

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. _____

In the Matter of:)) Joint Petition of Duke Energy Carolinas, LLC) and Duke Energy Progress, LLC to Request) the Commission to Hold a Joint Hearing with) the North Carolina Utilities Commission to) Develop Carbon Plan))	JOINT PETITION OF DUKE ENERGY CAROLINAS, LLC AND DUKE ENERGY PROGRESS, LLC
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Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (collectively, “Duke Energy” or the “Companies”), pursuant to S.C. Code Ann. §58-27-170 and S.C. Code Ann. Reg. §103-825 and other applicable Rules and Regulations of the Public Service Commission of South Carolina (the “Commission”), hereby petition the Commission to hold a joint proceeding with the North Carolina Utilities Commission (the “NCUC”) to develop the Carbon Plan required by N.C. Gen. Stat. §§ 62-2, 62-30, Part I of Session Law 2021-165 (“HB 951”).

Through this Petition, along with a companion petition being filed contemporaneously with the NCUC, Duke Energy is requesting the two State regulatory authorities that regulate DEC’s and DEP’s rates and service to undertake a coordinated joint proceeding in furtherance of the Companies’ continuing energy transition to reduce carbon emissions in the Carolinas, while maintaining reliability and affordable rates for customers. The enactment of HB 951 provides crucial policy direction through a carbon reduction framework that is consistent with the strategies and themes set forth in the Companies’ Integrated Resource Plan (“IRP”) filings in both North

Carolina and South Carolina. This transition process, oriented around least cost achievement of targeted carbon reductions while maintaining reliable service, is also consistent with efforts under way at other utilities across the country.

DEC and DEP operate integrated utility systems spanning both States and, for decades, Duke Energy's customers in both States have significantly benefited from sharing the costs of operating these integrated systems. However, the Commission and the NCUC independently oversee the Companies' long-term planning for new generation to meet their system-wide energy needs. The Companies are proposing the joint proceeding requested in this Petition in the interests of coordination and cooperation between the States in which they serve so that this Commission and other South Carolina stakeholders may participate in the important generation transition issues that will be addressed in the Carbon Plan. Simply put, both North Carolina and South Carolina stakeholders should have a "seat at the table" as decisions are made regarding the resources needed to meet Duke Energy's customers' energy needs for the next decade. The coordination requested herein will benefit customers and communities in both States and provide needed clarity to achieve a more well planned and efficient energy transition in the Carolinas.

Under HB 951, the NCUC must develop a Carbon Plan over the next year with Duke Energy and including stakeholder input that will establish a least cost path for transitioning the Companies' generation fleet to achieve new carbon emission reduction goals—70% by 2030 and net-zero by 2050. The adoption of a Carbon Plan as mandated by HB 951 also requires the NCUC and the Companies to ensure that generation and resource changes will maintain or improve upon the adequacy and reliability of the existing grid. Achieving these goals will require consideration of the timing of retirement of coal generation and determination of what resources will be chosen to replace that coal generation—issues of significant importance to both North Carolina and South

Carolina customers and stakeholders, as demonstrated in recent IRP proceedings in both States. Apart from HB 951, achieving this system transition is critically important for the Companies in order to: (1) provide our customers with both the cleaner energy and highly reliable service they demand; (2) ensure continued access to capital funding at reasonable rates; and (3) reduce reliance on coal generation which is increasingly subject to supply and price constraints.

The Companies submit that a well-planned and coordinated energy transition is of vital importance to their customers in both North Carolina and South Carolina. Duke Energy has contemporaneously presented this request to both this Commission and the NCUC in order to seek their coordination and cooperation to provide the Companies, stakeholders and customers with a least cost path towards transitioning the Duke Energy system through development of a Carbon Plan that will enable the Companies to continue to provide reliable, affordable and increasingly carbon-free electricity in both of the States that Duke Energy serves. The coordinated participation of this Commission in developing the Carbon Plan will also allow the Companies and the Commission to determine whether the resources selected as part of the Carbon Plan should be planned to serve South Carolina's future energy needs in addition to those of North Carolina. That way it will be clear whether the Companies' plans and associated costs for the transition to new cleaner generation developed in the Carbon Plan will be fully shared and embraced between the States. Absent clarity from both States, Duke Energy will be forced to evaluate decisions on planning and running the systems differently in the future, potentially serving North Carolina and South Carolina customers separately, which could be less efficient and more costly than today's operations. As described in more detail below, the Carbon Plan supported by both Commissions would inform future IRPs and continue to be reviewed in both States.

