

**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

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-7, SUB 1213)
)
In the Matter of)
Petition of Duke Energy Carolinas, LLC, for)
Approval of Prepaid Advantage Program)
)
DOCKET NO. E-7, SUB 1214)
)
In the Matter of)
Application by Duke Energy Carolinas, LLC, for)
Adjustment of Rates and Charges Applicable to)
Electric Utility Service in)
North Carolina)
)
DOCKET NO. E-7, SUB 1187)
)
In the Matter of)
Application of Duke Energy Carolinas, LLC for)
an Accounting Order to Defer Incremental)
Storm Damage Expenses Incurred as a Result)
of Hurricanes Florence and Michael and Winter)
Storm Diego)
)
DOCKET NO. E-2, SUB 1219)
)
In the Matter of)
Application by Duke Energy Progress, LLC, for)
Adjustment of Rates and Charges Applicable to)
Electric Utility Service in)
North Carolina)

ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO
EXCUSE CIGFUR WITNESS
PHILLIPS FROM TESTIFYING AT
EXPERT WITNESS HEARINGS

BY THE COMMISSION: On July 9, 2020, the Commission issued an Order Accepting Recommended Consolidated Issues for Remote Expert Witness Hearing and Postponing Separate Issue Hearings (Consolidated Hearing Order). The Consolidated Hearing Order identified the topics to be addressed by expert witness testimony in the

consolidated hearing in the above-captioned dockets involving general rate case applications by Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP, collectively Duke). Further, the Consolidated Hearing Order confirmed that the consolidated hearing will be held remotely beginning on July 27, 2020, but postponed the previously scheduled separate hearings on DEC's and DEP's applications until a date certain to be set by subsequent order.

On July 20, 2020, Carolina Industrial Groups for Fair Utility Rates II and III (collectively CIGFUR) filed a Motion to Excuse CIGFUR Witness Phillips from Attending Evidentiary Hearing. In summary, CIGFUR stated that CIGFUR II and CIGFUR III have entered into Agreements of Settlement and Stipulation (Stipulations) with DEP and DEC, respectively, resolving the contested issues between CIGFUR and Duke. Further, CIGFUR stated that as part of the Stipulations CIGFUR and Duke agreed to waive cross-examination on each other's prefiled direct testimony, and agreed that such testimony may be entered into the record at the hearing without objection by CIGFUR or Duke. Finally, CIGFUR included a list of numerous parties who have stated to CIGFUR their affirmative consent to CIGFUR's motion, or affirmatively stated that they have no objection to CIGFUR's motion.

On July 23, 2020, CIGFUR filed an amendment to its motion. CIGFUR stated that it had consulted with all parties regarding its amended motion, and that each party to the above-captioned dockets has either confirmed it has no objection to the motion or has affirmatively waived the right to cross-examine CIGFUR witness Phillips, or both. In addition, CIGFUR clarified that it is requesting that witness Phillips be excused from testifying at the consolidated hearing and the separate DEC and DEP hearings.

Based on CIGFUR's motion and the records in these dockets, the Commission finds good cause to grant in part CIGFUR's motion by excusing witness Phillips from testifying at the consolidated expert witness hearing in these dockets to be held beginning July 27, 2020.

Further, the Commission finds good cause to deny that portion of CIGFUR's motion to excuse witness Phillips from testifying at the separate DEC and DEP expert witness hearings to be scheduled because the Commission anticipates having questions for witness Phillips on his testimony that pertains to the topics to be covered during the separate hearings.

IT IS, THEREFORE, ORDERED as follows:

1. That CIGFUR's motion to excuse witness Nicholas Phillips, Jr. shall be, and is hereby, granted in part by excusing witness Phillips from testifying at the consolidated expert witness hearing in these dockets to be held beginning July 27, 2020; and

2. That CIGFUR's motion to excuse witness Nicholas Phillips, Jr. shall be, and is hereby, denied in part by declining to excuse witness Phillips from testifying at the separate DEC and DEP expert witness hearings to be scheduled in these dockets.

ISSUED BY ORDER OF THE COMMISSION.

This the 23rd day of July, 2020.

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