

BEFORE THE  
NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-7, SUB 1213  
DOCKET NO. E-7, SUB 1214  
DOCKET NO. E-7, SUB 1187

DOCKET NO. E-7, SUB 1213

In the Matter of  
Petition of Duke Energy Carolinas, LLC, for  
Approval of Prepaid Advantage Program

DOCKET NO. E-7, SUB 1214

In the Matter of  
Application by Duke Energy Carolinas, LLC,  
for Adjustment of Rates and Charges  
Applicable to Electric Utility Service in  
North Carolina

DOCKET NO. E-7, SUB 1187

In the Matter of  
Application of Duke Energy Carolinas, LLC,  
for an Accounting Order to Defer Incremental  
Storm Damage Expenses Incurred as a Result  
of Hurricanes Florence and Michael and Winter  
Storm Diego

MOTION OF CIGFUR III REQUESTING  
THAT THE COMMISSION TAKE  
JUDICIAL NOTICE OF CERTAIN  
EVIDENCE IN THE DUKE ENERGY  
CAROLINAS, LLC, PROCEEDING

NOW COMES the Carolina Industrial Group for Fair Utility Rates III (CIGFUR) in the above-captioned dockets, by and through the undersigned counsel and pursuant to the Commission's October 13, 2020 Order Establishing Procedures and Dates for Filing Motions Requesting Judicial Notice and Allowing Filing of Amended Motion, and respectfully moves that the Commission take judicial notice of certain live testimony given during the Duke Energy Progress, LLC (DEP) expert testimony hearing in Docket No. E-2, Sub 1219 (DEP Hearing).

The live testimony of CIGFUR witness Nicholas Phillips, Jr. provided in the DEP Hearing is located at Tr. Vol. 14, p. 357, l. 1 through p. 367, l. 6. The evidence, which includes answers

provided in response to questions on direct and cross-examination, and generally addresses issues of rate design, cost allocation, and the proposed flowback method of EDIT on a uniform cents-per-kilowatt hour basis as proposed in CIGFUR III's settlement with DEC and CIGFUR II's settlement with DEP, respectively. This evidence presents information generally applicable to both the DEC and DEP hearings and dockets.

CIGFUR has consulted with the other parties to this proceeding and all parties indicated that they do not object to this motion.

WHEREFORE, CIGFUR prays that:

1. The Commission take judicial notice in the DEC Hearing of the live testimony of CIGFUR witness Phillips during the DEP hearing located at Tr. Vol. 14, p. 357, l. 1 through p. 367, l. 6; and
2. For such other and further relief as the Commission may deem just and proper.

Respectfully submitted, this the 23<sup>rd</sup> day of October, 2020.

**CIGFUR III**

/s/ Christina D. Cress  
Christina D. Cress  
Bailey & Dixon, LLP  
PO Box 1351  
Raleigh, NC 27602  
919-828-0731  
ccress@bdixon.com

**CERTIFICATE OF SERVICE**

The undersigned attorney for CIGFUR III hereby certifies that she caused the foregoing *Motion of CIGFUR III that the Commission Take Judicial Notice of Certain Evidence in the Duke Energy Carolinas, LLC, Proceeding* to be served upon the parties of record in this proceeding by electronic mail.

This the 23<sup>rd</sup> day of October, 2020.

/s/ Christina D. Cress  
Christina D. Cress  
Bailey & Dixon, LLP  
PO Box 1351  
Raleigh, NC 27602  
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ccress@bdixon.com