

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-100, SUB 101**

In the Matter of:)	
Petition for Approval of Generator	)	NCSEA’S MOTION TO
Interconnection Standard	)	COMPEL

NCSEA’S MOTION TO COMPEL

NOW COMES the North Carolina Sustainable Energy Association (“NCSEA”), by and through the undersigned counsel, and moves to compel Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (DEC and DEP, collectively, “Duke”) to fully and promptly respond to certain NCSEA data requests as detailed below. In support of this Motion, NCSEA respectfully show unto the North Carolina Utilities Commission (the “Commission”) the following:

Pertinent Procedural History

1. On June 4, 2004, Docket No. E-100, Sub 101 (the “Interconnection Docket”) was opened when Progress Energy Carolinas, Inc., Duke Power, a Division of Duke Energy Corporation, and Virginia Electric and Power Company jointly filed their *Petition for Approval of “Model” Small Generation Interconnection Standards and Associated Application to Interconnect and Interconnection Contract Forms*.
2. On June 15, 2004, NCSEA petitioned the Commission to intervene in the Interconnection Docket and, on June 25, 2004, the Commission entered an order granting NCSEA’s *Motion to Allow Intervention*.
3. In the nearly 16 years that the Interconnection Docket has been active, NCSEA has been an active participant in the litigation, various stakeholder processes, and other matters associated with the Interconnection Docket.

4. On December 20, 2017, the Commission issued an *Order Requesting Comments* (“Order Requesting Comments”), wherein the Commission sought comments from interested parties regarding the North Carolina Interconnection Standard. Specifically, a stakeholder process had arisen out of a 2015 Commission order on revised interconnection standard, but, according to the Public Staff – North Carolina Utilities Commission (the “Public Staff”), stakeholder consensus on a new interconnection standard had not been reached.¹ Therefore, the Commission sought comments on a new interconnection standard.

5. On Friday, January 25, 2019, after more than a year of comments from interested parties and only three days before the evidentiary hearing on the matter, Duke, the Public Staff, Dominion Energy North Carolina (“Dominion”), and the North Carolina Pork Council (“Pork Council”) (Public Staff, Duke, Dominion, and Pork Council, collectively, the “Stipulating Parties”) entered into the *Agreement and Stipulation of Partial Settlement by and between Duke Energy Carolinas, LLC, Duke Energy Progress, LLC, Dominion Energy North Carolina, North Carolina Pork Council and the Public Staff – North Carolina Utilities Commission* (the “Stipulation”).

6. NCSEA, unaware of the Stipulation until its filing, filed a *Motion for Postponement of the Evidentiary Hearing* which was submitted for electronic filing and served on Saturday, January 26, 2019 and clocked by the Commission clerk on January 28, 2019. The Motion, which sought for time for parties to consider the Stipulation prior to the evidentiary hearing, was denied orally by the Commission near the beginning of the evidentiary hearing.

¹ Order Requesting Comments, p.1.

7. Within the Stipulation, the Stipulating Parties agreed to the following stakeholder process outline regarding a “grouping study” to be done:

a. In recognition of the commitment of DEC and DEP to undertake efforts to fully implement a grouping study as detailed in the rebuttal testimony witness Gary R. Freeman, including a stakeholder process in the first quarter of 2019, with the goal of completing the stakeholder process by June 2019 and making filings of proposed changes to both FERC and the NCUC in July 2019, the Public Staff agrees to withdraw its recommendation for (1) an independent review of the entire North Carolina interconnection process and (2) a stakeholder discussion focused solely on revisiting the Project A/B process. For the avoidance of doubt, Public Staff shall remain free to make such recommendation in any future proceeding before the Commission.

b. DEC and DEP agree to consult with the Electric Power Research Institute (“EPRI”) regarding any potential modifications to the Fast Track and Supplemental Review process. DEC and DEP will commence such process no later than April 1, 2019 and will provide a summary report regarding any potential modifications at the Technical Standards Review Group meeting occurring in the third quarter of 2019.²

8. Following the evidentiary hearing, on March 25, 2019, NCSEA filed its *Post-Hearing Brief* wherein NCSEA sought for the Commission to reject the Stipulation and, instead, adopt the changes it recommended in its Post-Hearing Brief. However, NCSEA did applaud Duke’s efforts to “discuss” cluster studies noting:

Despite the fact that NCSEA raised the issue of cluster studies in May of 2017, NCSEA applauds Duke for now being willing to discuss the issue. However, as discussed above, NCSEA believes that Commission oversight is necessary for all aspects of the NCIP, including a potential transition to cluster studies. This is especially important for such a complex topic because, as acknowledged by Duke Witness Freeman, reaching stakeholder agreement on cluster studies will be challenging:

Q . . . [D]o you expect studying -- reaching consensus around a cluster study to be more complex than reaching consensus around a single, you know, a single queue study model?

² Stipulation, pp. 2-3.

A (Freeman) Yes. I think, you know -- you know, evolving the process from sequential to -- to a cluster study process will be, you know, a significant challenge to reach consensus.

As such, NCSEA believes that the Commission should hold technical conferences with stakeholders to discuss a transition to cluster studies, instead of directing the Public Staff to oversee the process or allowing Duke to control the discussion.³

9. On June 14, 2019, the Commission issued the *Order Approving Revised Interconnection Standard and Requiring Reports and Testimony* (“June 2019 Order”).

10. Within the June 2019 Order, the Commission found this provision of the Stipulation reasonable, stating: “[t]he Duke Utilities’ commitments in the Stipulation to implement a stakeholder process to develop a group study proposal are reasonable and appropriate.”⁴

11. In the Evidence for this finding, the Commission noted that Duke Witness Freeman had concluded that “the Duke Utilities anticipate requesting Commission approval of additional revisions to the NC Interconnection Standard to accomplish this reform, which reform would also need to align with Duke’s FERC-jurisdictional open access transmission tariff, to solve challenges associated with administering both a state- and FERC jurisdictional interconnection queue.”⁵

12. The Commission further noted that Interstate Renewable Energy Council (“IREC”) Witness Auck testified that “at a minimum any proposed cluster study process should (1) define timelines for each step of the process, (2) define what happens if projects

³ NCSEA’s Post-Hearing Brief, p. 22.

⁴ June 2019 Order, p. 10.

⁵ June 2019 Order, p. 59.

drop out of the study group, (3) explain how costs will be allocated among projects in a group, and (4) explain how groups would be formed.”⁶

13. In its discussions for this finding, the Commission stated:

In its post-hearing brief, NCSEA stated that the Commission should hold technical conferences with stakeholders to discuss a transition to cluster studies. NCSEA appears to believe that this level of direct involvement is necessary for the Commission to provide oversight. The Commission disagrees, finding instead that parties will be able to speak more freely and that there will be no potential for inappropriate ex parte communications under the process outlined in the Stipulation.

Therefore, the Commission concludes that it is reasonable for the Duke Utilities to establish a stakeholder process to discuss the potential to transition their North Carolina queues to a grouping study process, and that the Duke Utilities shall report to the Commission no later than July 31, 2019, as to the status of that stakeholder process. The stakeholder process should allow for all participants to contribute to the joint development of meeting agendas, including topics to be addressed, and for all participants to have reasonable opportunity to contribute to the discussion of all issues or items on the agendas.⁷

14. In Ordering Paragraph No. 11, the Commission directed:

that the Duke Utilities shall establish a stakeholder process within the first quarter of 2019 to discuss the process of transitioning their North Carolina queues to a grouping study process, and that the Duke Utilities shall report to the Commission no later than July 31, 2019, as to the status of that stakeholder process.⁸

15. On July 31, 2019, Duke filed the DEC and DEP Queue Reform Update (“Queue Reform Update”), wherein Duke stated, in pertinent part:

The Companies recognize that there are substantial hurdles to implementing a fundamental structural change to the interconnection process. Because of the overlapping nature of the Companies’ balancing authorities and the state- and federal-jurisdictional interconnection processes, it is likely that a transition to queue-wide cluster study process will ultimately need to involve changes to interconnection processes in numerous jurisdictions. Obtaining approvals in parallel in multiple jurisdictions will be an enormous

⁶ June 2019 Order, p. 60.

⁷ June 2019 Order, pp. 60-61.

⁸ June 2019 Order, p. 66.

challenge and therefore will likely require a substantial degree of consensus to be successful. Therefore, the Companies remain extremely committed to exploring every possible avenue for achieving consensus on any proposed changes, including continued formal and information stakeholder engagement. The Company also welcomes stakeholder input in any form—whether through the formal stakeholder meeting process or otherwise. However, if consensus cannot be reached among the many stakeholders, it is possible that there will not be sufficient support to undertake the immense regulatory undertaking required to implement such changes. As detailed above, the Companies will continue to exert comprehensive efforts to obtain stakeholder consensus and will keep the Commission apprised as to the status of such efforts. If it ultimately becomes clear that significant stakeholder consensus is not possible, then the Companies will so notify the Commission.⁹

16. On August 27, 2019, the Commission issued the *Order Requiring Queue Reform Proposal and Comments* (“August 2019 Order”), wherein it noted that the Queue Reform Update “suggests that stakeholders might not be making progress on this important issue” and ordered:

1. That on or before October 15, 2019, Duke shall file a queue reform proposal consistent with the Commission’s June 14, 2019 Order. DENC may file a queue reform proposal at that time, if it so chooses.
2. That Duke shall include with its proposal a list of the issue areas where consensus was reached as well as a list of the issue areas where consensus was not reached.
3. That on or before November 8, 2019, all other parties shall file a statement of position relative to the queue reform proposal(s), clearly articulating alternative proposals for any issues in dispute.
4. That Duke and DENC may file responsive comments on or before December 2, 2019, after which the Commission will take whatever action it then deems appropriate.¹⁰

17. On October 15, 2019, Duke filed its Motion to Delay and its DEC and DEP Queue Reform Update. In its Motion to Delay, Duke indicated that it would like more time to continue its stakeholder process and asked for a delay in the time to provide a queue reform proposal to the Commission. Specifically, Duke proposed:

⁹ Queue Reform Update, pp. 2-3.

¹⁰ August 2019 Order, pp. 2-3.

8. [...]Following the completion of this additional stakeholder process, the Companies would, on or before February 28, 2020, either (1) file an updated version of the Duke Queue Reform Proposal as modified based on feedback from the stakeholder process or (2) notify the Commission that no further modifications are needed to the Duke Queue Reform Proposal based on the stakeholder feedback. At that point, the comment period contemplated by the Queue Reform Order could then commence in accordance with a schedule to be determined by the Commission.

9. The Companies would then use such comments in preparation of revisions to the North Carolina Interconnection Procedures that would be filed after the conclusion of the comment period.¹¹

18. On October 23, 2019, the Commission issued the Order Granting

Motion to Delay, noting in pertinent part:

In its Motion, Duke explained that additional stakeholder meetings are planned for November, December, January, and February, in order to address specific areas of the queue reform proposal, specifically: (1) cluster timeline/ predictability and restudy; (2) cost allocation; (3) interdependencies; and (4) cluster milestone payments and refunds. The Duke Companies proposed that on or before February 28, 2020, the Companies would either (1) file an updated version of their queue reform proposal as modified based on feedback from stakeholders, or (2) notify the Commission that no modifications are needed. Duke proposed that, at that point, the comment period contemplated in the Commission's Queue Reform Order could then commence.¹²

19. The Order Granting Motion to Delay stated:

The Chair finds that Duke's Motion to Delay is reasonable and will grant it. However, rather than await Duke's February 28, 2020 filing to establish a further procedural schedule, the Commission will establish March 27, 2020, as the deadline for comments on Duke's proposal, and April 17, 2020, as the deadline for reply comments. In addition, the Commission will require Duke to file a redline version of the North Carolina Interconnection Procedures, Forms and Agreements conforming to its queue reform proposal on February 28, 2020.¹³

¹¹ Motion to Delay, p. 3.

¹² Order Granting Motion to Delay, p. 1.

¹³ Order Granting Motion to Delay, pp. 1-2.

