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**STATE OF NORTH CAROLINA**
**UTILITIES COMMISSION**
**RALEIGH**

DOCKET NO. E-2, SUB 1159
DOCKET NO. E-7, SUB 1156

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of

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| Joint Petition of Duke Energy Carolinas, LLC, | ) | ORDER DENYING JOINT |
| and Duke Energy Progress, LLC, for Approval | ) | MOTION, APPROVING |
| of Competitive Procurement of Renewable | ) | PRO FORMA PPA, AND |
| Energy Program | ) | PROVIDING OTHER RELIEF |

BY THE COMMISSION: On February 21, 2018, in the above-captioned proceedings, the Commission issued an Order Modifying and Approving Joint CPRE Program. That Order, among other things, approved, with modifications, the joint program proposed by Duke Energy Carolinas, LLC (DEC), and Duke Energy Progress, LLC (DEP) (together, Duke), for the competitive procurement of renewable energy (CPRE), as established by Part II of S.L. 2017-192 (codified at G.S. 62-110.8). In addition, in that Order the Commission approved the use of Duke's proposed pro forma purchase power agreement (PPA) in the Tranche 1 CPRE request for proposal (RFP) Solicitation, and directed Duke to continue its discussions regarding the provisions of the pro forma PPA with interested parties and the following parties to this proceeding: North Carolina Clean Energy Business Alliance (NCCEBA), North Carolina Sustainable Energy Association (NCSEA), and the Public Staff.

On May 11, 2018, pursuant to the requirements of Commission Rule R8-71(f) and in response to the Commission's February 21 Order, Duke filed a letter in this docket giving notice to the Commission that the Independent Administrator of the CPRE Program had posted to its website various documents and information that would be used in the Tranche 1 CPRE RFP Solicitation. Duke states that the documents and information posted to the Independent Administrator's website include a summary RFP document, reflecting modifications to comply with the Commission's February 21 Order, and a revised pro forma PPA, reflecting incorporation of revisions Duke deemed appropriate. Further, Duke states that it anticipates receiving additional market participant feedback on the terms and conditions of the pro forma CPRE PPA during the pre-solicitation process, and that the final version of the pro forma CPRE PPA would be filed with the Commission pursuant to Commission Rule R8-71(f)(1)(iii). In addition, Duke states that it plans to meet with the Public Staff and market participants to determine whether consensus can be reached on additional revisions to the pro forma CPRE PPA to be used in future tranches of CPRE RFP Solicitations and report the result of these discussions to the Commission through its September 2018 CPRE Program Plan filing. Finally, Duke states that it discussed this approach with the Public Staff and the Public Staff authorized Duke to represent that the Public Staff does not object to Duke's proposed approach.

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On May 25, 2018, NCCEBA and NCSEA filed a joint motion, requesting that the Commission (1) direct Duke and the Independent Administrator of the CPRE Program to remove from the Tranche 1 pro forma CPRE PPA the recently added terms and conditions related to energy storage requirements and protocols, (2) require Duke to file the final Tranche 1 pro forma CPRE PPA for Commission approval, with an opportunity for comment by the other parties to this proceeding, and (3) require Duke to file certain agreements, other than the PPA,[1] for Commission approval, with an opportunity for comment by the other parties to this proceeding. In support of their joint motion, NCCEBA and NCSEA cite the Commission's February 21 Order, noting that the Commission approved the use of the pro forma CPRE PPA for use in Tranche 1 based in part on Duke's representation that the terms and conditions contained therein were substantively the same as power purchase agreements that have been accepted in the context of negotiated contracts for sale of power to Duke by qualifying facilities (QFs). In addition, NCCEBA and NCSEA further note the Commission's direction to Duke to continue discussions regarding the terms and conditions of the pro forma CPRE PPA and the Commission's having afforded parties the opportunity to alert the Commission if those terms and conditions are a barrier to achieving the goals of the CPRE Program.

NCCEBA and NCSEA then argue that the inclusion of terms and conditions related to energy storage in the pro forma CPRE PPA without opportunity for review and input violates the requirements of the Commission's February 21 Order and the provisions of G.S. 62-110.8(b)(3), and are a barrier to achieve the goals of the CPRE Program. While NCCEBA and NCSEA expressed a preference not to delay the Tranche 1 CPRE RFP Solicitation, they also request that the Commission require a stakeholder process designed to reach consensus on these terms and conditions prior to July 10, 2018 (the date of the opening of the Tranche 1 CPRE RFP Solicitation), and, further request that, if consensus cannot be reached, the Commission require Duke to remove these terms and conditions from the pro forma CPRE PPA for Tranche 1. Finally, NCCEBA and NCSEA argue that the Self-developed and Asset Acquisition Contracts that Duke proposes to be used in the implementation of the CPRE Program should be required to be filed for Commission approval, with an opportunity for review and input by the other parties.

