

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1213
DOCKET NO. E-7, SUB 1214
DOCKET NO. E-7, SUB 1187

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-7, SUB 1213)	
)	
In the Matter of)	
Petition of Duke Energy Carolinas, LLC, for)	ORDER GRANTING NC WARN'S
Approval of Prepaid Advantage Program)	MOTION TO FILE POST-HEARING
)	BRIEF OUT OF TIME SUBJECT TO
DOCKET NO. E-7, SUB 1214)	CONDITIONS
)	
In the Matter of)	
Application by Duke Energy Carolinas, LLC,)	
for Adjustment of Rates and Charges)	
Applicable to Electric Utility Service in)	
North Carolina)	
)	
DOCKET NO. E-7, SUB 1187)	
)	
In the Matter of)	
Application of Duke Energy Carolinas, LLC)	
for an Accounting Order to Defer)	
Incremental Storm Damage Expenses)	
Incurred as a Result of Hurricanes Florence)	
and Michael and Winter Storm Diego)	

BY THE CHAIR: On September 23, 2020, the Commission issued a Notice of Due Date for Proposed Orders and Briefs (Notice), in the above-captioned dockets. The Notice informed the parties that the transcript of testimony had been made available, and that briefs and proposed orders were to be filed on or before October 26, 2020.

In response to two subsequent motions to extend the date for filing briefs and proposed orders, said date was extended by the Commission to November 4, 2020.

On November 6, 2020, NC WARN filed a motion requesting that it be allowed to file its Post-Hearing Brief out of time. In summary, NC WARN stated that before 5:00 p.m. on November 4, 2020, NC WARN timely filed and served its Brief, but that its Brief has not yet appeared in the Commission's docket. NC WARN stated that when its Brief did not appear in the Commission's docket its counsel's office promptly consulted with the Commission Clerk's Office prior to the expiration of the deadline for post-hearing briefs

and was informed that there was a problem with a server that delayed the posting of some filings, but that NC WARN's Brief would likely appear in the docket soon.

The Commission's Chief Clerks Office has reviewed the history of document filings in the above-captioned dockets on November 4, 2020, and found no indication that there was a server problem. Technical difficulties can occur on either end of the filing process, and the Commission does not intend to reject a party's filing based solely on it being late due to technical difficulties. On the other hand, the Commission must ensure that no party gains an advantage by having additional days to make a filing after all other parties have complied with the filing deadline.

Based on NC WARN's motion and the record, the Chair finds good cause to allow NC WARN to file its Post-Hearing Brief within two business days of the date of this Order, accompanied by a verified statement of NC WARN's attorney that (1) NC WARN's Brief was timely served on all other parties on November 4, 2020, and (2) NC WARN's Brief has not been revised after November 4, 2020.

IT IS, THEREFORE, ORDERED as follows:

1. That NC WARN is hereby granted leave to file its Post-Hearing Brief within two business days of the date of this Order;
2. That the leave granted in Ordering Paragraph No. 1 above is conditioned on NC WARN filing with its Brief a verified statement by NC WARN's attorney that (i) NC WARN's Brief was timely served on all other parties on November 4, 2020, and (ii) NC WARN's Brief has not been revised after November 4, 2020; and
3. That upon receipt of NC WARN's Brief within two business days of the date of this Order and accompanied by said verified statement the Chief Clerks Office shall accept and file NC WARN's Brief.

ISSUED BY ORDER OF THE COMMISSION.

This the 10th day of November, 2020.

NORTH CAROLINA UTILITIES COMMISSION



Kimberley A. Campbell, Chief Clerk