### STATE OF NORTH CAROLINA UTILITIES COMMISSION RALEIGH

DOCKET NO. E-100, SUB 180

#### BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:
Investigation of Proposed Net Metering ) JOINT MOTION FOR EXTENSION OF
Policy Changes ) TIME TO FILE NOTICE OF APPEAL
) AND EXCEPTIONS

Environmental Working Group, 350 Triangle, 350 Charlotte, the North Carolina Alliance to Protect Our People and the Places We Live, NC WARN, North Carolina Climate Solutions Coalition, and Sunrise Movement Durham Hub (collectively, "Joint Movants"), through undersigned counsel, pursuant to N.C. Gen. Stat. § 62-90(a), jointly move for an extension of time in which to file a notice of appeal and exceptions to the Order Approving Revised Net Metering Tariffs entered by the North Carolina Utilities Commission (the "Commission") on March 23, 2023. In support of this motion, the Joint Movants show as follows:

- 1. On November 29, 2021, Duke Energy Progress LLC and Duke Energy Carolinas LLC (the "Companies") filed a Joint Petition for Approval of Revised Net Energy Metering Tariffs (the "Joint Petition") in the above-referenced docket.
- At various times, Joint Movants have all been granted intervention into the present docket.
- 3. The Commission entered an Order Approving Revised Net Metering Tariffs on March 23, 2023.

- 4. The current deadline for noticing appeal of the Order Approving Revised Net Metering Tariffs is April 22, 2023.<sup>1</sup>
- 5. Pursuant to N.C. Gen. Stat. § 62-90(a), the Joint Movants may file a notice of appeal and exceptions to the Order Approving Revised Net Metering Tariffs within thirty (30) days of its entry, "or within such time thereafter as may be fixed by the Commission, not to exceed 30 days."
- 6. The Joint Movants are actively engaged in analysis and deliberations concerning a potential appeal. The Order Approving Revised Net Metering Tariffs is forty-two (42) pages and therefore lengthy, and furthermore, the issues presented in the present docket are complex and justify careful consideration.
- 7. Moreover, the present docket is extremely important and impacts thousands of residential net energy metering customers throughout the State of North Carolina. Therefore, it is essential that careful scrutiny be exercised when considering a potential appeal.
- 8. For these reasons and others, the Joint Movants need additional time to adequately assess whether to file a notice of appeal and exceptions to the Order Approving Revised Net Metering Tariffs.

WHEREFORE, the Joint Movants respectfully request an extension of an additional thirty (30) days, up to and including May 22, 2023, in which any party

<sup>&</sup>lt;sup>1</sup> This date, April 22, 2023, is a Saturday. Therefore, the actual deadline for a notice of appeal is the following Monday, namely April 24, 2023. See N.C. R. App. P. 27(a). However, for purposes of calculating the thirty (30) day extension requested herein, the Joint Movants have used the April 22, 2023 date.

may file a notice of appeal and exceptions to the Commission's Order Approving Revised Net Metering Tariffs.

This the 19th day of April, 2023.

/s/ Matthew D. Quinn

Matthew D. Quinn
N.C. Bar No. 40004
Lewis & Roberts, PLLC
3700 Glenwood Avenue, Suite 410
Raleigh, North Carolina 27612
mdq@lewis-roberts.com
Telephone: 919-981-0191

Facsimile: 919-981-0199

Attorney for NC WARN

#### /s/ Catherine Cralle Jones

Catherine Cralle Jones
N.C. State Bar No. 23733
LAW OFFICE OF F. BRYAN BRICE, JR. 130 S. Salisbury St.
Raleigh, N.C. 27601
Telephone: 919-754-1600

Facsimile: 919-573-4252 cathy@attybryanbrice.com

## Local Counsel for Environmental Working Group

#### /s/ Caroline Leary

Caroline Leary
D.C. State Bar No. 1023204
S.C. Bar No. 100159
1250 I Street NW, Suite 1000
Washington, DC 20005
Telephone: 202-939-9151
Facsimile: 202-232-2597

cleary@ewg.org

# Counsel for Environmental Working Group

#### /s/ Andrea Bonvecchio

Andrea Bonvecchio N.C. State Bar No. 56438 LAW OFFICE OF F. BRYAN BRICE, JR. 130 S. Salisbury St.

Raleigh, N.C. 27601

Telephone: 919-754-1600 Facsimile: 919-573-4252 andrea@attybryanbrice.com

Counsel for 350 Triangle, 350 Charlotte, the North Carolina Alliance to Protect Our People and the Places We Live

## **CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the foregoing document upon all counsel of record in the above-referenced docket by email transmission.

This the 19th day of April, 2023.

/s/ Matthew D. Quinn
Matthew D. Quinn