

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

HEARING EXAMINER DIRECTIVE

DOCKET NO. 2016-342-E ORDER NO. 2016-110-H

OCTOBER 26, 2016

Hearing Examiner: David Butler

DOCKET DESCRIPTION:

Andrea Graham, Complainant/Petitioner v. Duke Energy Progress, LLC, Defendant/Respondent

MATTER UNDER CONSIDERATION:

Request that the pre-filing deadlines for testimony of all parties and the hearing date continue to be held in abeyance, pending consideration of the Company Motion to Dismiss

HEARING EXAMINER'S ACTION:

Duke Energy Progress, LLC ("DEP") states that the Complainant had a Bankruptcy case that was dismissed. However, the Bankruptcy Court records indicated that the Complainant's attorney filed a motion to reconsider dismissal of the case, and a hearing was set on that motion for October 11, 2016. Accordingly, DEP requested that the filing deadlines for testimony for all parties and the hearing be held in abeyance in this Docket, pending the outcome of the Bankruptcy Court hearing on dismissal of the case. This relief was granted in Order No. 2016-97-H. The Company reports that that the motion to reconsider dismissal of the bankruptcy case was denied. The Company has now filed a Motion to Dismiss the Complaint, and requests that the filing deadlines for all parties and the hearing date continue to be held in abeyance, pending Commission consideration of the Motion to Dismiss. This is a reasonable request, and is granted. The filing deadlines for testimony for all parties and the date for the hearing in this Docket will continue to be held in abeyance, pending Commission consideration of the Company's Motion to Dismiss.