

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; and Lawrence B. Somers, Deputy General Counsel, Duke Energy Corporation; 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.