

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. SP-100, SUB 35

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Request for Declaratory Ruling by Sunstone)	ORDER GRANTING DUKE
Energy Development LLC Regarding the)	ENERGY PROGRESS, LLC'S
Provision of Solar Energy and Energy)	MOTION FOR EXTENSION
Efficiency Services Within Fort Bragg)	OF TIME

BY THE CHAIR: On December 9, 2020, Sunstone Energy Development LLC (Sunstone) filed in the above-captioned proceeding a corrected Request for Declaratory Ruling (Petition).

On January 13, 2021, Duke Energy Progress, LLC (DEP), filed a petition to intervene. On January 21, 2021, the Commission granted the petition.

On February 25, 2021, DEP filed a Motion to Dismiss for Failure to Meet Requirements of North Carolina Declaratory Judgement Act (Motion to Dismiss).

On March 12, 2021, Sunstone filed a Response to Duke's Motion to Dismiss (Response).

On May 4, 2021, the Commission issued an Order Denying Motion to Dismiss.

On June 8, 2021, DEP filed the Initial Comments of Duke Energy Progress, LLC (DEP's Comments).

On July 20, 2021, Sunstone filed the Reply Comments of Sunstone Energy Development, LLC (Sunstone's Reply Comments).

On September 7, 2021, the North Carolina Court of Appeals issued a decision in *State ex rel. Utils. Comm'n v. Cube Yadkin Generation LLC*, No. COA20-46, 2021 N.C. App. LEXIS 479 (N.C. Ct. App. Sept. 7, 2021) (*Cube Yadkin*).

On October 20, 2021, the Commission issued an Order Scheduling Oral Argument, Allowing Briefing, and Requiring Responses to Commission Questions. Among other things, the Commission found good cause to allow parties the opportunity for pre-argument briefing limited to the issue of whether and, if so, how the *Cube Yadkin* decision impacts the jurisdictional question previously decided by the Commission's May 4, 2021 Order Denying Motion to Dismiss. The Commission also found good cause to direct that Sunstone or DEP, or both if appropriate, file verified written responses to several Commission questions.

On November 1, 2021, DEP filed a Motion for Extension of Time. In its motion, DEP requests an extension up to and including November 15, 2021, for the parties to file pre-argument briefs so that the parties' briefs can be informed by certain verified responses to the Commission's questions due to be filed by November 9, 2021. DEP states that it has contacted counsel for Sunstone and Sunstone consents to the requested extension.

Based upon the foregoing and the entire record herein, the Chair finds good cause to extend the time for the filing of pre-argument briefs. The parties may file pre-argument briefs on or before Monday, November 15, 2021.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 3rd day of November, 2021.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, appearing to read "Joann R. Snyder".

Joann R. Snyder, Deputy Clerk