

R1-25 PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND BRIEF; SUMMARY STATEMENTS AND REPLY STATEMENTS.

(a) Any party of record, including the Public Staff, to a proceeding before the Commission, Commission Panel, or before a Hearing Examiner shall, upon request of the presiding Commissioner or Examiner, file proposed findings of fact, conclusions of law, and brief in the cause on all issues. The Presiding Officer shall fix the time within which to file such proposed findings, conclusions and briefs at the hearing or thereafter, and no decision, report, or recommended order shall be made in the cause until after the expiration of the time so fixed.

(b) Contents. — Each proposed finding of fact shall be clearly and concisely stated and numbered. Such statement shall be followed by one or more paragraphs which shall set out or specifically refer to the testimony supporting such proposed findings of fact.

(c) Form; Copies Required. — Rule R1-5, subsections (c) and (g) shall apply to the filing of briefs, proposed findings of fact, and conclusions of law. Parties filing briefs, proposed findings of fact, and conclusions of law shall also submit a copy of their briefs, proposed findings of fact, and conclusions of law via electronic mail addressed to briefs@ncuc.net attaching editable noncompressed files in Microsoft Word or ASCII Text format.

(d) Summary Statements. — Pursuant to G.S. 62-15(g) the Public Staff shall in all general rate cases provide to the Commission fifteen (15) days after the close of all general rate hearings Summary Statements and schedules in comparative form setting forth the position of the applicant, the Public Staff and such other intervenors as may be required, with regard to all material facts and matters of which the Public Staff has knowledge or is aware which must or should be considered in determining a public utility's cost of service and/or in the fixing of just and reasonable rates.

With regard to matters at issue, the Summaries shall include such schedules and written narrative explanation so as to clearly and completely show and convey reconciliation of the difference between the parties to the proceeding.

The above mentioned Summary Statements, schedules and reconciliations shall include, but not be limited to, the following:

- (1) Original cost net investment with each component shown separately, e.g., utility plant in service, accumulated depreciation, working capital (show components of working capital separately, e.g., cash, minimum bank balances, materials and supplies, etc.);
- (2) Operating income for return with each component shown separately, i.e., operating revenues, operation and maintenance expenses with fuel expense shown separately, depreciation expense, taxes — other than income, current income taxes — state, current income taxes — federal, investment tax credit — net, deferred income taxes — net, and interest on customer deposits;
- (3) Total company capitalization including absolute dollar amounts and ratios. Also show the annualized embedded cost of debt, the preferred dividend requirement, the end-of-period return on common equity and the end-of-period overall rate of return under present and company proposed rates;
- (4) Calculations of current and deferred state and federal income tax expense; and
- (5) Calculation of replacement cost and fair value.

(e) In rate proceedings involving operating ratios, such operating ratios shall be presented in addition to applicable data set forth above.

(f) Rescinded by NCUC Docket No. M-100, Sub 147, 9/15/2023.

(g) Reply Statements. — Any party desiring to do so may file Reply Statements to the Summary Statement within five (5) days of receipt thereof.

(NCUC Docket No. M-100, Sub 75, 10/27/77; NCUC Docket No. M-100, Sub 125, 3/7/95; NCUC Docket No. M-100, Sub 136, 6/26/12; NCUC Docket No. M-100, Sub 139, 11/13/13; NCUC Docket No. M-100, Sub 139, 10/14/2022; NCUC Docket No. M-100, Sub 147, 9/15/2023.)