



The Supreme Court of South Carolina

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Re: Duke Energy Carolinas, LLC v. Office of Regulatory Staff
Appellate Case No. 2019-001900

AND

Duke Energy Progress, LLC v. Office of Regulatory Staff
Appellate Case No. 2019-001904

Dear Counsel and Party:

These cases have been consolidated for the purpose of oral argument. Oral argument will commence at 10:30 a.m. on Wednesday, May 26, 2021. The arguments will be divided into two parts.

In the first part, the Court will consider the contentions of Duke Energy Progress and Duke Energy Carolinas that the Public Service Commission incorrectly denied them (1) environmental compliance costs associated with North Carolina law, (2) litigation costs incurred in defending themselves from various lawsuits, and (3) a rate of return on specified deferred costs. The following argument times have been allocated:

Duke Energy Progress and Duke Energy Carolinas:	30 minutes
Office Regulatory Staff: ¹	30 minutes
Duke Energy Progress and Duke Energy Carolinas in reply:	10 minutes

In the second part, the Court will consider the South Carolina Energy Users Committee's contention that the Public Service Commission erred in awarding Duke Energy Carolinas preconstruction costs associated with a now-abandoned nuclear project. The following argument times have been allocated:

Energy User's Committee:	10 minutes
Duke Energy Carolinas:	10 minutes
Energy User's Committee in reply:	5 minutes

Unfortunately, COVID-19 still poses a danger, and the arguments in this case will be subject to the following:

(1) The parties who are arguing may have two counsel present for the arguments. Further, if multiple parties are represented by the same lawyers, only two of those lawyers may be present for the arguments. Therefore, I am expecting, at a maximum, the following number of lawyers to be allowed into the Supreme Court Building for these arguments:

Duke Energy Progress and Duke Energy Carolinas:	2 lawyers
Office Regulatory Staff:	2 lawyers
Energy User's Committee:	<u>2 lawyers</u>
Total:	6 lawyers

¹ While the Office of Regulatory Staff filed a cross appeal, it has not filed an appellant's brief. Therefore, the case title in Appellate Court Case Number 2019-001904 has been amended to reflect that the Office of Regulatory Staff is no longer a cross-appellant.

I ask that each party provide the names of the lawyer(s) who will present in the Supreme Court Building on that party's behalf. This information should be provided by e-mail suptfilings@sccourts.org by Thursday, May 20, 2021.

(2) All other lawyers in this case and the parties may view the proceeding on the Supreme Court Video Portal at <https://www.sccourts.org/SCvideo>. In addition to live streaming, a recording of the arguments will be posted to the Video Portal on the afternoon following the arguments.

(3) The lawyers who will be entering the Supreme Court Building will be allowed to enter the Building no earlier than 10 minutes prior to the start of the arguments. Please plan your arrival time accordingly.

(4) A mask must be worn at all times while in the Supreme Court Building and grounds, including the front portico and the parking lot. The mask may only be removed while a lawyer is actually presenting his or her argument to the Court. Further, social distancing of at least 6 feet must be maintained at all times while in the Supreme Court Building and grounds, including the front portico and the parking lot.

(5) Depending on number of lawyers who will be present, seating may be assigned.

(6) Prior to your entry to the Supreme Court Building, the Courtroom and the Lobby, including its restrooms, will be sanitized. Further, the podium area will be sanitized between the arguments by each lawyer. Therefore, you should expect some delay between the arguments of each lawyer. Please do not come forward to the podium until sanitizing is completed and you are directed to come forward. You may remove your mask to make the argument. When you complete your argument, please put on your mask before return to your seat.

(7) You will be issued a bottle of hand sanitizer. I ask that you use this immediately prior to coming forward to the podium, or prior to going to, or upon returning from, the restrooms. This will help minimize the risk of contamination of the podium area or the restrooms.

(8) Upon the conclusion of the oral arguments, I ask that you exit the Courtroom in a manner that maintains appropriate social distancing. Please do not gather to talk until you exit the Building and the front portico.

I look forward to seeing the lawyers who will be arguing this case. I deeply regret that the COVID-19 pandemic continues to impact our ability to conduct oral arguments without restrictions, and I can assure you that the Supreme Court of South Carolina looks forward with great anticipation to the day when this pandemic no longer adversely affects our ability to conduct oral arguments.

If you have any questions or concerns related to this letter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be "D. E. S.", followed by a long horizontal flourish.

CLERK