

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1190

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Duke Energy Carolinas, LLC)
Pursuant to N.C.G.S. § 62-133.2 and Commission)
Rule R8-55 Relating to Fuel and Fuel-Related)
Charge Adjustments for Electric Utilities)

ORDER GRANTING
MOTION TO EXCUSE
WITNESSES

BY THE CHAIR: On February 26, 2019, Duke Energy Carolinas, LLC (DEC) filed an application for recovery of fuel costs in the above-captioned proceeding. DEC's application is supported by pre-filed testimony and exhibits of Kimberly D. McGee, Eric S. Grant, Regis T. Repko, Kevin Y. Houston, and Stephen D. Capps.

On March 8 and 18, 2019, the Commission issued Scheduling Orders that, among other things, established discovery guidelines and scheduled this matter for hearing on Tuesday, June 11, 2019.

On May 20, 2019, the Public Staff filed affidavits of Jay B. Lucas and Jenny X. Li.

On June 3, 2019, DEC filed a motion requesting that DEC's and the Public Staff's witnesses be excused from attending the hearing. In summary, DEC stated that it conferred with counsel for all parties to the docket and that all parties, except Sierra Club, have agreed to waive cross-examination of DEC's and the Public Staff's witnesses, and offer no objection to the introduction of the witnesses' testimony and exhibits into the record. DEC stated that Sierra Club does not object to excusing the Public Staff's witnesses, and does not object to excusing DEC's witnesses, except witness Grant. According to DEC, Sierra Club submitted data requests to DEC more than two weeks after the formal deadline established by the Commission's Scheduling Orders. DEC stated that in the interest of reaching consensus, it provided responses to Sierra Club's data requests on an informal basis, and that its responses were provided in advance of Sierra Club's requested due date. DEC stated that Sierra Club has indicated that it is not prepared to waive cross-examination of witness Grant until it has completed its review of DEC's data request responses. DEC objects to Sierra Club's refusal to consent to excusing witness Grant. DEC noted that the Commission's Scheduling Orders made clear that a party would not be granted an extension of time to pursue discovery where the party's delay in initiating discovery caused the need for an extension. Further, DEC contended that it would be inequitable to allow Sierra Club to delay the release of a witness in order to review discovery responses after Sierra Club failed to initiate discovery in a timely fashion. Finally, DEC requested, in the alternative, that if witness Grant is required to testify that the Commission limit cross-examination to issues relevant to the rate modifications proposed by DEC, and

not allow Sierra Club to circumvent the discovery guidelines established by the Scheduling Orders.

On June 6, 2019, Sierra Club filed a response to DEC's motion. In summary, Sierra Club stated that it has completed its review of DEC's responses to data requests. In addition, Sierra Club acknowledged that it previously conveyed to DEC that it does not object to excusing the Public Staff's witnesses, and does not object to excusing DEC's witnesses, except witness Grant. Further, Sierra Club stated that it has subsequently consulted with counsel for DEC and reached an agreement that DEC will not object to certain responses to data requests being introduced into evidence at the hearing. Sierra Club stated that with that agreement it does not object to DEC's motion for witness Grant to be excused from attending the hearing, and to have his testimony and exhibits introduced into the record.

Based on the foregoing and the record, the Chair finds good cause to excuse DEC witnesses Kimberly D. McGee, Eric S. Grant, Regis T. Repko, Kevin Y. Houston, and Stephen D. Capps, and Public Staff witnesses Jay B. Lucas and Jenny X. Li from attending the hearing on June 11, 2019, and to receive their testimony and exhibits into evidence at the hearing.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 7th day of June, 2019.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in blue ink, appearing to read "Janice H. Fulmore".

Janice H. Fulmore, Deputy Clerk