

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1150

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Duke Energy Progress, LLC,	)
for a Certificate of Environmental	)
Compatibility and Public Convenience and	)
Necessity to Construct Approximately	)
11.5 Miles of New 230 kV Transmission	)
Line in Johnston County, North Carolina	)
	<b>ORDER DISMISSING OBJECTION AND FURTHER MOTIONS</b>

BY THE COMMISSION: On January 12, 2018, the Commission issued an order in the above-captioned docket granting a certificate of environmental compatibility and public convenience and necessity for Duke Energy Progress, LLC (DEP), to construct approximately 11.5 miles of new 230-kilovolt (kV) transmission line to provide power to the Cleveland-Matthews area of Johnston County, North Carolina.

On September 13 and 26, 2022, intervenor Oliver Canaday filed motions to compel which were denied by Commission order issued October 10, 2022.

On December 8, 2022, Mr. Canaday filed an objection to the Commission's October 10, 2022 order denying motions to compel and a further motion for relief, including a request that the Commission rescind its January 12, 2018 order approving construction of the now-complete 230 kV transmission line.

As detailed below, the Commission finds good cause to dismiss Mr. Canaday's objection and deny his new motions in this matter.

First, regarding Mr. Canaday's objections to the Commission's October 10, 2022 Order Denying Motions to Compel, appeal of the Commission's order lies with the North Carolina Court of Appeals pursuant to N.C. Gen. Stat. § 62-90(d). Further, as provided in N.C.G.S. § 62-90(a), notice of appeal must be filed within 30 days of the issuance of the final order. The deadline for filing notice of appeal of the Commission's October 10, 2022 order was Wednesday, November 9, 2022. Mr. Canaday's objection dated December 5, 2022, and filed December 8, 2022, is insufficient as a notice of appeal and additionally is untimely. Nor does the Commission find good cause to treat Mr. Canaday's filing as a motion for reconsideration of the October 10, 2022 order. Even were it to do so, Mr. Canaday has presented no new arguments to support his motions to compel, and the Commission is not persuaded that its October 10, 2022 order was wrongly decided.

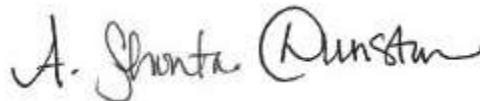
Second, the arguments Mr. Canaday raises in this filing regarding the Commission's January 12, 2018 Order Granting Certificate of Environmental Compatibility and Public Convenience and Necessity and alleged violations of the Public Utilities Act have been rejected by the Commission in numerous orders, including the May 4, 2018 Order Denying Motion for Reconsideration and the August 3, 2018 Order Denying Motions for Relief in this docket, Docket No. E-2, Sub 1150; the June 24, 2019 Order Dismissing Complaint and September 3, 2019 Order Denying Reconsideration and Dismissing Further Complaint in Docket No. E-2, Sub 1195; and the May 3, 2022 Recommended Order Dismissing Complaint and July 12, 2022 Order Overruling Exceptions and Affirming Recommended Order in Docket No. E-2, Sub 1298. Mr. Canaday moves the Commission to reconsider and rescind the January 12, 2018 order pursuant to N.C.G.S. § 62-80 and its general authority under N.C.G.S. § 62-31 and to impose penalties as prescribed in N.C.G.S. § 62-310. The Commission, however, is not persuaded that Mr. Canaday's current motion presents any new arguments that have not been addressed and previously rejected. As DEP stated in its October 4, 2022 Objection to Motions to Compel, the Cleveland-Matthews 230 kV transmission line was completed and placed into service in October 2020. The Commission orders complained of by Mr. Canaday in this and other filings are final and non-appealable. The Commission, therefore, finds good cause to deny Mr. Canaday's latest motions to find violations of the Public Utilities Act, to impose penalties, or to rescind the January 12, 2018 order.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of December, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "A. Shonta Dunston". The signature is fluid and cursive, with the first name "A." and last name "Dunston" clearly distinguishable.

A. Shonta Dunston, Chief Clerk

Commissioner Daniel G. Clodfelter did not participate.