

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-100, SUB 190

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:) MOTION FOR ADMISSION
) *PRO HAC VICE*
Biennial Consolidated Carbon Plan)
and Integrated Resource Plans of)
Duke Energy Carolinas, LLC, and)
Duke Energy Progress, LLC,)
Pursuant to N.C.G.S. § 62-110.9 and)
§ 62-110.1(c)

NOW COMES the Movant, Tract Capital Management, LP (“Tract Capital”) through its undersigned attorney of record in this cause, and pursuant to N.C. Gen. Stat. § 84-4.1, respectfully moves the North Carolina Utilities Commission (“the Commission”) for an Order granting privileges to practice *pro hac vice* to the attorney of the law firm hereinafter listed in the above captioned dockets. In support of this Motion, the Movant respectfully shows unto the Commission the following:

1. The full name and address of the counsel requesting privileges to practice *pro hac vice* is as follows:

Kenneth W. Irvin, Esq.
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
Telephone: (202) 736-8256
kirvin@sidley.com

2. The aforementioned attorney is licensed to practice in the District of Columbia and the State of New York, is engaged in the active practice of law within these states, and is a member in good standing of the Bar of the District of Columbia and the Bar of the State of New York.

3. The undersigned attorney certifies that Kenneth Irvin and the law firm of Sidley Austin LLP have been retained to represent Tract Capital in the above-captioned proceedings before the Commission, together with the undersigned member of the North Carolina State Bar, attorney Daniel R. Simon of the law firm of Nelson, Mullins, Riley & Scarborough LLP of Charlotte, North Carolina.

4. Attached hereto as Exhibit A is an Affidavit signed by the attorney seeking admission. The Affidavit states that the attorney is regularly admitted and in good standing to practice in the courts of record in the District of Columbia and State of New York; will continue to represent Tract Capital in the above-captioned proceeding until the final determination thereof, unless permitted to withdraw sooner by order of the Commission; and agrees to be subject to the orders and amenable to the disciplinary action and civil jurisdiction of the General Court of Justice, the Commission, and the North Carolina State Bar in all respects as if a regularly admitted and licensed member of the Bar of North Carolina in good standing. Movant adopts by reference and incorporates herein the contents of Exhibit A.

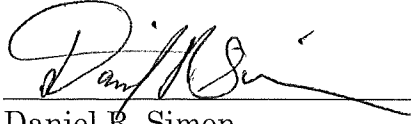
5. The undersigned is informed and believes that the Bar of the District of Columbia and the Bar of the State of New York grant like privileges to practice *pro hac vice* to members of the Bar of North Carolina in good standing, as recited in Exhibit A.

6. Attached hereto as Exhibit B is a letter from Jessica Bennett, affirming that Tract Capital has retained Mr. Irvin to represent its interests in these matters.

7. The undersigned attorney Daniel R. Simon is a licensed attorney in the State of North Carolina and has been associated with the foregoing attorney seeking *pro hac vice* admission, and will be personally appearing in the above-captioned proceedings before the Commission. Mr. Simon resides in the State of North Carolina and is duly and legally admitted to practice in the General Court of Justice of North Carolina. Service on Mr. Simon as the undersigned resident attorney may be had in all matters connected with these legal proceedings, or any disciplinary matter, with the same effect as if personally made in this State on the foreign attorney seeking to practice before this Commission *pro hac vice*.

WHEREFORE, Tract Capital and the undersigned attorney respectfully requests that Kenneth W. Irvin of Sidley Austin LLP be permitted to appear *pro hac vice* before the North Carolina Utilities Commission in the above-captioned proceedings and that the Commission enter an order granting such relief.

This the 5th day of June 2024.



Daniel R. Simon
N.C. Bar No. 26751
Nelson Mullins Riley & Scarborough LLP
301 South College Street, 23rd Floor
Charlotte, NC 28202
dan.simon@nelsonmullins.com
(704) 417-3016

Attorney for Tract Capital Management, LP

CERTIFICATE OF SERVICE

The undersigned attorney for Tract Capital Management, LP hereby certifies that he served the foregoing upon the parties of record in this proceeding by electronic mail and/or depositing copies in the United States mail, postage prepaid.

