

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-7, SUB 1192**

In the Matter of:)
Application of Duke Energy)
Carolinas, LLC for Approval of)
Demand-Side Management and)
Energy Efficiency Cost Recovery)
Rider Pursuant to N.C. Gen. Stat. §)
62-133.9 and Commission Rule)
R8-69)

**MOTION TO WITHDRAW
CONSUMER STATEMENT OF
POSITION LETTER**

MOTION TO WITHDRAW CONSUMER STATEMENT OF POSITION LETTER

COMES NOW the North Carolina Sustainable Energy Association (“NCSEA”), through the undersigned counsel, and hereby moves the North Carolina Utilities Commission enter an order permitting NCSEA to withdraw its recently filed Consumer Statement of Position Letter (“Letter”) in the above-referenced docket. In support of this Motion, NCSEA states as follows:

1. NCSEA requested to intervene in this docket on March 19, 2019, which was granted by the Commission on March 20, 2019.
2. On June 11, 2019, the Commission held the evidentiary hearing in this docket, and such hearing was held open at the request of the North Carolina – Public Staff (“Public Staff”) until June 21, 2019. On June 21, 2019, the Public Staff filed the results of its review of Duke Energy Carolinas, LLC’s (“Duke”) portfolio of DSM/EE programs.
3. On July 5, 2019, the Commission entered the *Order Closing Record and Establishing Date for Filing Briefs and Proposed Orders* (“Order”), which required briefs and proposed orders be filed on or before July 29, 2019. That deadline was subsequently extended until September 9, 2019.

4. NCSEA did not file a brief or proposed order prior to the September 9, 2019 deadline.

5. On September 18, 2019, Daniel Brookshire, Regulatory and Policy Analyst for NCSEA, filed the Letter with the Commission. The Letter detailed NCSEA's support of concerns noted by the Southern Alliance for Clean Energy and North Carolina Justice Center witness Forest Bradley-Wright.

6. On September 20, 2019, Duke filed through counsel its objection to the Letter, noting that the Letter was filed by an intervening party and that such Letter was filed beyond the time for filings made by intervening parties.

7. NCSEA can understand Duke's position and, given the specific deadline for parties to making filings, and, accordingly, NCSEA wishes to withdraw Letter from consideration by the Commission in this proceeding.

8. NCSEA did not intend to subvert or otherwise fail to follow the Commission's Order. In past proceedings where NCSEA has engaged on limited topics or issues, NCSEA has elected to file Consumer Statement of Position letters, and that was the intent here.

9. However, as stated by Duke in its objection and unlike past occasions, NCSEA is an intervenor in this proceeding and failed to timely file the Letter, which relates to substantive issues discussed in the proceeding, prior to the Commission-directed deadline.

10. NCSEA does not wish cause any consternation over the Letter for the Commission or for any other parties to this proceeding and therefore seeks to withdraw it.

WHEREFORE, for all the reasons set forth herein, NCSEA respectfully requests that the Commission grant this Motion to Withdraw in the above-captioned proceeding and for any further such relief as the Commission deems just and appropriate.

Respectfully submitted this the 20th day of September, 2019.

/s/ Benjamin Smith
Benjamin Smith
N.C. State Bar No. 48344
Regulatory Counsel
NCSEA
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 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 20th day of September, 2019.

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