

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-7, SUB 1214

DOCKET NO. E-2, SUB 1219

DOCKET NO. E-7, SUB 1214)	
)	
In the Matter of Application of Duke Energy)	MOTION FOR SPECIAL
Carolinas, LLC for Adjustment of Rates and)	ACCOMMODATIONS FOR
Charges Applicable to Electric Utility Service)	WITNESS JONATHAN WALLACH
in North Carolina)	
)	
DOCKET NO. E-2, SUB 1219)	
)	
In the Matter of Application of Duke Energy)	
Progress, LLC for Adjustment of Rates and)	
Charges Applicable to Electric Service in)	
North Carolina)	

The North Carolina Justice Center, North Carolina Housing Coalition, Natural Resources Defense Council, and Southern Alliance for Clean Energy (collectively, “Intervenors”) respectfully request that the Commission waive the requirement of in-person appearance for Intervenors’ witness Jonathan Wallach and allow Mr. Wallach to give his testimony by remote means. In support of these requests, Intervenors states that:

1. Since the Commission entered its June 17, 2020 *Order Adopting Procedures for Expert Witness Hearings*, the number of COVID-19 cases in the country has risen dramatically, and the number of new cases and hospitalizations in North Carolina have both increased steadily.
2. On June 24, 2020, Governor Cooper issued Executive Order No. 147 extending the “Phase 2 Order” (Executive Order No. 141) until July 17, 2020. Under the Phase 2 Order, indoor gatherings of ten people or more are prohibited and teleworking is encouraged.
3. On June 29, 2020, Chief Justice Beasley extended certain emergency directives, including Emergency Directive 3, which authorizes judicial officials throughout the state “to

conduct proceedings that include remote audio and video transmissions, notwithstanding any other provision of law,” until July 29, 2020 because the “catastrophic conditions resulting from the COVID-19 outbreak have existed and continue to exist in all counties of the state.”

4. Pursuant to the Commission’s June 17th Order, multiple parties have indicated that they intend to cross-examine Mr. Wallach in both the Duke Energy Carolinas, LLC, Docket No. E-7, Sub 1214, and Duke Energy Progress, LLC, Docket No. E-2, Sub 1219, hearings. This will require Mr. Wallach to be present in the hearing room on multiple occasions.

5. Under the current Centers for Disease Control (“CDC”) guidance, Mr. Wallach is at higher risk of severe illness from COVID-19 due to his age.¹ In addition, Mr. Wallach is a caregiver for his 87 year-old mother-in-law. As a result, travel to North Carolina poses a significant risk to Mr. Wallach’s health and the health of his immediate family.

6. Ms. Wallach resides in Massachusetts, where travelers arriving from North Carolina, including Massachusetts residents returning home, are instructed to self-quarantine for fourteen days upon entering Massachusetts.²

7. In addition to avoiding interstate travel during the ongoing public health crisis, allowing for remote participation will limit the number of people present at the hearing.

8. Intervenors will ensure that Mr. Wallach has access to high speed internet connections that allow him to participate with clear video and audio connections.

9. Intervenors have reached out to all parties of record in the above captioned dockets and none have objected to this request.

¹ “Older Adults,” Center for Disease Control and Prevention, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html> (last visited July 13, 2020).

² Mass.gov, Travel information related to COVID-19: Travel to Massachusetts, <https://www.mass.gov/info-details/travel-information-related-to-covid-19#travel-to-massachusetts>.

WHEREFORE, we respectfully request that the Commission allow Mr. Wallach to provide his testimony summaries and be available for cross-examination and Commission questions via remote means.

Respectfully submitted this 20th day of July, 2020.

/s/ David Neal

N.C. Bar No. 27992

Gudrun Thompson

N.C. Bar No. 28829

Tirrill Moore

N.C. Bar No. 52299

SOUTHERN ENVIRONMENTAL LAW CENTER

601 W. Rosemary Street, Suite 220

Chapel Hill, NC 27516

Telephone: (919) 967-1450

Fax: (919) 929-9421

dneal@selcnc.org

gthompson@selcnc.org

tmoore@selcnc.org

*Attorneys for North Carolina Justice Center, North
Carolina Housing Coalition, Natural Resources Defense
Council, and Southern Alliance for Clean Energy*

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion for Special Accommodations For Witness Jonathan Wallach by North Carolina Justice Center, North Carolina Housing Coalition, Natural Resources Defense Council, and Southern Alliance for Clean Energy as filed today in Docket Nos. E-7, Sub 1214 and E-2, Sub 1219 has been served on all parties of record by electronic mail or by deposit in the U.S. Mail, first-class, postage prepaid.

This 20th day of July, 2020.

/s/ David Neal