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March 3, 2020

**VIA HAND DELIVERY**

The Honorable Kim Campbell  
Chief Clerk  
North Carolina Utilities Commission  
430 North Salisbury Street  
Dobbs Building  
5th Floor  
Raleigh, NC 27603-5918

**FILED**

**MAR 03 2020**

**Clerk's Office  
N.C. Utilities Commission**

**Re: Docket No. E-2, Sub 1220**

Dear Ms. Campbell:

Transmitted herewith, on behalf of Williams Solar, LLC are an original and one (1) copy of Williams Solar's Request for Issuance of Subpoena Duces Tecum in the above-referenced proceeding.

Should any questions arise in connection with this matter, please contact this office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric M. David".

Eric M. David

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1220

In the Matter of	)
Williams Solar, LLC,	)
Complainant,	)
	)
v.	)
	)
Duke Energy Progress, LLC	)
Respondent.	)

**REQUEST FOR ISSUANCE OF SUBPOENA DUCES TECUM**

Pursuant to R1-24(h) of the Rules and Regulations of the North Carolina Utilities Commission, Williams Solar, LLC requests that the Commission issue the attached subpoena duces tecum in the above-referenced matter to Pike Engineering, LLC, at the following alternate addresses:

- (1) Custodian of Records  
Pike Engineering, LLC  
c/o Corporation Service Company,  
Registered Agent  
2626 Glenwood Avenue, Suite 550  
Raleigh, NC 27608
  
- (2) Custodian of Records  
Pike Engineering, LLC  
100 Pike Way  
Mount Airy, NC 27030-8147

Dated: March 3, 2020

Respectfully submitted,

**WILLIAMS SOLAR, LLC**



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Marcus W. Trathen  
N.C. State Bar No. 17621  
Eric M. David  
N.C. State Bar No. 38118  
BROOKS, PIERCE, MCLENDON,  
HUMPHREY & LEONARD, LLP  
Suite 1700, Wells Fargo Capitol Center  
150 Fayetteville Street  
P.O. Box 1800 (zip 27602)  
Raleigh, NC 27601  
(919) 839-0300  
mtrathen@brookspierce.com  
edavid@brookspierce.com

Matthew B. Tynan  
N.C. State Bar No. 47181  
BROOKS, PIERCE, MCLENDON,  
HUMPHREY & LEONARD, LLP  
Suite 2000 Renaissance Plaza  
Greensboro, North Carolina 27401  
(336) 373-8850  
mtynan@brookspierce.com

*Attorneys for Complainant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Request for Issuance of Subpoena to Testify was served by email and by placing a copy of same in the U.S. mail, first class postage prepaid, addressed as follows:

Jack E. Jirak  
Associate General Counsel  
Duke Energy Corporation  
P.O. Box 1551/NCRH20  
Raleigh, North Carolina 27602  
Jack.Jirak@duke-energy.com

E. Brett Breitschwerdt  
McGuireWoods LLP  
434 Fayetteville Street, Suite 2600  
PO Box 27507 (27611)  
Raleigh, North Carolina 27601  
bbreitschwerdt@mcguirewoods.com

This the 3rd day of March, 2020.



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Marcus W. Trathen

**SUBPOENA DUCES TECUM**  
**STATE OF NORTH CAROLINA**  
**UTILITIES COMMISSION**  
**RALEIGH**  
DOCKET NO. E-2, SUB 1220

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)
Williams Solar, LLC,	)
Complainant,	)
	)
v.	)
	)
Duke Energy Progress, LLC	)
Respondent.	)

To:	Custodian of Records	Custodian of Records
	Pike Engineering, LLC	Pike Engineering, LLC
	c/o Corporation Service Company,	100 Pike Way
	Registered Agent	Mount Airy, NC 27030-8147
	2626 Glenwood Avenue, Suite 550	
	Raleigh, NC 27608	

Pursuant to R1-24(h) of the Rules and Regulations of the North Carolina Utilities Commission and Rule 45 of the North Carolina Rules of Civil Procedure, you are hereby commanded to produce the documents requested in Exhibit A attached hereto by 5:00 p.m. on March 27, 2020, at the offices of Brooks, Pierce, McLendon, Humphrey & Leonard, LLP, c/o Eric David, 150 Fayetteville Street, Suite 1700, Raleigh, North Carolina 27601.

