ROBINSON GRAY
Litigation + Business

FRANK R. ELLERBE, III
DIRECT 803 227.1112 DIRECT FAX 803 744.1556
fellerbe@robinsongray.com

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April 8, 2019

VIA ELECTRONIC FILING

Comer H. "Randy" Randall, Chairman
South Carolina Public Service Commission
Synergy Business Park, The Saluda Building
101 Executive Center Drive
Columbia, SC 29210

RE: Application of Duke Energy Carolinas, LLC for Adjustments in Electric Rate Schedules and Tariffs and Request for Accounting Order
Docket No.: 2018-319-E.

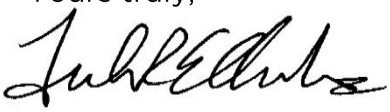
Dear Chairman Randall:

I am writing to respond to the April 5, 2019 letter of Jeff Nelson of the Office of Regulatory Staff ("ORS") regarding late-filed Exhibit 56 filed by Duke Energy Carolinas, LLC ("DEC"). Exhibit 56 was submitted by DEC in response to requests from Commissioner Ervin during the evidentiary hearing in this docket and it should be admitted into the record of this proceeding.

The South Carolina Supreme Court has held that the Commission has an obligation to allow a utility an opportunity to respond to information requested by the Commission during a hearing. See *Utilities Services v. South Carolina Office of Regulatory Staff,* 392 S.C. 96, 708 S.E.2d 755 (2011). The opportunity for DEC to respond is critical in this case because the information requested at the hearing was not requested by the ORS during discovery. During the testimony of ORS witness Hamm, in response to cross-examination and questions from Commissioners, he described information that he thought should be provided that had not previously been requested by the ORS. See Exhibits 47 and 49 (the written requests by ORS for information about coal ash litigation expenses). It was following the testimony of ORS witness Hamm and testimony of DEC witness Smith that Commissioner Ervin requested the late-filed exhibit. See Transcript at pp. 2002-2005; 2076-2077 (Vol. VIII). Under these circumstances, the *Utilities Services* case holds that it is both appropriate for the Commission to request additional information and to admit that information into the record of the proceeding. The ORS objection to the admissibility of Exhibit 56 should be denied.

In addition to objecting to the admissibility of Exhibit 56, Mr. Nelson's letter makes arguments about the substance of the information in the exhibit. Those arguments go to the weight and not the admissibility of Exhibit 56, and DEC has no objection to ORS advancing arguments about the weight of Exhibit 56 in its brief or proposed order.

Yours truly,



Frank R. Ellerbe, III

FRE:tch

cc: Parties of Record (via email)
Heather Shirley Smith, Deputy General Counsel (via email)

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