



Jack E. Jirak
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October 18, 2019

VIA ELECTRONIC FILING

Ms. Kimberley A. Campbell, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4300

**RE: Duke Energy Progress, LLC's Motion to Cancel Evidentiary Hearing
Docket No. E-2, Sub 1215**

Dear Ms. Campbell:

Enclosed for filing in the above-referenced docket, please find Duke Energy Progress, LLC's Motion to Cancel Evidentiary Hearing.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink that reads "Jack Jirak". The signature is written in a cursive, slightly slanted style.

Jack E. Jirak

Enclosure

cc: Parties of Record

OFFICIAL COPY

Oct 18 2019

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 1215

In the Matter of:)
)
Application of Duke Energy Progress, LLC for)
a Certificate of Environmental Compatibility)
and Public Convenience and Necessity)
Pursuant to N.C. Gen. Stat. §§ 62-100 et. seq.)
to Construct Approximately 4.6 Miles of New)
230 kV Transmission line in the northeast area)
of Wilmington, New Hanover County, North)
Carolina)

**MOTION TO CANCEL
EVIDENTIARY HEARING**

NOW COMES Duke Energy Progress, LLC ("DEP" or "the Company"), by and through its counsel, and respectfully requests, pursuant to Commission Rule R8-62(o) and the *Order Scheduling Hearing and Requiring Public Notice*, Docket No. E-2, Sub 1215 issued by the North Carolina Utilities Commission ("Commission") on August 15, 2019, that the Commission cancel the evidentiary hearing scheduled in the above-referenced docket on Thursday, October 24, 2019 at 11:00 a.m., in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina. In support of this request, DEP shows the following:

1. On August 13, 2019, DEP filed an Application for Certificate of Environmental Compatibility and Public Convenience and Necessity ("CPCN") to construct approximately 4.6 miles of new 230 kV Transmission in New Hanover County, North Carolina.

2. On August 15, 2019, the Commission issued an *Order Scheduling Hearings and Requiring Public Notice* that stated the expert witness hearing may be cancelled if no significant protests are filed with the Commission. This Order also required DEP to

publish a public notice in the manner required by N.C. Gen. Stat. § 62-102 and Commission Rule R8-62(g) in newspapers having general circulation in New Hanover County and Pender County. This Order also allowed any person having an interest in this proceeding to file a petition to intervene on or before October 9, 2019.

3. On October 3, 2019, DEP filed Affidavits of Publication, confirming that the public notice had been published for four successive weeks in New Hanover County and Pender County beginning on August 22, 2019. The Public Notice provided the time and location of the public hearing and stated that the hearing may be cancelled if no significant protests are received subsequent to the public notice.

4. On October 9, 2019, the Public Staff filed a letter recommending that the Commission issue the CPCN as requested after receipt of a letter from the State Clearinghouse stating no further review is required.

5. On October 14, 2019, the Commission denied the only petition to intervene, which was filed by a *pro se* party on September 24, 2019, due to the *pro se* party's incidental interest to the CPCN proceeding.

6. As of the date of this filing, no significant protests to the CPCN have been filed, and the deadline for any additional interventions has expired.

7. The Public Staff has authorized the Company to represent that the Public Staff does not oppose this motion.

WHEREFORE, DEP respectfully requests that the Commission enter an order cancelling the public witness hearing scheduled on October 24, 2019 at 11:00 a.m., at the Dobbs Building, Raleigh, North Carolina.

Respectfully submitted this 18th day of October 2019.



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*COUNSEL FOR DUKE ENERGY PROGRESS,
LLC*

CERTIFICATE OF SERVICE

I certify that a copy of Duke Energy Progress, LLC's Motion to Cancel Evidentiary Hearing, in Docket No. E-2, Sub 1215, has been served by electronic mail, hand delivery, or by depositing a copy in the United States mail, postage prepaid, properly addressed to parties of record.

This the 18th day of October, 2019.

Handwritten signature of Jack E. Jirak in black ink.

Jack E. Jirak
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