

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, Sub 1289

In the Matter of:)	
)	
Application of Duke Energy Progress, LLC for)	MOTION TO CANCEL
a Certificate of Environmental Compatibility)	HEARINGS
and Public Convenience and Necessity)	
Pursuant to N.C. Gen. Stat. §§ 62-100 <u>et. seq.</u>)	
to Construct Approximately 2.1 Miles of New)	
230 kV Transmission line in Wake County,)	
North Carolina)	

NOW COMES Duke Energy Progress, LLC ("DEP"), by and through its counsel, and respectfully requests, pursuant to Commission Rule R8-62(o) and the *Order Scheduling Hearing and Requiring Public Notice* issued by the North Carolina Utilities Commission ("Commission") on April 22, 2022, that the Commission cancel the public witness hearing scheduled on Monday, August 22, 2022 at 7:00 p.m., at the Commission Hearing Room 2115, Dobbs Building, 430 Salisbury Street, Raleigh, North Carolina. Additionally, DEP requests the Commission cancel the evidentiary hearing scheduled on Monday, September 12, 2022, in Raleigh, NC at the Dobbs Building. In support of this request, DEP shows the following:

1. On April 14, 2022, DEP filed an Application for Certificate of Environmental Compatibility and Public Convenience and Necessity ("CPCN") to construct approximately 2.1 miles of new 230 kV Transmission in Wake County, North Carolina.

2. On April 22, 2022, the Commission issued an *Order Scheduling Hearings and Requiring Public Notice* that stated the public witness hearing may be cancelled if no significant protests are filed with the Commission by August 2, 2022. This Order also required DEP to publish a public notice in the manner required by N.C. Gen. Stat. § 62-102 and Commission Rule R8-62(g) in newspapers having general circulation Wake County.

3. DEP recognizes that the Commission's *Order Scheduling Hearings and Require Public Notice* did not expressly state that the evidentiary hearing may be cancelled if no significant protests are filed. Nonetheless, Commission Rule R8-62(o) states the applicant may request the Commission cancel the hearing and decide the case on the filed record if no significant protests are filed with the Commission.

4. On June 7, 2022, DEP filed an Affidavit of Publication, confirming that the public notice had been published for four successive weeks in Wake County beginning on May 5, 2022. The Public Notice provided the time and location of the public hearing and stated that the hearing may be cancelled if no significant protests are received on or before August 2, 2022.

5. On August 2, 2022, the Public Staff filed its Letter in Lieu of Testimony, recommending that the Commission issue the certificate requested in this proceeding and that the public hearing be cancelled.

6. As of the date of this filing, no significant protests have been received from any person.

7. DEP has communicated the contents of this motion to the Public Staff and has been authorized to state that the Public Staff also does not object to the cancelling of the evidentiary hearing.

WHEREFORE, DEP respectfully requests that the Commission enter an order cancelling the public witness hearing scheduled on Monday, August 22, 2022, at 7:00 p.m., at the Commission Hearing Room and cancelling the evidentiary hearing scheduled on Monday, September 12, 2022, in Raleigh, NC, and accept into evidence DEP's application, testimony and exhibits, and order that DEP file a proposed order on or before thirty days from the date of its order on this motion.

Respectfully submitted this 11th day of August 2022.



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ATTORNEYS FOR DUKE ENERGY PROGRESS, LLC

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the foregoing Motion to Cancel Hearings on the below parties of record in this proceeding or their attorneys of record and to the petitioners by causing a copy to be deposited in the United State Mail, postage prepaid, properly addressed to each or by electronic delivery upon agreement from the parties.

William "Zeke" Creech
Public Staff – North Carolina Utilities Commission
Staff Attorney
Email:



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