In support of this Petition, the Companies show the following:

1. DEC and DEP are engaged in the generation, transmission, distribution, and sale of electricity to the public for compensation. The Companies also sell electricity at wholesale to municipal, cooperative and investor-owned electric utilities and such wholesale sales are subject to the jurisdiction of the Federal Energy Regulatory Commission (“FERC”). DEC and DEP are public utilities under the laws of South Carolina and are subject to the jurisdiction of the Commission with respect to their operations in this State. The Companies are also authorized to transact business in the State of North Carolina, and each is a public utility under the laws of that State. Accordingly, their operations are also subject to the jurisdiction of the NCUC.

2. The general office of Duke Energy Carolinas, LLC is located at 526 South Church Street, Charlotte, North Carolina, and the mailing address is Post Office Box 1321 (DEC 45A), Charlotte, North Carolina 28201-1006. The general office of Duke Energy Progress, LLC is located at 410 South Wilmington Street, Raleigh, North Carolina, and the mailing address is Post Office Box 1551, Raleigh, North Carolina 27062-1551.

3. The attorneys for the Companies, to whom all notice and other communications with respect to this Petition should be sent, are:

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4. As explained in more detail below, the Companies are requesting that the utility regulatory commissions of North and South Carolina conduct a joint proceeding to consider generation planning and related issues that affect both States, resulting from the requirement in Part I of HB 951. HB 951 directs the NCUC to adopt a least cost Carbon Plan no later than December 31, 2022, with the electric public utilities, including stakeholder input, for the utilities to achieve the authorized reduction goals set forth in HB 951. In developing the Carbon Plan, HB 951 mandates that the NCUC must ensure any generation and resource changes maintain or improve upon the adequacy and reliability of the existing grid. The Commission and the NCUC both have significant interests in the Companies' continued least cost planning for generation and in overseeing the Companies' least cost path to achieving compliance with HB 951's authorized carbon reduction goals.

5. While DEC and DEP request that the Commission and NCUC hold a joint proceeding, they do not seek to have the two commissions issue joint orders ruling on the merits of the issues being presented. Instead, the Companies request the development of a joint record through joint hearings and the submission of testimony and exhibits, after which the NCUC must—by law—adopt a Carbon Plan on or before December 31, 2022. Recognizing that development of the least cost Carbon Plan will inform future resource planning in the Carolinas, the Companies believe the public interest would be served if this Commission participates in this initial proceeding to develop the Carbon Plan. After consideration of the record of the joint proceeding and the issuance by the NCUC of an order adopting the Carbon Plan, the Companies request that this Commission consider the joint record, the NCUC Order and the Carbon Plan, and that the Commission issue an order by January 31, 2023 requiring that the Carbon Plan be incorporated into DEC's and DEP's comprehensive future IRPs to be filed in this State and to confirm that the

Companies' plans and associated costs for the transition to be undertaken under the Carbon Plan will be fully shared and embraced between the States consistent with historic planning practices. Under the Companies' proposal those IRPs would be filed in both States in 2023.¹

6. The Companies believe that HB 951 provides a valuable framework for this energy transition for both States and the required regulatory oversight that will be required to effectuate it. HB 951 includes carbon emission reduction goals – 70% by 2030 and net-zero by 2050 - that are generally consistent with those of the Companies as reflected in the preferred scenarios included in the modified 2020 IRPs recently submitted to this Commission. The adoption of a Carbon Plan by the NCUC as mandated by HB 951 will require consideration of the timing for retirement of coal generation and the question of what resources will be chosen to replace that coal generation either to serve only North Carolina's future energy needs or to serve the Companies' systems as a whole. The Companies submit that those issues are of vital importance to their customers in South Carolina and that it is important that this Commission participate in the proceedings to adopt the Carbon Plan.

7. As explained in more detail below, DEC and DEP operate systems that extend across the two Carolinas making them subject to the dual jurisdiction of this Commission and the NCUC. The costs of operating these systems have historically been shared by customers in both States using fair, compatible and consistent allocation methods. That cost sharing arrangement has been beneficial to customers in both States and the Companies believe that it will continue to be beneficial as they move through the energy transition. Accordingly, the Companies are proposing

¹ Deferral of the Companies' next comprehensive IRPs to 2023 would comply with South Carolina's resource planning requirements under South Carolina Energy Freedom Act, Act 62 of 2019 ("Act 62"). *See* S.C. Code Ann. §58-37-40(A) (requiring the Companies to prepare and submit an IRP to the PSCSC at least every three years).

a joint proceeding as a way for this Commission to participate in the important issues that will be addressed in the Carbon Plan and to have a seat at the table as decisions are made on those issues.

