

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. SP-100, SUB 31

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	) NC WARN'S MOTION
Petition by North Carolina Waste Awareness	) FOR EXTENSION OF
and Reduction Network for a Declaratory	) TIME TO FILE
Ruling Regarding Solar Facility Financing	) NOTICE OF APPEAL
Arrangements and Status as a Public Utility	) AND EXCEPTIONS

NOW COMES NC WARN, by and through undersigned counsel, and moves for an extension of time in which to file a notice of appeal and exceptions to the Commission's Order Issuing Declaratory Ruling ("Order"), issued on April 15, 2016 in the above-captioned matter. In support thereof, NC WARN states the following:

1. Pursuant to N.C. Gen. Stat. § 62-90(a), NC WARN may file a notice of appeal and exceptions to the Order within thirty (30) days of its issuance, "or within such time thereafter as may be fixed by the Commission, not to exceed 30 additional days." The current deadline for filing an appeal is Monday, May 16, 2016.

2. In its Order, the Commission required that NC WARN take several compliance actions, including cooperation with an audit to be performed by the Public Staff. Since the Commission's Order, NC WARN has taken thorough action to comply with the Commission's Order. To show compliance, NC WARN filed a Notice of Compliance with the Commission on May 5, 2016. These efforts involved a significant time commitment that detracted from counsel's ability to

fully and completely research the record and case law concerning the grounds for an appeal of the Order.

3. In addition to these compliance issues, counsel for NC WARN has been busy with filings in other dockets in the Commission, including E-2 Sub 1089.

4. Further, counsel has had significant commitments for other clients in other cases, including several depositions, hearings, briefing deadlines, and other commitments.

5. The combination of the above work load, including actions required in the present docket, have delayed counsel's ability to perform all research necessary to file a thorough notice of appeal and exceptions. Furthermore, if the Commission deems NC WARN's Notice of Compliance to be insufficient, NC WARN would need further time to comply, and may have additional grounds for an appeal.

6. Undersigned counsel conferred with counsel for Duke and is authorized to report that Duke does not object to the proposed extension of time.

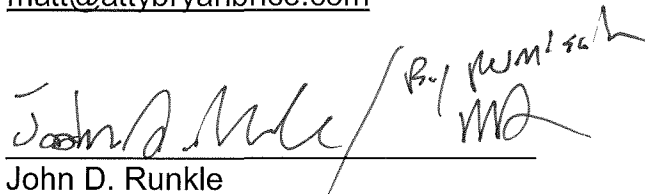
7. For these reasons and others, NC WARN respectfully requests that the deadline for a notice of appeal and exceptions be extended by thirty (30) days.

THEREFORE, pursuant to N.C. Gen. Stat. § 62-90(a), NC WARN respectfully requests an extension of an additional thirty (30) days, up to and including June 15, 2016, in which to file a notice of appeal and exceptions to the Commission's Order.

Respectfully submitted, this the 13<sup>th</sup> day of May, 2016.



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**Attorneys for NC WARN**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this day a copy of the foregoing NC WARN'S MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL AND EXCEPTIONS was served upon each of the parties of record in this proceeding or their attorneys of record by electronic mail, or by hand delivery, or by depositing a copy of the same in the United States Mail, postage prepaid.

This the 13<sup>th</sup> day of May, 2016.

LAW OFFICES OF F. BRYAN BRICE, JR.

By: 

Matthew D. Quinn