

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION  
DOCKET NO. E-100, SUB 158**

|  |   |                             |
|--|---|-----------------------------|
| <b>In the Matter of:</b>                         | ) |                             |
| <b>Biennial Determination of Avoided Cost</b>    | ) | <b>JOINT MOTION FOR</b>     |
| <b>Rates for Electric Utility Purchases from</b> | ) | <b>EXTENSION OF TIME TO</b> |
| <b>Qualifying Facilities – 2018</b>              | ) | <b>SERVE PROPOSED</b>       |
|  |   | <b>RECORD ON APPEAL</b>     |

**JOINT MOTION FOR EXTENSION OF TIME TO SERVE PROPOSED  
RECORD ON APPEAL**

NOW COME the North Carolina Sustainable Energy Association (“NCSEA”) and the North Carolina Clean Energy Business Alliance (“NCCEBA”) (collectively, “Appellants”), pursuant to Rules 18 and 27 of the North Carolina Rules of Appellate Procedure, and move for a thirty-day extension of time to serve the proposed record on appeal in the above-referenced matter. In support thereof, Appellants state as follows:

1. On 20 August 2020, the Appellants filed the Joint Notice of Appeal and Exceptions of the North Carolina Sustainable Energy Association and the North Carolina Clean Energy Business Alliance (“Notice of Appeal”) to the 15 April 2020 Order Establishing Standard Rates and Contract Terms for Qualifying Facilities (“Order”) in this proceeding pursuant to N.C. Gen. Stat. § 62-90(a).

2. Prior to this motion and after the entry of the Order, Appellants had filed NCSEA and NCCEBA's Joint Motion for Extension of Time to Notice Appeal and Exceptions (“Motion for Extension of Time to Appeal”) and also the Joint Motion for Reconsideration and Clarification of the North Carolina Sustainable Energy Association and the North Carolina Clean Energy Business Alliance (“Motion for Reconsideration”).

On

3. On 10 September 2020, Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP”) (jointly, “Duke”) filed their Motion to Dismiss Appeal (“Motion to Dismiss Appeal”) related to the timeliness of the filing of Appellants’ Notice of Appeal.

4. The current deadline for serving the proposed record on appeal is 24 September 2020. The deadline may be extended by the Commission for up to 30 days pursuant to Rules 18(f) and 27(c)(1). Due to other workload of the attorneys involved in the case, including responding to the underlying Motion to Dismiss Appeal, the complexity of the issues, and the large record, additional time is required to prepare and serve the proposed record. For these reasons, Appellants request an additional 30 days up to and including Monday, 26 October 2020<sup>1</sup>, to serve the proposed record on appeal.

5. Counsel for NCSEA has communicated with counsel for the parties to this proceeding. No parties have indicated that they object to this request. Counsel for Duke stated that by not objecting to NCSEA’s and NCCEBA’s request for additional time to prepare the record on appeal, it was not waiving its assertion that the Notice of Appeal was untimely filed, as set forth in its Motion to Dismiss Appeal.

WHEREFORE, the Appellants respectfully request an extension of time of thirty days, up to and including 26 October 2020, in which to serve the proposed record on appeal on other parties in this proceeding.

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<sup>1</sup> The 30-day extension from the original deadline of 24 September 2020 is 24 October 2020, which is a Saturday. Pursuant to Rule 27 of the North Carolina Rules of Appellate Procedure, the last day of a computed time may not end on a weekend day or a holiday. Therefore, in this case, a granted 30-day extension would run through Monday, 26 October 2020.

Respectfully submitted this the 17th day of September, 2020.

    /s/ Peter H. Ledford    

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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 document 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 17th day of September, 2020.

    /s/ Benjamin W. Smith      
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