

May 1, 2020

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Kim Campbell, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4300

Re: **Cube Yadkin Generation LLC v. Duke Energy Progress, LLC,
Docket No. E-2 Sub 1177
Cube Yadkin Generation LLC v. Duke Energy Carolinas, LLC,
Docket No. E-7 Sub 1172**

Dear Ms. Campbell:

On December 17, 2019, the Court of Appeals of North Carolina issued an Order affirming in part and reversing in part this Commission's July 16, 2018 *Order Granting Motion to Dismiss* in these consolidated dockets, and remanding the matter to the Commission for further proceedings.

On March 20, 2020, the parties filed a Joint Report stating that they were in commercial negotiations that might obviate the need for further proceedings, requesting that the Commission refrain from issuing a procedural schedule, and stating that they would provide another report on the status of negotiations by May 1.

Unfortunately, commercial negotiations have concluded unsuccessfully and this matter will need to proceed to a hearing. The parties are working on a joint proposal for a procedural schedule but have not yet reached consensus. The parties plan to file a joint proposed schedule on May 8, 2020, or separate proposals if they cannot reach agreement.

Sincerely,



Ben Snowden
Counsel for Cube Yadkin Generation LLC

cc: Kendrick Fentress, Esq.
Dwight Allen, Esq.
Joseph Dowdy, Esq.

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