

bond in an amount that is in accordance with N.C. Gen. Stat. 62-82(b) and based upon competent evidence.”

On June 8, 2016, the Commission issued an order setting hearing providing DEP and NC WARN an evidentiary hearing on the issue of setting an undertaking or bond pursuant to G.S. 62-82(b). The Commission ordered both DEP and NC WARN to sponsor witness(es) on the issue of the amount of the bond.

In paragraph 10 of its present motion NC WARN contends that “the Commission has allowed NC WARN and The Climate Times the opportunity to submit additional testimony.” The Chairman did not provide NC WARN with the opportunity to submit additional testimony. At the June 17, 2016 hearing, NC WARN indicated that it had not consulted with any potential witnesses. The Commission only provided NC WARN the opportunity to indicate to the Commission whether or not it had any additional testimony so that the Commission could rule on whether to allow additional time. The Commission gave NC WARN until June 22, 2016, to provide that information. On June 22, 2016, NC WARN indicated that it needed until June 24, 2016. On Friday, June 24, 2016, NC WARN filed Update by NC WARN and The Climate Times indicating that NC WARN conferred with its expert Bill Powers and that NC WARN would be filing an affidavit from him on Monday, June 27, 2016. NC WARN did file William Powers’ affidavit on Monday, June 27, 2016; however, the Commission has not ruled on whether to allow the affidavit into evidence at the present time.

As indicated above, the Commission has not ruled on DEP’s motion to dismiss NC WARN’s appeal nor has the Commission set the bond pursuant to the North Carolina Court of Appeals’ decision. DEP maintains no valid notice of appeal is pending.

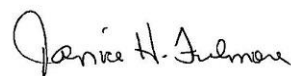
Nevertheless, after careful consideration and without determining whether a valid notice of appeal is pending and if so, the operative date of the notice of appeal, and based upon the fact that at least two issues remain open before the Commission, the Chairman finds good cause to extend the time for NC WARN to file its proposed record on appeal to July 31, 2016.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 30th day of June, 2016.

NORTH CAROLINA UTILITIES COMMISSION



Janice H. Fulmore, Deputy Clerk