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January 17, 2019

Via Electronic Filing

The Honorable Jocelyn Boyd
Chief Clerk/Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Notice of Generic Workshop on Filing Requirements for Integrated Resource Plans
Docket Nos. 2019-224-E; 2019-225-E; 2019-226-E; 2019-227-E

Dear Ms. Boyd,

We are writing in response to the January 14 letter from Duke Energy regarding its questions and concerns about the upcoming generic workshop on Integrated Resource Planning (IRP) filing requirements under Act 62. As an initial matter, it is unclear that this generic workshop raises ex parte concerns under S.C. Code § 58-3-260, as the workshop is open to the public and participation is not limited to past parties. But to the extent these concerns could arise, we do not believe that Duke's proposal to schedule a series of allowable ex parte briefings is the best solution. Instead, we reiterate our previous request—which Duke and other utilities opposed—that the Commission open a generic docket to resolve the common questions related to Act 62's IRP filing requirements upfront.

A party giving an allowable ex parte briefing is prohibited from requesting or suggesting that the Commission take any particular course of action. But the Commission's stated purpose in holding this generic workshop is to "hear from interested stakeholders regarding suggestions for filing requirements for Integrated Resource Plans under Act 62." Under Duke's proposal, the

parties—prohibited from suggesting any course of action to the Commission—would be unable to address any of the discrete issues associated with implementing the IRP directives of Act 62, and ultimately, the briefings would not serve their intended purpose. As we have argued before, the IRP provisions in Act 62 are not self-executing and the Commission will have to interpret what is ultimately required. IRPs are neither simple nor uncontentious, and a format that would allow all parties and the Commission to ask and respond to questions would better ensure that the purposes of Act 62 are being met.

A generic docket would meet these goals, eliminate any ex parte and procedural concerns, and prevent parties from re-litigating the same common issues in every IRP docket opened this year. If the Commission desires further input on what issues to consider in such a docket, a series of allowable ex parte briefings could potentially be useful for parties to share best practices and common issues in IRP dockets with the Commission. However, ultimately a generic docket would be the most efficient way to deal with the specific questions related to the implementation of Act 62.

We would also like to note that Dominion Energy South Carolina (DESC) is apparently planning to file its IRP in late February, even though no procedural schedule has been set and the Commission has yet to decide on what requirements apply. We are aware of no statutory provision requiring that DESC file its IRP *before* this Commission has issued clarifying guidance on what it expects from post-Energy Freedom Act IRPs. We suggest that the Commission order or request Dominion to delay its filing pending the resolution of these issues.

Finally, to the extent that Duke and DESC maintain to the PSC that no common issues arise across their IRPs, and intend to present allowable ex parte briefings on their respective, supposedly-completely unique IRPs, we suggest that the Commission require that the utilities

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make those presentations first and allow parties who intend to address both Duke *and* DESC IRPs to present the following day. Otherwise, parties such as ours will have to guess in advance whether Duke and DESC will address completely unique issues and perhaps have to make *separate* presentations regarding *each* utility – meaning the Commission, under the utilities' proposal, would need to schedule six or more separate allowable ex parte presentations. If non-utility parties were allowed to present after the utilities, on the other hand, the number of presentations could be substantially reduced.

Respectfully,

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CERTIFICATE OF SERVICE

I hereby certify that the parties listed below have been served via electronic mail and/or first class mail with a copy of the Response to the Duke Energy Progress Letter regarding IRP Filing Requirements filed on behalf of the South Carolina Coastal Conservation League, Southern Alliance for Clean Energy, and Upstate Forever.

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This 17th day of January, 2020

/s/ Emily Selden
Emily Selden

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