

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. E-2, SUB 1089

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of Duke Energy Progress, LLC for a	)	NC WARN AND
Certificate of Public Convenience and Necessity	)	THE CLIMATE TIMES'
to Construct a 752 Megawatt Natural Gas-Fueled	)	MOTION FOR EXTENSION
Electric Generation Facility in Buncombe County	)	OF TIME TO SERVE PROPOSED
Near the City of Asheville	)	RECORD ON APPEAL

NOW COME NC WARN and The Climate Times, by and through undersigned counsel, pursuant to Rule 27(c)(1) of the North Carolina Rules of Appellate Procedure, and serve the following Motion for Extension of Time to Serve Proposed Record on Appeal. In support of this Response, NC WARN and The Climate Times state as follows:

1. On March 28, 2016, the N.C. Utilities Commission ("Commission") entered an Order Granting Application in Part, with Conditions, and Denying Application in Part ("CPCN Order").
2. On April 25, 2016, NC WARN and The Climate Times filed a Motion to Set Bond. To allow time for the Commission's ruling on the Motion to Set Bond, NC WARN and The Climate Times simultaneously filed a Motion for Extension of Time to File Notice of Appeal and Exceptions, and the Commission extended the deadline for appeals to May 27, 2016.
3. On April 27, 2016, the Commission entered a Procedural Order providing DEP with an opportunity to file a Response to the Petitioners' Motion to Set Bond, and

providing NC WARN and The Climate Times with an opportunity to file a Reply. Consistent with this Procedural Order, DEP filed a Response on May 2, 2016, and NC WARN and The Climate Times filed a Reply on May 5, 2016.

4. On May 10, 2016, the Commission entered an Order Setting Undertaking or Bond Pursuant to G.S. 62-82(b) (“Bond Order”), requiring a bond or undertaking of \$10,000,000.00.

5. On May 19, 2015, NC WARN and The Climate Times filed a Petition for Writ of Certiorari and Petition for Writ of Supersedeas with the N.C. Court of Appeals. The Petition for Writ of Certiorari asked the Court of Appeals to overturn the Bond Order, and the Petition for Writ of Supersedeas asked the Court of Appeals to stay enforcement of the Bond Order so that an appeal of the CPCN Order can proceed until such point as the Court of Appeals determines whether the Bond Order is appropriate.

6. On May 27, 2016, NC WARN and The Climate Times filed a Notice of Appeal and Exceptions with the Commission concerning the CPCN Order and Bond Order. This Notice of Appeal and Exceptions was filed to preserve all deadlines pending the Court of Appeals’ ruling on the Petitions for Writ of Certiorari and Supersedeas.

7. On May 31, 2016, DEP filed a Motion to Dismiss the Notice of Appeal and Exceptions of NC WARN and The Climate Times. NC WARN and The Climate Times filed a response to DEP’s Motion to Dismiss on June 3, 2016.

8. Before the Commission ruled upon DEP’s Motion to Dismiss, the Court of Appeals, on June 7, 2016, issued an order allowing the Petition for Writ of Certiorari for the purpose of vacating and remanding the Bond Order and requiring the Commission to set a bond based upon competent evidence.

9. On June 8, 2016, the Commission entered an Order Setting Hearing on the Bond Order issue. That hearing was held on June 17, 2016.

10. As of this filing, the Commission has not rendered a decision on DEP's Motion to Dismiss Appeal or on the evidence submitted during the June 17, 2016 hearing. Further, the Commission has allowed NC WARN and The Climate Times the opportunity to submit additional testimony.

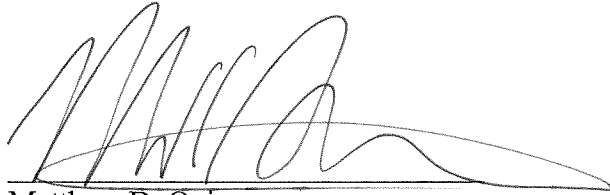
11. According to Rule 18(d) of the N.C. Rules of Appellate Procedure, a proposed record on appeal must be served within thirty-five (35) days of a notice of appeal. Because NC WARN and The Climate Times' Notice of Appeal and Exceptions was served on May 27, 2016, their Proposed Record on Appeal must be served by July 1, 2016.

12. In light of the uncertainties concerning the bond amount (if any) and DEP's Motion to Dismiss, judicial economy favors extending the deadline for serving the proposed record on appeal. If no extension is granted, then it is likely that any record on appeal would be re-opened and revised after the Commission's decision on the Motion to Dismiss and the bond amount.

13. Therefore, pursuant to Rule 27(c)(1) of the N.C. Rules of Appellate Procedure, NC WARN and The Climate Times request a thirty (30) day extension of time within which to serve a Proposed Record on Appeal, to and including July 31, 2016.

WHEREFORE, NC WARN and The Climate Times respectfully request an additional thirty (30) days, through and including July 31, 2016, within which to serve their Proposed Record on Appeal.

Respectfully submitted, this the 23 day of June, 2016.



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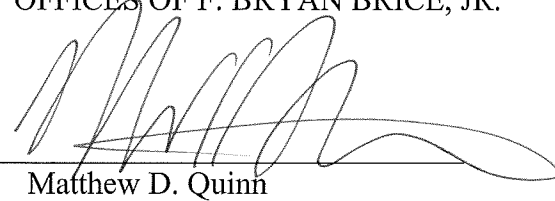
**CERTIFICATE OF SERVICE**

The undersigned certifies that on this day he served a copy of the foregoing NC WARN AND THE CLIMATE TIMES' MOTION FOR EXTENSION OF TIME TO SERVE PROPOSED RECORD ON APPEAL upon each of the parties of record in this proceeding or their attorneys of record by electronic mail, or by hand delivery, or by depositing a copy of the same in the United States Mail, postage prepaid.

This the 23 day of June, 2016.

LAW OFFICES OF F. BRYAN BRICE, JR.

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read 'Matthew D. Quinn', is written over a horizontal line. The signature is stylized and cursive.

Matthew D. Quinn