Both the Commission and the NCUC Have the Statutory Authority to Participate in a Joint Proceeding

8. In this petition DEC and DEP request that the Commission exercise its authority pursuant to S.C. Code Ann. §58-27-170 which provides that: “[t]he commission may hold joint hearings and issue joint or concurrent orders in conjunction or concurrence with any official board or commission of any state or of the United States.” The Companies are filing a similar request with the NCUC. Exercise of the Commission’s authority furthers the State’s policy enacted in Act 62 of “address[ing] all renewable energy issues in a fair and balanced manner” *See* S.C. Code Ann. §58-41-05 and aligns with the Commission’s new expanded oversight of the Companies’ integrated resource planning to ensure that future IRPs represent the most reasonable and prudent means of meeting the energy and capacity needs of the Companies as of the time the plan is reviewed. *See* S.C. Code Ann. §58-37-40(C)(3).

9. The North Carolina Public Utilities Act establishes that is the policy of that State for the NCUC to ensure the “continued service of public utilities on a well-planned and coordinated basis that is consistent with the level of energy needed for the protection of public health and safety and for the promotion of the general welfare” and directs the Commission to “cooperate with other states and with the federal government in promoting and coordinating interstate and intrastate public utility service and reliability of public utility energy supply.” *See* N.C. Gen. Stat. §62-2(a)(6), (8). These policy objectives have been further informed by HB 951’s mandate to adopt a long-term least cost Carbon Plan for DEC and DEP and the NCUC has broad general power to carry out the laws of North Carolina regulating the operations of electric utilities. *See* N.C. Gen.

Stat. §62-30. It also has the authority to “...initiate or appear in such proceedings before federal and State courts and agencies as in its opinion may be necessary to secure for the users of public utility service in this state just and reasonable service and rates...” See N.C. Gen. Stat. §62-48. Whether it is just and reasonable for North Carolina to have a North Carolina-only Carbon Plan or a Carbon Plan applicable to both North Carolina and South Carolina, with generation and costs allocated between the two States, is an important consideration for both resource planning and in setting just and reasonable rates to be charged to the Companies’ Carolinas customers.

10. With respect to planning for future facilities, North Carolina’s Public Utilities Act also grants the NCUC explicit authority to work with regulators in other states:

The Commission shall develop, publicize, and keep current an analysis of the long-range needs for expansion of facilities for the generation of electricity in North Carolina, including its estimate of the probable future growth of the use of electricity, the probable needed generating reserves, the extent, size, mix and general location of generating plants and arrangements for pooling power to the extent not regulated by the Federal Energy Regulatory Commission and other arrangements with other utilities and energy suppliers to achieve maximum efficiencies for the benefit of the people of North Carolina, and shall consider such analysis in acting upon any petition by any utility for construction. *In developing such analysis, the Commission shall confer and consult with the public utilities in North Carolina, the utilities commissions or comparable agencies of neighboring states, the Federal Energy Regulatory Commission and other agencies having relevant information and may participate as it deems useful in any joint boards investigating generating plant sites or the probable need for future generating facilities.*

See N.C. Gen.Stat. §62-110.1(c) (emphasis added).

In sum, DEC and DEP believe that these provisions outlined above provide the commissions with the authority to participate in a joint hearing on the Carbon Plan and that such a joint proceeding will be in the public interest.

HB 951, the Carbon Plan and Its Effect on Future Resources

11. The statutory provisions cited above show that the General Assemblies of South Carolina and North Carolina have both recognized that there are circumstances that give rise to a need for coordination and cooperation among jurisdictions and that a joint proceeding is an appropriate way to achieve that coordination. The Companies submit that the adoption of HB 951 and its impact on the Companies' future resource planning gives rise to a compelling need for coordination and cooperation between the two States.