20. On February 21, 2020, Duke filed the *Motion for Extension of Time for Duke Energy Carolinas, LLC and Duke Energy Progress, LLC to File Queue Reform Proposal* seeking an additional 30 days, up and until March 31, 2020, for Duke to file its queue reform proposal and initiate the comment period on the proposal.

21. On February 26, 2020, the Commission issued the *Order Granting Extensions of Time* to extend the time for Duke to file its queue reform proposal and a redline version of the NC Interconnection Procedures conforming to its queue reform proposal to March 31, 2020, to extend the time for comments on Duke's proposal to April 30, 2020, and to extend the time for reply comments to May 29, 2020.

22. To date, the Commission has not directed that discovery be closed in this docket. Duke has not sought relief from the Commission in the form of a scheduling or protective order.

NCSEA Discovery History

23. According to NCSEA records, NCSEA has propounded 6 sets of data requests upon Duke in this docket since 2014.¹⁴

24. The First Set of Data Requests consisted of two requests for production of documents seeking discovery requests (and responses) served upon Duke in this docket since May 15, 2015 ("1st Set"). The 1st Set was served upon Duke on September 20, 2017.

25. On November 6, 2018, NCSEA served Duke its Second Set of Data Requests which consisted of two requests for production of documents and sought discovery requests (and responses) served by Duke in this docket since May 15, 2015 ("2nd Set").

¹⁴ NCSEA's records in this proceeding only reach back to 2014. It is possible NCSEA served discovery requests in this docket between 2004 and 2014, but those records are no longer available.

26. On November 27, 2018, NCSEA served Duke its Third Set of Data Requests, which consisted of 23 interrogatories (not including subparts) (“3rd Set”). NCSEA has attached the 3rd Set hereto and incorporates it herein as **Exhibit A**.

27. On November 28, 2018, NCSEA served Duke its Fourth Set of Data Requests, which consisted of 18 interrogatories (not including subparts) and four requests for production of documents (“4th Set”). NCSEA has attached the 4th Set hereto and incorporates it herein as **Exhibit B**.

28. On December 12, 2018, NCSEA served Duke its Fifth Set of Data Requests, which consisted of four interrogatories (“5th Set”). NCSEA has attached the 5th Set hereto and incorporates it herein as **Exhibit C**.

29. Over 13 months later, on January 22, 2020, NCSEA served Duke its Sixth Set of Data Requests, which consists of 37 interrogatories (“6th Set”). NCSEA has attached the 6th Set hereto and incorporates it herein as **Exhibit D**. NCSEA requested that Duke return responses to the 6th Set within ten days of service date which, accounting for non-business days, would have been February 3.

30. On Friday, January 24, counsel for Duke requested a phone call to discuss the data requests and, on January 28, 2020, counsel for Duke and NCSEA had a phone call to discuss the 6th Set. During this call, the parties disagreed about the timeliness and relevance of the 6th Set.

31. During this same phone call, counsel for NCSEA requested that Duke provide formal objections to the 6th Set so as to allow for NCSEA to draft a motion to compel. Duke indicated that it would be taking the full 30 day period to respond to the discovery requests pursuant to Rule 33 of the North Carolina Rules of Civil Procedure.

32. On February 14, 2020, counsel for Duke emailed NCSEA claiming that Duke is not obligated to respond to the 6th Set for reasons previously stated. Counsel for Duke also indicated that NCSEA had exceeded the 50 interrogatory rule set forth in Rule 33 of the North Carolina Rules of Civil Procedure.

33. On February 21, 2020, NCSEA responded to Duke's February 14 email, indicating that, under Rules 33 and 34 of the North Carolina Rules of Civil Procedure, Duke is obligated to respond to each and every individual request, whether by answer or objection and, accordingly, NCSEA requested individual responses to the requests made in the 6th Set on or before February 26, 2020.

34. On February 24, 2020, counsel for Duke requested another phone call to discuss the 6th Set. NCSEA agreed and the phone call took place on February 25, 2020, during which the parties could not reach an agreement as to a pathway for NCSEA to receive responses to the data requests contained in the 6th Set. NCSEA requested Duke provide a written response to the 6th Set, specifically requesting responses to the individual data requests whether by objection or answer, as soon as possible.

35. On February 26, 2020, counsel for Duke emailed NCSEA, reiterated Duke's previously stated positions, and indicated it would provide a written, formal objections by February 28, 2020.

36. On February 28, 2020, counsel for Duke served NCSEA with Duke Energy Carolinas, LLC's and Duke Energy Progress, LLC's Objections to North Carolina Sustainable Energy Association's Sixth Set of Written Discovery ("Duke's Objections"). A copy of Duke's Objections is attached hereto and incorporated herein as **Exhibit E**.

Legal Argument

I. Duke has failed to respond to NCSEA’s individual discovery questions as required by the North Carolina Rules of Civil Procedure.

In response to the 6th Set, Duke served Duke’s Objections which included two objections to NCSEA’s definitions/instructions¹⁵ and five general objections.¹⁶ Below the general objections, Duke lists each data request contained in the 6th Set and, in response to each one of them, states only: “See Duke’s General Objections to NCSEA Set 6” while listing Duke’s attorney as the “Sponsor” of each response.¹⁷ Duke’s reference to its general objections in response to NCSEA’s data requests is not sufficient under North Carolina law.

a. Rule 33 requires response to each and every interrogatory.

Rule 33 (a) of the North Carolina Rules of Civil Procedure states, in pertinent part:

(a) Availability; procedures for use. - Any party may serve upon any other party written interrogatories to be answered by the party served or, if the party served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, *who shall furnish such information as is available to the party.*

[...]

Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. An objection to an interrogatory shall be made by stating the objection and the reason therefor either in the space following the interrogatory or following the restated interrogatory [...] The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, within 30 days after the service of the interrogatories[.] (emphasis added).

¹⁵ It is not entirely clear what Duke is objecting to in its “Objections to Definitions” section, as the enumerated objections refer to NCSEA’s “instructions” while the title of that section refers to the “definitions”. NCSEA’s “definitions” and “objections” are two discrete header sections of its 6th Set, so it’s unclear what Duke is objecting to here. In any event, NCSEA believes these objections are too vague and nonspecific to be construed towards the underlying issues related to relevance and timeliness discussed further herein.

¹⁶ See Duke’s Objections, pp. 3-6.

¹⁷ See generally, Duke’s Objections, pp. 7-44.

Duke has failed to furnish information in response to the requests made within NCSEA's 6th Set within the 30 days allowable Rule 33. Furthermore, Duke has also failed to answer the data requests separately and fully in writing under oath or otherwise provide objections in lieu of an answer to the individual data requests. Duke's response to each of the individual data requests – "See Duke's General Objections to NCSEA Set 6" – does not fulfill the requirements of Rule 33 for reasons articulated below.

b. General Objections are not permissible under North Carolina law.

"General objections ordinarily do not find favor with the court." *Duke Energy Progress, Inc. v. Alcan Aluminum Corp.*, No. 5:08-CV-460-FL, 2013 U.S. Dist. LEXIS 152711, at *201 (E.D.N.C. Oct. 17, 2013).¹⁸

Duke here has asserted five general objections in response to the 6th Set. None of these objections asserts a specific response applicable directly to the interrogatories contained within the 6th Set. Under North Carolina law, general objections are not sufficient and do not effect the objection they intend in response to a discovery request. North Carolina Courts have found that, for the purposes of appellate review, general objections are not specific enough to trigger a substantial right of immediate appeal.

ate appeal. "[B]lanket general objections purporting to assert attorney-client privilege or work product immunity to all of the opposing parties' discovery requests *are inadequate to effect their intended purpose* and do not establish a substantial right to an immediate appeal." *K2 Asia Ventures v. Trota*, 215 N.C. App. 443, 447, 717 S.E.2d 1, 4-5

¹⁸ NCSEA is relying upon *Duke Energy Progress, Inc. v. Alcan Aluminum Corp.* here, which is a federal, district court case. However, as noted in *Turner v. Duke Univ.*: "[t]he North Carolina Rules of Civil Procedure are, for the most part, verbatim recitations of the federal rules [...] Decisions under the federal rules are thus pertinent for guidance and enlightenment in developing the philosophy of the North Carolina rules. 325 N.C. 152, 164, 381 S.E.2d 706, 713 (1989) (internal citation omitted).

(2011) (emphasis added). Here, the logic is analogous – NCSEA is seeking information in preparation for comments to be filed at the Commission and, rather than specifically and narrowly objecting to the targeted requests, Duke has taken the position that its general objections are sufficient under Rule 33, which *requires* answers to each interrogatory.

“North Carolina's appellate courts have not addressed the propriety of general objections in light of the language of Rule 33. But as one court interpreting the Federal Rules of Civil Procedure has noted, ‘objections stated at the beginning of the response to the interrogatories, are ineffective and are an abuse of the discovery process because such objections block discovery without explaining why and to what extent.’” *Hilb Rogal & Hobbs Co. v. Sellars*, 2008 NCBC 12, 11, 2008 NCBC LEXIS 13, *5, 2008 WL 2346314 (*quoting Waters Edge Living, LLC v. RSUI Indem. Co.*, 2008 U.S. Dist. LEXIS 33049, at *11 (N.D. Fla. Apr. 22, 2008)). As noted in *Hilb*, general objections at the beginning of the general responses, such as what Duke has prepared here, are ineffective as they do not speak specifically to the contents of the requests.

This Commission has likewise agreed that general objections are insufficient in responses to data requests. In the *Order Overruling Objections* in Docket No. P-55, Sub 1841, the Commission agreed with the movant, while issuing an order overruling objections and compelling production, that in that docket the Commission “would not give effect to general objections[.]”¹⁹

¹⁹ *Order Overruling Objections*, Docket No. P-55, Sub 1841 (July 13, 2012), p. 3.

- c. NCSEA has not exceeded the number of interrogatories allowable under Rule 33 of the North Carolina Rules of Civil Procedure

Duke has taken the problematic position that NCSEA has violated Rule 33's limit of interrogatories that can be served on a single party in a proceeding to 50. NCSEA does not believe that reading of Rule 33 in this instance is correct or properly-applied.

- i. NCSEA propounded the 6th Set of Interrogatories on both Duke entities. The 50 Interrogatory shield is limited to one party.

Rule 33 states that "a party may direct no more than 50 interrogatories, in one or more sets, to any other party, except upon leave granted by the Court for good cause shown or by agreement of the other party." Duke has relied upon this interrogatory limitation in making its fourth general objection and also in previous emails and phone calls with NCSEA attorneys. However, as specifically stated, the 50 interrogatory limit is limited to "any other party". Duke, as noted in the opening paragraph of this filing, is actually two, separate entities for the purposes of this docket – DEC and DEP. Therefore, the 50 interrogatory limit should not apply.

Also, as noted above, this proceeding has been ongoing for nearly 16 years and, given that the Commission utilizes, but is not bound by, the North Carolina Rules of Civil Procedure, it may be appropriate for Commission discretion to allow excess interrogatories in this docket. N.C. Gen. Stat. § 62-72 authorizes the Commission the flexibility to make its own rules of practice and procedure, and the North Carolina Supreme Court has noted that procedure before the Utilities Commission is not formal. *State ex rel. Utilities Comm'n v. Western Carolina Tel. Co.*, 260 N.C. 369 (1963). Such loose adherence is also often reflected in the scheduling orders of the Commission, which set out the Commission's own guidelines for discovery in rate cases that do not necessarily follow the North Carolina

Rules of Civil Procedure. As such, NCSEA believes it would appropriate for the Commission to use its discretion and not firmly apply the 50-interrogatory rule here.

- ii. NCSEA had not served discovery in 13 months, during which time substantive changes have occurred in the Interconnection Docket.

