

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1177
DOCKET NO. E-7, SUB 1172

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

Docket No. E-2, Sub 1177)
)
In the Matter of)
Cube Yadkin Generation, LLC,)
Complainant)
)
v.)
Duke Energy Progress, LLC)
Respondent)
)
Docket No. E-7, Sub 1172)
)
In the Matter of)
Cube Yadkin Generation, LLC,)
Complainant)
)
v.)
Duke Energy Carolinas, LLC)
Respondent)

**CUBE YADKIN GENERATION LLC'S
MOTION FOR EXTENSION OF TIME
TO FILE NOTICE OF APPEAL AND
EXCEPTIONS**

Cube Yadkin Generation LLC (“Cube Yadkin”), through its undersigned attorney, moves pursuant to N.C. Gen. Stat. § 62-90 and Commission Rule R1-7 for an extension of time to file notice of appeal and exceptions to the Commission’s December 30, 2021 Order Denying Waiver and Dismissing Complaints (the “Order”) issued in the above-captioned proceeding. In support thereof, Cube Yadkin states the following:

1. Pursuant to G.S. § 62-90(a), any party to a proceeding may appeal from a final order of the Commission within 30 days after the entry of such order, or within such time thereafter as may be fixed by the Commission, not to exceed 30 additional days.

2. The current deadline for filing a Notice of Appeal and exceptions from the Order pursuant to G.S. § 62-90(a) is January 31, 2022 (January 29, 2022 is a Saturday). Cube Yadkin hereby requests an additional 30 days to complete its review of the Order and develop exceptions to be included in a Notice of Appeal, to be filed no later than March 2, 2022.

3. The Commission's Order addresses a number of fact intensive issues and some issues that have not been previously addressed by the Commission. Cube Yadkin requests more time so that it may fully evaluate the Order, its impact on Cube Yadkin's business operations, and its legal and business options.

4. Further, the undersigned counsel respectfully submits that, notwithstanding best efforts and due diligence, counsel requires additional time to consider the Order and the Record and advise Cube Yadkin regarding how to proceed, particularly given that two of the lawyers who worked on the case are no longer at the undersigned's firm.

WHEREFORE, for the reasons set forth, Cube Yadkin Generation LLC respectfully requests that the Commission extend the time to file Notice of Appeal and exceptions to and including March 2, 2022.

Respectfully submitted this 20th day of January, 2022.

KILPATRICK TOWNSEND & STOCKTON LLP

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Counsel for Cube Yadkin Generation, LLC

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Cube Yadkin Generation LLC's Motion for Extension of Time to File Notice of Appeal and Exceptions* has been served by electronic mail, hand delivery, or by depositing a copy in the United States Mail, 1st Class Postage Prepaid, properly addressed to parties of record.

This the 20th day of January, 2022.

/s/ Joseph S. Dowdy

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