to obtain these documents.
5. Williams Solar reasonably requires additional time to develop testimony and document discovery in support of its case. The proposed revised deadlines would not require moving the current hearing date of May 27, 2020.

Please note that the Respondent, Duke Energy Progress, LLC, has authorized Williams Solar to state that Respondent is agreeable to the modified procedural schedule proposed herein.

To the extent the Commission denies Complainant's April 14 Consent Request for Approval of Revised Procedural Schedule, Complainant respectfully requests that this letter be treated as a motion under Rule R1-7.

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Should any questions arise in connection with this matter, please do not hesitate to contact this office.

Very truly yours,



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Enclosure

cc: Jack Jirak
Brett Breitschwerdt