Even if Duke is considered a single entity for the purposes of evaluating the number of data requests being made, there is a compelling argument that the subject matter of this docket has shifted since NCSEA's previous batches of data requests. As outlined above in painful detail, there has been considerable movement in the Interconnection Docket since the Order Requesting Comments was issued in December 2017. Notably, Duke Witness Gary Freeman broached the idea of grouping, or cluster, studies as part of the update to the interconnection procedures in his rebuttal testimony filed on January 8, 2019 ("Freeman Rebuttal").²⁰ The Freeman Rebuttal was the basis upon which the Stipulation was filed with the Commission. The Freeman Rebuttal was also filed after NCSEA propounded its first five sets of discovery requests.

NCSEA does not necessarily object conceptually to queue reform or the idea of utilizing cluster studies to potentially alleviate some of the interconnection queue bloat. However, as seen in the 6th Set, NCSEA has questions regarding costs and issues related to interdependent project queue reform proposal as it has evolved throughout this stakeholder process. While the ongoing stakeholder process seems thorough in terms of concept, when it comes to cost allocation and interdependencies, which were topics called out specifically in the Order Granting Motion for Delay, there are still clear questions that

²⁰ *Rebuttal Testimony of Gary R. Freeman on behalf of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC*, p. 29, Docket No. E-100, Sub 101 (January 8, 2019). Cluster studies had been previously discussed in the Competitive Procurement for Renewable Energy, however not in detail in the context of updating interconnection procedures in the Interconnection Docket.

NCSEA desires written responses to and which necessitated further discovery in advance of the comments.

II. The 6th Set is timely and relevant to the current discourse in the Interconnection Docket

There is nothing unreasonable, irrelevant, burdensome, or otherwise untimely about NCSEA seeking specific answers, in writing, prior to submitting comments on a potential queue reform proposal that has not previously been briefed and examined in this manner.

a. Queue Reform Proposal came out of previous Order but was not previously investigated fully by parties.

As noted above, Witness Freeman's rebuttal testimony, subsequent testimony at the evidentiary hearing, and the Stipulation changed the course of this docket. Prior to that, the matters at issue related to updating the interconnection procedures not directly related to interconnection queue reform. The June 2019 Order made 25 findings of fact, but none of them dealt with implementing a new cluster or grouping study process.²¹ Finding of Fact 23, related to proposal in the Stipulation for a stakeholder process to develop grouping or cluster studies for interconnection queue reform, simply stated: "The Duke Utilities' commitments in the Stipulation to implement a stakeholder process to develop a group study proposal are reasonable and appropriate."²² It is clear that the concept of queue reform via grouping or clusters was new to the docket and not previously, fully briefed by the parties. NCSEA has not previously submitted comments or briefed the issue for the Commission within the scope of broad interconnection protocol reform.

²¹ See June 2019 Order, pp. 7-10.

²² June 2019 Order, p. 10.

- b. NCSEA's 6th Set arises solely out of concerns related to the Queue Reform Proposal and concerns flowing from the stakeholder proceeding related thereto.

Furthermore, in the Order Granting the Motion for Delay, the Commission specifically mentioned out topics subject to review and comment in the queue reform process, and as previously pointed out by Duke: (1) cluster timeline/ predictability and restudy; (2) cost allocation; (3) interdependencies; and (4) cluster milestone payments and refunds.²³ NCSEA, in response to that order and in recognition of the ongoing stakeholder process informational shortcomings, polled its members about questions that remain which related to outstanding issues in this docket and, in particular, the further interconnection procedures protocol changes which would come with adapted queue reform in the manner being proposed by Duke in its stakeholder process. The questions are intended solely to focus on NCSEA member concerns about costs, including third-party oversight and contracts, and interdependencies. NCSEA's position that if its member solar developers are going to be sharing the bill under the cost allocation portion of this proposal, then NCSEA should have transparency to some basic Duke procedures and protocols which related to interconnection cost allocation, especially in light of new procedures being proposed.

- c. NCSEA needs responses to its requests for the comment period.

Duke appears to take the general position that this docket, and the currently outstanding issues, are confined to stakeholder discussions. However, this position belies the fact that comments on Duke's queue reform proposal are currently due to the Commission on April 30, 2020. NCSEA is not comfortable with relying solely upon

²³ Order Granting Motion for Delay, p. 1.

singularly prepared and presented Duke stakeholder sessions and their accompanying materials in drafting its comments to be reviewed by the Commission. Furthermore, the Commission has repeatedly extended the time for the comment period in response to requests for extensions of time. They have not limited this portion of the docket to the stakeholder process in any manner thus far. For Duke to say that NCSEA's data requests are untimely because the current Interconnection Docket is solely within the purview of stakeholder meetings and sessions is completely unsupported by evidence in the Interconnection Docket. NCSEA does not and will not concede that an open, litigated docket, without specific Commission limitation, has closed its discovery phase.

Conclusion

NCSEA has properly served discovery upon Duke, and Duke has not provided specific responses within the 30 days mandated by Rule 33 of the North Carolina Rules of Civil Procedure. The general objections Duke relies upon to shirk its responsibility to individually respond to NCSEA's data requests are not properly made and should be rejected as inadequate objections to the individual data requests.

NCSEA's 6th Set is a compiled list of questions aimed to inform NCSEA's comments and any other subsequent filings in this proceeding regarding the soon-to-be proposed queue reform proposal. NCSEA does not believe that limiting the discourse of this docket to the stakeholder meetings is appropriate, especially given the pending comment period and also the acknowledgement by the parties and the Commission that the changes which result from queue reform proposal will be adopted into North Carolina's interconnection procedures in a wholly new, separate editing to the current guidelines.

WHEREFORE, for the reasons set forth herein, NCSEA requests that the Commission order:

- (1) Duke to provide responses to each of the individual data requests contained in the 6th Set and that such responses are made prior to the filing of Duke's Queue Reform Proposal which is currently due to be filed by March 31, 2020;
- (2) That the general objections made by Duke in response to the 6th Set are overruled;
- (3) That the questions contained within the 6th Set are timely, relevant, and not unduly burdensome;
- (4) And for any such further and other relief as the Commission deems just and proper.

Respectfully submitted, this the 6th day of March, 2020.

 /s/ Benjamin Smith

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CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing document by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 6th day of March, 2020.

/s/ Benjamin Smith

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Exhibit A

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-100, SUB 101**

In the Matter of:)	
Petition for Approval of Revisions to	)	NCSEA’S THIRD SET OF
Generator Interconnection Standard	)	WRITTEN DISCOVERY
	)	REQUESTS TO DUKE ENERGY
	)	CAROLINAS, LLC AND DUKE
	)	ENERGY PROGRESS, LLC

The North Carolina Sustainable Energy Association (“NCSEA”), an intervenor in this proceeding, propounds the following written discovery requests to Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (collectively, “Duke”).

INTERROGATORIES

Pursuant to Rule 33 of the North Carolina Rules of Civil Procedure, NCSEA propounds the following interrogatories to DEC and DEP to be answered under oath, in writing, within 10 days of the service date for the interrogatories. These interrogatories are continuing in nature to the extent permitted by Rule 26(e) of the North Carolina Rules of Civil Procedure.

DEFINITIONS

In addition to the terms defined elsewhere, the following terms shall have the following meanings:

A. “Communications” shall mean all oral communications and all written communications, including all “documents,” as defined below.

B. “Filing” means the direct testimonies and exhibits of Gary R. Freeman, John W. Gajda, and Jeffrey W. Riggins filed by DEC and DEP in this docket on November 19, 2018, together with any amendments to the testimonies or exhibits filed thereafter.

C. “Document” and “documents” shall mean all written, recorded or graphic matters whatsoever and all nonidentical copies thereof, including but not limited to papers, books, records, letters, photographs, correspondence, communications, emails, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports, recordings of telephone or other conversations, statements, summaries, opinions, studies, analyses, evaluations, contracts, agreements, jotting, agendas, bulletins, notices, announcements, advertisements, guidelines, charts, manuals, brochures, publications, schedules, price lists, subscription lists, customer lists, journals, statistical reports, desk calendars, appointment books, diaries, lists, tabulations, newsletters, drafts, proofs, galleys, or other prepublication forms of materials, telephone lists or indexes, Rolodexes, computer printouts, data processing program libraries, data processing input and outputs, microfilm, microfiches, CD ROMs, books of account, records or invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts relating to any of the foregoing, and any other documents as defined in Rule 34 of the

North Carolina Rules of Procedure of any kind in your possession, custody or control or to which you have access or know to exist.

D. “Identify” or “identity” as used with respect to a person means to state the person’s full name and present address and his present or last known employment position and business affiliation if a natural person, and corporate or other status and address if not a natural person. “Identify” or “identity” when used in reference to a document means to state the following as to each document:

- (a) Its nature and contents;
- (b) Its date;
- (c) The date it was executed if different from the date it bears;
- (d) The name, address and position of its author or signer;
- (e) The name, address and position of its addressee, if any;
- (f) Its present location and the name, present address and position of the person or persons having present custody; and
- (g) Whether it has been destroyed, and if so, with regard to such destruction; (i) the date of destruction; (ii) the reason for destruction; and (iii) the identity of the person who destroyed the document.

E. “Person” includes any individual, sole proprietorship, partnership, corporation, association, trust, statutory trust, joint venture, or other entity.

F. “You” or “your” means DEC, DEP, their agents, employees, representatives, attorneys, experts, investigators, insurers, consultants, or anyone acting on behalf of DEC or DEP.

INSTRUCTIONS

The following Instructions shall apply herein:

A. In answering each Interrogatory:

- (a) state whether the answer is within the personal knowledge of the person answering the interrogatory and, if not, identify each person known to have personal knowledge of the answer;
- (b) identify each document that was used in any way to formulate the answer;
- (c) if you consider any document to be privileged or protected from production, then you must:
 - (i) include in your response a list of documents withheld from production,
 - (ii) identify each document by date, addressee, author, title and subject matter,
 - (iii) identify those persons who have seen the document or who were sent copies, and
 - (iv) state the ground(s) upon which each such document is considered privileged or protected and all circumstances relied upon to support such claim;
- (d) the male gender includes the female gender and the singular noun or pronoun includes the plural.

B. As these interrogatories are continuing in nature, in the event you obtain any additional responsive information or documents at any date subsequent to the date of your responses to the discovery requests set out herein, you are requested to promptly submit supplemental or amended answers and documents.

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NCSEA Data Request No. 3
Item No. 3-1
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please explain how DEC and DEP's "North Carolina Grid Improvement Plan" as presented to stakeholders on November 8, 2018 incorporates the major infrastructure "Upgrades" discussed by Witness Freeman on page 15 of his testimony.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-2
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please indicate which category of investment shown on Slide 97 of DEC and DEP’s “North Carolina Grid Improvement Plan” presentation to stakeholders made on November 8, 2018 includes the “several hundred million dollars on transmission network upgrades” described by Witness Freeman on page 16 of his testimony.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 19 of his direct testimony, Witness Freeman states that “DEP has determined that significant transmission network upgrades will be needed to interconnect additional generation in the southeastern North Carolina area of DEP East.”

Please provide details about the specific transmission network upgrades that DEP has determined are necessary, including project type, goal, location, cost, and other pertinent details.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 21 of his testimony, Witness Freeman asserts that “more than 500 MW of distribution projects and 3,000 MW of transmission projects” cannot be interconnected until the “Network Upgrades” identified on page 20 of Witness Freeman’s testimony. The “Network Upgrades” identified in Witness Freeman’s testimony appear to be identical to those upgrades referenced in Duke’s Responses to NCSEA DR3-3.

- Once the upgrades referenced in Duke’s response to NCSEA DR3-3 are constructed, will all 500 MW of distribution projects and 3,000 MW of transmission projects referenced on page 21 of Witness Freeman’s testimony be able to interconnect without the need for network upgrades?
- If not, can you please identify what differences there are, if any, between the “Network Upgrades” defined in Witness Freeman’s testimony and those listed in Duke’s response to NCSEA DR3-3?
- If the “Network Upgrades” list from Witness Freeman’s testimony is identical to the upgrades referenced in Duke’s response to NCSEA DR3-3, then what further upgrades does Duke anticipate will be necessary to interconnect the “more than 500 MW of distribution projects and 3,000 MW of transmission projects” on page 21 of Witness Freeman’s testimony?

