

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. SP-13695, SUB 1

In the Matter of:) ACCION GROUP, LLC's, THE CPRE
Orion Renewable Resources LLC) INDEPENDENT ADMINISTRATOR,
) RESPONSE TO MOTION TO STRIKE,
) OR IN THE ALTERNATIVE TO
) REOPEN HEARING BY ORION
) RENEWABLE RESOURCES LLC

NOW COMES, Accion Group, LLC, the Independent Administrator for the Competitive Procurement of Renewable Energy Program ("CPRE" or "Program") (hereinafter "IA" or "Accion") for the purpose of addressing certain assertions by Orion Renewable Resources, LLC ("Orion") to the North Carolina Utilities Commission (hereinafter, "NCUC" or "Commission") in Orion's *Motion to Strike, or in the Alternative to Reopen Hearing* ("Motion"). Accion participated in the evidentiary hearing on November 2, 2020, provided testimony, and was directed, in collaboration with Duke Energy Carolinas, LLC ("Duke"), to provide the late filed exhibit that is the subject of the Motion to Strike. Pursuant to the request of the Commission, the late filed exhibit submitted by Duke contained an Attachment that was prepared by the IA. The IA reviewed and approved the complete and final version of the late-filed exhibit.

Orion's Motion includes certain misstatements that Accion addresses herein.

Orion's Motion contends the late filed exhibit included "new factual issues" that were neither raised during the hearing "nor were they the subject of Commissioner questions during the hearing." Motion at 1. This broad statement is not correct.

The Motion would have the Commission strike information concerning the elimination from consideration other Proposals submitted in Tranche 1 claiming such information to be "factual assertions related to issues never before raised in this docket..." Motion at 4. This contention is not correct. The information provided was requested by the Commissioners during the evidentiary hearing. Further, there was testimony from Accion witnesses on the subject matter of the information provided in the late filed exhibit. (See: Transcript, page 84, lines 22 – 24; page 85, lines 1 – 8; page 88, lines 3 – 21; page 89, lines 5 – 15). This issue was also the subject of

Commissioner questioning (See: Transcript, page 87, lines 4 – 23; page 88, line 24; page 89, lines 1 – 4).

Orion's Motion asserts that the complexity of the issues to be addressed should Orion be granted a Tranche 1 PPA are "based primarily on assertions made in the Late-Filed Exhibit" Motion at 5. This statement is also incorrect. During the hearing Accion witnesses testified to the challenges of substituting a Tranche 1 PPA for the PPA Orion was awarded in Tranche 2 (See: Transcript page 88, lines 17-21). The information in the late filed exhibit addressed the trial testimony.

Orion's Motion contends that the late filed exhibit "exceeds the scope of the testimony presented by Duke's witness at the hearing." Motion at page 6. The Motion notes that the Commission asked Accion to prepare the late filed exhibit (Motion at page 1), (See: Transcript page lines 2 – 10; page 82, lines 11 – 18, line 24; page 83, lines 1 -3), However, it was the testimony of an Accion witness where the subject of the late filed exhibit was raised.

Orion's Motion at page 11 implies that the issue of the scope of the IA's discretion was first raised in the late filed exhibit. This contention is not correct. The issue was presented during the hearing (See: Transcript pages 29 – 34), prior to the commencement of cross-examination.

Finally., Orion's Motion asserts that "[b]oth Duke and the IA also erroneously conclude that a proposal with a negative Net Benefit is 'not beneficial to customers'." Motion at page 11. Accion witnesses testified that Proposals determined to have negative Net Benefit would cost Duke customers more than compared to the alternative which was the avoided cost defined by Duke (See: Transcript page 29 lines 15-17). This testimony was not disputed during the evidentiary hearing.

Accion notes that the late filed exhibit was provided to counsel for Orion prior to submission, and no objections were raised. Orion's post-hearing brief of January 4, 2021 made no mention of the concerns presented in the Motion.

For the reasons presented herein, Accion respectfully requests the Motion to Strike be denied.

Respectfully submitted,

Accion Group, LLC
By its Attorneys
THE CRISP LAW FIRM, PLLC

By: S/Jack P. Crisp, Jr., Esquire
15 North Main Street, Suite 208
Concord, NH 03301
603-225-5252
jack.crisp@crisplaw.com

CERTIFICATE OF SERVICE

I certify that a copy of Accion Group, LLC's, The CPRE Independent Administrator, Response To Motion to Strike or in the Alternative to Reopen Hearing of Orion Renewable Resources LLC in Docket No. SP-13695, SUB 1, has been served by electronic mail, hand delivery, or by depositing a copy in the United States mail, postage prepaid, properly addressed to parties of record.

This the 15th day of February, 2021.

S/Jack P. Crisp, Jr., Esquire
Jack P. Crisp, Jr., Esquire