

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 177

In the Matter of Rulemaking Proceeding to Implement Securitization of Early Retirement of Subcritical Coal-Fired Generating Facilities)))))	RESPONSE IN OPPOSITION BY CAROLINA UTILITY CUSTOMERS ASSOCIATION
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Intervenor Carolina Utility Customers Association, Inc. (“CUCA”), by and through counsel, respectfully submits this short response in opposition to the Motion for Leave to File Supplemental Reply Comments in Docket No. E-100, Sub 177 filed by Duke Energy Carolinas, LLC and Duke Energy Progress, LLC (collectively, “Duke”).

Duke objects to a party adding “new” arguments when replying to the initial comments and rules filed by other parties. Yet, Duke admits that it did just this: Duke offered a new definition to “subcritical coal-fired generating facilities” in its reply comments. *See* Duke Mot. at 4 n.2. Duke should have tendered such a foundational definition with its initial comments. Duke, instead, shared the definition for the first time in its reply comments—a violation of Duke’s own interpretation of the Commission’s scheduling order.

Now, because Duke wishes to have the final word on certain points, Duke chastens other parties for engaging in the same practice it did and asks for leave to file additional comments. The efficiency of the regulatory process is undermined when a party insists on having the last word. If the Commission were to allow parties to file comments until all were satisfied their best arguments were exhausted, then the commenting process would never cease.

CUCA respectfully asks the Commission to deny Duke's motion to file supplemental comments. However, should the Commission wish to permit supplemental comments, CUCA respectfully requests that the Commission afford leave to other parties to respond to any new argument identified in the reply comments—as opposed to restricting supplemental comments only to Duke's issues of interest.

Respectfully submitted, this 3rd day of January, 2022.

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Certificate of Service

I hereby certify that a copy of the foregoing *Response in Opposition by Carolina Utility Customers Association, Inc.* has been served this day upon all parties of record in this proceeding, or their legal counsel, by electronic mail or by delivery to the United States Post Office, first-class postage pre-paid.

This the 3rd day of January, 2022.

BROOKS, PIERCE, McLENDON,
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/s/ Craig D. Schauer
