

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT  
Ralph King Anderson, III, Chief Administrative Law Judge  
South Carolina Court of Appeals  
Published Opinion No. 5062

Case No. 09-ALC-07-0377-CC

Duke Energy Carolinas, LLC ..... Respondent,

v.

South Carolina Department of Health and Environmental  
Control, South Carolina Attorney General, American Rivers, and  
The South Carolina Coastal Conservation League. .... Defendants,

Of whom South Carolina Department of Health and Environmental  
Control and American Rivers and The South Carolina Coastal  
Conservation League are. .... Appellants.

**RESPONDENT DUKE ENERGY CAROLINAS, LLC'S MOTION FOR  
EXTENSION OF TIME TO FILE PETITION FOR CERTIORARI**

**RECEIVED**  
MAY 28 2013  
SC Court of Appeals

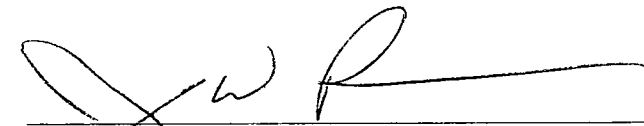
Respondent Duke Energy Carolinas, LLC ("Duke") moves, pursuant to Rule 240, SCACR, for an extension of time to file a petition for certiorari of Opinion No. 5062, filed by the Court of Appeals on May 1, 2013 ("Opinion"). Pursuant to Rule 243, SCACR, a petition for certiorari for the Opinion is due on May 31, 2013. Duke requests a 28-day extension of time to June 28, 2013, to file its Petition for Writ of Certiorari and Appendix to Petition for Writ of Certiorari for the Opinion. The grounds for this Motion are that additional time is needed to fully prepare the Petition and to fully develop the grounds for requesting certiorari. Counsel's

schedule has also been occupied with various matters that preclude adequate preparation of the Petition by the May 31<sup>st</sup> date.

Counsel for Duke has consulted with counsel for Appellant South Carolina Department of Health and Environmental Control and counsel for Appellants American Rivers and The South Carolina Coastal Conservation League, both of whom have advised counsel for Duke that they take no position on this Motion.

WHEREFORE, Duke respectfully requests a 28-day extension of time to June 28, 2013, to file its Petition for Writ of Certiorari and Appendix to Petition for Writ of Certiorari for the Opinion.

May 23, 2013



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James W. Potter (SC Bar No. 4537)  
W. Thomas Lavender, Jr. (SC Bar No. 3143)  
Joan W. Hartley (SC Bar No. 72735)  
Nexsen Pruet, LLC  
Post Office Drawer 2426  
Columbia, South Carolina 29202  
PHONE: 803.771.8900  
FACSIMILE: 803.727.1471  
JPotter@nexsenpruet.com  
TLavender@nexsenpruet.com  
JHartley@nexsenpruet.com

Attorneys for Respondent  
Duke Energy Carolinas, LLC

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PROOF OF SERVICE

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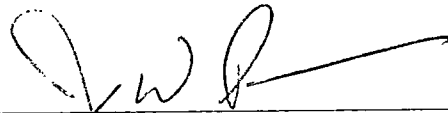
I certify that I have served the Respondent's Motion for Extension of Time to File Petition for Certiorari on counsel of record for South Carolina Department of Health and Environmental Control, American Rivers and The South Carolina Coastal Conservation League by depositing a copy of it in the United States Mail, postage prepaid, on May 23, 2013, addressed to:

Stephen P. Hightower, Esquire  
Office of General Counsel  
South Carolina Department of Health  
and Environmental Control  
2600 Bull Street  
Columbia, SC 29201

Christopher K. DeScherer, Esquire  
Lisa M. Satsburg, Esquire  
James Blanding Holman, IV, Esquire  
Southern Environmental Law Center  
43 Broad Street, Suite 300  
Charleston, SC 29401-3051

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211

May 23, 2013



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W. Thomas Lavender, Jr. (SC Bar No. 3143)  
Joan W. Hartley (SC Bar No. 72735)  
Nexsen Pruet, LLC  
1230 Main St., Ste. 700 (29201)  
Post Office Drawer 2426  
Columbia, South Carolina 29202  
803.771.8900

Attorneys for Respondent Duke Energy  
Carolinas, LLC

James W. Potter  
Special Counsel  
Admitted in SC, AL

May 23, 2013

**HAND DELIVERED**

The Honorable Daniel E. Shearhouse  
Clerk, Supreme Court of South Carolina  
P.O. Box 11330  
Columbia, South Carolina 29211

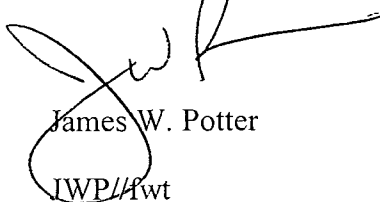
Re: Duke Energy Carolinas, LLC v. South Carolina Department of Health  
and Environmental Control, et al.  
Case No. 09-ALC-07-0377-CC  
Case Tracking Number 2010-166486

Dear Mr. Shearhouse:

Enclosed for filing please find the original and seven (7) copies of Respondent Duke Energy Carolinas, LLC's Motion for Extension of Time to File Petition for Certiorari and Proof of Service in the above-referenced case. Also enclosed is our firm's check for \$25 for the filing fee. Please return a file-stamped copy of each via the courier.

We appreciate your assistance in this matter.

Very truly yours,



James W. Potter

JWP/twt

Enclosures

cc: Stephen P. Hightower, Esquire  
Christopher K. DeScherer, Esquire  
Lisa M. Satsburg, Esquire  
James Blanding Holman IV, Esquire  
Clerk of Court, SC Court of Appeals

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