



ANDREW M. BATEMAN
Chief Legal Officer

Office of Regulatory Staff
1401 Main Street
Suite 900
Columbia, SC 29201
(803) 737-0800
ORS.SC.GOV

November 10, 2021

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire
Chief Clerk & Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

RE: 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
Docket No. 2021-349-E

Dear Ms. Boyd:

On November 9, 2021, Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (collectively referred to herein as the “Companies”), petitioned the Public Service Commission of South Carolina (“Commission”) to hold a joint proceeding with the North Carolina Utilities Commission (the “NCUC”) to develop the Carbon Plan required by North Carolina General Statute §§ 62-2, 62-30, Part I of Session Law 2021-165 (“HB 951”). The Companies request that the Commission and NCUC undertake a coordinated joint proceeding in furtherance of the Companies’ energy transition to reduce carbon emissions in the Carolinas required by North Carolina law. However, “[w]hile 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.”¹ The Companies request 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.**”² (emphasis added).

¹ Companies’ Petition, paragraph 5.

² Companies’ Petition, paragraph 20.

Letter – Jocelyn G. Boyd, Esquire
Page 2 of 2
November 10, 2021

Due to North Carolina law, the Companies are requesting expedited treatment from the South Carolina Commission.³ The Companies are requesting that this Commission open a docket on or before November 17, 2021, to explore a joint proceeding and that the South Carolina Office of Regulatory Staff (“ORS”) and other interested parties file comments on the Companies’ proceeding proposal by December 3, 2021.

ORS has serious concerns about the requested timeline proposed by the Companies. Moreover, ORS is also making other stakeholders aware of Duke’s filing and based on initial indications, other stakeholders agree that additional time is needed to review and comment on the Companies’ Petition given its significant and wide-ranging implications.

Accordingly, ORS would respectfully request that, should this Commission determine a docket should be opened on this matter, any comments regarding the Companies’ proceeding proposal be due, at the earliest, on December 20, 2021, rather than the Companies’ proposed date of December 3, 2021. ORS also respectfully requests that any reply comments be due, at the earliest, on January 10, 2022, and that the Commission issue its order determining whether it will participate in this requested joint proceeding no earlier than January 31, 2022. Given the implications of the Companies’ Petition, ORS would not object to a procedural schedule allowing a greater amount of time for parties to develop and submit comments should another affected party so request.

Sincerely,



Andrew M. Bateman

cc: All Parties of Record (via e-mail)
C. Jo Anne Wessinger Hill, Esquire (via e-mail)
David Butler, Esquire (via e-mail)

³ See Companies’ Petition, paragraph 21; *see also* the Companies’ request “[t]hat 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.” Companies’ Petition, p. 15.