

August 14, 2017

**VIA ELECTRONIC FILING**

Ms. M. Lynn Jarvis, Chief Clerk  
North Carolina Utilities Commission  
Dobbs Building  
430 North Salisbury Street  
Raleigh, North Carolina 27603-5918

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

Dear Ms. Jarvis:

Enclosed for filing on behalf of Fresh Air, XXIV, LLC, Fresh Air XXIII, LLC, and Fresh Air XXXVII, LLC in the above-referenced docket is the Reply and Request for a Public Hearing.

Please do not hesitate to contact me should you have any questions. Thank you for your assistance with this matter.

Sincerely,

Smith Moore Leatherwood LLP

/s/Karen M. Kemerait

## DOCKET NO. E-2, SUB 1149

In the matter of: to Fresh Air XXIV, LLC, Fresh Air XXIII, LLC, and Fresh Air, XXXVIII, LLC v. Duke Energy Progress, LLC

- ( ) The relief offered in the Answer filed by DEP is acceptable to you as Complainant, and you do not desire a public hearing in this proceeding.
- (✓) The Answer filed by DEP is not satisfactory to you as Complainant, and you hereby request a public hearing at which time you will present evidence in support of the complaint.
- ( ) Although the Answer filed by DEP is not completely satisfactory to you as Complainant, you do not request a hearing at this time. You do request that the Commission keep this docket open for at least six (6) months so that the matters complained of can be monitored by the Complainant, the Commission, and the Public Staff.
- ( ) The Answer filed by DEP is not satisfactory to you as Complainant and you request the following additional information subject to Commission review as to the reasonableness of you request. (Detail)



\_\_\_\_\_  
Signature of Complainant

**THIS REPLY SHOULD BE RETURNED TO:**

Chief Clerk  
North Carolina Utilities Commission  
4325 Mail Service Center  
Raleigh, North Carolina 27699-4325

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Reply and Request for a Public Hearing* as filed in Fresh Air, XXIV, LLC, et al, NCUC Docket No. E-2, Sub 1149, was served via electronic delivery or mailed, first-class, postage prepaid, to the parties of record as follow:

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This, the 14<sup>th</sup> day of August, 2017.

Attorney for Fresh Air, XXIV, LLC, Fresh Air, XXIII, LLC, and Fresh Air, XXXVIII, LLC

**/S/ Karen Kemerait**