

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-100, SUB 177

In the Matter of		
Rulemaking Proceeding to Implement	)	RESPONSE IN OPPOSITION BY
Securitization of Early Retirement of	)	CAROLINA UTILITY
Subcritical Coal-Fired Generating	)	CUSTOMERS ASSOCIATION
Facilities		

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.

By: /s/ Craig D. Schauer  
Craig D. Schauer  
N.C. State Bar No. 41571  
BROOKS, PIERCE, MCLENDON,  
HUMPHREY & LEONARD, LLP  
Suite 1700, Wells Fargo Capitol Center  
150 Fayetteville Street  
P.O. Box 1800 (zip 27602)  
Raleigh, NC 27601  
(919) 839-0300, ext. 207 (phone)  
(919) 839-0304 (fax)  
mtrathen@brookspierce.com

*Attorneys for Carolina Utility Customers  
Association, Inc.*

**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,  
HUMPHREY & LEONARD, LLP

*/s/ Craig D. Schauer*

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