

LAW OFFICE OF CHARLOTTE MITCHELL

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May 26, 2017

M. L. Jarvis  
Chief Clerk  
North Carolina Utilities Commission  
430 N. Salisbury Street  
Raleigh, NC 27603 – 5918

**Re: Motion by Blue Ridge Electric Membership Corporation for Procedural  
Schedule, NCUC Docket No. EC-23, Sub 50**

Dear Ms. Jarvis:

Enclosed herewith, please find the Motion by Blue Ridge Electric Membership Corporation for Procedural Schedule to be filed on behalf of Blue Ridge Electric Membership Corporation in the above-referenced docket. Should you have any questions or comments, please do not hesitate to call me. Thank you in advance for your assistance and cooperation.

Regards,

/s Charlotte Mitchell

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. EC-23, SUB 50

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:

Blue Ridge Electric  
Membership Corporation,  
Petitioner

against

Charter Communications  
Properties LLC,  
Respondent.

MOTION BY  
BLUE RIDGE ELECTRIC  
MEMBERSHIP CORPORATION  
FOR PROCEDURAL SCHEDULE

NOW COMES Blue Ridge Electric Membership Corporation (“BREMC”), by and through undersigned counsel and pursuant to Rule R1-7 of the Rules and Regulations of the North Carolina Utilities Commission (the “Commission”) and respectfully moves that the Commission adopt the procedural schedule set forth herein. In support of this motion, BREMC shows the Commission the following:

1. On November 30, 2016, BREMC filed a Verified Petition for Relief against Charter Communications Properties LLC (“Charter”) in the above-captioned docket pursuant to Section 62-350 of the North Carolina General Statutes.

2. On December 6, 2016, the Commission entered an order directing Charter to satisfy the demands of BREMC or to file an answer on or before Wednesday, January 11, 2017.

3. On December 30, 2016, upon motion by Charter, the Commission entered an order granting Charter an additional twenty days up to and including January 31, 2017 time to file its answer.

4. On January 31, 2017, Charter Communications Properties, LLC's Answer to Complaint and Counterclaims was filed in the above-captioned docket.

5. On March 1, 2017, the Verified Response by Blue Ridge Electric Membership Corporation to Counterclaims of Charter Communications Properties, LLC was filed in the above-captioned docket.

6. Currently pending before the Commission are four proceedings instituted pursuant to Section 62-350 of the North Carolina General Statutes involving electric membership corporations and a cable television provider, for which the Commission issued a procedural schedule subsequent to receiving competing motions for procedural schedules and convening a status conference of the parties to discuss procedural issues. See Order Establishing Procedural Schedule and Scheduling Hearings, N.C.U.C. Docket Nos. EC-43, Sub 88, EC-49, Sub 55, EC-55, Sub 70 and EC-39, Sub 44, December 22, 2016 (the "Procedural Order").

7. In the interest of judicial economy, efficiency and accommodating the demands on opposing counsel, BREMC respectfully moves the Commission to adopt an identical procedural schedule, modified only as set forth herein.

a. Discovery. Discovery shall be regulated as set forth in the Procedural Order. See Procedural Order, Ordering Paragraph 1, with the exception that the discovery period shall run for two (2) months, instead of three (3) months. The discovery process in the four prior proceedings is well underway, and the Commission has, to date, issued several rulings on the scope of discovery. Therefore, the discovery obligations of the parties in those proceedings have been generally defined. BREMC's assumption is that the scope of discovery in the above-captioned proceeding will be, in large part, similar to the scope in the prior four proceedings and that if objections are made thereto, the discovery rulings by the Commission would be similar to those made in the prior proceedings. Thus, to avoid the time and expenses of litigating discovery disputes, BREMC agrees to comply with the discovery guidelines established by the Commission in the prior cases, as well as the rulings issued by the Commission on the objections. Notwithstanding, BREMC reserves the right to request data related to Charter's counterclaims.

b. Hearing. BREMC proposes that the matter be scheduled for purposes of hearing during the week of September 18, 2017, subject to the Commission's availability.

c. Pre-filing of Testimony. BREMC proposes that testimony shall be pre-filed as follows:

- i. Direct testimony by BREMC by no later than August 16, 2017;
- ii. Responsive testimony by Charter by no later than August 30, 2017; and
- iii. Rebuttal testimony by BREMC by no later than September 13, 2017.

8. BREMC is aware that opposing counsel is involved in the four proceedings referenced above on behalf of Time Warner Cable Southeast, LLC ("TWC"), three of which were initiated by TWC. BREMC has attempted to accommodate counsel's schedules by agreeing to limit the scope of discovery in light of the Commission's guidance in those proceedings. While BREMC acknowledges and has attempted to accommodate the demands on opposing counsel's time presented by these proceedings, BREMC is engaged with Charter, a separate and distinct entity from TWC. In light of the foregoing, BREMC's procedural schedule proposed herein, which seeks to accommodate TWC's counsel, is reasonable.

WHEREFORE, BREMC respectfully moves the Commission to adopt the procedural schedule set forth herein and to order such other relief as the Commission deems necessary.

Submitted this the 26<sup>th</sup> day of May 2017.

/s Charlotte A. Mitchell  
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ATTORNEYS FOR BLUE RIDGE ELECTRIC  
MEMBERSHIP CORPORATION

**CERTIFICATE OF SERVICE**

The undersigned certifies that she has served a copy of the foregoing **MOTION BY BLUE RIDGE ELECTRIC MEMBERSHIP CORPORATION FOR PROCEDURAL SCHEDULE** upon the parties of record in this proceeding, or their attorneys, by electronic mail as follows:

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This 26<sup>th</sup> day of May 2017.

/s Charlotte A. Mitchell