

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1177
DOCKET NO. E-7, SUB 1172

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

Docket No. E-2, Sub 1177)	
)	
In the Matter of)	
Cube Yadkin Generation, LLC,)	
Complainant)	
)	
v.)	
Duke Energy Progress, LLC)	
Respondent)	
)	
Docket No. E-7, Sub 1172)	
)	
In the Matter of)	
Cube Yadkin Generation, LLC,)	
Complainant)	
)	
v.)	
Duke Energy Carolinas, LLC)	
Respondent)	

**COMPLAINANT'S CONSENT
MOTION FOR EXTENSION OF
PREFILED TESTIMONY
DEADLINES**

COMES NOW Complainant Cube Yadkin Generation, LLC ("Cube Yadkin"), by and through counsel, and files this Motion requesting that the Commission extend the deadlines for prefiled testimony in this matter by four (4) days. In support of their motion, Cube Yadkin shows as follows:

1. On May 28, 2020, the Commission issued an *Order Scheduling Hearing and Establishing Procedural Schedule on Remand* ("Procedural Order"), which established new deadlines for discovery, prefiled testimony, and a hearing in this case.

2. On September 1, 2020, the Commission issued an *Order Granting Extension of Time to File Testimony* (“Extension Order”), which extended the deadlines for discovery, prefiled testimony, and a hearing in this case.

3. On November 12, 2020, the Commission issued an *Order Granting Second Extension of Time and Continuing Hearing* (“Second Extension Order”), which further extended the deadlines for discovery, prefiled testimony, and ordered that the hearing would be rescheduled by further order of the Commission.

4. Complainant’s deadline for filing direct testimony and exhibits is currently December 10, 2020. The Parties have been diligently engaging in discovery and preparing for the submittal of testimony and a hearing in this case. However, Complainant’s counsel’s firm has had an unexpected and extended network outage that has negatively impacted access to electronic mail, documents, and other applications and inhibiting their ability to complete and file Complainant’s prefiled testimony by December 10.

5. Complainant’s counsel has consulted with Duke’s counsel, and Duke does not oppose the requested extension.

6. Accordingly, the Complainant requests that the prefiled testimony deadlines in this matter be extended by four (4) days. Under the revised schedule as proposed, the direct testimony and exhibits of Complainant would be due for filing on or before December 14, 2020; the direct testimony and exhibits of Respondents would be due for filing on or before January 15, 2021; and Complainant’s rebuttal testimony and exhibits would continue to be due for filing no later than February 16, 2021.

WHEREFORE, the Complainant respectfully requests that the Commission issue an order extending the prefiled testimony deadlines established in the November 12, 2020 Second

Extension Order by four (4) days, as set forth herein, and such other relief as the Commission deems just and proper.

Respectfully submitted this 9th day of December, 2020.

KILPATRICK TOWNSEND & STOCKTON LLP

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Complainant's Motion for Extension of Prefiled Testimony* has been served by electronic mail, hand delivery, or by depositing a copy in the United States Mail, 1st Class Postage Prepaid, properly addressed to parties of record.

This the 9th day of December, 2020.

/s _____
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