

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 150

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Rulemaking Proceeding to Implement) ORDER ALLOWING ADDITIONAL
G.S. 62-110.8) REPLY COMMENTS AND MODIFYING
) PROCEDURAL SCHEDULE

BY THE CHAIRMAN: On July 28, 2017, the Commission issued an order initiating this rulemaking proceeding to adopt and modify the Commission's rules, as necessary, to implement G.S. 62-110.8. To facilitate the Commission adopting final rules in this proceeding on or before October 16, 2017, that order set an expedited schedule for filings in this proceeding. In addition, that order made Duke Energy Progress, LLC (DEP), and Duke Energy Carolinas, LLC (DEC) (together, Duke), parties to this proceeding and recognized the participation of the Public Staff.

On or after August 11, 2017, the Commission issued orders allowing the following to intervene in this proceeding: North Carolina Sustainable Energy Association (NCSEA), Carolina Utility Customers Association, Inc. (CUCA), Carolina Industrial Group for Fair Utility Rates II and III (collectively, CIGFUR), North Carolina Clean Energy Business Alliance (NCCEBA), North Carolina Electric Membership Corporation (NCEMC), North Carolina Pork Council (NCPC), Virginia Electric and Power Company, d/b/a, Dominion Energy North Carolina (Dominion), and SunEnergy1, LLC (SunEnergy1).

On August 16, 2017, Duke, NCSEA, NCCEBA, and the Public Staff filed initial comments and/or proposed rules, and the Southern Environmental Law Center (SELC), Kevin Edwards, and Jim Price filed consumer statements of position.

By orders issued in this docket on August 24, 2017, and August 30, 2017, the Commission extended the August 25, 2017 deadline for filing of reply comments and revisions to the proposed rules to September 8, 2017. On September 8, 2017, Duke filed reply comments and an amended proposed rule, NCCEBA and NCSEA jointly filed reply comments and an amended proposed rule, and SunEnergy1 filed comments. In addition, the Public Staff filed a letter stating that it had participated in discussions with other parties regarding their initial comments and proposed rules, reviewed a draft of the proposed rule that Duke intended to file on September 8, and that the Public Staff generally agrees with Duke's revised rule, as drafted. However, the Public Staff further stated that it wishes to continue discussions with Duke and the other parties regarding two specific issues raised in Duke's proposed rule.

The Chairman appreciates the efforts of the parties in filing comments and recommendations regarding the rules to implement G.S. 62-110.8, particularly given the expedited schedule and the press of other matters pending before the Commission. A preliminary review of the filings demonstrates that the issues in controversy in this proceeding are limited in number, but of a tenor makes compromise challenging. In addition, it is apparent that not all of the parties had an opportunity to review the other parties' September 8 filings prior to be submitted to the Commission. After careful consideration of the initial filings, reply comments, and revised proposed rules, the Chairman finds good cause to allow the parties an additional opportunity to file comments in reply to other parties' comments and/or proposed rules and amended proposed rules. The Chairman recognizes that this changes the procedural schedule established in the Commission's July 28 order by eliminating a second opportunity for filing of reply comments and eliminating the Commission's issuance of a proposed rule, but concludes that this will be the most efficient use of the Commission's resources and the parties' further efforts. In doing so, the Chairman emphasizes that the Commission has not made a final decision with regard to any substantive issue in this proceeding.

Based upon the foregoing, the Chairman, therefore, finds good cause to allow the parties in this proceeding to file additional reply comments on the proposed rules and comments filed in this proceeding, which may include additional recommended revisions to the proposed rules filed in this proceeding. In these additional comments, the parties are requested to identify and focus on the remaining issues in controversy, and to support changes to the proposed rules by appropriate legal and/or policy justification. The additional reply comments allowed by this order shall be filed on or before September 22, 2017.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 13th day of September, 2017.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Linnetta Threatt".

Linnetta Threatt, Acting Deputy Clerk