This the 5th day of June 2024.



Daniel R. Simon
N.C. Bar No. 26751
Nelson Mullins Riley & Scarborough LLP
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Attorney for Tract Capital Management, LP

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§ 62-110.1(c))

AFFIDAVIT OF KENNETH W. IRVIN

I, Kenneth W. Irvin, being first duly sworn, do hereby state as follows:

1. My name is Kenneth W. Irvin, and my mailing address is Sidley Austin LLP, 1501 K Street, N.W., Washington, D.C. 20005. I am regularly admitted to practice law before the courts of record in the District of Columbia (No. 439395) and the State of New York (No. 2516284).

2. I have been retained by Tract Capital Management, LP (“Tract Capital”) to represent it in connection with the proceeding referenced above pending before the North Carolina Utilities Commission (“the Commission”).

3. Unless permitted to withdraw sooner by Order of the Commission, I will, if granted leave to practice *pro hac vice*, represent Tract Capital in the aforementioned proceeding until the final determination thereof. With reference to all matters incident to such proceeding, I agree that I shall

be subject to the orders and amenable to the disciplinary action and civil jurisdiction of the Commission, the General Court of Justice of North Carolina and the North Carolina State Bar in all respects as if I were a regularly admitted and licensed member of the Bar of North Carolina in good standing.

4. The District of Columbia Bar and New York Bar grant privileges to practice *pro hac vice* such as those that I am requesting to members of the Bar of North Carolina in good standing.

5. I have associated with local attorney, Daniel R. Simon, who will personally appear with me in the above-referenced proceeding. Said attorney is a resident of the State of North Carolina and is duly and legally admitted to practice in the General Court of Justice of North Carolina, and is a member in good standing of the North Carolina State Bar. Service may be made upon Daniel R. Simon of Nelson, Mullins, Riley & Scarborough, LLP, at 301 South College Street, 23rd Floor, Charlotte, North Carolina 28202, in all matters connected with the above-referenced proceeding, or any disciplinary matter, with the same effect as if personally made on me within the State of North Carolina.

This the 31 day of May, 2024.


Kenneth W. Irvin

STATE OF Washington, DC))
COUNTY OF _____))

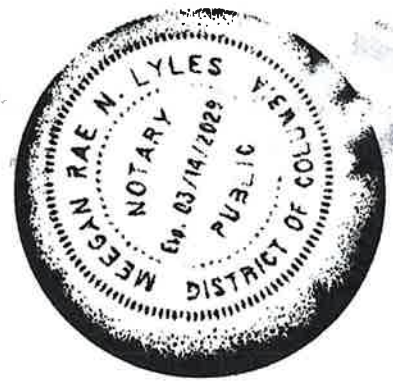
Personally appeared before me this day, Kenneth W. Irvin, who being first duly sworn, deposed and said that he had read the foregoing Affidavit and knows the contents thereof; that the contents of same are true of his own knowledge except as to those matters and things stated therein upon information and belief, and as to those he believes them to be true.

Witness my hand and notarial seal this the 31st day of May, 2024.

Maeqan Rae N Lyles
Notary Public

My Commission Expires: 3.14.2029

District of Columbia:
Subscribed and sworn to (or affirmed) before me
on 5.31.2024 by Ken Irvin
Date Name(s) of individual(s) making Statement
Maeqan Rae N Lyles
Signature of Notarial Officer
Dr Public Notary
Title of Office
My commission expires: 3.14.2029



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STATEMENT OF TRACT CAPITAL MANAGEMENT, LP

I, Jessica Bennett of Tract Capital Management, LP (“Tract Capital”) do hereby state that Tract Capital has retained Kenneth W. Irvin, Terence T. Healey, and Keturah A. Brown of the law firm of Sidley Austin LLP to represent it before the North Carolina Utilities Commission in the above-captioned matters. Mr. Irwin, Mr. Healey, and Ms. Brown will appear in association with Daniel R. Simon of the law firm of Nelson Mullins Riley & Scarborough LLP.

This the 3rd day of June 2024.

TRACT CAPITAL MANAGEMENT, LP

Jessica Bennett