\_\_\_\_\_  
Chief Clerk – North Carolina Utilities Commission  
Date of Issuance of Subpoena: \_\_\_\_\_

\_\_\_\_\_  
Attorney/Party Requesting Subpoena  
Marcus W. Trathen  
BROOKS, PIERCE, MCLENDON,  
HUMPHREY & LEONARD, LLP  
150 Fayetteville Street, Suite 1700  
Raleigh, NC 27601  
Counsel for Williams Solar, LLC

To Be Completed by Sheriff or Other Process Officer:

Served the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

Please make return to: Chief Clerk, North Carolina Utilities Commission, 4325 Mail  
Service Center, Raleigh, NC 27699-4300

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1220

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Williams Solar, LLC,	)	
Complainant,	)	
	)	
v.	)	<b><u>EXHIBIT A TO SUBPOENA</u></b>
	)	<b><u>DUCES TECUM TO PIKE</u></b>
	)	<b><u>ENGINEERING, LLC</u></b>
Duke Energy Progress, LLC	)	
Respondent.	)	

**DEFINITIONS AND INSTRUCTIONS**

1. "You," "your," "yours," and "Pike" shall mean Pike Engineering, LLC, as well as any and all officers, employees, agents, attorneys, or other persons or entities of any nature acting on its behalf.

2. "Williams Solar, LLC" shall mean Williams Solar, LLC, as well as any and all officers, employees, agents, attorneys, or other persons or entities of any nature acting on its behalf.

3. "DEP" shall mean Duke Energy Progress, LLC, as well as any and all officers, employees, agents, attorneys, or other persons or entities of any nature acting on its behalf.

4. "Project" shall mean the solar facility to be located at approximately 8185 Harper House Road, Newton Grove, North Carolina, with queue number NC2016-02927.

5. "Document" means "documents, electronically stored information, or tangible things" as is set forth in Rule 34(a) of the North Carolina Rules of Civil Procedure.

6. "Communication" means a transfer of information, in any format, by any means whatsoever, including, without limitation, email and text, SMS, or MMS messages.

7. "Relate to" and "relating to" are used in their broadest sense, and mean exposing, explaining, summarizing, detailing, listing, compiling, noting, proposing, terminating, or otherwise referring or pertaining to the subject matter of the request.

8. "And" and "or" shall be construed disjunctively or conjunctively as necessary in order to bring within the scope of each individual discovery request all information and documents that might otherwise be construed to be outside its scope.

9. The singular shall be construed to include the plural and the plural shall be construed to include the singular, and the present tense construed to include the past tense and the past tense construed to include the present tense, as necessary in order to bring within the scope of each individual discovery request all information and documents that might otherwise be construed to be outside its scope.

10. In the event that any documents requested to be produced herein are not produced for the stated objection of privilege, work product, or any other form of immunity, such documents shall be fully identified by date, location, name and address of custodian, together with an explanation of the privilege or immunity upon which such objection is based.

## DOCUMENT REQUESTS

1. All communications between You and DEP referencing or relating to Williams Solar, LLC or the Project.
2. All internal communications referencing or relating to Williams Solar, LLC or the Project.
3. All contracts between You and DEP referencing or relating to Williams Solar, LLC or the Project. This request includes both draft and final contracts, with queue number NC2016-02927.
4. All contracts between You and any subcontractor referencing or relating to Williams Solar, LLC or the Project. This request includes both draft and final contracts.
5. All estimates in your possession, custody, or control referencing or relating to Williams Solar, LLC or the Project. This request includes both draft and final estimates.
6. All documents used or reviewed by You in preparing any estimates referencing or relating to Williams Solar, LLC or the Project.
7. All estimating tools or calculators used by You in connection with Williams Solar, LLC or the Project.
8. All documents in any format containing the phrase "ihateyou" (without the quotation marks) in the file name or in any other metadata field. For each document produced, include all reasonably accessible metadata including, without limitation, the date sent, date received, author, and recipients.

The foregoing documents are requested for the purpose of examining whether the cost estimates provided to Williams Solar were made in good faith.