

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 190

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of:)	BUNCOMBE COUNTY AND THE CITY
Biennial Consolidated Carbon Plan)	OF ASHEVILLE’S MOTION TO DEEM
and Integrated Resource Plans of)	THE PETITION TO INTERVENE BY
Duke Energy Carolinas, LLC and)	CITY OF ASHEVILLE AND COUNTY OF
Duke Energy Progress, LLC,)	BUNCOMBE AS TIMELY FILED OR IN
pursuant to N.C. Gen. Stat. § 62-)	THE ALTERNATIVE ACCEPT THE
110.9 and § 62-110.1(c))	LATE FILED PETITION

Potential Intervenors Buncombe County (herein “the County”) and the City of Asheville respectfully submit this Motion to Deem the Buncombe County and the City of Asheville’s Joint Petition to Intervene filed on May 29, 2024 as timely filed; or in the alternative to accept the Petition as late filed.

The County submits the following information in support of this Motion and shows the North Carolina Utilities Commission (herein “NCUC”) as follows:

1. On January 17, 2024, the NCUC issued an *Order Scheduling Public Hearings, Establishing Interventions And Testimony Due Dates And Discovery Guidelines, Requiring Public Notice, and Providing Direction Regarding Duke's Supplemental Modeling* ("Order") in this docket. The Order established a deadline of May 28, 2024, for the submittal of petitions to intervene.

2. On May 28, 2024 at approximately 4:32 p.m., counsel for the County filed the Joint Petition to Intervene on behalf of the County and City of Asheville (herein “Petition”) electronically with the NCUC electronic filing website.

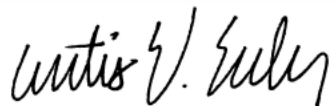
3. On May 28, 2024 at approximately 4:54 p.m., the County emailed a copy of the Petition to all the parties in this matter.
4. On May 28, 2024 at approximately 4:56 p.m., counsel for the County received an email from the North Carolina Utilities Commission that the filing had been rejected because the PDF file submitted was editable and was not text searchable.
5. Counsel for the County fixed the PDF file of the Petition and refiled the Petition with the NCUC at approximately 5:10 p.m. on May 28, 2024.
6. On May 29, 2024 at approximately 9:08 a.m., the NCUC informed counsel for the County that the Petition was rejected because the PDF was not text searchable.
7. Counsel for the County contacted the Clerk's Office of the NCUC to understand the issues for the rejection.
8. On May 29, 2024, at approximately 12:08 p.m., the County refiled the Petition with the NCUC.
9. On May 29, 2024, at approximately 12:39 p.m., the County was notified that the filing was accepted.
10. The County's counsel is mindful of the requirements of Rule RI-28(h) and believed that the filed PDF was in compliance with this rule. The County's counsel acknowledges his error and made a good faith effort to fix the issue prior to 5:00 p.m. on May 28, 2024. In addition, the Petition would have been in compliance with Rule R1-28 if not for the PDF file's format.
11. It does not appear that any party is prejudiced by the County's filing error.
12. Moving forward, the County and its counsel will make sure that its filings are in the proper PDF format before electronically filing with the NCUC.

13. Based on the circumstances, the County submits that there is good cause to waive the strict requirements of Rule RI-28(h), and to direct the Clerk to date-stamp the Joint Petition to Intervene as being filed on May 28, 2024. In the alternative, good cause exists to accept the Petition as late filed.

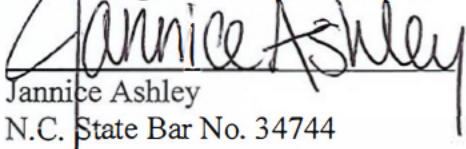
14. The County has informed all parties to this docket of its intent to file this motion, and at the time of filing this motion, no party has objected.

WHEREFORE, the County respectfully requests that that the NCUC direct the Clerk to docket Buncombe County and the City of Asheville Joint Petition to Intervene as having been filed on May 28, 2024 at 4:32 p.m.; or, in the alternative, to accept and consider the late filed Petition to Intervene.

Respectfully submitted, this the 31st day of May 2024.



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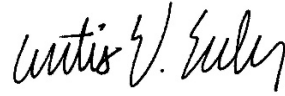


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CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing Motion to Deem Timely by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 31st day of May 2024.



Curtis W. Euler