

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 CONTINUANCE
OF HEARING

NOW COMES Complainants Fresh Air XXIV, LLC, Fresh Air XXII, LLC, and Fresh Air XXXVIII, LLC (“Complainants”) pursuant to Rule R1-7(a)(5) and requests the Hearing set for October 18, 2017 in the above-captioned docket be continued until December 11, 2017. In support of this request Complainants set forth the following:

1. On August 23, 2017 the Commission issued an ORDER scheduling a hearing for October 18, 2017 in the above-captioned docket.
2. The parties are working together to resolve the issues alleged in the Complaint and additional time is needed.
3. The Complainant requests additional time beyond Wednesday, September 13, 2017 to file direct testimony.
4. The Respondent requests additional time beyond Wednesday, October 4, 2017 to file direct testimony.

5. The Complainant requests additional time beyond Wednesday, October 11, 2017 to file rebuttal testimony, if any.

6. Respondent Duke Energy Progress has no objection.

THEREFORE, Complainant respectfully requests the Commission grant Complainant's request for a Continuance of Hearing to allow the parties additional time to resolve the issues in dispute and issue the following ORDER:

1. That this docket is scheduled for hearing on Monday, December 11, 2017 at 2:00 p.m.;

2. That Complainant shall file direct testimony in support of the Complaint with the Commission on or before Tuesday, November 10, 2017, and shall serve Respondent;

3. That Respondent shall file direct testimony with the Commission on or before Wednesday, November 29, 2017, and shall serve Complainant; and

4. That Complainant may file rebuttal testimony, if any, with the Commission on or before Wednesday, December 6, 2017, and shall serve Respondent.

Respectfully submitted this the 12th day of September, 2017.

SMITH MOORE LEATHERWOOD LLP

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CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of September, 2017, a true and exact copy of the foregoing document was duly served upon the following by either depositing same in a depository of the United States Postal Service, first-class postage prepaid, or by electronic delivery:

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