

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, LLCPetitioner,

v.

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

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

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

Petitioner 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

RECEIVED

MAY 29 2013

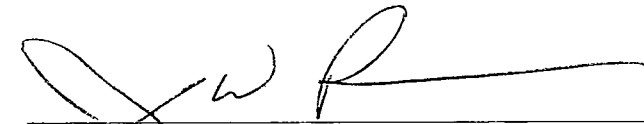
SC Court of Appeals

schedule has also been occupied with various matters that preclude adequate preparation of the Petition by the May 31st 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



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

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Chief Administrative Law Judge

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.

PROOF OF SERVICE

RECEIVED

MAY 28 2013

SC Court of Appeals

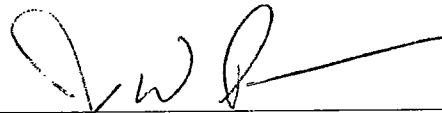
I certify that I have served the Respondent's Motion for Extension of Time to File Petition for Certiorari on counsel of record for South Carolina Department of Health and Environmental Control, American Rivers and The South Carolina Coastal Conservation League by depositing a copy of it in the United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



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
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

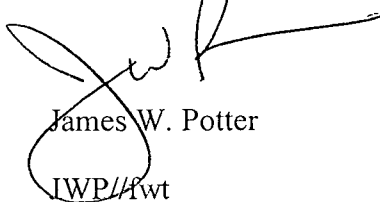
Re: Duke Energy Carolinas, LLC v. South Carolina Department of Health
and Environmental Control, et al.
Case No. 09-ALC-07-0377-CC
Case Tracking Number 2010-166486

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

IWP//fwt

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

RECEIVED

MAY 28 2013

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Ralph King Anderson, III, Chief Administrative Law Judge

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

Duke Energy Carolinas, LLCPetitioner,

v.

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

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

PROOF OF SERVICE

I certify that I have served the Petitioner'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

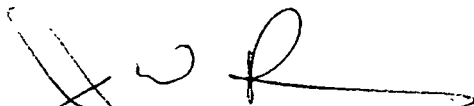
RECEIVED

MAY 29 2013

SC Court of Appeals

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

May 28, 2013



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
1230 Main St., Ste. 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202
803.771.8900

Attorneys for Petitioner Duke Energy
Carolinas, LLC

NEXSEN|PRUET

James W. Potter
Special Counsel
Admitted in SC, AL

May 28, 2013

HAND DELIVERED

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

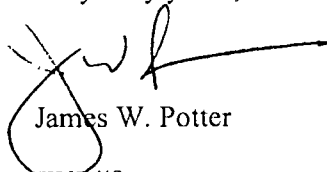
Re: Duke Energy Carolinas, LLC v. South Carolina Department of Health
and Environmental Control, et al.
Case No. 09-ALC-07-0377-CC
Case Tracking Number 2010-166486

Dear Mr. Shearhouse:

Per your request, enclosed for filing please find the original corrected case caption of
Petitioner Duke Energy Carolinas, LLC's Motion for Extension of Time to File
Petition for Certiorari and Proof of Service in the above-referenced case. All parties
have been served. 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//fwt

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

1230 Main Street
Suite 700 (29201)
PO Drawer 2426
Columbia, SC 29202
www.nexsenpruet.com

T 803.253.8213
F 803.253.8277
E JPotter@nexsenpruet.com
Nexsen Pruet, LLC
Attorneys and Counselors at Law

RECEIVED
MAY 29 2013
SC Court of Appeals