

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1149

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:

Fresh Air XXIV, LLC, Fresh Air XXII,  
LLC, and  
Fresh Air XXXVIII, LLC

Complainants,

v.

Duke Energy Progress, LLC,

Respondent.

MOTION FOR EXTENSION OF TIME

NOW COME Complainants Fresh Air XXIV, LLC, Fresh Air XXII, LLC, and Fresh Air XXXVIII, LLC (“Complainants”), by and through its attorney, Karen M. Kemerait, and hereby requests an additional extension of time to file its direct testimony in this proceeding on the grounds that (1) one of the owners of Complainants who will be filing testimony in this docket is out of the country, and (2) both parties are close to reaching a settlement of these claims and need one additional day for those discussions.

Deputy General Counsel for Respondent has consented to this request for extension on behalf of Respondent.

Complainant requests a one (1)-day extension of time until Thursday, February 8, 2018, for Complainants to file its direct testimony.

WHEREFORE, Complainants respectfully request that the Commission grant the requested one-day extension of time.

OFFICIAL COPY

Feb 07 2018

Respectfully submitted this the 7th day of February, 2018.

SMITH MOORE LEATHERWOOD LLP

/s/Karen M. Kemerait

434 Fayetteville Street, Suite 2800

Raleigh, North Carolina 27601

(919) 755-8764

karen.kemerait@smithmoorelaw.com

*Attorney for Complainants*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing MOTION FOR EXTENSION OF TIME 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:

E. Brett Breitschwerdt  
McGuireWoods LLP  
434 Fayetteville Street, Suite 2600  
Raleigh, NC 27601  
[bbreitschwerdt@mcguirewoods.com](mailto:bbreitschwerdt@mcguirewoods.com)

B. Lawrence Somers  
Deputy General Counsel  
Duke Energy Corporation  
PO Box 1551/NCRH20  
Raleigh NC 27602  
[Bo.somers@duke-energy.com](mailto:Bo.somers@duke-energy.com)

Christopher J. Ayers, Esq.  
Executive Director – NC Public Staff  
4326 Mail Service Center  
Raleigh, NC 27699  
E-Mail: [Chris.Ayers@psncuc.nc.gov](mailto:Chris.Ayers@psncuc.nc.gov)

Kendrick C. Fentress  
Asst. General Counsel  
Duke Energy Corporation  
PO Box 1551/PEB 20  
Raleigh NC 27602  
[Kendrick.fentress@duke-energy.com](mailto:Kendrick.fentress@duke-energy.com)  
David Tsai  
Regulatory Affairs  
Progress Energy Carolinas  
410 S. Wilmington Street, Peb 20  
Raleigh, NC 27601  
E-Mail: [David.Tsai@Pgnmail.Com](mailto:David.Tsai@Pgnmail.Com)

This, the 7<sup>th</sup> day of February, 2018.

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

/S/ Karen Kemerait