

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

RECEIVED

JUL 06 2018

S.C. SUPREME COURT

Appellate Case No. 2018-000475

APPEAL FROM THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

Docket No. 2017-32-E

3109 Hwy. 25 S. L.L.C. d/b/a 25 Drive-In and  
Tommy McCutcheon ..... Respondent,

vs.

Duke Energy Carolinas, LLC ..... Appellant.

**MOTION FOR EXTENSION OF TIME FOR APPELLANT  
TO SERVE AND FILE INITIAL REPLY BRIEF AND DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

Frank R. Ellerbe, III  
Samuel J. Wellborn  
ROBINSON GRAY STEPP & LAFFITTE, LLC  
Post Office Box 11449  
Columbia, SC 29211  
(803) 929-1400  
[fellerbe@robinsongray.com](mailto:fellerbe@robinsongray.com)  
[swellborn@robinsongray.com](mailto:swellborn@robinsongray.com)

Rebecca J. Dulin, Esquire  
Duke Energy Carolinas, LLC  
1201 Main Street, Suite 1180  
Columbia, South Carolina 29201  
803.988.7130

Duke Energy Carolinas, LLC

Pursuant to Rule 240, SCACR, appellant Duke Energy Carolinas, LLC (“DEC”) moves for an extension of time in which to serve and file appellant’s Initial Reply Brief and Designation of Matter to be included in the Record on Appeal (“Designation of Matter”). DEC requests an extension of 10 days to file the Initial Reply Brief and Designation of Matter which are currently due July 16, 2018. The deadline for appellant’s Initial Reply Brief and Designation of Matter has not been extended previously.

The grounds for this motion are that other impending professional matters and a previously scheduled family vacation have created a need for additional time to prepare the Initial Reply Brief and Designation of Matter. A 10-day delay will not prejudice the rights of any of the parties. We have notified counsel for the respondent of our intent to file this motion and respondent’s counsel has informed us that they have no objection. Granting this motion would require the Initial Reply Brief and Designation of Matter to be filed with the Court no later than July 26, 2018.

For these reasons, DEC requests an extension of the deadline for filing and serving the Initial Reply Brief and Designation of Matter until July 26, 2018.

Dated this 6<sup>th</sup> day of July, 2018.



---

Frank R. Ellerbe, III  
ROBINSON GRAY STEPP & LAFFITTE, LLC  
Post Office Box 11449  
Columbia, SC 29211  
(803) 929-1400  
[fellerbe@robinsongray.com](mailto:fellerbe@robinsongray.com)

Representing Duke Energy Carolinas, LLC

THE STATE OF SOUTH CAROLINA

In the Supreme Court

RECEIVED

Appellate Case No. 2018-000475

JUL 06 2018

APPEAL FROM THE PUBLIC SERVICE COMMISSION SUPREME COURT  
OF SOUTH CAROLINA

DOCKET NO. 2017-32-E

3109 Hwy. 25 S. L.L.C. d/b/a 25 Drive-In and  
Tommy McCutcheon .....Respondent,

vs.

Duke Energy Carolinas, LLC .....Appellant.

**PROOF OF SERVICE**

This is to certify that I, Toni C. Hawkins, a Paralegal with the law firm of Robinson Gray Stepp & Laffitte, LLC, have this day caused to be served upon the person(s) named below the **Motion for Extension to file initial Reply Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on behalf of Duke Energy Carolinas, LLC** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Alexander G. Shissias, Esquire  
John J. Fantry Jr., Esquire  
The Shissias Law Firm, LLC  
1727 Hampton Street  
Columbia, South Carolina 29201

Dated this 6<sup>th</sup> day of July, 2018.

  
Toni C. Hawkins