On June 7, 2018, Duke filed a response to NCCEBA and NCSEA's joint motion, requesting that the Commission deny the requests included in the joint motion. Duke first argues that the Commission should deny NCCEBA and NCSEA's request for a stakeholder process because the pre-issuance information sharing process established in Commission Rule R8-71(f)(1) is currently underway, and because NCCEBA and NCSEA did not identify any compelling reasons why that process does not provide a reasonable procedure for providing feedback on the terms and conditions contained in the pro forma CPRE PPA. Duke further argues that its revisions to the pro forma CPRE PPA include changes requested by NCCEBA and NCSEA in their previous filings in this proceeding, that the provisions related to energy storage apply only if the market

[1] The other agreements that NCCEBA and NCSEA objects to are contracts that Duke proposes to use in the execution of two proposal types: Utility Self-developed Facilities and Asset Acquisition proposals. The contracts are a (1) Build Transfer Agreement, (2) an Engineering, Procurement and Construction Agreement, and (3) an Asset Purchase Agreement (collectively, Self-developed and Asset Acquisition Contracts).

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participant elects to offer a storage component of its renewable energy facility, and that these provisions were added at the suggestion of the Independent Administrator, who related to Duke a growing prevalence of proposals received in other states that incorporate energy storage components. In addition, Duke disagrees with NCCEBA and NCSEA that the provisions related to storage are a barrier to achieving the goals of the CPRE Program. Finally, with regard to the additional contracts, Duke argues that NCCEBA and NCSEA's "unsupported allegations" are an attempt to re-litigate issues resolved in the Commission's February 21 Order, that these agreements are beyond the scope of G.S. 62-110.8(b)(3) and the filing requirements of Commission Rule R8-71(c), and, in any event, the pre-solicitation information sharing provides a reasonable opportunity for review of these agreements and market participants may elect to submit a PPA proposal rather than a proposal under the asset acquisition options.

On June 8, 2018, Duke filed a letter requesting Commission approval of the final version of the pro forma CPRE PPA for use in the Tranche 1 CPRE RFP Solicitation, which is attached as Attachment A (the pro forma PPA is proposed to be used by both DEC and DEP in implementation of Duke's joint CPRE Program, and identifies certain provisions unique to each utility). In support of its request, Duke provides an update on the pre-issuance process conducted by the Independent Administrator in compliance with Commission Rule R8-71(f)(1). As described by Duke, this process included, among other actions, publishing the pro forma PPA on the Independent Administrator's website, hosting a webinar in which approximately 100 individuals participated, and providing responses to over 40 questions from market participants. As a result of this process, and in response to issues raised in this proceeding, Duke states that it accepted approximately 100 edits and modifications to the pro forma PPA, and that the "vast majority" of these changes were either requested by NCCEBA and NCSEA or related to energy storage with renewable generating resources. In summary, Duke argues that its conduct in the pre-solicitation process complies with the Commission's February 21 Order and Commission Rule R8-71(f)(1), and meets the requirement of G.S. 62-110.8(b)(3) to inform market participants of the terms and conditions of participation in the CPRE Program. Finally, Duke again states that it plans to meet with the Public Staff and market participants to determine whether consensus can be reached on additional revisions to the pro forma CPRE PPA, and to report to the Commission on the results of those meetings through its September 2018 CPRE Program Plan filing.

On June 22, 2018, the Public Staff filed comments in response to NCSEA and NCCEBA's joint motion. The Public Staff states that it has reviewed the joint motion and Duke's response. The Public Staff first agrees with Duke that G.S. 62-110.8(b)(3) requires a review of only the pro forma PPA, and not the Self-developed and Asset Acquisition Contracts. The Public Staff next agrees with Duke that requiring a stakeholder process, as NCSEA and NCCEBA have requested, would unduly delay the entire CPRE Program; however, the Public Staff also agrees with NCSEA and NCCEBA that the provisions related to energy storage that are included in the revised pro forma PPA received limited input form interested parties. In addition, the Public Staff argues that the development of energy storage resources is in the public's interest and in Duke's interest, as energy storage can be used in operational management of the electric system, thereby reducing costs. The Public Staff also notes that other competitive solicitations around the country

have indicated that energy storage combined with distributed generation is becoming increasingly cost-competitive.