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 22 of his direct testimony, Witness Freeman states that DEC and DEP “have met with a number of developer stakeholder groups as well as the Public Staff to discuss next steps and to receive feedback on the best plan to manage the projects located in these congested areas.”

For each such meeting, please provide the date, time, location, invitee list, attendee list, agenda, and any presentations, memos, or other materials distributed at the meeting.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-6
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 14 of his testimony, Witness Gajda asserts that “The 2017 Stakeholder Process also facilitated full or partial-consensus on a number of modifications to the NC Procedures.” For each modification proposed in Gajda Exhibit No. 1, please identify whether it obtained full or partial-consensus during the 2017 Stakeholder Process and, if it obtained partial-consensus, please identify the 2017 Stakeholder Process participants who supported the modification.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 25 of his direct testimony, Witness Gajda states that “the Companies assert that the potential risk for system impacts occurring to the system from larger generator interconnections above 100 kW [to 5 kV class circuits] is significant.” Please provide any and all documents, peer-reviewed articles, workpapers, or any other materials that Duke possesses that provide support for this assertion.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 29 of his direct testimony, Witness Gajda states that “The Companies are more than willing to discuss further ways to improve the Fast Track Process, and recommend doing so through the newly formed and operating TSRG [Technical Standards Review Group].” Please indicate which stakeholders that participated in the 2017 Stakeholder Process have been invited to participate in the TSRG.

Response:

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NCSEA Data Request No. 3
Item No. 3-9
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 19 of his direct testimony, Witness Gajda describes line voltage regulators as a complicating factor for interconnecting distributed generation. Does Duke inform interconnection customers of the locations of its line voltage regulators? If so, please explain how DEC and DEP inform interconnection customers of the location of line voltage regulators.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 39 of his direct testimony, Witness Gajda states that “Interconnection studies also typically do not account for large loads (such as battery charging).”

If interconnection studies do not account for the addition of large loads, then please explain how Duke studies proposed new large loads to the grid, e.g., a multi-megawatt industrial facility.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 39 of his direct testimony, Witness Gajda states that “Interconnection studies also typically do not account for large loads (such as battery charging).”

Please explain how a charging a battery from a qualifying facility’s generation source, and not from the electric grid, is a load.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 38 of his direct testimony, Witness Gajda states that “the Companies propose in the NC Procedures Redline in sections 1.5.1(a) and 1.51(b) to use the date of the ‘execution of the System Impact Study agreement’ as the determining point of fact on when a study has or has not started.” For the projects in the current interconnection queue, please provide the date of execution of a System Impact Study agreement for each project and the date that Duke began a System Impact Study. If possible, please provide this information in a spreadsheet containing the project, the date of the execution of the System Impact Study Agreement, and the date that Duke began the System Impact Study for each project. If Duke has yet to begin a System Impact Study for any of the projects in the interconnection queue which have already executed a System Impact Study agreement, please indicate these specifically as not having begun.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-13
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

For each of the technical discussions listed in Figure 3 of Witness Gajda's direct testimony, please provide the invitee list, attendee list, agenda, and any presentations, memos, or other materials distributed at the discussion.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-14
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 56 of his direct testimony, Witness Gajda asserts that Duke established the TSRG “in conjunction with NCSEA[.]” Please provide the factual basis, including any materials, communications, or documents shared between Duke and NCSEA, which evidence how the TSRG was established in conjunction with NCSEA.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-15
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 58 of his direct testimony, Witness Gajda asserts that Duke currently performs integrated distribution planning. Please provide details, including documents, materials, and workpapers, regarding Duke's use of integrated distribution planning.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 13 of his direct testimony, Witness Riggins testifies that “the Companies have invested in the Salesforce software application to track and manage Interconnection Requests throughout the lifecycle of the interconnection process.” Please provide details, including dollar amounts, of the investments in Salesforce made by Duke to track and manage Interconnection Requests throughout the lifecycle of the interconnection process.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-17
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 18 of his direct testimony, Witness Riggins testified that “The specific process outlined in the March 1, 2017 *Interconnection Cost Allocation Procedures Report* has subsequently been slightly revised to better match money received from Interconnection Customers.” Please provide details regarding the changes to the interconnection cost allocation procedures that have occurred subsequent to the March 1, 2017 report.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-18
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide any internal or external audits performed on costs incurred to facilitate the interconnection process.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-19
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide any internal or external audits performed regarding fees, deposits, and other funds received from interconnection customers.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-20
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Figure 2 of Witness Riggins' direct testimony indicates that "Forecasted amounts [are] based on best estimates of expected Interconnection Customer behaviors[.]" Please provide the forecasts, workpapers, evidence, or other information or materials used in estimating interconnection customer behaviors.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-21
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please explain why a customer-sited solar plus storage installation that is operated as zero export generation requires a different interconnection study process than a standby generation facility.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Since the Commission's May 15, 2015 order in this proceeding, please provide the following information regarding disputes pursuant to the North Carolina Interconnection Procedures:

- The number of written notices of dispute received by Duke;
- The number of written notices of dispute initiated by Duke;
- The number of written notices of dispute that were resolved by Duke and another party;
- The number of written notices of dispute that were brought before the Public Staff for informal resolution; and
- The number of written notices of dispute that were formally filed with the Commission.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 3
Item No. 3-23
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On pages 35-36 of his direct testimony, Witness Riggins describes a recent experience between Duke and an interconnection customer. Please provide the name of the interconnection customer, the project, the interconnection queue number for the project, and the North Carolina Utilities Commission docket for the project's Certificate of Public Convenience and Necessity or Report of Proposed Construction.

Response:

This the 27th day of November, 2018.



Peter H. Ledford
General Counsel for NCSEA
N.C. State Bar No.42999
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 107
peter@energync.org

CERTIFICATE OF SERVICE

I hereby certify that all DEC and DEP representatives on the docket service list have been served true and accurate copies of the foregoing discovery by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 27th day of November, 2018.



Peter H. Ledford
General Counsel for NCSEA
N.C. State Bar No.42999
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 107
peter@energync.org

Exhibit B

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-100, SUB 101**

In the Matter of:)	
Petition for Approval of Revisions to	)	NCSEA’S FOURTH SET OF
Generator Interconnection Standard	)	WRITTEN DISCOVERY
	)	REQUESTS TO DUKE ENERGY
	)	CAROLINAS, LLC AND DUKE
	)	ENERGY PROGRESS, LLC

In accordance with the North Carolina Utilities Commission (“Commission”) practice and procedure, the North Carolina Sustainable Energy Association (“NCSEA”), an intervenor in this proceeding, propounds the following written discovery requests to Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (DEC and DEP, collectively herein, “Duke”).

INTERROGATORIES

Pursuant to Rule 33 of the North Carolina Rules of Civil Procedure, NCSEA propounds the following interrogatories to Duke to be answered under oath, in writing, within 10 days of the service date for the interrogatories. These interrogatories are continuing in nature to the extent permitted by Rule 26(e) of the North Carolina Rules of Civil Procedure.

DEFINITIONS

In addition to the terms defined elsewhere, the following terms shall have the following meanings:

A. “Communications” shall mean all oral communications and all written communications, including all “documents,” as defined below.

B. “Document” and “documents” shall mean all written, recorded or graphic matters whatsoever and all nonidentical copies thereof, including but not limited to papers, books, records, letters, photographs, correspondence, communications, emails, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports, recordings of telephone or other conversations, statements, summaries, opinions, studies, analyses, evaluations, contracts, agreements, jotting, agendas, bulletins, notices, announcements, advertisements, guidelines, charts, manuals, brochures, publications, schedules, price lists, subscription lists, customer lists, journals, statistical reports, desk calendars, appointment books, diaries, lists, tabulations, newsletters, drafts, proofs, galleys, or other prepublication forms of materials, telephone lists or indexes, Rolodexes, computer printouts, data processing program libraries, data processing input and outputs, microfilm, microfiches, CD ROMs, books of account, records or invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts relating to any of the foregoing, and any other documents as defined in Rule 34 of the North Carolina Rules of Procedure of any kind in your possession, custody or control or to which you have access or know to exist.

C. “Identify” or “identity” as used with respect to a person means to state the person’s full name and present address and his present or last known employment position and business affiliation if a natural person, and corporate or other status and address if not a natural person. “Identify” or “identity” when used in reference to a document means to state the following as to each document:

- (a) Its nature and contents;
- (b) Its date;
- (c) The date it was executed if different from the date it bears;
- (d) The name, address and position of its author or signer;
- (e) The name, address and position of its addressee, if any;
- (f) Its present location and the name, present address and position of the person or persons having present custody; and
- (g) Whether it has been destroyed, and if so, with regard to such destruction; (i) the date of destruction; (ii) the reason for destruction; and (iii) the identity of the person who destroyed the document.

D. “Person” includes any individual, sole proprietorship, partnership, corporation, association, trust, statutory trust, joint venture, or other entity.

E. “You” or “your” means Duke and its agents, employees, representatives, attorneys, experts, investigators, insurers, consultants, or anyone acting on behalf of Duke.

INSTRUCTIONS

The following Instructions shall apply herein:

A. In answering each Interrogatory:

- (a) state whether the answer is within the personal knowledge of the person answering the interrogatory and, if not, identify each person known to have personal knowledge of the answer;
- (b) identify each document that was used in any way to formulate the answer;
- (c) if you consider any document to be privileged or protected from production, then you must:
 - (i) include in your response a list of documents withheld from production,
 - (ii) identify each document by date, addressee, author, title and subject matter,
 - (iii) identify those persons who have seen the document or who were sent copies, and
 - (iv) state the ground(s) upon which each such document is considered privileged or protected and all circumstances relied upon to support such claim;
- (d) the male gender includes the female gender and the singular noun or pronoun includes the plural.

B. As these interrogatories are continuing in nature, in the event you obtain any additional responsive information or documents at any date subsequent to the date of your responses to the discovery requests set out herein, you are requested to promptly submit supplemental or amended answers and documents.

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Interconnection
NCSEA Data Request No. 4
Item No. 4-1
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please explain in narrative form the process Duke goes through when it receives a “Pre-Application Report Request” from a person or business looking to install a project requiring interconnection (and applicable to the current interconnection standards at issue in this docket) and, specifically, explain in detail how the process works internally as Duke reviews the Pre-Application Report Request and makes determinations with regard to the viability or any other considerations Duke makes as it reviews that request.

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-2
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please explain in narrative form the process Duke goes through when it receives a “Interconnection Request Application Form” from a person or business looking to install a solar project and, specifically, explain in detail how the process works internally as Duke reviews the Pre-Application Report Request and makes determinations with regard to the viability or any other considerations Duke makes as it reviews that request.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

In Figure 6 in the *Joint Reply Comments of Duke Energy Carolinas, LLC, Duke Energy Progress, LLC and Dominion Energy North Carolina* filed on March 12, 2018 (herein the “Utility Reply Comments”), Duke and Dominion Energy North Carolina (“Dominion”) projected the requested increases in certain fixed charges related to interconnection. Please substantiate the reasoning for the increase in the following fees and what costs specifically that the increased fee revenues will be applied to:

- The Pre-Application Report (increasing from \$300 to \$500)
- Interconnection Request Application Form Attachment 2 *Fast Track Process Fee* between 20kW and 100 kW (increasing from \$250 to \$750)
- Interconnection Request Application Form Attachment 2 *Fast Track Process Fee* between 100 kW and 2MW (increasing from \$500 to \$1,000)
- Interconnection Request Application Form for Interconnection Attachment 2 *Transfer of Ownership/Control Fee* (increasing from \$50 to \$500)
- Interconnection Request Application Form for Interconnection Attachment 2 *Supplemental Review Deposit* between 20kW and 100kW (increasing from \$250 to \$750)
- Interconnection Request Application Form for Interconnection Attachment 2 *Supplemental Review Deposit* between 100 kW and 2MW (increasing from \$500 to \$1,000)
- Interconnection Request Application Form for Interconnection a Certified Inverter-Based Generating Facility No Larger than 20 kW: Attachment 6 *Processing Fee* (increasing from \$100 to \$350).

