STATE OF NORTH CAROLINA UTILITIES COMMISSION RALEIGH

DOCKET NO. E-100, SUB 176

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Petition to Revise Commission Rules R8-63)	ORDER ACCEPTING LATE-FILED
and R8-64)	COMMENTS

BY THE CHAIR: On April 1, 2024, the Commission issued an Order Requesting Comments in the above-captioned docket proposing revisions to Commission Rules R8-63 and R8-64.

On April 29, 2024, SunEnergy1 LLC (SunEnergy), filed a Motion to Extend Comment Deadlines, requesting the Commission to extend the deadline for the Public Staff and intervenors to file comments in this proceeding from May 1, 2024, to May 15, 2024, and the deadline for all parties to file reply comments to May 31, 2024. On May 1, 2024, the Commission issued an order granting SunEnergy's requested extension establishing May 15, 2024, as the filing deadline for initial comments.

On May 15, 2024, SunEnergy filed a Motion to Accept Comments and Deem as Timely Filed. In support of its motion, SunEnergy asserts only that its comments were filed shortly after 5:00 p.m. on May 15, 2025, but fails to provide any explanation for why its comments were filed after the deadline. SunEnergy states in its motion that no party to this proceeding objects to its request.

Commission Rule R1-28(h) provides as follows:

Both paper and electronic filings must be received by the Commission by **5:00 p.m. Eastern time** to be considered to be filed on that business day. A filing may be made electronically at any time, but **filings submitted after 5:00 p.m. Eastern time are considered to be filed on the next business day**.

To be timely, filings must be made by 5:00 p.m. on the filing deadline.

The parties to this proceeding, including SunEnergy, have been aware of the May 15, 2024, filing deadline since issuance of the Commission's order on May 1, 2024, granting SunEnergy's motion to extend the deadline for filing comments. In this instance, only because no party to the proceeding appears to object to SunEnergy's request that its late-filed comments be accepted, SunEnergy's request will be granted. However, the Commission's procedural orders establish firm filing deadlines, with which all parties must comply particularly when those deadlines have already been extended. Going forward, to

the extent a party to a proceeding seeks relief from its failure to comply with an established filing deadline, the Commission will closely scrutinize any such request to determine whether good cause exists for granting the relief.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 23rd day of May, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A. Shonta Dunston, Chief Clerk