

Another Win for Clean Energy in the Carolinas

[Kilpatrick Townsend](#) client [Carolinas Clean Energy Business Association \(CCEBA\)](#) won another resounding victory for its members before the South Carolina Public Service Commission, which on June 17 granted CCEBA's request to reject the long-range plant construction plans proposed by Duke Energy, which runs the two largest utilities in the Carolinas.

A comprehensive energy law enacted in 2019 requires the Commission to review and approve each utility's Integrated Resource Plan (IRP), which describes how the utility will meet the demand for energy over the next 30 years. The IRP proposed by Duke called for no new additions of solar or other renewable resources, beyond solar the company had already committed (or was required) to procure. Instead, Duke proposed that it would meet all demand for new generation by building new natural gas plants. CCEBA and other clean energy advocates identified a number of problems with the plan that Duke presented. High on the list was its failure to even consider procuring clean energy from independent solar generators like CCEBA's members, who have already demonstrated their ability to deliver carbon-free clean energy while generating savings for Duke's customers.

In May, the Commission held an eight-day hearing on Duke's IRP, during which it heard dozens of hours of testimony and cross-examination of expert witnesses from Duke, CCEBA, and others. After reviewing the evidence, the Commission voted 4-2 to reject Duke's plans and to grant almost every one of CCEBA's requests for relief. The Commission specifically identified Duke's failure to consider third-party solar as a reason the proposed IRP was not "reasonable and prudent."

The Commission's order will require Duke to go back and prepare a new IRP with the changes requested by CCEBA. CCEBA and its members expect that the new IRP will allow solar power and battery storage from independent developers to compete on a level playing field with utility-owned generation, and will lead not only to carbon reductions but also to savings for Duke's customers.

[Ben Snowden](#) represented CCEBA as lead outside counsel at the hearing, with backing from CCEBA members, consultants, and inside counsel.

In December, the Commission similarly rejected Dominion Energy South Carolina's IRP and demanded changes before it would be reconsidered. Kilpatrick Townsend also represented CCEBA in that case.

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