The Public Staff then states that it believes that increased opportunities for input and participation by market participants focused on energy storage should be implemented prior to the issuance of the Tranche 2 CPRE RFP Solicitation. Based on that belief, the Public Staff recommends that this input and participation should be accomplished through a Commission-directed technical conference or a separate stakeholder process and should focus on (1) creating a set of energy storage protocols that clearly set operational limits for energy storage to ensure safe and reliable integration with the grid; (2) creating an evaluation framework for projects with energy storage that identifies and implements appropriate price signals for the services provided by energy storage; and (3) a discussion of the costs, benefits, and mechanism of conferring onto Duke the right to control and dispatch energy storage solutions as if they were their own, as provided in G.S. 6-110.8(b). The Public Staff further recommends that any process directed by the Commission be limited to developing an energy storage protocol to be used in the Tranche 2 CPRE RFP Solicitation and that strict timelines be established at the outset of the process. Finally, the Public Staff states that it will continue to work with the parties to develop an energy storage protocol, and further recommends that a neutral third party be enlisted to act as moderator of any stakeholder or technical conference process and that the participants consider the evaluation of an energy storage study required by Section 12 of S.L. 2017-192.

The Commission has carefully reviewed and considered the revised pro forma PPA that Duke filed in this proceeding, Duke's arguments in support of approval of the revisions to the pro forma PPA, the parties' arguments raised in their respective filings, and the entire record in this proceeding. Based upon that review and consideration, and for the reasons explained in the following discussion, the Commission concludes that (1) NCCEBA and NCSEA's joint motion should be denied, (2) the revised pro forma PPA should be approved for use in the Tranche 1 CPRE RFP Solicitation, and (3) additional reporting requirements and adjustments to the planned CPRE RFP Solicitation Schedule included in Duke's Initial CPRE Program Plan are appropriate to facilitate the Commission's oversight of the CPRE Program.

First, the Commission is not persuaded by NCCEBA and NCSEA's arguments that Duke has violated the provisions of G.S. 62-110.8 or Commission Rule R8-71 by adding to the pro forma CPRE PPA provisions related to energy storage at this stage in the CPRE Program. Pursuant to G.S. 62-110.8(b)(3), 30 days prior to the opening of the Tranche 1 CPRE RFP, Duke "shall submit to the Commission for approval and make publicly available" a pro forma contract that is proposed for use in the CPRE Program. The purpose of this advance publication requirement is to inform market participants of the terms and conditions of the competitive procurement in each RFP Solicitation. G.S. 62-110.8(b)(3). The Commission adopted Commission Rule R8-71(f)(1) to implement this section by providing a more detailed schedule of publications, disclosures, and filings. As provided in Commission Rule R8-71(f)(1) and in the Commission's February 21 Order, Duke and the Independent Administrator were authorized or required to continue discussions with the parties to this proceeding and with market participants



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regarding the provisions of the pro forma PPA. This necessarily implies that some changes to the provisions of the pro forma PPA would be discussed, proposed, and/or implemented.

Duke states in several of its filings in this proceeding that July 10, 2018 is the target date for the opening of the Tranche 1 CPRE RFP Solicitation. Duke further states, in its June 7 filing, that it added the energy storage provisions at the suggestion of the Independent Administrator and that it accepted a number of revisions based on comments received from the market participants. In addition, Duke states, in its June 8 filing, that it and the Independent Administrator will continue to complete the actions required by Commission Rule R8-71(f)(1) prior to the July 10 opening of the Tranche 1 CPRE RFP Solicitation. NCCEBA and NCSEA's basic objection is that the addition of these provisions does not allow sufficient time for review and comment, or for Commission consideration and approval. As a procedural matter, and as a matter of compliance with the 30-day deadline in G.S. 62-110.8(b)(3) and the deadlines in Commission Rule R8-71(f)(1), the Commission cannot find any violation of these requirements where, by design, the terms and conditions of the pro forma PPA might change based on feedback provided during the pre-solicitation process[2] and where Duke met the statutory 30-day deadline for the filing of the pro forma PPA. In addition, the record in these proceedings demonstrates that Duke is otherwise participating with the Independent Administrator's activities leading up to the opening of the Tranche 1 CPRE RFP Solicitation. Moreover, as Duke states in its May 11 filing in this proceeding, the Public Staff has been apprised of Duke's approach and the Public Staff did not, and has not, raised an objection. The Commission, therefore, determines that Duke has complied with the pre-solicitation filing and information sharing requirements of G.S. 62-110.8 and Commission Rule R8-71(f)(1). Thus, the Commission concludes that there is insufficient cause to grant NCCEBA and NCSEA's requested relief on the basis of a failure to comply with the procedural and filing requirements applicable to the pre-solicitation process.

