

6 Sept. 2022 Motion to Compel - related to E-2, Sub 1150

From: Oliver L. Canaday (O.L. Canaday), 713 Camellia Ave., Panama City, FL. 32404
(In Accordance With IAW)), and. Duke Energy Progress, LLC (DEP)

→ To: Shonta Dunston, Chief Clerk of N.C. Utilities Commission, (Attn: Chair Charlotte A. Marshall), 4325 Mail Service Center, Raleigh, N.C. 27699, -[and/or 430 N. Salisbury St., Dobbs Building, Raleigh, N.C. 27603]

Robert W. Kaylor, P.A., 353 East Six Forks Road. Suite 260, Raleigh, N.C. 27609

Ref: (a) G.S. 62-61. Witness; production of papers; contempt (compel);

(b) Commission Order of 18 Jul. 2017, Related to establishing Discovery and compel (Page 1, paragraph-3; -Page 2, paragraph-9) ;

(c) O.L. Canaday letter of 11 Oct. 2021 [page 14/32, paragraphs: e-2; 1)-; & 2-) violation of Rule R8-62(p)(2)i. – (NLT 1 Sept. -annual requirement date for New 230kV lines) - furnish start date (New construction for 230kV ROW line NLT 1 Sept. 2019 ('such' annual date requirement);

(d) Commission Rule R8-62 (specifically (p)(2)i.), (Requires DEP furnish start date of New 230kV Transmission Line Construction), and -[DEPs' Application furnishes: "Pursuant to" Rule R8-62 – having meaning of being IAW];

Subj: O.L. Canaday Motions to Compel DEP to Furnish Start Date of New Construction of 230kV Line [IAW Requirements of Commission Rule R8-62(p)(2)i.] - for Docket No. E-2, Sub 1150 (Docket) Application for o/a 11.5-Miles of 230kV Transmission Line (referred to as Cleveland-Matthews Project) located in Johnston County, N.C.;

1.- This motion to compel is not frivolous.

2.- **Background.** IAW, R8-62(p)(2)i., - this rule haves an annual requirement (NLT 1 Sept.) -to report New (161kV and above) - transmission line construction start date, and for this 'such' line, the NLT report date is 1 Sept. 2019; and

a. -DEPs' Application of 14 Jul, 2017, demonstrates, knowingly, requirement of Rule R8-62, via furnishing "Pursuant to" Rule R8-62 (having meaning of - to be IAW). And, 'such' Application, (Page-1, lines 1 – 6), information is furnished as uncontroverted

'claim' demonstrating DEP is knowingly of requirement IAW via "Pursuant to".

b. -O.L. Canaday have searched Docket for information furnishing start date several times (since 1 Sept. 2019) -and not finding (where/when) DEP having furnished required date; and


c. -Ref: (c) was furnished to DEP (via U.S. certified mail (tracking) and received by DEP o/a 18 Oct. 2021); -and, that, having furnished DEP (o/a 10-months) opportunity to submit construction start date. **[DEP have not responded to Ref: (c), page 15/32 paragraph e-5, -and- page 16/32 – paragraph 1)- and 2)-; nor (offenses & violations) of provisions of Chapter 62 in letter of Ref: (c)]; and

d. -And (this date, 6 Sept. 2022) having no Response from DEP furnishing required start date for Ref: (d); therefore, having referenced Ref: (a) & (b), and to motion Commission to 'compel' DEP furnish required start date information for Docket.

3.- IAW Ref: (a) and (b), O.L. Canaday motions - Commission to 'compel' DEP to furnish required start date of construction of ROW related in subject.

4.- Thank you for your assistance to this matter, of compel, and having DEP furnish required start date of construction.

Sincerely,


Oliver L. Canaday, MSgt., USMC, Ret, CACw/3-brz-star, PH, Air Medalw/#-7, CAR,
NUCw/2-brz-stars, MUC, RVNSw/sil-star