

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-7, SUB 1034

FILED
JUL 22 2013
Clerk's Office
N.C. Utilities Commission

In the Matter of:

Application of Duke Energy)
Carolinas, LLC for Approval of)
Renewable Energy and Energy)
Efficiency Portfolio Standard)
(REPS) Compliance Report and Cost)
Recovery Rider Pursuant to N.C.)
Gen. Stat. 62-133.8 and Commission)
Rule R8-67)

**RESPONSE TO MOTION
FOR LEAVE TO FILE
REPLY BRIEF**

**NCSEA'S RESPONSE TO DEC'S MOTION FOR
LEAVE TO FILE REPLY BRIEF**

Statement of Relevant Facts

North Carolina Sustainable Energy Association ("NCSEA") filed a Post-Hearing Brief ("Brief") in this proceeding on 12 July 2013.

The Brief contained a section entitled "DEC's Reporting on REPS-Related Research." Within this section, NCSEA argued in Subsection C. that, if the Commission chose to extend the REPS-related research reporting requirement to future years, it should also *consider* expanding the scope of the reporting requirement to include DEC's ratepayer-funded renewable energy ("RE") and energy efficiency ("EE") research, the costs of which could be recovered under the REPS rider but for DEC's decision to seek cost recovery in another proceeding ("NCSEA's expanded reporting recommendation").

The Brief also contained a section entitled "DEC's REPS Compliance Report." In this section, NCSEA argued that DEC should re-file a document to unredact information that was publicly disclosed during the 4 June 2013 hearing ("NCSEA's re-filing request").

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On 19 July 2013, Duke Energy Carolinas, LLC (“DEC”) filed a Motion for Leave to File Reply Brief (“DEC’s Motion”) responding to the above-referenced NCSEA arguments.

NCSEA Shared a Draft of Its Post-Hearing Brief

In Paragraph Nos. 10 and 11 of DEC’s Motion, DEC makes the following statements:

Because NCSEA brings forth [NCSEA’s expanded reporting] recommendation for the first time in its Post-Hearing brief, the Company has heretofore been unable to respond on the record.

As with the recommendation to greatly expand the research reporting requirement, [NCSEA’s re-filing] request was made for the first time in NCSEA’s Post-Hearing Brief.

DEC’s Motion at p. 4.

Though these statements are technically accurate, they could leave an impression that NCSEA sought to surprise DEC with the 12 July 2013 filing of its Brief. NCSEA does not aim to spring arguments on DEC (or any other electric supplier). Over the past year, it has routinely shared drafts of its proposed filings with DEC. NCSEA did not deviate from this routine in this case. As evidenced by the email attached as **Exhibit A**, NCSEA shared a draft of its post-hearing brief with DEC on 5 July 2013, a week before the 12 July 2013 filing deadline. This draft contained both of the NCSEA arguments referenced in DEC’s Motion.

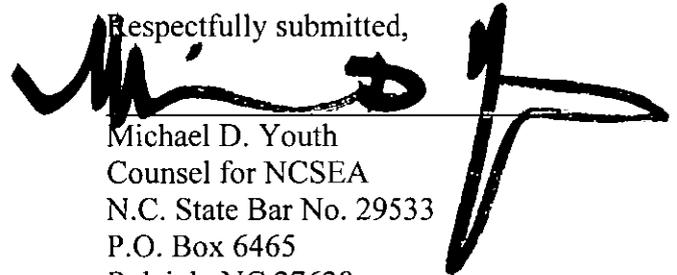
NCSEA Does Not Oppose DEC's Motion for Leave

With respect to the NCSEA's expanded reporting recommendation, NCSEA does not agree with DEC's position.¹ That said, NCSEA believes DEC's position should factor into any Commission consideration of (and any reasonable limitation of) an expanded reporting requirement and NCSEA therefore does not object to DEC's Motion.

*DEC's Filing of Revised Byrd Exhibit No. 2
Moots NCSEA's Re-Filing Request*

By filing a revised Byrd Exhibit No. 2 without redaction of the information that was made public during the 4 June 2013 hearing, DEC has mooted NCSEA's re-filing request.

Respectfully submitted,



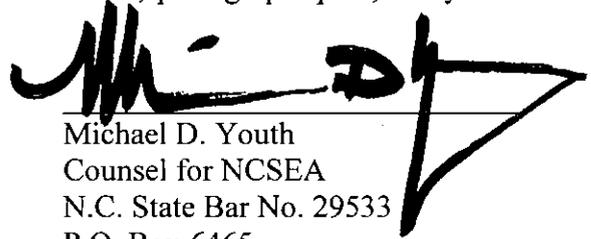
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¹ NCSEA would ask the Commission to consider that this annual proceeding involves a compliance report in addition to the cost recovery rider. Commission Rule R8-67(c)(1)(iv) indicates that the compliance report should include the electric supplier's actual *total* and incremental costs incurred to comply with the REPS law. To the extent DEC performs RE/EE research that is aimed in whole or in part at enabling it to better comply with the REPS law, it seems such research would be a part of DEC's "total" costs which are to be reported in this proceeding and therefore would not be outside the scope of this proceeding (even if DEC does not seek cost recovery under the rider).

CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing Response to Motion for Leave to File Reply Brief by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 22nd day of July, 2013.

A handwritten signature in black ink, appearing to read "M. D. Youth", written over a horizontal line.

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Youth, Michael < michael@energync.org >

NCSEA's draft brief for E-7, Sub 1034

1 message

Youth, Michael < michael@energync.org >

Fri, Jul 5, 2013 at 5:29 PM

To: "Fentress, Kendrick C" <Kendrick.Fentress@duke-energy.com>, "Dodge, Tim R" <tim.dodge@psncuc.nc.gov>, "Rankin, Gisele" <gisele.rankin@psncuc.nc.gov>

Kendrick and Tim and Gisele,

Please find attached NCSEA's draft brief for the Duke REPS rider docket. Kendrick, I think we can remove the final argument if DEC can agree to refile its REPS compliance plan.

Please let me know if you have any questions or concerns.

Thanks,

Michael

--
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The NC Sustainable Energy Association works to ensure a sustainable future by promoting renewable energy and energy efficiency to the benefit of North Carolina through education, public policy and economic development.

Individual and business membership sign-up information is available on our website: www.energync.org.
Your support is appreciated.

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