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

In the Utility Reply Comments, Duke and Dominion projected the requested increases in certain fixed charges related to interconnection. Duke and Dominion provided “Attachment 4” in the Utility Reply Comments which is entitled “Duke Energy DEP/DEC NC Cost Recovery Support for Modified Fees under NC Interconnection Procedures”. Please provide the following information regarding Attachment 4:

- Is Duke aware of a similar breakdown of cost recovery support for modified fees under the proposed revised interconnection procedures for Dominion?
- Are the fees listed in *Figure 6* of the Utility Reply Comments the only sources of revenue to pay for the

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 39 of the Utility Reply Comments, Duke and Dominion stated:

In addition to the increased fees/deposits set forth above, the Utilities have also clarified Section 1.4.1.2 to identify that the costs being recovered through the Section 4 study process include the Utilities' indirect costs or "overheads" associated with administering the Section 4.3 System Impact Study and Section 4.4 Facilities Study process.

Please explain what specifically are included in Duke and Dominion's "indirect costs or 'overheads'" as referenced in this section. Please provide specific examples of the "indirect costs or 'overheads'" referenced here.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

On page 40 of the Utility Reply Comments, Duke and Dominion stated:

In addition to the increased fees/deposits set forth above, the Utilities have also clarified Section 1.4.1.2 to identify that the costs being recovered through the Section 4 study process include the Utilities' indirect costs or "overheads" associated with administering the Section 4.3 System Impact Study and Section 4.4 Facilities Study process.

Please explain what specifically are included in Duke and Dominion's "indirect costs or 'overheads'" as referenced in this section. Please provide specific examples of the "indirect costs or 'overheads'" referenced here.

Response:

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Interconnection
NCSEA Data Request No. 4
Item No. 4-7
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

What methods are Duke currently utilizing to speed up the rate of interconnection, if any? Does Duke have any other plans or programs in planning that will help to speed up the interconnection rate? If so, how do they deal with projects already in queue and projects seeking to enter the queue later?

Response:

NCSEA
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Interconnection
NCSEA Data Request No. 4
Item No. 4-8
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Does Duke have any projections as to how the cluster studies or any other system impact analysis or other studies will help to improve interconnection rates in North Carolina? If not, how did Duke determine which study or studies to utilize in improving the interconnection rate?

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-9
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Can you please explain what “telemetry equipment” is in the context of interconnection and whether it’s inclusion in a proposed system is required for interconnection in North Carolina? If telemetry equipment is not generally required for all systems seeking interconnection, can you explain what triggers the need for telemetry equipment to be added to a system?

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-10
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please explain what processes and reviews that Duke Energy goes through internally when municipal or cooperative utilities (and/or their customers) seek to interconnect generation systems to the electric grid (including, in particular, solar generation systems) and the municipal or cooperative utility (or its affiliate or representative or membership organization) approaches Duke Energy seeking review and/or approval of such an interconnection?

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-11
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please define “Constrained Infrastructure” as stated here: [https://www.oasis.oati.com/woa/docs/CPL/CPLdocs/DEP_Lines and Subs Constrained Infrastructure.pdf](https://www.oasis.oati.com/woa/docs/CPL/CPLdocs/DEP_Lines_and_Subs_Constrained_Infrastructure.pdf) and, specifically, what evaluations or tests does Duke complete in order to determine what it defines as “constrained infrastructure”? Do these tests vary depending on what territory or utility is serving the listed “constrained infrastructure” area?

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-12
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

When Duke projects its revenues accrued through generation either internally or in its public forecasts such as the Integrated Resources Plan, a rate case filing or in shareholder presentations, does Duke consider the offset of its own energy generation revenues due to an increase in newly interconnected distributed generation such as solar? If so, does Duke project an increase and/or decrease in the rate of interconnection of North Carolina systems in any of its generation revenue projections?

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-13
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Does Duke have any internal projections that show that the interconnection queue will speed up from its current yearly pace of interconnections successfully completed? If yes, can you please provide said projections including all related workpapers, documents, and materials.

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-14
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Does Duke have any specific internal goals regarding speeding up the interconnection queue? If so, please explain these goals and whether they relate to number of projects connected in a specific amount of time, or wattage of projects connected in a specific amount of time, or any other specific milestones Duke is seeking to achieve in improving its interconnection rate to the grid.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Does Duke make Hosting Capacity Maps available for review by third-party solar system installers?

- If not, why not?
- If not yet, will it do so in the future and when?
- Does Duke utilize Hosting Capacity Maps when reviewing the strain and ability for the grid to take on newly interconnected third-party distributed generation projects including solar systems? If not, will it do so in the future?

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-16
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Regarding the November 9, 2018 stakeholder call about interconnection issues related to “congested” areas on the grid, Duke representatives identified “areas of congestion” on the grid which require significant network upgrades to “support interconnection of additional solar resources”. Please identify all the documents, workpapers, and materials utilized by Duke Energy in its research and work in identifying these areas as “areas of congestion”.

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-17
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Regarding the November 9, 2018 stakeholder call about interconnection issues related to “congested” areas on the grid, Duke representatives identified “areas of congestion” on the grid and stated that: “As the penetration levels of solar continue to increase, there will be additional areas of congestion in both DEP and DEC service territory.” Please identify each area of the grid where Duke projects there will be additional “congestion” in the future due to “penetration levels of solar” increasing. Are any of these other areas near capacity exhaustion requiring significant network upgrades in the next four years?

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Regarding the November 9, 2018 stakeholder call about interconnection issues related to “congested” areas on the grid, Duke representatives identified “areas of congestion” on the grid which affected both North Carolina and South Carolina.

- Does Duke have an internal timeline or plan for fixing the current areas of congestion on the grid referenced during that phone call (including both South Carolina and North Carolina areas on the grid)?
- Regarding cost recovery for the network upgrades affecting both North Carolina and South Carolina and referenced during the November 9, 2018 phone call, does Duke have a proposal for allocation of costs between the states (and their respective rate-payers) and how it intends to cost recover for necessary upgrades to the grid for congested areas, particularly areas where projects on the interconnection queue are sited or projected to be sited?
- When did Duke become aware of the congestion areas identified during the November 9, 2018 call and the requirement for network upgrades to interconnect more solar projects?

Response

REQUESTS FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the North Carolina Rules of Civil Procedure, NCSEA serves upon DEC and DEP the following requests for production of documents (“RFPs”).

DEFINITIONS

In addition to the terms defined elsewhere, the following terms shall have the following meanings:

A. “Communications” shall mean all oral communications and all written communications, including all “documents,” as defined below.

B. “Document” and “documents” shall mean all written, recorded or graphic matters whatsoever and all nonidentical copies thereof, including but not limited to papers, books, records, letters, photographs, correspondence, communications, emails, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports, recordings of telephone or other conversations, statements, summaries, opinions, studies, analyses, evaluations, contracts, agreements, jotting, agendas, bulletins, notices, announcements, advertisements, guidelines, charts, manuals, brochures, publications, schedules, price lists, subscription lists, customer lists, journals, statistical reports, desk calendars, appointment books, diaries, lists, tabulations, newsletters, drafts, proofs, galleys, or other prepublication forms of materials, telephone lists or indexes, Rolodexes, computer printouts, data processing program libraries, data processing input and outputs, microfilm, microfiches, CD ROMs, books of account, records or invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts relating to any of the foregoing, and any other documents as defined in Rule 34 of the North Carolina Rules of Procedure of any kind in your possession, custody or control or to which you have access or know to exist.

C. “Identify” or “identity” as used with respect to a person means to state the person’s full name and present address and his present or last known employment position and business affiliation if a natural person, and corporate or other status and address if not a natural person. “Identify” or “identity” when used in reference to a document means to state the following as to each document:

- (a) Its nature and contents;
- (b) Its date;
- (c) The date it was executed if different from the date it bears;
- (d) The name, address and position of its author or signer;
- (e) The name, address and position of its addressee, if any;

- (f) Its present location and the name, present address and position of the person or persons having present custody; and
- (g) Whether it has been destroyed, and if so, with regard to such destruction; (i) the date of destruction; (ii) the reason for destruction; and (iii) the identity of the person who destroyed the document.

D. "Person" includes any individual, sole proprietorship, partnership, corporation, association, trust, statutory trust, joint venture, or other entity.

E. "You" or "your" means DEC, DEP, and their agents, employees, representatives, attorneys, experts, investigators, insurers, consultants, or anyone acting on behalf of DEC or DEP.

INSTRUCTIONS

You are required to produce all designated documents in your possession, custody, or control and permit NCSEA to inspect and copy the documents described below which are in your possession. You are requested to produce these documents at NCSEA's office, 4800 Six Forks Road, Suite 300, Raleigh, NC, 27609, or at such other place to which the parties shall agree in writing, within 10 days of the service date of these RFPs or as otherwise agreed by the parties in writing.

Produced documents should include originals and all other copies which are not absolutely identical as well as all drafts and notes (whether typed, handwritten or otherwise) made or prepared in connection with such documents, whether used or not.

You are reminded that pursuant to Rule 37(d) of the Rules of Civil Procedure if you fail to serve written response to a request for inspection submitted under Rule 34, NCSEA may apply for an order requiring you to pay the reasonable expenses caused by the failure, including reasonable attorney's fees.

In lieu of the production required above, you may on or before the due date, produce copies of the documents requested. If such a method is chosen, however, you should for each document so produced, identify which numbered request(s) the document is being supplied in response to. Copies can be produced and mailed to the attention of the undersigned NCSEA Counsel at 4800 Six Forks Road, Suite 300, Raleigh, NC, 27609 or by electronic delivery, as agreed to by the parties.

If you consider any document to be privileged or protected from production, then you must:

- (i) include in your response a list of documents withheld from production,
- (ii) identify each document by date, addressee, author, title and subject matter,
- (iii) identify those persons who have seen the document or who were sent copies, and
- (iv) state the ground(s) upon which each such document is considered privileged or protected.

The male gender includes the female gender and the singular noun or pronoun includes the plural.

REQUEST FOR PRODUCTION OF DOCUMENTS

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-19
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please produce copies of all data requests that have been served on DEC and/or DEP in connection with this docket since the Commission's May 15, 2015 *Order Approving Revised Interconnection Standard* and not already provided to NCSEA.

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-20
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please produce copies of the responses of DEC and/or DEP to all data requests that have been served in connection with this docket since the Commission's May 15, 2015 *Order Approving Revised Interconnection Standard* and not already provided to NCSEA.

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-21
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

In the PowerPoint Presentation accompanying the November 9, 2018 stakeholder phone call entitled “Duke Stakeholder Presentation Congestions Next Steps FINAL 2018_11_09”, slide 4 states that “Over 1,100 of MW remain in the queue (as of early 2017)” in the DEP “congested area”. Can you please produce an updated queue list of North Carolina projects already in the interconnection queue affected by this area of congestion?

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 4
Item No. 4-22
Page 1 of 1

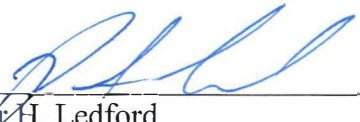
DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a copy of all documents or materials referenced or reviewed by Duke in preparing its answers to any of the data requests in this set. This includes both documents specifically identified or requested in these requests and also any other documents or materials related to these data requests. Please note this Request is specifically intended to elicit documents and materials which are not protected by attorney-client privilege or otherwise protected under any legal discovery protection (i.e. attorney work product, etc.).

Response:

This the 28th day of November, 2018.




Peter H. Ledford
General Counsel for NCSEA
N.C. State Bar No. 42999
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 107
peter@energync.org

CERTIFICATE OF SERVICE

I hereby certify that all DEC and DEP representatives on the docket service list have been served true and accurate copies of the foregoing discovery by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 28th day of November, 2018.