Second, the Commission is not persuaded that the substance of the revisions to the pro forma PPA are such a drastic change as to alter the fundamental terms and conditions of the Tranche 1 CPRE RFP Solicitation. The Commission reviewed the revisions to the pro forma PPA (an attachment to Duke's June 8 filing) with an openness to the argument that the changes are "sweeping and problematic," as NCCEBA and NCSEA argue. While the Commission agrees with NCCEBA and NCSEA that the Commission initially approved the pro forma PPA based on Duke's representation that the pro forma PPA is similar to contracts that have been accepted in negotiations with owners of QFs, the Commission is not persuaded that the addition of these terms is a "clear violation" of G.S. 62-110.8(b)(3) and the Commission's February 21 Order, as NCCEBA and NCSEA argue. The Commission finds persuasive Duke's arguments that

[2] In the Commission's Order adopting Commission Rule R8-71, with regard to the pro forma PPA, the Commission required Duke to include the pro forma PPA as part of its initial CPRE Program guidelines and stated that "to the extent that Duke anticipates a need to revise its pro forma contracts after submission as part of the CPRE Program guidelines, it should alert the Commission, the Public Staff, and market participants" at the time the CPRE Program guidelines are filed with the Commission. Order Adopting and Amending Rules, at p. 14-15, Docket No. E-100, Sub 150 (issued Nov. 6, 2017). In compliance with that direction, Duke included such a statement in its petition for approval of the CPRE Program filed in these dockets.

the provisions related to energy storage only apply if a market participant elects to include a storage component in its renewable energy facility proposal. The Commission agrees with Duke that the provisions related to energy storage do not in any way limit the ability of a market participant to offer renewable generation proposals without a storage component. Therefore, the Commission concludes that these arguments are also an insufficient basis on which to grant NCCEBA and NCSEA's requested relief.

Third, the Commission is not persuaded by NCCEBA and NCSEA's argument that the addition of energy storage provisions to the pro forma PPA is a barrier to achieving the goals of the CPRE Program. In raising this objection, NCCEBA and NCSEA cite to the Commission's February 21 Order where, in approving the pro forma PPA for use in Tranche 1 CPRE RFP Solicitation, the Commission stated that it would "continue to monitor developments and expects the parties to alert the Commission if the terms and conditions of the pro forma PPA are a barrier to achieving the goals of the CPRE Program." Within the context of the Commission's discussion of the pro forma PPA in that Order, the Commission's primary concern was practical considerations related to the timing of the opening of the Tranche 1 CPRE RFP Solicitation. In this regard, the Commission intended to recognize that the taking of further evidence as to the reasonableness of the provisions of the pro forma PPA, or holding oral arguments regarding the provisions of the pro forma PPA, was impractical without disrupting the CPRE Program timeline. Further, the Commission was cognizant that the time required to develop an evidentiary record would itself substantially delay the first RFP Solicitation and potentially jeopardize the achievement of the total 2,660 MW required to be procured through the CPRE Program's initial 45 months. Finally, the Commission intended to recognize that the results of the first RFP Solicitation would provide evidence as to whether one or more provisions of the pro forma PPA were rejected by market participants on such a scale as to jeopardize achievement of the total procurement obligation within that initial 45-month time period. Consistent with the conclusion reached in the Commission's February 21 Order, at this stage in the CPRE Program the Commission is not persuaded that the energy storage provisions added to the pro forma PPA presents a barrier to achievement of the goals of the CPRE Program. Further, the Commission agrees with Duke and the Public Staff that the stakeholder process requested by NCCEBA and NCSEA would unduly delay the entire CPRE Program. In short, the Commission remains willing to gather further information based on the results of the Tranche 1 CPRE RFP Solicitation. Therefore, the Commission concludes that this argument is also an insufficient basis on which to grant NCCEBA and NCSEA's requested relief.

