

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1146
DOCKET NO. E-7, SUB 1213
DOCKET NO. E-7, SUB 1214
DOCKET NO. E-7, SUB 1187
DOCKET NO. E-2, SUB 1142
DOCKET NO. E-2, SUB 1219
DOCKET NO. E-2, SUB 1193

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Applications of Duke Energy Carolinas,)
LLC, and Duke Energy Progress, LLC,) ORDER REOPENING RECORDS,
for Adjustment of Rates and Charges) ALLOWING TESTIMONY OR COMMENTS
Applicable to Electric Utility Service in) ON PROPOSED SETTLEMENT, AND
North Carolina) ALLOWING REQUESTS FOR HEARING
)

BY THE CHAIR: On January 25, 2021, Duke Energy Carolinas, LLC (DEC), Duke Energy Progress, LLC (DEP), the Public Staff, North Carolina Office of the Attorney General, and Sierra Club (collectively, Settling Parties), filed a Coal Combustion Residuals Settlement Agreement (CCR Agreement), in the above-captioned dockets (rate case dockets).

On January 29, 2021, Settling Parties filed a joint motion requesting that the Commission reopen the rate case dockets, consolidate consideration of the CCR Agreement in the dockets with its further consideration of issues remanded to the Commission by the North Carolina Supreme Court in *State ex rel. Utils. Comm'n v. Stein (Stein)*, Nos. 271A18 and 401A18, 2020 WL 7294770 (N.C. Dec. 11, 2020), admit the CCR Agreement and supporting testimony into evidence, and approve the CCR Agreement, reflecting that approval in its decisions in these dockets as well as in its order(s) on remand in response to the *Stein* decision. In summary, Settling Parties described the major provisions of the CCR Agreement, stated that it comprehensively resolves the issues surrounding coal ash cost recovery in all of the rate case dockets, and opined that it is in the public interest. Further, Settling Parties stated that there is substantial overlap in the evidence introduced in the rate case dockets, and that consolidation of the dockets would ease the administrative burden on the Commission and all parties by eliminating duplicative processes, briefs, and proposed orders. Moreover, Settling Parties requested that the Commission set a reasonably expeditious schedule with respect to its consideration of the CCR Agreement, and that the Commission issue final orders in the current rate cases, Docket Nos. E-7, Sub 1214 and E-2, Sub 1219, as soon as is reasonably possible. In addition, Settling Parties stated that they consulted with all other parties to the rate case dockets concerning their motion, and

the Settling Parties listed several parties who stated that they do not object to the CCR Agreement, and several parties who stated that they take no position on the CCR Agreement. Finally, Settling Parties stated that Fayetteville Public Works Commission stated that it supports the CCR Agreement.

On February 1, 2021, DEC and DEP filed testimony and exhibits (testimony) in support of the CCR Agreement, and on February 5, 2021, the Public Staff filed testimony in support of the CCR Agreement.

Based on Settling Parties' motion and the records in these dockets, the Chair finds good cause to reopen the rate case dockets, and to accept into evidence in the rate case dockets the CCR Agreement, and the supporting testimony filed by DEC, DEP and the Public Staff. In addition, the Chair finds good cause to allow parties to the rate case dockets to file testimony or comments on the CCR Agreement on or before Friday, February 19, 2021, and to file a request for a hearing on the CCR Agreement and supporting testimony on or before Friday, February 19, 2021. In the absence of a request for a hearing, a party's choice to not file a request for a hearing will be deemed by the Commission as a waiver by that party of its right to cross-examine the witnesses who provide testimony regarding the CCR Agreement.

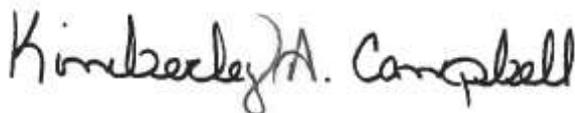
Finally, the Chair is not persuaded that there is good cause at this time to consolidate all of the rate case dockets, and, therefore, reserves for future consideration a decision granting Settling Parties' request for such consolidation.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 12th day of February, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink that reads "Kimberley A. Campbell". The signature is written in a cursive, flowing style.

Kimberley A. Campbell, Chief Clerk