

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-2, SUB 1268
DOCKET NO. E-7, SUB 1245**

In the Matter of:)	
Protest Related to Informational Filing by)	JOINT MOTION FOR
Duke Energy Carolinas, LLC, and Duke)	LEAVE TO REPLY
Energy Progress, LLC)	

NOW COME the Sierra Club, the Southern Alliance for Clean Energy (“SACE”), and the North Carolina Sustainable Energy Association (“NCSEA”) (the Sierra Club, SACE, and NCSEA, collectively, “Joint Protestants”), by and through counsel, and respectfully move the North Carolina Utilities Commission (“Commission”), pursuant to Commission Rule R1-7, to grant this Joint Motion for Leave to Reply and allow Joint Protestants leave to file the attached Joint Reply to the Public Staff Response of the Sierra Club, Southern Alliance for Clean Energy, and the North Carolina Sustainable Energy Association (“Proposed Joint Reply”). In support of the motion, the Joint Protestants respectfully show the following:

1. On December 11, 2020, Duke Energy Carolinas, LLC and Duke Energy Progress, LLC made a joint informational filing in their respective company folders regarding the proposed Southeast Energy Exchange Market (“SEEM”) and including the SEEM Platform Agreement.
2. On December 17, 2020, the Joint Protestants filed the Joint Protest of the Sierra Club, Southern Alliance for Clean Energy, and North Carolina Sustainable Energy Association (“Joint Protest”) in the above-captioned dockets.
3. On December 23, 2020, the Commission issued an Order Scheduling Oral Argument and Requiring Response by Public Staff (“Commission Order”), which

directed the Public Staff – North Carolina Utilities Commission (“Public Staff”) to “file a response to the Joint Protest on or before January 6, 2021[.]” Ordering Para. 1.

4. On January 6, 2021, the Public Staff filed its response in which the Public Staff goes beyond the scope of the Commission Order and “respectfully requests that the Commission cancel the oral argument scheduled for 2:00 p.m. on January 13, 2021.” Para. 12.

5. The Commission directed the Public Staff to “file a response to the Joint Protest[.]” Commission Order, Ordering Para. 1. The Public Staff failed to do so.

6. Instead, the Public Staff reached erroneous legal conclusions based on unknown information or assumptions, as set forth more fully in the attached Proposed Joint Reply, and did not address the entirety of the Joint Protest, including substantive legal arguments.

7. Furthermore, while the Joint Protestants respect the Public Staff’s position as representative of the using and consuming public, the Joint Protestants do not believe it is appropriate for the Public Staff to attempt to undermine the Joint Protestants’ ability to plead their case and be heard by the Commission, as the Public Staff has requested in their Response.

8. The Joint Protestants, longtime advocates at the Commission, carefully considered the legal questions at play here in making their filing and believe that it is the Commission who has the ultimate authority to decide disputes in their role as a judicial body, and not the Public Staff.

9. While the Commission Order does not expressly allow for a reply to the Public Staff's filing, the Joint Protestants believe the attached reply is appropriate given the faulty analysis and conclusions of the Public Staff.

10. Accordingly, Joint Protestants move here for the Commission to grant this motion and conditionally file the Proposed Joint Reply with this Motion.

WHEREFORE, for all the reasons set forth herein, the Joint Protestants respectfully request that the Commission grant this motion for leave and conditionally file the attached Joint Reply to the Public Staff Response of the Sierra Club, Southern Alliance for Clean Energy, and the North Carolina Sustainable Energy Association and grant any such further relief as the Commission deems just and reasonable.

Respectfully submitted, this the 8th day of January, 2021.

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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 filing 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 8th day of January, 2021.

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