

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. E-100, SUB 167

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	<b>MOTION TO CANCEL PUBLIC HEARING</b>
Biennial Determination of Avoided Cost	)	
Rates for Electric Utility Purchases from Qualifying Facilities – 2020	)	

NOW COMES THE PUBLIC STAFF – North Carolina Utilities Commission, by and through its Executive Director, Christopher J. Ayers, and respectfully requests that the Commission issue an order canceling the public witness hearing scheduled in the above-captioned docket on Tuesday, February 16, 2021.

In support of this motion, the Public Staff shows the following:

1. On August 13, 2020, in Docket E-100, Sub 167, the Commission issued an *Order Establishing Biennial Proceeding, Requiring Data, and Scheduling Public Hearing* (Scheduling Order) establishing a schedule for the 2020 biennial proceeding for determining each utility's avoided costs with respect to rates for purchases from qualifying facilities pursuant to the provisions of Section 210 of the Public Utility Regulatory Policies Act of 1978 (PURPA) and the Federal Energy Regulatory Commission (FERC) regulations implementing those provisions, and N.C. Gen. Stat. § 62-156. The Scheduling Order also scheduled a public hearing solely for the purpose of taking nonexpert public witness testimony to begin on Tuesday, February 16, 2021, at 9:30 a.m. The Scheduling Order further

stated that the Commission would issue an order in November 2020 setting forth the manner in which the hearing would be conducted and requiring the utilities to publish notice of the hearing.

2. On November 24, 2020, the Commission issued an *Order Confirming Public Hearing to Be Held Remotely and Requiring Public Notice* (Remote Hearing Order) confirming that the February 16, 2021, hearing for the purpose of receiving nonexpert public witness testimony would be held remotely via Webex. The Remote Hearing Order further required Duke Energy Carolinas, LLC (DEC), Duke Energy Progress, LLC (DEP), Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (DENC), Western Carolina University (WCU), and Appalachian State University, d/b/a New River Light and Power Company (New River) to publish, at their own expense, in newspapers having general circulation in their respective North Carolina service areas, a notice of public hearing once a week for two successive weeks, beginning with the week of January 6, 2021, and to submit Affidavits of Publication to the Commission no later than the date of the hearing.

3. The Remote Hearing Order further provided that:

Members of the public that would like to testify must register in advance of the hearing, no later than 5:00 p.m. on Tuesday, February 9, 2021, by contacting the Public Staff via email at [AvoidedCostPublicHearing@psncuc.nc.gov](mailto:AvoidedCostPublicHearing@psncuc.nc.gov) or by calling 866-380-9816. When registering, provide your name, docket number (E-100, Sub 167), telephone number, and the topic of your testimony. Only individuals registered with the Public Staff by 5:00 p.m. on Tuesday, February 9, 2021, will be allowed to testify at the public witness hearing;

Remote Hearing Order at 2.

4. As of the date of this filing, no member of the public has contacted the Public Staff by email or telephone requesting to testify at the public hearing. In addition, no members of the public have submitted comments or statements of position in this docket requesting the opportunity to testify at the public hearing.

5. The Public Staff has contacted counsel for the following parties to this proceeding: Carolina Industrial Groups for Fair Utility Rates (CIGFUR), Carolina Utility Customers Association, Inc. (CUCA); DEC and DEP; DENC; New River; the North Carolina Clean Energy Business Alliance (NCCEBA); the NC Small Hydro Group; the North Carolina Sustainable Energy Association (NCSEA); and the Southern Alliance for Clean Energy (SACE). No parties indicated that they objected to the cancellation of the public witness hearing.

**WHEREFORE**, the Public Staff respectfully requests that the Commission enter an order cancelling the public witness hearing scheduled to be held remotely via Webex on February 16, 2021; and for such further relief as the Commission may deem just and proper.

This the 10<sup>th</sup> day of February, 2021.

PUBLIC STAFF  
Christopher J. Ayers  
Executive Director

Dianna W. Downey  
Chief Counsel

Electronically submitted  
/s/ Tim R. Dodge  
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**CERTIFICATE OF SERVICE**

I certify that a copy of this Motion to Cancel Public Hearing has been served on all parties of record or their attorneys, or both, by United States mail, first class or better; by hand delivery; or by means of facsimile or electronic delivery upon agreement of the receiving party.

This the 10<sup>th</sup> day of February, 2021.

Electronically submitted  
/s/ Tim R. Dodge