

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1150

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Application of Duke Energy Progress, LLC,)
for a Certificate of Environmental Compatibility)
and Public Convenience and Necessity to)
Construct Approximately 11.5 Miles of New)
230 kV Transmission Line in Johnston County,)
North Carolina)

ORDER DENYING
MOTIONS TO COMPEL

BY THE COMMISSION: On January 12, 2018, the Commission issued an order in the above-captioned docket granting a certificate of environmental compatibility and public convenience and necessity for Duke Energy Progress, LLC (DEP), to construct approximately 11.5 miles of new 230 kV transmission line to provide power to the Cleveland-Matthews area of Johnston County, North Carolina.

On September 13, 2022, intervenor Oliver Canaday filed a motion to compel DEP to furnish a start date for construction of the approved transmission line.

On September 26, 2022, Mr. Canaday filed a further motion to compel DEP to furnish a copy of Commission authorization or instructions for the filing of DEP's November 13, 2017 Late-Filed Exhibit No. 2.

On September 27, 2022, the Commission issued an order requiring DEP to respond to Mr. Canaday's motions to compel.

On October 4, 2022, DEP filed an Objection to Oliver Canaday's Motions to Compel. DEP argues that "the Commission has previously considered and rejected Mr. Canaday's arguments and motions," that "the evidentiary record in this docket has long been closed as a result of Mr. Canaday's failure to properly appeal the Commission's orders," and that "as such, Mr. Canaday has no valid legal basis to ask the Commission to compel DEP to provide him with any information related to this docket" — "any discovery option that was available to Mr. Canaday in this docket has expired; therefore, these current motions to compel are untimely and improper and should be denied." Notwithstanding this objection, DEP provided the following update on the status of the transmission line:

[R]ight-of-way clearing for the Cleveland-Matthews 230 kV transmission line commenced in May 2019 and . . . construction of the line commenced in June 2019. Construction on the line was completed and the line was

placed in service on October 6, 2020. Construction is still underway on the CPCN project to finalize the switch access road at the southeast terminus of the project and should be completed in mid-December 2022.

After careful consideration, the Commission finds good cause to (1) deny Mr. Canaday's motion to compel DEP to furnish a start date for construction of the approved transmission line as moot, and (2) deny Mr. Canaday's motion to compel DEP to furnish a copy of Commission authorization or instructions for the filing of DEP's November 13, 2017 Late-Filed Exhibit No. 2 as untimely.

First, DEP provided in its response the requested information regarding the start date for construction of the Cleveland-Matthews transmission line. DEP states that construction was begun in May 2019 and that the line was placed into service in October 2020. Thus, Mr. Canaday's motion to compel is now moot.

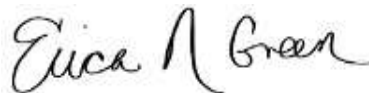
Second, as DEP notes, the evidentiary record in this docket is closed, and the time for appeal of the Commission's final order has run. There being no further opportunity for hearing or for appeal of the Commission's January 12, 2018 order, Mr. Canaday's motion to compel is untimely. The Commission, therefore, concludes that there is not good cause to require DEP to respond to Mr. Canaday's motion to compel or any further discovery in this proceeding. As the Commission stated over four years ago in its August 3, 2018 Order Denying Motions for Relief addressing, in part, similar issues, Mr. Canaday has exhausted all remedies and relief available to him that are within the jurisdiction of this Commission.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 10th day of October, 2022.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, reading "Erica N. Green".

Erica N. Green, Deputy Clerk

Commissioner Daniel G. Clodfelter did not participate.