

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. M-100, SUB 153

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Rulemaking Proceeding to Revise)	ORDER ADOPTING REVISIONS
Procedural Deadlines in Water and Sewer)	TO RULE R1-24
General Rate Cases)	

BY THE COMMISSION: On March 27, 2019, the Commission issued an Order Initiating Rulemaking Proceeding and Requesting Comments in the above-captioned docket. In its Order, the Commission noted that in an order entered March 26, 2019, in Docket No. W-100, Sub 58, the Commission modified the dates set forth in Commission Rule R1-24(g)(2) for the pre-filing of written expert witness testimony by the parties in general rate cases involving Class A and B water and sewer utilities. In so doing, the Commission adopted dates for the filing of Public Staff and other intervenor direct testimony and applicant rebuttal testimony in Class A and B water and sewer utility general rate cases that are different from those currently provided for in the Rule for Class A and B electric, telephone, and natural gas utilities.

In the March 27, 2019 Order, the Commission determined that it would be to the benefit of parties and the Commission if the procedural deadlines for the pre-filing of written expert witness testimony were consistent among all of the named industries. Therefore, the Commission initiated this rulemaking proceeding to consider further amending Commission Rule R1-24(g)(2) to modify the procedural deadlines for the pre-filing of written expert witness testimony and applicant rebuttal testimony in Class A and B electric, telephone, and natural gas general rate cases to be consistent with those recently adopted in Docket No. W-100, Sub 58.

The following companies filed timely motions to intervene and initial comments: Dominion Energy North Carolina; Public Service Company of North Carolina, Inc.; Duke Energy Progress, LLC; Duke Energy Carolinas, LLC; and Piedmont Natural Gas Company, Inc. None of these companies oppose the proposed changes to the Rule, and no concerns were expressed. No other parties filed initial comments.

On May 8, 2019, the Public Staff filed Reply Comments stating that it does not oppose the proposed changes to the Rule. However, the Public Staff notes that under some circumstances, when agreed upon by the parties, it may be appropriate for the Commission to adopt a procedural schedule that may be different from the schedule in the Rule. This has been the practice in the past, and the Public Staff believes that it would be desirable to continue this practice in the future.

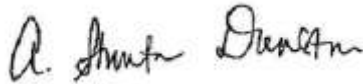
The Commission, therefore, finds good cause to adopt the revisions to Rule R1-24(g)(2) attached hereto as Appendix A (redlined) and Appendix B (clean). As noted by the Public Staff, the testimony deadlines set forth in the Rule are the default to be applied, but may vary, when requested or necessary, in specific cases; the actual deadlines for the filing of testimony, particularly if different from that provided for in the Rule, shall be set forth in the scheduling order in each case.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 22nd day of May, 2019.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "A. Shonta Dunston". The signature is written in a cursive, flowing style.

A. Shonta Dunston, Deputy Clerk

Rule R1-24. Evidence.

(g) Exhibits by Expert Witnesses.

- (2) Time of Filing. — Except as provided below, the testimony for the applicant of such expert witnesses shall be filed with the Commission at least 60 days prior to the date set for the hearing in general rate cases, and at least 30 days prior to the date set for the hearing in all other cases. Testimony of such expert witness in rebuttal shall be prepared in the same manner and form, and shall be filed with the Commission at least 10 days prior to the date fixed for the hearing. The Commission Staff, Public Staff, Attorney General and all other Intervenor or Protestants shall file all testimony, exhibits and other information which is to be relied upon at the hearing 20 days in advance of the scheduled hearing. When filed, all such exhibits shall be made available immediately to adverse parties of record, and to others having an interest in the proceeding.

Class A & B electric, telephone, natural gas, water, and sewer utilities shall file with and at the time of any general rate case application all testimony, exhibits and other information upon which any such utility will rely at the hearing. Class C water and sewer utilities shall file 45 days prior to the hearing on the general rate case application all testimony upon which such utility will rely. In general rate cases of Class A & B electric, telephone, natural gas, water and sewer utilities, the Commission Staff, Public Staff, Attorney General and all other Intervenor or Protestants shall file all testimony, exhibits and other information which is to be relied upon at the hearing 30 days in advance of the scheduled hearing, and any testimony for the utility in rebuttal shall be filed 15 days prior to the hearing.

Rule R1-24. Evidence.

(g) Exhibits by Expert Witnesses.

- (2) Time of Filing. — Except as provided below, the testimony for the applicant of such expert witnesses shall be filed with the Commission at least 60 days prior to the date set for the hearing in general rate cases, and at least 30 days prior to the date set for the hearing in all other cases. Testimony of such expert witness in rebuttal shall be prepared in the same manner and form, and shall be filed with the Commission at least 10 days prior to the date fixed for the hearing. The Commission Staff, Public Staff, Attorney General and all other Intervenors or Protestants shall file all testimony, exhibits and other information which is to be relied upon at the hearing 20 days in advance of the scheduled hearing. When filed, all such exhibits shall be made available immediately to adverse parties of record, and to others having an interest in the proceeding.

Class A & B electric, telephone, natural gas, water, and sewer utilities shall file with and at the time of any general rate case application all testimony, exhibits and other information upon which any such utility will rely at the hearing. Class C water and sewer utilities shall file 45 days prior to the hearing on the general rate case application all testimony upon which such utility will rely. In general rate cases of Class A & B electric, telephone, natural gas, water and sewer utilities, the Commission Staff, Public Staff, Attorney General and all other Intervenors or Protestants shall file all testimony, exhibits and other information which is to be relied upon at the hearing 30 days in advance of the scheduled hearing, and any testimony for the utility in rebuttal shall be filed 15 days prior to the hearing.