

April 10, 2018

Ms. M. Lynn Jarvis
Chief Clerk
North Carolina Utilities Commission
Fifth Floor, Room 5063
430 N. Salisbury Street
Raleigh, NC 27699-4325

**Re: The Matter of Fresh Air XXIV, LLC, Fresh Air XXIII, LLC, and Fresh Air XXXVIII, LLC v. Duke Energy Progress, LLC
Docket No. E-2, Sub 1149**

Dear Ms. Jarvis:

Fresh Air XXIV, LLC, Fresh Air XXIII, LLC, and Fresh Air XXXVIII, LLC (collectively "Complainants") and Duke Energy Progress, LLC have reached a settlement in the above-referenced matter. Complainants are hereby electronically submitting herewith Complainants' Dismissal with Prejudice.

If you have any questions or comments regarding this filing, please do not hesitate to call me.

Thank you in advance for your assistance in this matter.

Very truly yours,


Karen M. Kemerait, Esq.

cc: Parties of Record

STATE OF NORTH CAROLINA UTILITIES COMMISSION RALEIGH

DOCKET NO. E-2, Sub 1149

In the matter of

Complaint by

FRESH AIR XXIV, LLC
a North Carolina limited liability company,

and

FRESH AIR XXIII, LLC
a North Carolina limited liability company,

and

FRESH AIR XXXVIII, LLC
a North Carolina limited liability company,

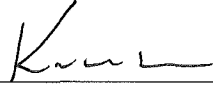
against

DUKE ENERGY PROGRESS, LLC
a North Carolina limited liability company.

DISMISSAL WITH PREJUDICE

NOW COME Fresh Air XXIV, LLC, Fresh Air XXIII, LLC, and Fresh Air XXXVIII, LLC (collectively the "Complainants"), by and through the undersigned counsel, and hereby dismisses with prejudice, pursuant to Rule 41(a)(1) of the North Carolina Rules of Civil Procedure, the Complaint against Defendant Duke Energy Progress, LLC in the above-referenced matter.

Respectfully submitted this the 10th day of April, 2018.



Karen M. Kemerait
Smith Moore Leatherwood LLP
434 Fayetteville St., Suite 2800
Raleigh, NC 27601
Telephone: (919) 755-8764
E-mail:
karen.kemerait@smithmoorelaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of April, 2018, a true and exact copy of the DISMISSAL WITH PREJUDICE filed on behalf of FRESH AIR XXIV, LLC, FRESH AIR XXIII, LLC, AND FRESH AIR XXXVIII, LLC, in NC Utilities Commission Docket No. E-2, SUB 1149, was duly served upon the following by electronic delivery.

Christopher J. Ayers, Esq.
Executive Director
North Carolina Public Staff
430 N. Salisbury Street
Raleigh, NC 27611
chris.ayers@psncuc.nc.gov

Kendrick C. Fentress
Assistant General Counsel
Duke Energy Corporation
Post Office Box 1551/ PEB20
Raleigh, NC 27602
Email: Kendrick.Fentress@duke-energy.com

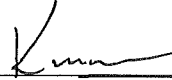
Lawrence B. Somers
Deputy General Counsel
Duke Energy Corporation
Post Office Box 1551 / NCRH20
Raleigh, NC 27602
Email: bo.somers@Duke-Energy.com

Robert W. Kaylor
Law Office of Robert W. Kaylor
353 Six Forks Road, Suite 260
Raleigh, NC 27609-7882
E-mail: bkaylor@rwkaylorlaw.com

David Tsai
Progress Energy Carolinas
410 S. Wilmington Street
PEB 20
Raleigh, NC 27601
E-mail: David.Tsai@duke-energy.com

E. Brett Breitschwerdt
McGuireWoods LLP
434 Fayetteville Street, Suite 2600
Raleigh, NC 27601
Email: bbreitschwerdt@mcguirewoods.com

FRESH AIR XXIV, LLC
FRESH AIR XXIII, LLC
FRESH AIR XXXVIII, LLC



Karen M. Kemerait
Smith Moore Leatherwood LLP
434 Fayetteville St., Suite 2800
Raleigh, NC 27601
Telephone: (919) 755-8764
E-mail:
karen.kemerait@smithmoorelaw.com