

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. E-2, SUB 1089

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	)	
Application of Duke Energy Progress, LLC for a	)	MOTION FOR EXTENSION
Certificate of Public Convenience and Necessity	)	OF TIME TO FILE NOTICE
to Construct a 752 Megawatt Natural Gas-Fueled	)	OF APPEAL AND
Electric Generation Facility in Buncombe County	)	EXCEPTIONS OF NC WARN
Near the City of Asheville	)	AND THE CLIMATE TIMES

NOW COMES the North Carolina Waste Awareness and Reduction Network (“NC WARN”) and The Climate Times, by and through undersigned counsel, and move for an extension of time in which to file a notice of appeal and exceptions to the Commission’s Order Granting Application in Part, With Conditions, and Denying Application in Part, issued on March 28, 2016 (hereinafter, the “Order”), in the above-captioned matter. In support thereof, NC WARN and The Climate Times state the following:

1. Pursuant to N.C. Gen. Stat. § 62-90(a), NC WARN and The Climate Times 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 Wednesday, April 27, 2016.

2. While conducting its research for an anticipated appeal of the Order, counsel for NC WARN and The Climate Times learned that appeals from the granting of a certificate of public convenience and necessity are subject to a


unique requirement not present in other types of appeals from the Commission. According to N.C. Gen. Stat. § 62-82(a), the party appealing from a certificate of public convenience and necessity must “file[] with the Commission a bond with sureties approved by the Commission, or an undertaking approved by the Commission, in such amount as the Commission determines.” Hence, contemporaneous with the filing of the present Motion, NC WARN and The Climate Times are filing a motion to set bond for the anticipated appeal of the Order.

3. NC WARN and The Climate Times respectfully request that the deadline for a notice of appeal and exceptions be extended so that the Commission can rule upon NC WARN and The Climate Times’s motion for bond. After the bond is set, NC WARN and The Climate Times anticipate posting the bond and filing a notice of appeal and exceptions.

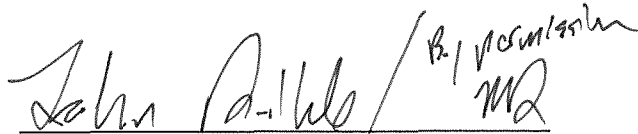
4. Counsel for NC WARN and The Climate Times conferred with Duke Energy Progress LLC concerning this Motion. Undersigned counsel is authorized to report that Duke Energy Progress LLC does not object to the extension of time requested in the present Motion.

THEREFORE, NC WARN and The Climate Times respectfully request an extension of an additional thirty (30) days, up to and including May 27, 2016, in which to file a notice of appeal and exceptions to the Commission’s Order.

Respectfully submitted, this the 25<sup>th</sup> day of April, 2016.



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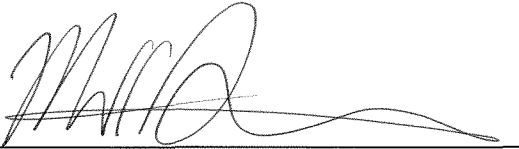
**Counsel for NC WARN & The Climate Times**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this day he served a copy of the foregoing MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL AND EXCEPTIONS OF NC WARN AND THE CLIMATE TIMES 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 25<sup>th</sup> day of April, 2016.

LAW OFFICES OF F. BRYAN BRICE, JR.

By:   
Matthew D. Quinn