Fourth, with regard to the Self-developed and Asset Acquisition Contracts, the Commission agrees with Duke and the Public Staff that these contracts are beyond the express scope of G.S. 62-110.8(b)(3). For the same reasons that Duke and the Public Staff articulated in their filings, the Commission concludes that, for the purposes of G.S. 62-110.8(b)(3), the "pro forma contract" that Duke is required to submit for Commission approval and make publicly available at least 30 days prior to each competitive procurement solicitation is the contract for the sale of the electric output from a renewable energy facility that is the subject of a proposal submitted in a CPRE RFP Solicitation, i.e., the pro forma CPRE PPA that Duke filed as Attachment A to its June 8



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filing. The Commission also agrees with Duke's argument that the pre-solicitation information sharing process administered by the Independent Administrator provides a reasonable opportunity to review and provide feedback on the Self-developed and Asset Acquisition Contracts, and that market participants that find the Self-developed and Asset Acquisition Contracts unworkable retain the option of submitting a proposal under the PPA option.

Finally, the Commission determines that additional reporting requirements and consideration of adjustments to the schedule of RFP Solicitations are appropriate to facilitate the Commission's oversight of the CPRE Program with regard to the reasonableness of the terms and conditions of the pro forma CPRE PPA. NCCEBA and NCSEA's objections to the pro forma CPRE PPA focused the Commission's attention on the timing of the CPRE Program filings in relation to the conclusion of Tranche 1 CPRE RFP Solicitation. Further, the Public Staff's comments have persuaded the Commission that more active oversight of the CPRE Program is justified. As discussed above, in issuing its February 21 Order, the Commission intended to rely on the results of the Tranche 1 CPRE RFP Solicitation as evidence of whether the terms and conditions included in the pro forma CPRE PPA were accepted by market participants, and to obtain additional information through Duke's filing of the Program Plan as required pursuant to Commission Rule R8-71(g) and Duke's filing of the Program Compliance Reports pursuant to Commission Rule R8-71(h). NCCEBA and NCSEA's objections, and the delay in the Tranche 1 CPRE RFP Solicitation that occurred after the Commission issued its February 21 Order, highlight a challenge for the Commission in administering oversight of the CPRE Program: the Tranche 1 CPRE RFP Solicitation will not be complete prior to the September 1 filing of Duke's CPRE Program Plan, nor will it be complete prior to the scheduled opening of the Tranche 2 CPRE RFP Solicitation, and, finally, the Tranche 2 CPRE RFP Solicitation will likely open prior to either DEC or DEP filing their first CPRE Program Reports.[3] Recognition of this challenge of timing is largely consistent with the Public Staff's belief that increased opportunities for input and participation focused on energy storage protocols should be implemented prior to the opening of the Tranche 2 CRPE RFP Solicitation. Having recognized this challenge, and continuing to view the results of the Tranche 1 CPRE RFP Solicitation as an important opportunity to adjust the features of the CPRE Program, including the terms and conditions of the pro forma

[3] In its Initial CPRE Program Plan, Duke proposed opening the Tranche 1 CPRE RFP Solicitation in May 2018, and proposed opening the Tranche 2 CPRE RFP Solicitation in February 2018. Subsequently, Duke gave notice by filings in this docket that the opening of the Tranche 1 CPRE RFP Solicitation had been delayed, and is now set for July 10, 2018. Although Duke has not indicated its intent to make a commensurate extension in the bid evaluation or contracting periods for Tranche 1, the Commission assumes that those timeframes would be extended. Similarly, while Duke has not expressed to the Commission any forecasted delay in the opening of the Tranche 2 CPRE RFP Solicitation, given the proposed timeline, the challenge of incorporating "lessons learned" from the Tranche 1 CPRE RFP Solicitation remains. Finally, the Commission's first potential opportunity to consider a CPRE Program Report that incorporates the results of the Tranche 1 CPRE RFP Solicitation will be when DEC makes its annual rider filings on or about March 6, 2019-90 days prior to the public hearing scheduled for the first Tuesday in June. See Commission Rule R8-71(h) and Rule R8-55(b). This filing requirement also may come too late to be of value in adjusting the CPRE Program, especially if further delays are experienced during the Tranche 1 CPRE RFP Solicitation.

CPRE PPA, if needed, the Commission determines that an additional reporting requirement is appropriate.

