

Kiran H. Mehta

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October 19, 2020

VIA ELECTRONIC FILING

Ms. Kimberley A. Campbell, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

RE: Duke Energy Carolinas LLC's Amended Motion Requesting That the Commission
Take Judicial Notice of Certain Evidence Introduced in the Duke Energy Progress,
LLC Hearing
Docket No. E-7, Sub 1213
Docket No. E-7, Sub 1214
Docket No. E-7, Sub 1187

Dear Ms. Campbell:

Enclosed for electronic filing is Duke Energy Carolinas LLC's *Amended Motion Requesting That the Commission Take Judicial Notice of Certain Evidence Introduced in the Duke Energy Progress, LLC Hearing*.

Please do not hesitate to contact me should you have any questions. Thank you for your assistance in this matter.

Sincerely,

/s/ Kiran H. Mehta

Kiran H. Mehta

Enclosure

cc: Parties of Record

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)
Application for Approval of Proposed)
Prepaid Advantage Program)
)
DOCKET NO. E-7, SUB 1214)
)
In the Matter of)
Application of 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)

**DUKE ENERGY CAROLINAS,
LLC'S AMENDED MOTION
REQUESTING THAT THE
COMMISSION TAKE JUDICIAL
NOTICE OF CERTAIN
EVIDENCE INTRODUCED IN
THE DUKE ENERGY
PROGRESS, LLC HEARING**

NOW COMES Duke Energy Carolinas, LLC (DEC or Company), by and through its legal counsel and pursuant to Rules R1-7 and R1-24 of the Rules and Regulations of the North Carolina Utilities Commission (Commission), and respectfully moves that the Commission take judicial notice of certain evidence introduced during the Duke Energy Progress, LLC (DEP) expert testimony hearing in Docket No. E-2, Sub 1219 (DEP Hearing).

On October 7, 2020 DEC filed a motion (Original Motion) requesting that the Commission take judicial notice of the live testimony provided on October 6, 2020, by DEP witnesses James Wells and Marcia Williams (testifying as a panel) on questions in response to Commission questions, along with Williams Rebuttal Exhibit 2, which was referenced during that testimony, such that this evidence may be used in connection with post-hearing briefing and the submission of proposed Orders, and relied upon by the Commission in connection with its decision and in any Orders it may issue in the DEC rate case and consolidated dockets. The motion also requested Commission guidance as to whether the Commission would generally allow judicial notice of evidence from the DEP hearing, and if so, when, and how the parties should request such judicial notice.

On October 13, 2020, this Commission issued, in both this Docket and the DEP Docket, E-2, Sub 1219, an Order Establishing Procedures and Dates for Filing Motions Requesting Judicial Notice and Allowing Filing of Amended Motion. The Commission provided guidelines with respect to when and how parties in each Docket should request judicial notice of testimony taken in the other Docket, and further allowed DEC to file an amended motion in connection with the specific testimony that was the subject of the Company's Original Motion. Pursuant to the Commission's Order, the Company submits this Amended Motion.

The live testimony of DEP witnesses James Wells and Marcia Williams (testifying as a panel) on questions in response to Commission questions, along with Williams Rebuttal Exhibit 2 is located at Tr. Vol. 20, p. 19, line 8 through p. 33 line 11. The evidence, as a follow up to questions asked by Commissioners,

generally describes (a) efforts witness Wells made to bring himself up to speed regarding historical practices, and (b) compliance with historical industry and environmental standards for coal ash combustion residuals (CCR) management. As indicated in the Original Motion, this evidence presents information generally applicable to both the DEC and DEP Dockets.

The Company has consulted with the other parties to this proceeding and is authorized to represent to the Commission that the other parties do not object to this Amended Motion.

WHEREFORE, the Company requests that:

1. The Commission take judicial notice of the testimony presented in response to questions on Commission questions by witnesses Wells and Williams (testifying as a panel) during the proceedings in the DEP Hearing on October 6, 2020, along with Williams Rebuttal Exhibit 2 referenced during that testimony located at Tr. Vol. 20, p. 19, line 8 through p. 33 line 11.
2. For such other and further relief as may be just and proper.

Respectfully submitted, this the 19th day of October 2020.

DUKE ENERGY CAROLINAS, LLC

/s/ Kiran H. Mehta

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CERTIFICATE OF SERVICE

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

I hereby certify that a copy of the foregoing **DUKE ENERGY CAROLINAS, LLC'S AMENDED MOTION REQUESTING THAT THE COMMISSION TAKE JUDICIAL NOTICE OF CERTAIN EVIDENCE INTRODUCED IN THE DUKE ENERGY PROGRESS, LLC HEARING** was served electronically or by depositing a copy in United States Mail, first class postage prepaid, properly addressed to the parties of record.

This the 19th day of October 2020.

/s/ Kiran H. Mehta
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