Peter H. Ledford
General Counsel for NCSEA
N.C. State Bar No. 42999
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 107
peter@energync.org

Exhibit C

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-100, SUB 101**

In the Matter of:)	
Petition for Approval of Revisions to	)	NCSEA’S FIFTH SET OF
Generator Interconnection Standard	)	WRITTEN DISCOVERY
	)	REQUESTS TO DUKE ENERGY
	)	CAROLINAS, LLC AND DUKE
	)	ENERGY PROGRESS, LLC

In accordance with the North Carolina Utilities Commission (“Commission”) practice and procedure, the North Carolina Sustainable Energy Association (“NCSEA”), an intervenor in this proceeding, propounds the following written discovery requests to Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (DEC and DEP, collectively herein, “Duke”).

INTERROGATORIES

Pursuant to Rule 33 of the North Carolina Rules of Civil Procedure, NCSEA propounds the following interrogatories to Duke to be answered under oath, in writing, within 10 days of the service date for the interrogatories. These interrogatories are continuing in nature to the extent permitted by Rule 26(e) of the North Carolina Rules of Civil Procedure.

DEFINITIONS

In addition to the terms defined elsewhere, the following terms shall have the following meanings:

A. “Communications” shall mean all oral communications and all written communications, including all “documents,” as defined below.

B. “Document” and “documents” shall mean all written, recorded or graphic matters whatsoever and all nonidentical copies thereof, including but not limited to papers, books, records, letters, photographs, correspondence, communications, emails, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports, recordings of telephone or other conversations, statements, summaries, opinions, studies, analyses, evaluations, contracts, agreements, jotting, agendas, bulletins, notices, announcements, advertisements, guidelines, charts, manuals, brochures, publications, schedules, price lists, subscription lists, customer lists, journals, statistical reports, desk calendars, appointment books, diaries, lists, tabulations, newsletters, drafts, proofs, galleys, or other prepublication forms of materials, telephone lists or indexes, Rolodexes, computer printouts, data processing program libraries, data processing input and outputs, microfilm, microfiches, CD ROMs, books of account, records or invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts relating to any of the foregoing, and any other documents as defined in Rule 34 of the North Carolina Rules of Procedure of any kind in your possession, custody or control or to which you have access or know to exist.

C. “Identify” or “identity” as used with respect to a person means to state the person’s full name and present address and his present or last known employment position and business affiliation if a natural person, and corporate or other status and address if not a natural person. “Identify” or “identity” when used in reference to a document means to state the following as to each document:

- (a) Its nature and contents;
- (b) Its date;
- (c) The date it was executed if different from the date it bears;
- (d) The name, address and position of its author or signer;
- (e) The name, address and position of its addressee, if any;
- (f) Its present location and the name, present address and position of the person or persons having present custody; and
- (g) Whether it has been destroyed, and if so, with regard to such destruction; (i) the date of destruction; (ii) the reason for destruction; and (iii) the identity of the person who destroyed the document.

D. “Person” includes any individual, sole proprietorship, partnership, corporation, association, trust, statutory trust, joint venture, or other entity.

E. “You” or “your” means Duke and its agents, employees, representatives, attorneys, experts, investigators, insurers, consultants, or anyone acting on behalf of Duke.

INSTRUCTIONS

The following Instructions shall apply herein:

A. In answering each Interrogatory:

- (a) state whether the answer is within the personal knowledge of the person answering the interrogatory and, if not, identify each person known to have personal knowledge of the answer;
- (b) identify each document that was used in any way to formulate the answer;
- (c) if you consider any document to be privileged or protected from production, then you must:
 - (i) include in your response a list of documents withheld from production,
 - (ii) identify each document by date, addressee, author, title and subject matter,
 - (iii) identify those persons who have seen the document or who were sent copies, and
 - (iv) state the ground(s) upon which each such document is considered privileged or protected and all circumstances relied upon to support such claim;
- (d) the male gender includes the female gender and the singular noun or pronoun includes the plural.

B. As these interrogatories are continuing in nature, in the event you obtain any additional responsive information or documents at any date subsequent to the date of your responses to the discovery requests set out herein, you are requested to promptly submit supplemental or amended answers and documents.

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

In response to NCSEA Data Request 3-22 to Duke, Duke stated that there had been eight written notices of dispute that were brought before the Public Staff for informal resolution since May 15, 2015.

Please provide the details of those eight particular disputes including, but not limited to: the associated case number of each dispute (if one was created); the case creator; the case owner; date and time opened; date and time closed (if applicable); subject matter at dispute; project name; interconnection queue number; whether the project at issue was/is in DEP or DEC territory; a brief description of the dispute; and case status.

Response:

NCSEA
Docket No. E-100, Sub 101
Interconnection
NCSEA Data Request No. 5
Item No. 5-2
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

In partial response to NCSEA Data Request 3-22, Duke embedded a Microsoft Excel Spreadsheet entitled “DR3-22 NODs as of 12.06.18.xlsx”. In this spreadsheet, in Rows 59, 60, 61, and 62, Duke stated that there existed “Multiple Queue Numbers” (as defined in Column I) and “Multiple Projects” (as defined in Column H) related to these particular Notices of Dispute but did not specifically identify each project and queue number affected.

Please provide the names of each project affected by these Notices of Dispute as set forth in Rows 59, 60, 61, and 62 and, also, please provide the interconnection queue number for each of the projects affected by these Notices of Dispute as set forth in Rows 59, 60, 61, and 62.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

In response to NCSEA Data Request 3-16, Duke, when asked about amounts of investment made in Salesforce (as referenced on Page 13 of Witness Riggins’s testimony), stated in pertinent part:

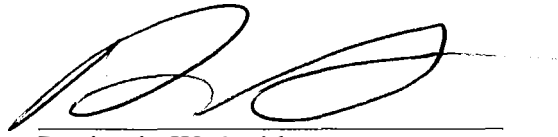
“Through the end of October 2018, the Salesforce Interconnect Project has incurred project costs of \$2,991,904. These costs are allocated across jurisdictions and by the type of work supported.”

Please provide whether Duke plans to recover these costs totaling \$2,991,904.00 from rate payers and, if so, how – i.e., through base rates, interconnection fees, or via some other method. Please be specific as to the method of recovery and, if these amounts are being recovered through multiple streams, please provide detail as to how that was delineated and determined.

If Duke is not recovering these amounts from rate payers, please explain how these amounts are otherwise being recovered and/or funded.

Response:

This the 12th day of December, 2018.



Benjamin W. Smith
Regulatory Counsel for NCSEA
N.C. State Bar No. 48344
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 111
ben@energync.org

CERTIFICATE OF SERVICE

I hereby certify that all DEC and DEP representatives on the docket service list have been served true and accurate copies of the foregoing discovery by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 12th day of December, 2018.



Benjamin W. Smith
Regulatory Counsel for NCSEA
N.C. State Bar No. 48344
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 111
ben@energync.org

Exhibit D

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-100, SUB 101**

In the Matter of:)	
Petition for Approval of Revisions to	)	NCSEA’S SIXTH SET OF
Generator Interconnection Standards	)	WRITTEN DISCOVERY
	)	REQUESTS TO DUKE ENERGY
	)	CAROLINAS, LLC AND DUKE
	)	ENERGY PROGRESS, LLC

In accordance with the North Carolina Utilities Commission (“Commission”) practice and procedure, the North Carolina Sustainable Energy Association (“NCSEA”), an intervenor in this proceeding, propounds the following written discovery requests to Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (DEC and DEP collectively, “Duke”).

INTERROGATORIES

Pursuant to Rule 33 of the North Carolina Rules of Civil Procedure, NCSEA propounds the following interrogatories to Duke to be answered under oath, in writing, within 10 days of the service date for the interrogatories. These interrogatories are continuing in nature to the extent permitted by Rule 26(e) of the North Carolina Rules of Civil Procedure.

DEFINITIONS

In addition to the terms defined elsewhere, the following terms shall have the following meanings:

- A. “Communications” shall mean all oral communications and all written communications, including all “documents,” as defined below.
- B. “Filing” means the Motion for Waiver filed by Duke in this docket on August 9, 2019, together with any amendments to the Motion for Waiver filed thereafter.
- C. “Document” and “documents” shall mean all written, recorded or graphic matters whatsoever and all nonidentical copies thereof, including but not limited to papers, books, records, letters, photographs, correspondence, communications, emails, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports, recordings of telephone or other conversations, statements, summaries, opinions, studies, analyses, evaluations, contracts, agreements, jotting, agendas, bulletins, notices, announcements, advertisements, guidelines, charts, manuals, brochures, publications, schedules, price lists, subscription lists, customer lists, journals, statistical reports, desk calendars, appointment books, diaries, lists, tabulations, newsletters, drafts, proofs, galleys, or other prepublication forms of materials, telephone lists or indexes, Rolodexes, computer printouts, data processing program libraries, data processing input and outputs, microfilm, microfiches, CD ROMs, books of account, records or invoices reflecting business operations, all records kept by electronic, photographic or mechanical means, any notes or drafts relating to any of the foregoing, and any other documents as defined in Rule 34 of the

North Carolina Rules of Procedure of any kind in your possession, custody or control or to which you have access or know to exist.

D. “Identify” or “identity” as used with respect to a person means to state the person’s full name and present address and his present or last known employment position and business affiliation if a natural person, and corporate or other status and address if not a natural person. “Identify” or “identity” when used in reference to a document means to state the following as to each document:

- (a) Its nature and contents;
- (b) Its date;
- (c) The date it was executed if different from the date it bears;
- (d) The name, address and position of its author or signer;
- (e) The name, address and position of its addressee, if any;
- (f) Its present location and the name, present address and position of the person or persons having present custody; and
- (g) Whether it has been destroyed, and if so, with regard to such destruction; (i) the date of destruction; (ii) the reason for destruction; and (iii) the identity of the person who destroyed the document.

E. “Person” includes any individual, sole proprietorship, partnership, corporation, association, trust, statutory trust, joint venture, or other entity.

F. “You” or “your” means Duke and its agents, employees, representatives, attorneys, experts, investigators, insurers, consultants, or anyone acting on behalf of Duke.

INSTRUCTIONS

The following Instructions shall apply herein:

A. In answering each Interrogatory:

(a) state whether the answer is within the personal knowledge of the person answering the interrogatory and, if not, identify each person known to have personal knowledge of the answer;

(b) identify each document that was used in any way to formulate the answer;

(c) if you consider any document to be privileged or protected from production, then you must:

(i) include in your response a list of documents withheld from production,

(ii) identify each document by date, addressee, author, title and subject matter,

(iii) identify those persons who have seen the document or who were sent copies, and

(iv) state the ground(s) upon which each such document is considered privileged or protected and all circumstances relied upon to support such claim;

(d) the male gender includes the female gender and the singular noun or pronoun includes the plural.

B. As these interrogatories are continuing in nature, in the event you obtain any additional responsive information or documents at any date subsequent to the date of your responses to the discovery requests set out herein, you are requested to promptly submit supplemental or amended answers and documents.

C. If providing a response in Microsoft Word format, do not “embed” any documents within the response; instead, please provide documents as separate files.