12. HB 951 requires the NCUC to develop, by December 2022, a least cost Carbon Plan designed to achieve reductions in CO₂ emissions from generation facilities owned or operated by DEC and DEP in North Carolina. The reduction goals are 70% of 2005 emissions by 2030 and carbon neutrality by 2050.² The legislation explicitly requires that the Carbon Plan be developed with the electric utilities and take into account "stakeholder input." It also requires the NCUC to develop the Carbon Plan to achieve these long-term carbon reduction goals using the "least cost path" and to comply with "current law and practice with respect to the least cost planning for generation[.]" To reach these statutory goals HB 951 requires the NCUC to:

[d]evelop a plan, no later than December 31, 2022, with the electric public utilities, including stakeholder input, for the utilities to achieve the authorized reduction goals, which may, at a minimum, consider power generation, transmission and distribution, grid modernization, storage, energy efficiency measures, demand-side management, and the latest technological breakthroughs to achieve the least cost path consistent with this section to achieve compliance with the authorized carbon reduction goals (the "Carbon Plan").

13. The issues to be addressed in the proceeding to consider and adopt the Carbon Plan overlap closely with issues that must be included in the Companies' IRPs filed in both States. DEC

² Under HB 951 the Carbon Plan will only apply to North Carolina electric utilities "serving at least 150,000 North Carolina retail jurisdictional customers as of January 1, 2021." No electric utility operating in North Carolina other than DEC and DEP meets that requirement. Accordingly, the Carbon Plan will only apply to DEC and DEP.

and DEP are currently participating in the first IRP proceedings (Dockets 2019-224-E and 2019-225-E) conducted by this Commission since the enactment of Act 62, which significantly restructured the Commission's oversight of the IRP process in South Carolina. As part of those proceedings DEC and DEP submitted modified 2020 IRPs on August 27, 2021 as required by the Commission in Order No. 2021-447. In that order the Commission required the Companies to select a preferred portfolio for its consideration as the Companies' most reasonable and prudent means of meeting DEC's and DEP's energy and capacity needs as of the time the plan is reviewed.³ The modified 2020 IRPs submitted by DEC and DEP (which remain under review by the Commission) selected preferred portfolios that are projected to produce a 66% reduction in carbon emissions by 2030.⁴ The 66% emissions reduction proposed by DEC and DEP in their 2020 modified IRPs is directionally comparable to the 70% reduction goal required by the North Carolina General Assembly under HB 951. That is, the emission reductions in the modified IRPs are similar to the emission reduction goals of HB 951 and, therefore, a joint proceeding between this Commission and the NCUC on the initial Carbon Plan will be beneficial to both states in reaching a coordinated and cooperative approach to resource planning.

The Benefits of Coordinated Resource Planning and System Allocation of Costs

14. For decades, DEC and DEP have provided reliable electric service to customers in North Carolina and South Carolina through a shared system and have fairly allocated the generation-related costs of providing that service among those customers. The Commission has

³ Order No. 2021-447, PSCSC Docket No. 2019-224-E, 2019-225-E at 11-12, (June 28, 2021) (explaining that “. . . Act 62 requires that the utility select a preferred resource portfolio in its IRP, and that the Commission must determine whether that chosen portfolio represents the most reasonable and prudent means of meeting the utility's resource needs as of the time the plan is reviewed.”)

⁴ DEC South Carolina 2020 Modified IRP, at 10 Dockets 2019-224-E (filed August 27, 2021) (Table 1-B identifies a 66% System CO₂ Reduction by 2030 for DEC's Preferred Portfolio C1); DEP South Carolina 2020 Modified IRP, at 10 Dockets 2019-224-E (filed August 27, 2021) (Table 1-B identifies a 66% System CO₂ Reduction by 2030 for DEP's Preferred Portfolio C1).

recently approved an allocation by DEC of those system costs of approximately 68% to North Carolina retail, 24% to South Carolina retail and 8% to wholesale customers and by DEP of approximately 61% to North Carolina retail, 10% to South Carolina retail and 29% to wholesale customers. Although there have been some generation-related costs through the years that have been directly assigned to one state or the other as state-specific costs, the majority of costs attributable to the production of electric power have been fully shared between the two States. This cost sharing has included fuel costs and the costs incurred in building and operating generating facilities. The NCUC has also regularly approved allocation of costs to both States and allowed system costs of South Carolina located generating units to be recovered from customers in North Carolina, including the costs of six of the Companies' eleven nuclear units.

15. A vital aspect to the long-term success of the cost allocation method used by the Companies and regularly approved by the two Commissions was that this Commission and the NCUC took a similar approach to resource planning. Historically, DEC and DEP submitted similar IRPs to both states outlining the same plans for projecting future loads and resource plans to serve that load. The Companies followed those IRPs in constructing new facilities to serve customers in both states.

