

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1213
DOCKET NO. E-7, SUB 1214
DOCKET NO. E-7, SUB 1187
DOCKET NO. E-2, SUB 1219
DOCKET NO. E-2, SUB 1193

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	ORDER GRANTING PUBLIC
Applications by Duke Energy Carolinas, LLC,)	STAFF'S MOTION TO CONDUCT
and Duke Energy Progress, LLC, for)	DISCOVERY AND FILE
Adjustment of Rates and Charges Applicable)	TESTIMONY, AND ALLOWING
to Electric Utility Service in North Carolina)	DUKE ENERGY CAROLINAS,
)	LLC, AND DUKE ENERGY
)	PROGRESS, LLC, TO FILE
)	REBUTTAL TESTIMONY

BY THE PRESIDING COMMISSIONERS: On July 21, 2020, the Commission issued an order in the above-captioned dockets in response to the filing of Second Supplemental Testimony by Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEC).

On July 23, 2020, the Commission issued an Order Requiring Duke Energy Carolinas, LLC, and Duke Energy Progress, LLC, to File Additional Testimony on Grid Improvement Plans and Coal Combustion Residual Costs (Additional Testimony Order). Among other things, the Additional Testimony Order required DEC and DEP (collectively Duke or Companies) to file testimony and exhibits regarding coal combustion residuals (CCR) on or before August 28, 2020 (CCR Testimony).

On July 31, 2020, the Public Staff, DEC, and DEP (Stipulating Parties) filed Second Agreements and Stipulations of Partial Settlement (Second Partial Settlements) in the respective DEC and DEP rate case dockets. As part of the Second Partial Settlements the parties agreed to discovery procedures regarding the Second Supplemental Testimony and the information required to be filed pursuant to the Additional Testimony Order. In summary, the Companies committed to provide complete responses to Public Staff data requests within four business days of the receipt of the requests, and to verbally engage with the Public Staff to resolve any questions or ambiguities as soon as reasonably possible. Further, in the Second Partial Settlements the parties agreed that the Public Staff would have until September 8, 2020, in the DEC rate case and September 15, 2020, in the DEP rate case to audit the respective Second Supplemental Testimony and to file testimony or affidavits, with schedules, addressing both the Second

Supplemental Testimony and the information requested by the Commission in its Additional Testimony Order.

On August 28, 2020, DEC and DEP filed their CCR Testimony in response to the Additional Testimony Order.

On August 31, 2020, the Public Staff filed a motion in these dockets requesting Commission approval of the discovery and testimony guidelines agreed upon in the Second Partial Settlements. In support of its motion the Public Staff stated that it has been conducting discovery relative to the Second Supplemental Testimony. The Public Staff requested that the Commission grant the Public Staff leave to file testimony and exhibits addressing the results of its investigation by September 8, 2020, in the DEC rate case and by September 15, 2020, in the DEP rate case, as agreed upon in the Second Partial Settlements. In addition, the Public Staff requested that the Commission grant the Public Staff leave to conduct discovery on the CCR Testimony pursuant to the guidelines set forth in the Second Partial Settlements and leave to file testimony and exhibits addressing the results of its investigation of the Companies' CCR Testimony on the same time schedule as stated above for the Second Supplemental Testimony.

Moreover, the Public Staff stated that it contacted all parties regarding its motion, that no party indicated an objection to the motion, and that Carolina Utility Customers Association, Inc., stated that it is not opposed to the motion. Finally, the Public Staff stated that the Companies do not oppose the motion provided that the Public Staff does not oppose the Companies' reservation of the Companies' right to file rebuttal testimony on any testimony filed by the Public Staff, if needed. The Public Staff stated that it does not oppose the reservation of the Companies' right to file such rebuttal testimony.

Based on the foregoing and the records, the Presiding Commissioners find good cause to grant the Public Staff's motion. In addition, the Presiding Commissioners find good cause to allow all intervenors to file testimony regarding the Second Supplemental Testimony, and conduct discovery and file testimony regarding the CCR Testimony in accordance with the same time frames as the Public Staff. Further, the Presiding Commissioners take notice of the rebuttal testimony provisions of the Second Partial Settlements, Sec. IV.A, and find good cause to order that DEC and DEP shall be allowed to file rebuttal testimony within five business days after the filing of Public Staff or other intervenor testimony regarding the Second Supplemental Testimony and CCR Testimony as allowed in this Order.

Finally, the Presiding Commissioners take note of the additional provisions of the Second Partial Settlements, in particular in Sec. IV.A, addressing the timing of the DEC and DEP separate hearings vis-à-vis the dates on which the Stipulating Parties file testimony and rebuttal testimony on the Second Supplemental Testimony and CCR Testimony. The Presiding Commissioners find good cause to clarify that the Commission is not in this Order approving any agreements of the Stipulating Parties other than the above-specified discovery and testimony guidelines.

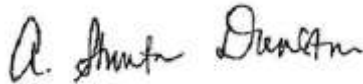
IT IS, THEREFORE, ORDERED as follows:

1. That the Public Staff and other intervenors shall be, and are hereby, granted leave to file testimony and exhibits regarding the Second Supplemental Testimony and the CCR Testimony by September 8, 2020, in the DEC rate case and by September 15, 2020, in the DEP rate case;
2. That the Public Staff and other intervenors shall be, and are hereby, granted leave to conduct discovery on the Second Supplemental Testimony and the CCR Testimony in accordance with the guidelines stated in the Second Partial Settlements;
3. That DEC and DEP shall be, and are hereby, granted leave to file rebuttal testimony in their respective rate case dockets within five business days after the filing of Public Staff or other intervenor testimony regarding the Second Supplemental Testimony and CCR Testimony; and
4. That other than the leave expressly granted above in Ordering Paragraph Nos. 1-3, the Commission is not in this Order approving any agreements of the Stipulating Parties.

ISSUED BY ORDER OF THE COMMISSION.

This the 4th day of September, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "A. Shonta Dunston".

A. Shonta Dunston, Deputy Clerk