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of any and all procedures that DEC and DEP have in place to monitor or control the cost of the construction of interconnection facilities, system upgrades, and network upgrades for (a) interconnection requests being processed under the NCIP; (b) interconnection requests being process under DEC's or DEP's Open Access Transmission Tariff; and (c) Duke-owned projects. For each such procedure, please describe when it was implemented by Duke, and whether it has changed in the last five (5) years.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-2
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide any documents detailing any and all cost controls that DEC and DEP have in place for the construction of interconnection facilities, system upgrades, and network upgrades.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-3
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of third-party generation on its distribution system.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-4
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of third-party generation on its transmission system.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-5
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of its, or its affiliates and/or partners, generation on its distribution system.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-6
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of its, or its affiliates and/or partners, generation on its transmission system.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-7
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of new “load” customers on its distribution system.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-8
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of new “load” customers on its transmission system.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Do DEC and DEP perform competitive bidding for the work required for interconnection, including commissioning inspections? If yes, please provide an explanation of the competitive bidding process and provide any documents that set forth policies related to the competitive bidding process. If no, please explain the rationale for not bidding work and clarify how the sole source contracts are awarded including the frequency in which those contracts are bid out. Subsequently, clarify the stakeholder engagement process utilized to obtain alignment of the procedure and provide the Commission docket number where DEC and DEP filed for Commission approval of the procedure.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of the processes or procedures DEC and DEP use to determine the (a) Preliminary Estimated Interconnection Facilities Charge; (b) Preliminary Estimated Upgrade Charge; (c) Detailed Estimated Interconnection Facilities Charge; and (d) Detailed Estimated Upgrade Charge, as those terms are defined under the NCIP. If new or amended processes or procedures have been implemented in the last five (5) years, please describe the processes or procedures previously used by DEC and DEP. Please provide any documents setting forth such processes and procedures

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Does DEC or DEP request or obtain cost estimates from contractors for constructing interconnection facilities, constructing system and/or network upgrades? If so, what are DEC and DEP's processes and procedures for reviewing the cost estimates provided by contractors for constructing interconnection facilities, constructing system and/or network upgrades, and commissioning inspections. Please provide any documents setting forth such processes and procedures.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-12
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of any and all cost controls that DEC and DEP have in place for the overhead costs related to the performance of interconnection studies, the construction of interconnection facilities, the construction of system and/or network upgrades, and commissioning inspections.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-13
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide any documents detailing any and all cost controls that DEC and DEP have in place for the overhead costs related to the performance of interconnection studies, the construction of interconnection facilities, the construction of system and/or network upgrades, and commissioning inspections.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-14
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how overhead costs are calculated for work performed under interconnection agreements.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-15
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the hourly overhead rate for Duke employees involved in the interconnection process, and explain how that rate is calculated.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-16
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the hourly overhead rate for each of DEC and DEP's systems that are involved in the interconnection process.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide how DEP and DEC calculate contingency in each step of the interconnection study process including that which is included in the interconnection agreement.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-18
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the history of changes to DEP and DEC's line voltage regulator policy from 2010 to present.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a table that lists the distribution generator size, distance from generator POI to LVR, circuit size kV and commercial operations date (by queue number) of each generator for all locations where DEP and/or DEC approved distributed generation “behind” an existing LVR. To ensure clarity, please also specify the original date that the LVR was installed and whether or not the LVR is operated in conjunction with DEP’s distribution side demand reduction (“DSDR”) system.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Referring to the previous interrogatory response, please state how many of the LVR's were replaced after installation where generation was installed "behind" the existing LVR on DEP or DEC's distribution system. If an LVR was replaced, please state the nature of the rationale for needing to replace the LVR and cost incurred for each replacement.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a table that compares the number of hours DEP used its DSDR system from its implementation to date per year by quarter (or month) as compared to the original business case assumption approved by the Commission in its corresponding docket. Furthermore, clarify how many hours were used each year in alignment with responding to peak demand (need) vs. operational hours to test the system.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a summary of total capital spent to date by DEP and DEC of development, design, engineering, procurement, construction and commissioning of its DSDR system, as well as, the annual operating cost for continued operation of its DSDR system by year since its start of operations. Also, provide a five-year forecast of the additional capital DEP and DEC intend to invest including the overall annual operational cost forecast.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-23
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a five-year forecast of the additional capital DEP and DEC intend to invest in its DSDR system including the number of hours it will be used annually, plus overall annual operational cost forecast per year.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the number of interconnection requests that have been notified that they are impacted by DEC or DEP’s line voltage regulator policy. Of those projects, please specify (a) the number of such interconnection requests that were notified that their only option for interconnection would be to construct a new transmission to distribution substation; (b) the number of such interconnection requests that were subsequently withdrawn or canceled; (c) the number of such interconnection requests that have been interconnected; and (d) the number of such interconnection requests that are currently “on-hold.” Furthermore, please provide a listing by queue number (including date of Duke’s receipt) for notices of dispute received by DEP or DEC related to its line voltage regulatory policy as it relates to existing LVRs since its introduction to date.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the number of interconnection requests that have been notified, as well as, those that were notified that have subsequently withdrawn or have been cancelled due to the planned installation of line voltage regulators. Furthermore, please provide a listing by queue number (including date of Duke's receipt) for notices of dispute received by DEP or DEC related to its line voltage regulator policy for installation of planned LVRs.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-26
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of how DEC and DEP estimate the costs of equipment to be used in the construction of interconnection facilities, system upgrades and network upgrades.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-27
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of how DEC and DEP estimate the costs of labor to be used in the construction of interconnection facilities, system upgrades and network upgrades.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-28
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide justifications for the costs contained in the document “NC/SC DEC and DEP Administrative Overhead and Commissioning Costs - February 2019 - Non-Fast Track.”

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-29
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide any previous versions and any updated versions of the document “NC/SC DEC and DEP Administrative Overhead and Commissioning Costs - February 2019 - Non-Fast Track.”

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-30
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of differences between how Duke estimates interconnection costs for independent power producers and how Duke estimates interconnection costs for its own generation facilities.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-31
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of differences between how Duke estimates contingency of interconnection costs for independent power producers and how Duke estimates contingency for interconnection costs of its own generation facilities.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-32
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of differences between how Duke estimates overhead costs of interconnection agreements for independent power producers and how Duke estimates overhead costs for interconnection of its own generation facilities.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide information on: (a) the number of final accounting reports provided by DEC and DEP to interconnection costumers pursuant to Section 6.1.2 of the NCIP for each of the years 2015, 2016, 2017, 2018, and 2019; (b) the minimum, maximum, and average cost differential between the interconnection costs estimated in each Interconnection Customer's interconnection agreement and the final accounting report provided by Duke; and (c) the number of final accounting reports issued during this time period which resulted in a refund to the interconnection customer.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please explain how Duke interprets the term “Interconnection Facilities Delivery Date” for purposes of determining whether a final accounting report issued under Section 6.1.2 of the standard form Interconnection Agreement is timely; and provide the legal and factual basis for this interpretation.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-35
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please explain how Duke interprets the term “detailed engineering cost calculation” as that term is employed in the NCIP, and provide the legal and factual basis for this interpretation.

Response:

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how, prior to January 1, 2019, DEC and DEP followed “Good Utility Practice” with regard to the monitoring and controlling the costs of the construction of interconnection facilities, system upgrades, and network upgrades, and provide references to any practices, methods and acts engaged in or approved by a significant portion of the electric industry that DEC or DEP employed in this respect.

Response:

NCSEA
Docket No. E-100, Sub 101
NC Interconnection Standard
NCSEA Data Request No. 6
Item No. 6-37
Page 1 of 1

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP currently follow “Good Utility Practice” with regard to the monitoring and controlling the costs of the construction of interconnection facilities, system upgrades, and network upgrades, and provide references to any practices, methods and acts engaged in or approved by a significant portion of the electric industry that DEC or DEP employ in this respect.

Response:

This the 22nd day of January, 2020.



Peter H. Ledford
General Counsel for NCSEA
N.C. State Bar No.42999
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 107
peter@energync.org

CERTIFICATE OF SERVICE

I hereby certify that all Duke Energy Carolinas, LLC and Duke Energy Progress, LLC representatives on the docket service list have been served true and accurate copies of the foregoing discovery by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 22nd day of January, 2020.



Peter H. Ledford
General Counsel for NCSEA
N.C. State Bar No.42999
4800 Six Forks Road, Suite 300
Raleigh, NC 27609
919-832-7601 Ext. 107
peter@energync.org

Exhibit E

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-100, SUB 101

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:	)	DUKE ENERGY CAROLINAS,
	)	LLC'S AND DUKE ENERGY
Petition for Approval of Revisions to	)	PROGRESS, LLC'S OBJECTIONS
Generator Interconnection Standards	)	TO NORTH CAROLINA
	)	SUSTAINABLE ENERGY
	)	ASSOCIATION'S SIXTH SET OF
	)	WRITTEN DISCOVERY

Pursuant to the North Carolina Utilities Commission's ("Commission") Rules of Practice and Procedure and Rules 26, 33, and 34 of the North Carolina Rules of Civil Procedure, Duke Energy Carolinas, LLC ("DEC") and Duke Energy Progress, LLC ("DEP", and together with DEC, "the Companies" or "Duke") hereby submit this response to intervener North Carolina Sustainable Energy Association's ("NCSEA") Sixth Set of Written Discovery, as received by Duke on January 22, 2020 ("Requests").

OBJECTIONS TO DEFINITIONS

1. Duke objects to NCSEA's instruction No. B, as the Companies' Motion for Waiver filed in this Docket on August 9, 2019, is not subsequently referenced in any of NCSEA's Requests. Moreover, the Commission's September 5, 2019 *Order Granting Wavier* granted Duke's Motion, over NCSEA's objection, delaying the requirements of Ordering Paragraph No. 13 of the Commission's June 14, 2019, *Order Approving Revised Interconnection Standard and Requiring Reports and Testimony* ("June 2019 Order") through the end of 2020. Accordingly, the issues addressed in Ordering Paragraph No. 13 of the *June 2019 Order* are not currently pending in Docket No. E-100, Sub 101 ("Sub 101 Docket" or the "Docket") and, therefore, cannot be relied upon to establish the relevance or timeliness of NCSEA's Requests. Moreover, the Commission's *June 2019 Order* contemplated that testimony responsive to Ordering Paragraph No. 13 would be filed in a future rate case docket and not the Sub 101 Docket.

2. Duke objects to NCSEA's instruction Nos. A, C, and D to the extent they are unduly burdensome and purport to impose discovery obligations beyond those set forth in the North Carolina Rules of Civil Procedure and/or the Commission's Rules and Regulations.

GENERAL OBJECTIONS

Duke's responses to each of the Requests are made subject to the following General Objections:

1. Duke objects to each and every Request in NCSEA Set 6 as not relevant to the only issue currently pending before the Commission in the Docket (the Companies' January 17, 2020 Petition for Waiver to Implement Expedited Energy Storage System Retrofit Study Process). Under the North Carolina Rules of Civil Procedure, discovery is generally limited to information that is "relevant to the subject matter involved in the pending action." *See* N.C. R.C.P. 26(b)(1). The Commission's *June 2019 Order* approved revised Interconnection Procedures and, with the exception of Ordering Paragraph No 4¹, ruled upon all issues then pending in this Docket. The *June 2019 Order* was issued after an approximately nine month Advanced Energy-led stakeholder process during 2017, an extensive formal comment proceeding in early 2018, as well as an evidentiary hearing before the Commission held January 28-30, 2019. *See June 2019 Order*, at 2-6. NCSEA's Requests are not relevant to the only issue now pending in the Docket, and the Commission's decision to keep the Sub 101 Docket open for administrative expediency does not afford NCSEA unfettered rights to seek discovery from the Companies about issues not currently pending in the Docket. Moreover, to the extent NCSEA seeks to formally reopen the Docket, it is incumbent upon NCSEA to make such a request to the Commission consistent with NCSEA's own past practice. *See e.g.*, NCSEA's Petition to

¹ The Commission's September 23, 2019 *Order Authorizing Utilities to Require Production Profiles and Requiring Compliance Filings* decided the limited outstanding issues identified in Ordering Paragraph No. 4 of the *June 2019 Order*.

Modify Interconnection Procedures in Response to FERC Order No.792 and to Consider Other Related Matters, Docket No. E-100, Sub 101 (filed April 8, 2014).

