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June 25, 2018

VIA ELECTRONIC FILING

M. Lynn Jarvis
Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

**RE: Duke Energy Progress, LLC's Response to Intervenor Canaday's
June 7, June 15 and June 22, 2018 Filings
Docket No. E-2, Sub 1150**

Dear Ms. Jarvis:

I enclose Duke Energy Progress, LLC's Response to Intervenor Canaday's June 7, June 15 and June 22, 2018 Filings, for filing in connection with the referenced matter.

Thank you for your attention to this matter. If you have any questions, please let me know.

Sincerely,
A handwritten signature in black ink, appearing to read 'Lawrence B. Somers', written over the word 'Sincerely,'.

Lawrence B. Somers

Enclosures

cc: Parties of Record

OFFICIAL COPY

JUN 25 2018

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 1150

In the Matter of)	
)	
Application of Duke Energy Progress,)	
LLC For a Certificate of Environmental)	
Compatibility and Public Convenience and)	DUKE ENERGY PROGRESS,
Necessity Pursuant to <u>N.C. Gen. Stat. §§</u>)	LLC'S RESPONSE TO
62-100 <u>et seq.</u> to Construct Approximately)	INTERVENOR CANADAY'S
11.5 Miles of New 230kV Transmission)	JUNE 7, JUNE 15, and JUNE 22,
Line in Cleveland area of Johnston)	2018 FILINGS
County, North Carolina)	

Duke Energy Progress, LLC ("DEP" or the "Company") hereby responds to Intervenor Oliver L. Canaday's ("Mr. Canaday") June 7, 2018 filing for the Commission to suspend its May 7, 2018 *Order Denying Motion for Reconsideration* ("Reconsideration Order"), his June 15, 2018 filing to rescind the Commission's January 12, 2018 *Order Granting Certificate of Environmental Compatibility and Public Convenience and Necessity* ("CPCN Order"), and his June 22, 2018 "motion to compel" as follows:

1. Mr. Canaday's June 7, 2018 filing is referenced as an objection to the Reconsideration Order, but appears to simply rehash Mr. Canaday's prior arguments. Mr. Canaday does not credibly raise any change in circumstances or a misapprehension or disregard of a fact that provides a basis for the Commission to rescind, alter, or amend a prior order as required under N.C. Gen. Stat. § 62-80. *Order on Clarification*, Docket No. E-100, Sub 148 (Feb. 15, 2018) at 2, citing *State ex rel. Utilities Comm'n v. North Carolina Gas Service*, 128 N.C. App. 288, 293-294,

494 S.E.2d 621, 626, *rev. denied*, 348 N.C. 78, 505 S.E.2d 886 (1998). Accordingly, Mr. Canaday's June 7, 2018 filing should be summarily dismissed.

2. Mr. Canaday's June 15, 2018 filing appears to move the Commission to rescind its CPCN Order and, if this is an accurate reading of the filing, it is untimely and should be dismissed. The Commission already considered and rejected Mr. Canaday's arguments in the CPCN Order and in the Reconsideration Order, and Mr. Canaday has no valid legal basis for his requested relief from the Commission.

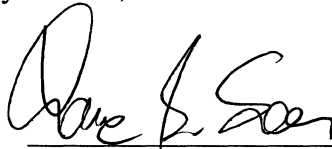
3. Finally, Mr. Canaday's June 22, 2018 filing is styled as a "motion to compel" and appears to seek to have DEP provide support for its decision to select the Commission-approved route for the Cleveland-Matthews Transmission Line. The record in this matter is closed, and the Commission based its CPCN Order upon careful consideration of the evidence submitted by DEP and Mr. Canaday, including detailed evidence supporting DEP's selected transmission line route. As such, a motion to compel is untimely and improper at this stage of the proceeding. Furthermore, although this filing purports to be a motion to compel, it appears that Mr. Canaday's motion is also another late attempt to have the Commission reconsider its CPCN Order and/or Reconsideration Order¹, and as such should be denied.

WHEREFORE, for all the foregoing reasons, Duke Energy Progress, LLC respectfully requests that the Commission deny and dismiss the filings made by Mr.

¹ DEP respectfully asserts that the exact intent of Mr. Canaday's motion to compel is unclear. Mr. Canaday's repeated filings in an effort to challenge the Commission's CPCN Order are untimely and should be denied.

Canaday on June 7, June 15, and June 22, 2018 on the grounds that they are meritless and untimely.

Respectfully submitted, this 25th day of June, 2018.



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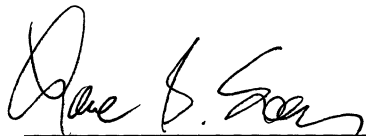
CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Progress, LLC's Response to Intervenor Canaday's June 7, June 15 and June 22, 2018 Filings, in Docket No. E-2, Sub 1150, has been served by electronic mail, hand delivery or by depositing a copy in the United States mail, postage prepaid to the following parties:

David Drooz
Heather Fennell
Public Staff
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Oliver Canaday
713 Camellia Avenue
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This the 25th day of June, 2018.



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