Therefore, the Commission will require Duke to file in these dockets an additional report on the results of the Tranche 1 CPRE RFP Solicitation, no later than 10 days after the conclusion of the contracting period for the Tranche 1 CPRE RFP Solicitation.[4] This report shall incorporate the statements required by Commission Rule R8-71(f)(3)(v) and provide a comparison of the proposals selected and the proposals that resulted in contracts actually being executed. In addition, the report shall list each market participant who sponsored a winning proposal, but did not execute a contract with Duke, and provide all information available to Duke and the Independent Administrator that reflects the reasons for the market participant failing to execute the contract. Duke shall work with the Independent Administrator to produce this report within the construct of the Evaluation Team framework so that confidentiality of market participants is maintained, where applicable. Further, in that report, Duke shall also address whether the timing of the Tranche 2 CPRE RFP Solicitation, and subsequent tranches, should be adjusted to facilitate the Commission's consideration of the contents of the report prior to the 30-day deadline for the filing the pro forma CPRE PPA preceding the Tranche 2 CPRE RFP Solicitation.

While the Commission finds the Public Staff's recommendations for increased participation in the discussion of energy storage provisions to be quite helpful, the Commission is not persuaded that a third-party moderated technical conference or separate stakeholder process is the appropriate approach. The Commission notes that, pursuant to the directive in the Commission's February 21 Order, Duke continues to be obligated to continue its discussions with NCCEBA, NCSEA, the Public Staff, and other interested parties regarding potential revisions to the pro forma PPA or limited opportunity for negotiations on terms and conditions. The Commission continues to find this approach to be appropriate at this time. With the additional report required pursuant to this order, the expectation that all parties will participate in those discussions in good faith, and the opportunity to make adjustments in the schedule of future RFP Solicitations, the Commission anticipates receipt of sufficient information to determine whether the

[4] The Commission emphasizes again that the timing of this report is critical and encourages Duke to file this report as early as possible, potentially even before the conclusion of the contracting period if sufficient information is available at that time. The Commission determines that this requirement is workable based on Duke's representations that "it is expected that PPA proposals will be executed within the first 30 days of the contracting period, and that Asset Acquisition proposals could take up to 90 days." Initial CPRE Program Plan, at p. 5, Docket Nos. E-2, Sub 1159 and E-7, Sub 1156, Attachment 3, Petition for Approval of Competitive Procurement of Renewable Energy Program to Implement G.S. 62-110.8 (filed Nov. 27, 2017). The Commission continues to expect Duke to move as expeditiously as possible to execute contracts with facility owners that submitted proposals selected through the RFP Solicitation. Order Modifying and Approving Joint CPRE Program, at p. 17, Docket Nos. E-2, Sub 1159, and E-7, Sub 1156 (issued Feb. 21, 2018).



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pro forma PPA is being accepted by market participants with sufficient time to make any needed adjustments in the CPRE Program.

In summary, for the foregoing reasons, the Commission concludes that (1) NCCEBA and NCSEA's joint motion should be denied, (2) the revised pro forma PPA should be approved for use in the Tranche 1 CPRE RFP Solicitation, and (3) additional reporting requirements and adjustments to the planned CPRE RFP Solicitation Schedule that is a part of Duke's Initial CPRE Program Plan are appropriate to facilitate the Commission's oversight of the CPRE Program. The Commission, therefore, will direct Duke to proceed to the Tranche 1 CPRE RFP Solicitation and will require Duke to file an additional report on the results of the Tranche 1 CPRE RFP Solicitation, consistent with the discussion in this order.

IT IS, THEREFORE, ORDERED as follows:

1. That NCCEBA and NCSEA's joint motion shall be, and is hereby, denied;

2. That Duke's submission of the revised pro forma CPRE PPA pursuant to G.S. 62-110.8(b)(3) shall be, and is hereby, accepted;

3. That Duke's proposed pro forma CPRE PPA filed in these dockets on Jun 8, 2018, shall be, and is hereby, approved for use in the Tranche 1 CPRE RFP Solicitation; and

4. That, within 10 days of the close of the Tranche 1 CPRE RFP Solicitation, Duke shall file the additional report described in and required by this order, including addressing whether the timing of the opening of the Tranche 2 CPRE RFP Solicitation and of the subsequent tranches should be adjusted.

ISSUED BY ORDER OF THE COMMISSION.

This the 25th day of June, 2018.

NORTH CAROLINA UTILITIES COMMISSION

M. Lynn Jarvis, Chief Clerk

Commissioner Charlotte A. Mitchell did not participate in this decision.



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