

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-2, SUB 1089

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application of Duke Energy Progress, LLC for a)	
Certificate of Public Convenience and Necessity)	RESPONSE
to Construct a 752 Megawatt Natural Gas-Fueled)	BY NC WARN AND THE
Electric Generation Facility in Buncombe County)	CLIMATE TIMES
Near the City of Asheville)	

NOW COME NC WARN and The Climate Times (“TCT”), by and through the undersigned attorney, with an affidavit from Mr. Powers in response to the testimony of Duke Energy witness, Mr. Landseidel, regarding the amount of the appeal bond.

Mr. Powers reviewed the transcript of Mr. Landseidel’s testimony and oral argument from the hearing on June 17, 2016, along with his previous knowledge of the Asheville project. In his affidavit which he was able to prepare over the weekend, Mr. Powers addresses each of the components in the \$240 million appeal bond proposed by Duke Energy, and concludes that none of the costs are reasonable. No bond is needed to protect ratepayers from construction delays; most of the costs rightly belong to shareholders or have been significantly exaggerated. In fact, given the declining prices for natural gas plants, the ratepayers may save money from a two-year delay.

NC WARN and TCT are now even more convinced that a careful review through an evidentiary hearing on the need for the project, and the alternatives to

it, would have led to a different outcome. Testimony and evidence would have either resulted in a much different certificate for public convenience and necessity on a more limited project, or none at all.

Respectfully submitted, this the 27th day of June 2016.

/s/ John D. Runkle

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing RESPONSE BY NC WARN AND THE CLIMATE TIMES and attached AFFIDAVIT OF WILLIAM POWERS (E-2, Sub 1089) upon each of the parties of record in this proceeding or their attorneys of record by deposit in the U.S. Mail, postage prepaid, or by email transmission.

This is the 24th day of June 2016.

/s/ John D. Runkle