



OFFICIAL COPY

## North Carolina Court of Appeals

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No. COA16-811-1

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.

**FILED**

JUN 07 REC'D

Clerk's Office  
N.C. Utilities Commission

From N.C. Utilities Commission  
SP-100 SUB31

### CERTIFICATION OF JUDGMENT

On the 11th day of May 2018, the Supreme Court of North Carolina filed an opinion, a copy of which is hereto attached, affirming the opinion of this Court filed on the 19th day of September 2017.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the certification of the opinion of this Court heretofore made to the trial tribunal is affirmed.

Certified to the Clerk of Utilities Commission under my hand and seal this the 31st day of May 2018.

Daniel M. Horne Jr.  
Clerk, North Carolina Court of Appeals

Copy to:

# IN THE SUPREME COURT OF NORTH CAROLINA

350A17

State of NC ex rel. Utilities Commission, et al. v N.C. W.A.R.N.

N.C. Utilities Commission

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

v

N.C. WASTE AWARENESS AND REDUCTION NETWORK

From N.C. Court of Appeals  
(16-311)  
From N.C. Utilities Commission  
(SP-100 SUB31)

CLERK COURT OF APPEALS  
OF NORTH CAROLINA

2018 MAY 31 P 2:57

FILED

## J U D G M E N T

This cause came on to be argued upon the transcript of the record from the North Carolina Court of Appeals. Upon consideration whereof, this Court is of the opinion that there is no error in the record and proceedings of said North Carolina Court of Appeals.

It is therefore considered and adjudged by the Court here that the opinion of the Court be certified to the said North Carolina Court of Appeals to the intent that the judgment of the said Court of Appeals is Affirmed. And it is considered and adjudged further, that the Plaintiff-Appellant do pay the costs of the appeal in this Court incurred, to wit, the sum of Sixteen and 00/100 (\$16.00), and execution issue therefor.

Certified to the North Carolina Court of Appeals, this the 31st day of May 2018.

A TRUE COPY

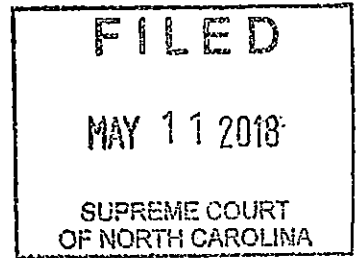


Amy L. Funderburk  
Clerk, Supreme Court Of North Carolina

By:   
Assistant Clerk

IN THE SUPREME COURT OF NORTH CAROLINA  
No. 350A17

Filed 11 May 2018



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

v.

NORTH CAROLINA WASTE AWARENESS AND REDUCTION NETWORK

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 805 S.E.2d 712 (2017), affirming an order of the North Carolina Utilities Commission entered on 15 April 2016 in Docket No. SP-100, Sub 31. Heard in the Supreme Court on 17 April 2018.

*Robert B. Josey, Jr. and David T. Drooz, Staff Attorneys for defendant-appellee Public Staff – North Carolina Utilities Commission.*

*Allen Law Offices, PLLC, by Dwight W. Allen, for defendant-appellees Duke Energy Progress, LLC and Duke Energy Carolinas, LLC.*

*McGuireWoods, LLP, by E. Brett Breitschwerdt, Andrea R. Kells, and Valyce M. Davis, for defendant-appellee Virginia Electric and Power Company d/b/a Dominion Energy North Carolina.*

*Law Offices of F. Bryan Brice, Jr., by Matthew D. Quinn; and John D. Runkle for plaintiff-appellant North Carolina Waste Awareness and Reduction Network.*

*Perrin W. de Jong for Center for Biological Diversity, Food and Water Watch, Friends of the Earth, Greenpeace, Inc., and Institute for Local Self-Reliance; and Howard M. Crystal, pro hac vice, and Anchun Jean Su, pro hac vice, for Center for Biological Diversity, amici curiae.*

State *ex rel.* Utils. Comm'n v. NC WARN

*Opinion of the Court*

*Burns, Day & Presnell, P.A., by Daniel C. Higgins, for North Carolina Eastern Municipal Power Agency, North Carolina Municipal Power Agency Number 1, and ElectriCities of North Carolina, Inc., amici curiae.*

PER CURIAM.

AFFIRMED.

