

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1148

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:

Fresh Air II, LLC,

Complainant,

v.

Duke Energy Carolinas, LLC,

Respondent.

MOTION FOR CONTINUANCE
OF HEARING

NOW COMES Complainant Fresh Air II, LLC ("Complainant") pursuant to Rule R1-7(a)(5) and requests that the hearing scheduled for January 10, 2018 in the above-captioned docket be continued until a future date that is agreeable to the parties. In support of this request, Complainant provides the following information:

1. On June 15, 2017, Complainant filed a Complaint regarding two interconnection requests in the above-captioned docket.
2. On August 23, 2017, the Commission issued an Order Scheduling Hearing.
3. On September 12, 2017, Complainants filed a Motion for Continuance of Hearing, indicating that the parties are attempting to resolve the dispute and requesting that the hearing be continued until December 11, 2017.
4. On September 14, 2017, the Commission issued an Order Rescheduling Hearing until December 11, 2017.
5. On October 30, 2017, the Commission issued an Order Rescheduling Hearing until January 10, 2018.

6. The parties continue to work together to try to resolve the issues alleged in the Complaint, and additional time is needed to allow the parties to try to resolve the dispute.

7. Therefore, Complainant requests that the hearing scheduled for January 10, 2018 be continued and that the parties be allowed additional time for the filing of direct and rebuttal testimony.

8. Respondent Duke Energy Carolinas, LLC has no objection to Complainant's request for a continuance of the hearing date and continuance of the dates for filing of testimony.

THEREFORE, Complainant respectfully requests that the Commission grant Complainant's request to allow the parties additional time to resolve the issues in dispute, and issue an Order providing the following:

1. That the hearing scheduled for Wednesday, January 10, 2018, is continued until a date agreeable to the parties.

2. That the parties shall work with the Commission Staff to determine a new hearing date and due dates for filing of testimony.

Respectfully submitted this the 8th day of December, 2017.

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 Complainant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION FOR CONTINUANCE OF HEARING as filed in Fresh Air II, LLC, Docket No. E-7, Sub 1148, 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

B. Lawrence Somers
Deputy General Counsel
Duke Energy Corporation
PO Box 1551/NCRH20
Raleigh NC 27602
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

Kendrick C. Fentress
Asst. General Counsel
Duke Energy Corporation
PO Box 1551/PEB 20
Raleigh NC 27602
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

This, the 8th day of December, 2017.

Attorney for Fresh Air II, LLC

/S/ Karen Kemerait