

LAW OFFICES OF
F. BRYAN BRICE, JR.

FILED

AUG 22 2017

127 W. HARGETT ST.
SUITE 600
RALEIGH, NC 27601

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Clerk's Office
N.C. Utilities Commission
FAX: 919-573-4252
matt@attybryanbrice.com

August 17, 2017

Lawrence B. Somers Deputy General Counsel Duke Energy Corporation P.O. Box 1551 Raleigh, NC 27602-1551	Dwight W. Allen Allen Law Offices, PLLC 1514 Glenwood Ave., Ste. 200. Raleigh, NC 27608
Sam Watson General Counsel North Carolina Utilities Commission 4325 Mail Service Center Raleigh, NC 27699-4300	Antoinette R. Wike Chief Counsel-Public Staff 4326 Mail Service Center Raleigh, NC 27699-4300
	E. Brett Breitschwerdt Horace Payne McGuire Woods P.O. Box 27507 Raleigh, NC 27611

*Re: State of North Carolina EX REL. Utilities Commission, et al. v. NC WARN;
Docket No. SP-100, Sub 31; NC COA; P16-811*

Dear Counsel:

Enclosed with this letter, please find a file-stamped copy of *Appellant's Memorandum of Additional Authority* for the above-referenced matter.

Please do not hesitate to contact our office if you have any questions or concerns.
Thank you.

Sincerely,



Jeremy L. Best
Paralegal to Matthew D. Quinn

Enclosure

No. COA 16-811

NORTH CAROLINA COURT OF APPEALS

STATE OF NORTH CAROLINA)
EX REL. UTILITIES)
COMMISSION; PUBLIC STAFF -)
NORTH CAROLINA UTILITIES)
COMMISSION; DUKE ENERGY)
CAROLINAS, LLC; DUKE)
ENERGY PROGRESS, LLC;)
VIRGINIA ELECTRIC AND)
POWER COMPANY, d/b/a)
Dominion North Carolina Power;)

Appellees,)

v.)

N.C. WASTE AWARENESS AND)
REDUCTION NETWORK,)

Appellant.)

From the North Carolina
Utilities Commission
Docket No. SP-100, Sub 31

FILED
2017 AUG 17 P 1:57
CLERK COURT OF APPEALS,
OF NORTH CAROLINA

APPELLANT'S MEMORANDUM OF ADDITIONAL AUTHORITY

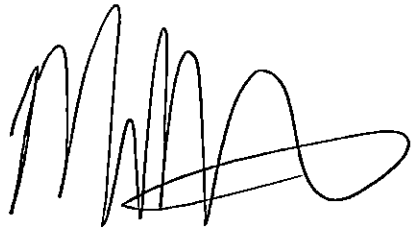
Pursuant to Rule 28 (g) of the North Carolina Rules of Appellate Procedure,
the Appellant N.C. Waste Awareness and Reduction Network ("NC WARN")
submits the following additional authority for the Court's consideration in the
above-captioned case:

1. North Carolina Constitution, Article 1, § 16, attached hereto as Exhibit A; and
2. United States Constitution, Article 1, § 10, attached hereto as Exhibit B.

These authorities are now relevant in light of Appellees' Memorandum of Additional Authority served on 3 August 2017.

This the 17 day of August, 2017.

LAW OFFICE OF F. BRYAN BRICE, JR.

By: 

Matthew D. Quinn
N.C. State Bar No.: 40004
127 W. Hargett St., Ste. 600
Raleigh, N.C. 27601
Telephone: 919-754-1600
Facsimile: 919-573-4252
matt@attybryanbrice.com
Counsel for Appellant

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the foregoing *Appellant's Memorandum of Additional Authority* was served on the following parties to this action, pursuant to Appellate Rule 26, by depositing the same enclosed in a postpaid, properly addressed wrapper in a Post Office or official depository under the exclusive care and custody of the United States Post Office

Department to:

Sam Watson
General Counsel & Director
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4300

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

Dwight W. Allen
Allen Law Offices, PLLC
1514 Glenwood Ave., Ste. 200
Raleigh, N.C. 27608

Antoinette R. Wike
Chief Counsel-Public Staff
4326 Mail Service Center
Raleigh, NC 27699-4300

E. Brett Breitschwerdt
Horace Payne
McGuire Woods
P.O. Box 27507
Raleigh, N.C. 27611

This the 17 day of August, 2017.

LAW OFFICES OF F. BRYAN BRICE, JR.

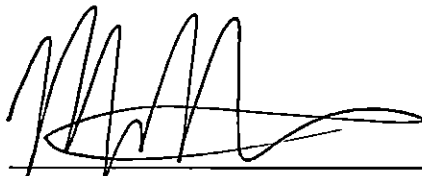
By: 
Matthew D. Quinn

EXHIBIT A

West's North Carolina General Statutes Annotated Constitution of North Carolina Article I. Declaration of Rights

N.C.G.S.A. Art. I, § 16

Sec. 16. Ex post facto laws

Currentness

Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

<Adoption of the Constitution of 1970>

<A complete revision to the North Carolina Constitution of 1868 was proposed in Laws 1969, c. 1258 for submission to the voters at the general election of 1970. The revision was adopted by the electorate at the election of November 3, 1970 to take effect on July 1, 1971. In addition to this revision, amendments separately submitted at the November, 1970, were also adopted and are incorporated in the 1970 Constitution.>

Notes of Decisions (145)

N.C.G.S.A. Art. I, § 16, NC CONST Art. I, § 16

The statutes and Constitution are current through S.L 2017-56, 2017-58 to 2017-94 (with the exception of S.L. 2017-6, §§ 1 – 4(c)) of the 2017 Regular Session of the General Assembly, pending changes received from the Revisor of Statutes.

End of Document

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Section 10, Clause 1. Treaties, Letters of Marque and..., USCA CONST Art. I §...

United States Code Annotated
Constitution of the United States
Annotated
Article I: The Congress (Refs & Annos)

U.S.C.A. Const. Art. I § 10, cl. 1

Section 10, Clause 1. Treaties, Letters of Marque and Reprisal; Coinage of Money; Bills of Credit; Gold and Silver as Legal Tender; Bills of Attainder; Ex Post Facto Laws; Impairment of Contracts; Title of Nobility

Currentness

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility

<This clause is displayed in six separate documents according to subject matter,>

<see USCA Const Art. I § 10, cl. 1-Treaties, Etc.>

<see USCA Const Art. I § 10, cl. 1-Coinage of Money>

<see USCA Const Art. I § 10, cl. 1-Bills of Credit>

<see USCA Const Art. I § 10, cl. 1-Legal Tender>

<see USCA Const Art. I § 10, cl. 1-Bills of Attainder, Etc.>

<see USCA Const Art. I § 10, cl. 1-Impairment of Contracts>

U.S.C.A. Const. Art. I § 10, cl. 1, USCA CONST Art. I § 10, cl. 1

Current through P.L. 115-43. Also includes P.L. 115-45. Title 26 current through 115-45.

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