2. Duke objects to each and every Request in NCSEA Set 6 as inconsistent with Ordering Paragraph Nos. 5, 7, 11, and 12 of the *June 2019 Order*, directing Duke to engage in multiple, ongoing stakeholder engagement processes related to generator interconnection issues. *See June 2019 Order*, at 64 (recognizing the continuing complexity of generator interconnection issues and explaining that “this Order requires the Utilities to host a series of stakeholder efforts targeted at specific questions, with the requirement to report back to the Commission”). Importantly, NCSEA’s Requests are not relevant to the subject matter of the ongoing stakeholder engagement processes. Furthermore, even if NCSEA’s requests were relevant to the subject matter of the ongoing stakeholder engagement processes, it would be unduly burdensome to require Duke to both proceed with multiple stakeholder processes while, at the same time, being subject to ongoing and unlimited formal discovery requests from NCSEA and other intervenors. As stated in correspondence from counsel for Duke to counsel for NCSEA on January 29, 2020, Duke remains willing to engage with NCSEA on certain of the topics raised in the Requests through a future stakeholder meeting.

3. Duke objects to each and every Request in NCSEA Set 6 as untimely, unduly burdensome, and improper, as such discovery could have been sought prior to the January 2019 evidentiary hearing before the Commission. While the Commission has not established formal discovery guidelines in the Sub 101 Docket (and, generally, there has not been a need for formal discovery guidelines, as Duke has responded to all discovery from NCSEA and other intervenors on issues pending during the evidentiary proceeding),

the Commission’s standard practice in contested proceedings is to conclude discovery before the evidentiary hearing commences. *See, e.g., Order Scheduling Investigation and Hearings, Establishing Intervention and Testimony Due Dates and Discovery Guidelines and Requiring Public Notice*, at 3, Docket No. E-2, Sub 1219 (Dec. 6, 2019) (temporarily limiting discovery on all phases of testimony to precede the evidentiary hearing and instructing that “[a] party shall not be granted an extension of time to pursue discovery due to that party’s late intervention or other delay in initiating discovery”). In fact, in some cases, NCSEA’s Requests relate to topics that were expressly litigated in the recent evidentiary hearing and resolved by the Commission’s June 2019 Order. It would be particularly inequitable to require the Companies to expend substantial resources to respond to data requests concerning issues that have been conclusively resolved by the Commission and regarding which there are no pending proceedings. Accordingly, Duke further objects to NCSEA’s Requests as untimely, unduly burdensome, and improper on these grounds.

4. Duke objects to NCSEA Set 6 as exceeding the number of interrogatories allowed under the North Carolina Rules of Civil Procedure. Upon information and belief, NCSEA’s position is that, absent Commission-approved discovery guidelines or other limits established by the Commission, NCSEA (and, presumably, the other 14 parties granted intervention in this docket) have unfettered rights to seek written discovery from Duke as long as the Sub 101 Docket remains open. In the absence of such discovery guidelines, North Carolina’s Rules of Civil Procedure limit parties to 50 interrogatories, including subparts, without leave of the Court for good cause shown. *See* N.C. R.C.P. 33(a). NCSEA’s prior five sets of discovery (including subparts of individual request)

already exceed 50 interrogatories.² Including subparts, the Requests propounded in Set 6 nearly exceed this limit again on their own.

5. Duke makes these general objections to NCSEA Set 6 without waiving any rights or future specific objections to the individual Requests or information or documents sought therein, or admitting the authenticity, relevancy, materiality, or admissibility into evidence of the subject matter or facts in any Request or any response thereto. Duke objects to each Request to the extent it is overbroad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, or is not proportional to the scope of this case. In particular, Duke objects to each Request to the extent it calls for the production of “all Documents” or “all Communications” related to identified topics, as a complete, unfiltered search of the Company’s voluminous electronic data would be unduly burdensome and not proportional to the scope of this case.

² Many of NCSEA’s prior requests as well as the instant Requests propound a combination of interrogatories and requests for production of documents and do not clearly delineate subparts.

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of any and all procedures that DEC and DEP have in place to monitor or control the cost of the construction of interconnection facilities, system upgrades, and network upgrades for (a) interconnection requests being processed under the NCIP; (b) interconnection requests being process under DEC's or DEP's Open Access Transmission Tariff; and (c) Duke-owned projects. For each such procedure, please describe when it was implemented by Duke, and whether it has changed in the last five (5) years.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide any documents detailing any and all cost controls that DEC and DEP have in place for the construction of interconnection facilities, system upgrades, and network upgrades.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of third-party generation on its distribution system.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of third-party generation on its transmission system.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of its, or its affiliates and/or partners, generation on its distribution system.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of its, or its affiliates and/or partners, generation on its transmission system.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of new “load” customers on its distribution system.

Response:

See Duke’s General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP select contractors to perform engineering, construction, and commissioning work related to the interconnection of new “load” customers on its transmission system.

Response:

See Duke’s General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Do DEC and DEP perform competitive bidding for the work required for interconnection, including commissioning inspections? If yes, please provide an explanation of the competitive bidding process and provide any documents that set forth policies related to the competitive bidding process. If no, please explain the rationale for not bidding work and clarify how the sole source contracts are awarded including the frequency in which those contracts are bid out. Subsequently, clarify the stakeholder engagement process utilized to obtain alignment of the procedure and provide the Commission docket number where DEC and DEP filed for Commission approval of the procedure.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of the processes or procedures DEC and DEP use to determine the (a) Preliminary Estimated Interconnection Facilities Charge; (b) Preliminary Estimated Upgrade Charge; (c) Detailed Estimated Interconnection Facilities Charge; and (d) Detailed Estimated Upgrade Charge, as those terms are defined under the NCIP. If new or amended processes or procedures have been implemented in the last five (5) years, please describe the processes or procedures previously used by DEC and DEP. Please provide any documents setting forth such processes and procedures

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Does DEC or DEP request or obtain cost estimates from contractors for constructing interconnection facilities, constructing system and/or network upgrades? If so, what are DEC and DEP's processes and procedures for reviewing the cost estimates provided by contractors for constructing interconnection facilities, constructing system and/or network upgrades, and commissioning inspections. Please provide any documents setting forth such processes and procedures.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of any and all cost controls that DEC and DEP have in place for the overhead costs related to the performance of interconnection studies, the construction of interconnection facilities, the construction of system and/or network upgrades, and commissioning inspections.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide any documents detailing any and all cost controls that DEC and DEP have in place for the overhead costs related to the performance of interconnection studies, the construction of interconnection facilities, the construction of system and/or network upgrades, and commissioning inspections.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how overhead costs are calculated for work performed under interconnection agreements.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the hourly overhead rate for Duke employees involved in the interconnection process, and explain how that rate is calculated.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the hourly overhead rate for each of DEC and DEP's systems that are involved in the interconnection process.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide how DEP and DEC calculate contingency in each step of the interconnection study process including that which is included in the interconnection agreement.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the history of changes to DEP and DEC's line voltage regulator policy from 2010 to present.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a table that lists the distribution generator size, distance from generator POI to LVR, circuit size kV and commercial operations date (by queue number) of each generator for all locations where DEP and/or DEC approved distributed generation “behind” an existing LVR. To ensure clarity, please also specify the original date that the LVR was installed and whether or not the LVR is operated in conjunction with DEP’s distribution side demand reduction (“DSDR”) system.

Response:

See Duke’s General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Referring to the previous interrogatory response, please state how many of the LVR's were replaced after installation where generation was installed "behind" the existing LVR on DEP or DEC's distribution system. If an LVR was replaced, please state the nature of the rationale for needing to replace the LVR and cost incurred for each replacement.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a table that compares the number of hours DEP used its DSDR system from its implementation to date per year by quarter (or month) as compared to the original business case assumption approved by the Commission in its corresponding docket. Furthermore, clarify how many hours were used each year in alignment with responding to peak demand (need) vs. operational hours to test the system.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a summary of total capital spent to date by DEP and DEC of development, design, engineering, procurement, construction and commissioning of its DSDR system, as well as, the annual operating cost for continued operation of its DSDR system by year since its start of operations. Also, provide a five-year forecast of the additional capital DEP and DEC intend to invest including the overall annual operational cost forecast.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a five-year forecast of the additional capital DEP and DEC intend to invest in its DSDR system including the number of hours it will be used annually, plus overall annual operational cost forecast per year.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the number of interconnection requests that have been notified that they are impacted by DEC or DEP's line voltage regulator policy. Of those projects, please specify (a) the number of such interconnection requests that were notified that their only option for interconnection would be to construct a new transmission to distribution substation; (b) the number of such interconnection requests that were subsequently withdrawn or canceled; (c) the number of such interconnection requests that have been interconnected; and (d) the number of such interconnection requests that are currently "on-hold." Furthermore, please provide a listing by queue number (including date of Duke's receipt) for notices of dispute received by DEP or DEC related to its line voltage regulatory policy as it relates to existing LVRs since its introduction to date.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide the number of interconnection requests that have been notified, as well as, those that were notified that have subsequently withdrawn or have been cancelled due to the planned installation of line voltage regulators. Furthermore, please provide a listing by queue number (including date of Duke's receipt) for notices of dispute received by DEP or DEC related to its line voltage regulator policy for installation of planned LVRs.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of how DEC and DEP estimate the costs of equipment to be used in the construction of interconnection facilities, system upgrades and network upgrades.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of how DEC and DEP estimate the costs of labor to be used in the construction of interconnection facilities, system upgrades and network upgrades.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide justifications for the costs contained in the document “NC/SC DEC and DEP Administrative Overhead and Commissioning Costs - February 2019 - Non-Fast Track.”

Response:

See Duke’s General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide any previous versions and any updated versions of the document “NC/SC DEC and DEP Administrative Overhead and Commissioning Costs - February 2019 - Non-Fast Track.”

Response:

See Duke’s General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of differences between how Duke estimates interconnection costs for independent power producers and how Duke estimates interconnection costs for its own generation facilities.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of differences between how Duke estimates contingency of interconnection costs for independent power producers and how Duke estimates contingency for interconnection costs of its own generation facilities.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide an explanation of differences between how Duke estimates overhead costs of interconnection agreements for independent power producers and how Duke estimates overhead costs for interconnection of its own generation facilities.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide information on: (a) the number of final accounting reports provided by DEC and DEP to interconnection costumers pursuant to Section 6.1.2 of the NCIP for each of the years 2015, 2016, 2017, 2018, and 2019; (b) the minimum, maximum, and average cost differential between the interconnection costs estimated in each Interconnection Customer's interconnection agreement and the final accounting report provided by Duke; and (c) the number of final accounting reports issued during this time period which resulted in a refund to the interconnection customer.

Response:

See Duke's General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please explain how Duke interprets the term “Interconnection Facilities Delivery Date” for purposes of determining whether a final accounting report issued under Section 6.1.2 of the standard form Interconnection Agreement is timely; and provide the legal and factual basis for this interpretation.

Response:

See Duke’s General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please explain how Duke interprets the term “detailed engineering cost calculation” as that term is employed in the NCIP, and provide the legal and factual basis for this interpretation.

Response:

See Duke’s General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how, prior to January 1, 2019, DEC and DEP followed “Good Utility Practice” with regard to the monitoring and controlling the costs of the construction of interconnection facilities, system upgrades, and network upgrades, and provide references to any practices, methods and acts engaged in or approved by a significant portion of the electric industry that DEC or DEP employed in this respect.

Response:

See Duke’s General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC

Request:

Please provide a narrative explanation of how DEC and DEP currently follow “Good Utility Practice” with regard to the monitoring and controlling the costs of the construction of interconnection facilities, system upgrades, and network upgrades, and provide references to any practices, methods and acts engaged in or approved by a significant portion of the electric industry that DEC or DEP employ in this respect.

Response:

See Duke’s General Objections to NCSEA Set 6.

Sponsor: Brett Breitschwerdt

Dated: February 28, 2020.

/s/E. Brett Breitschwerdt

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LLC and Duke Energy Progress, LLC*

CERTIFICATE OF SERVICE

There undersigned, of the law firm McGuireWoods LLP, hereby certifies that he has served a copy of the foregoing Duke Energy Carolinas, LLC's and Duke Energy Progress, LLC's Objections to North Carolina Sustainable Energy Association's Sixth Set of Written Discovery via electronic mail to:

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Ben Smith, Regulatory Counsel
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This the 28th day of February, 2020.

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