16. Because the DEC and DEP utility systems currently operate in NC and SC with system costs being allocated between the states, both North Carolina and South Carolina have an interest in coordinating their approaches to utility planning to the extent possible. The HB 951 Carbon Plan and its emissions reductions goals will affect resource planning for DEC and DEP. If this Commission and the NCUC do not continue to be aligned with regard to resource planning, the cost allocation approach that has worked beneficially for customers in both states for many years will be at risk. If alignment cannot be achieved, then it is likely that the long-standing cost

allocation methods that have been used by both states for cost recovery will have to be changed, and such a shift could result in different - and more expensive - resource planning. Further, if South Carolina energy and capacity needs must be met by resources other than those selected in the Carbon Plan, then that could change the size, scope and resources selected for the Carbon Plan. For these reasons, DEC and DEP believe that a joint proceeding before the two commissions on the Carbon Plan would be in the interest of both States.

A Joint Proceeding Would Serve the Public Interest

17. As described above, there are compelling reasons why it serves the interests of both South Carolina and North Carolina for their utility commissions to coordinate and cooperate with regard to the utility resource planning issues raised by the HB 951 requirement that a long-term least cost Carbon Plan be adopted that will impose requirements on DEC and DEP. The mutual interest of the two states in the impact of adoption of the HB 951 Carbon Plan illustrates the wisdom of the General Assemblies of the two states in authorizing joint proceedings.

18. Clarity regarding the energy transition is also an important consideration for the Companies' debt and equity investors who increasingly are pursuing their own climate goals and are highly focused on the costs - and allocation of costs - associated with environmental externalities and climate risks. A well-planned and coordinated least cost approach to achieving HB 951's carbon reduction goals for the benefit of the Companies' Carolinas customers will best ensure the Companies' continued access to capital funding at reasonable rates. The Companies' investors understandably desire clarity that the Carbon Plan and broader energy transition now underway is supported by both States and that the resources being financed are being planned to serve both States.

19. HB 951 also requires the NCUC to include stakeholder input in reviewing and developing the Carbon Plan. The Commission and the Companies' South Carolina customers are vital stakeholders in the development and implementation of the Companies' Carbon Plan, as it will inform future resource planning across the DEC and DEP systems impacting customers in both States. The Companies also anticipate that many parties that have historically intervened in IRP and other proceedings in both jurisdictions, including Carolinas Clean Energy Business Association, Sierra Club, Southern Alliance for Clean Energy, Natural Resources Defense Council, and Vote Solar would also be interested stakeholders and will seek to participate in both the 2022 Carbon Plan proceeding as well as future IRP proceedings in both jurisdictions. A joint proceeding would create regulatory efficiencies for these parties, as well as allow the Office of Regulatory Staff and other South Carolina stakeholders to have an active voice in a North Carolina-South Carolina proceeding to assess the Companies' long-term least cost Carbon Plan that will inform future IRPs.

20. The Companies also believe that the benefits of a joint proceeding can be attained without any encroachment on the authority or jurisdiction of either Commission. The Companies propose that, following a joint hearing and the creation of a joint record sufficient to support the adoption of the Carbon Plan, that the NCUC independently carry out its statutory mandate to adopt the Carbon Plan and that this Commission then take action on the Companies' request that it require that the Carbon Plan be used in the preparation of the Companies' next comprehensive IRPs which DEC and DEP propose to file in September 2023, and to confirm that the Companies' plans and associated costs for the transition to be undertaken under the Carbon Plan will be fully shared and embraced between the States consistent with historic planning practices.

Request for Expedited Decision to Explore Joint Proceeding

21. HB 951 establishes a clear December 31, 2022 deadline for the NCUC to develop and approve a Carbon Plan designed to set the Companies on a path to achieve the authorized carbon reduction goals. While the NCUC has not yet issued a procedural order directing the Companies to file a proposed Carbon Plan by a specified date certain, the Companies are planning to commence stakeholder engagement to inform development of a Carbon Plan proposal in early 2022 and anticipate filing a Carbon Plan proposal by mid-year to allow for a robust stakeholder engagement process to inform the development of the proposed Carbon Plan. To move the Carbon Plan development forward, procedural certainty is needed in the next approximately 60 days regarding whether this Commission and the NCUC will undertake a joint proceeding in 2022 to facilitate coordinated system-wide development of the Carbon Plan. Accordingly, the Companies are proposing the following procedural schedule for expedited Commission exploration of undertaking a joint Carbon Plan proceeding with the NCUC.

