

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-34, SUB 54
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)
In the Matter of Application for)
General Rate Case)
)
DOCKET NO. E-34, SUB 55)
)
In the Matter of Petition of)
Appalachian State University d/b/a)
New River Light and Power for an)
Accounting Order to Defer Certain)
Capital Costs and New Tax)
Expenses)

**MOTION TO ADJUST SCHEDULE
OF EXPERT WITNESS HEARING**

PURSUANT TO North Carolina Utilities Commission (Commission or NCUC) Rule R1-7(a)(5), Appalachian Voices (App Voices), through counsel, respectfully moves the Commission to enter an order in this consolidated proceeding to adjust the schedule of the expert witness hearing currently scheduled to begin Monday, July 10, 2023, at 2 p.m.

In support of this motion, App Voices shows as follows:

1. On November 8, 2022, Appalachian State University d/b/a New River Light and Power Company (NRLP), pursuant to Commission Rules R1-5 and R8-27, filed its petition for an accounting order to defer certain capital-related costs and tax expenses.
2. On December 22, 2022, NRLP, pursuant to N.C. Gen. Stat. §§ 62-133 and 134 and Commission Rules R1-5, R1-17, and R8-27, filed its application for authority to adjust and increase electric rates and charges (Application).

3. On February 1, 2023, the Commission consolidated the NRLP general rate case and deferral accounting proceedings.

4. On February 1, 2023, the Commission also granted App Voices' petitions to intervene in this consolidated proceeding.

5. On March 20, 2023, the Commission issued its *Order Scheduling Hearings, Establishing Procedural and Filing Requirements, and Requiring Customer Notice*, which set the date of the expert witness hearing on NRLP's application for Monday, July 10, 2023, at 2:00 p.m. and to continue as necessary until conclusion.

6. App Voices recently learned that one of its expert witnesses has an unavoidable scheduling conflict from July 6 to July 11 and could appear on July 12 only virtually.

7. App Voices requests that the Commission adjust the schedule of the expert witness hearing such that it begins on July 10 but, if the hearing otherwise would conclude before July 12, remains open for App Voices' expert witness to appear virtually on July 12 or in-person on July 13.

8. App Voices has contacted counsel for all the parties in this consolidated proceeding to find an acceptable alternative schedule to propose in this motion. No party objects to the motion. NRLP's non-objection is conditioned on the proviso that the scheduling adjustment not delay the issuance of a final order. The Public Staff does not oppose the motion. App Voices and its counsel are grateful to the other parties for their creativity and flexibility accommodating this proposed schedule adjustment.

9. Adjusting the schedule of the expert witness hearing to allow App Voices' conflicted witness to testify virtually on July 12 or in-person on July 13 would not prejudice any party to this consolidated proceeding.

THEREFORE, App Voices moves the Commission to reschedule the expert witness hearing in this consolidated proceeding to begin July 10 but remain open as necessary to allow App Voices' conflicted witness to testify virtually on July 12 or in-person July 13.

Respectfully submitted this the 25th day of April, 2023.

/s/ Munashe Magarira
Munashe Magarira
N.C. Bar No. 47904
mmagarira@selcnc.org

Nicholas Jimenez
N.C. Bar No. 53708
njimenez@selcnc.org

Southern Environmental Law Center
601 West Rosemary Street, Suite 220
Chapel Hill, NC 27516
Telephone: (919) 967-1450
Fax: (919) 929-9421

Attorneys for Appalachian Voices

CERTIFICATE OF SERVICE

I certify that all parties of record have been served with the foregoing filing either by electronic mail or by deposit in the U.S. Mail, postage prepaid.

This the 25th day of April, 2023.

/s Munashe Magarira
Munashe Magarira

VERIFICATION

I, Munashe Magarira, verify that the contents of the foregoing motion are true to the best of my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true. I am authorized to sign this verification on behalf of Appalachian Voices.

Munashe Magarira
Munashe Magarira
Date: 04/25/23

Orange County, North Carolina

Sworn to and subscribed before me by Munashe Magarira.

This the 25th day of APRIL, 2023

E Trammell
Signature

ERIN TRAMMELL, Notary Public

My commission expires: 05-13-2024