- a. On or before November 17, 2021 this Commission would open a docket to explore a Joint Carbon Plan proceeding and would appoint staff members to address procedural and logistical issues relating to the joint proceeding.
- b. On or before December 3, 2021, the Companies, the Office of Regulatory Staff and other interested parties should file comments on the Joint Carbon Plan proceeding proposal. Comments should address procedural matters that would assist the Commission and the NCUC to make an informed determination regarding the timing, scope, and procedure for undertaking a joint Carbon Plan proceeding. The Companies are also filing in both North and South Carolina a procedural appendix to provide suggestions on how such a proceeding might be conducted. The

Commission should also allow reply comments on or before Friday, December 17, 2021.

- c. On or before January 10, 2022, both this Commission and the NCUC would issue orders determining whether they will exercise authority to participate in a joint proceeding. For this Commission, that would mean making a determination that it will exercise its authority pursuant to S.C. Code Ann. §58-27-170 to participate in a joint Carbon Plan hearing with the NCUC in 2022.
22. The Companies are prepared to work with the Commission staff, the Office of Regulatory Staff, the North Carolina Public Staff and any other stakeholders or intervenors to address any procedural or logistical issues that are identified informally or through formal comments. The Companies acknowledge that such issues will arise but believe that the benefits to be gained from a joint proceeding far outweigh any difficulty associated with those issues.

WHEREFORE, Duke Energy Carolinas, LLC and Duke Energy Progress, LLC request the following relief:

1. That the Commission issue an order establishing a docket for consideration of the Companies request for a joint hearing and direct public notice of the request via newspaper and electronic channels such as the Company's website.
2. That the Commission appoint staff members to address procedural and logistical issues relating to the joint proceeding and direct those staff members to initiate such procedural conversations with the NCUC staff.
3. That the Commission move forward to consider the request and any written comments submitted relating to it as quickly as possible given that time is of the essence.

4. That after consideration of the request and any comments the Commission issue an order approving the request for a joint proceeding contingent on similar approval by the NCUC.

Dated this 9th day of November, 2021.

s/Frank R. Ellerbe, III

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⁵ Camal Robinson, Deputy General Counsel, will seek leave to appear pro hac vice.

Appendix

Proposed Procedures for Joint NC/SC Proceeding

In order to facilitate consideration of the Petition, DEC and DEP provide the following proposed procedural guidelines for the proposed joint hearing between the NCUC and the PSCSC. The Companies welcome feedback on these issues and further believe that many of these issues would be best resolved by the staffs of the two Commissions.

- All intervenors should be parties to the NCUC proceeding but should also, if desired, separately seek intervention in the applicable PSCSC docket.
- All filings would be simultaneously made in both states. While this would be a slight additional burden on parties, filing in both states would enhance transparency and should make procedural coordination easier for the two commissions. Each commission would have its own docket, but all filings would be made in both. Filings would have both NCUC and PSCSC docket numbers.
- For pro hac vice purposes, the proceeding would be considered to be conducted in North Carolina and its rules relating to the admission of lawyers not admitted to practice in North Carolina would apply. Parties seeking formal intervention in the PSCSC companion dockets would need to follow South Carolina's pro hac vice rules and requirements.
- The NCUC Chair would preside at the hearing. The NCUC has a statutory mandate to adopt a Carbon Plan for DEC and DEP, and that requirement supports a primary role for the NCUC.
- Discovery procedures in the two states are similar. NCUC discovery deadlines are shorter and should be used given that the NCUC Chair would preside and the need to facilitate expedited activity to allow the NCUC to meet the December 2022 deadline for adoption of the Carbon Plan. ORS would retain its audit rights under S.C. Code Ann. § 58-4-55 for purpose of the companion PSCSC docket.
- If the Commissions direct a formal evidentiary hearing, we propose that the order of pre-filing testimony generally follow North Carolina practice of applicant direct testimony, intervenor and Public Staff direct testimony, and applicant rebuttal testimony. Presentation at hearing would be: direct testimony; cross-examination by all parties (with ORS and then Public Staff going last); re-direct by counsel for the party calling the witness; questions from NCUC members; questions from PSCSC members; re-direct on Commissioner questions.
- The hearing would be in person at the NCUC, and the PSCSC would participate virtually.
- The NCUC would certify the transcript as the formal record of the proceeding and transmit the record to the PSCSC for inclusion in the PSCSC proceeding docket.
- All South Carolina parties will have an opportunity to object to, or move to strike, evidence from the record of the PSCSC proceeding.

- Briefing on the issues to be decided by each Commission should be done separately based on the record created in the joint hearing (as potentially modified by the PSCSC for its own docket and record).