

No. _____

SUPREME COURT OF NORTH CAROLINA

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,)
)
 Appellees,)
)
 v.)
)
 N.C. WASTE AWARENESS AND)
 REDUCTION NETWORK,)
)
 Appellant.)

From the North Carolina
Utilities Commission
 No. SP-100, Sub 31
 No. COA 16-811

NOTICE OF APPEAL BASED ON DISSENT IN COURT OF APPEALS
PURSUANT TO N.C. GEN. STAT. § 7A-30(2) & N.C. R. APP. P. 14

TO THE HONORABLE SUPREME COURT OF NORTH CAROLINA:

Appellant N.C. Waste Awareness and Reduction Network (“NC WARN”) hereby appeals to the Supreme Court of North Carolina from the judgment of the Court of Appeals issued on 19 September 2017, which was entered with a dissent by Judge Dillon. The Court of Appeals’ opinion and dissent in this case are attached hereto as Attachment A. The dissent by Judge Dillon was based upon the

following issues, which Appellant NC WARN will present to the Supreme Court of North Carolina for appellate review:

1. Did the Court of Appeals err in affirming the Utilities Commission's Order Issuing Declaratory Ruling, which denied the relief requested in NC WARN's Request for Declaratory Ruling?
2. Did the Court of Appeals err in concluding that, by installing a single solar system on a Church's roof for the sole use of said Church, NC WARN was a "public utility" because it was producing, generating, transmitting, delivering or furnishing electricity for compensation to or for the public?

Respectfully submitted, this the ____ day of October, 2017.

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the foregoing *Notice of Appeal* was served on the following parties to this action, pursuant to Appellate Rule 26, by depositing the same enclosed in a postpaid, properly addressed wrapper in a Post Office or official depository under the exclusive care and custody of the United States Post Office Department to:

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This the ____ day of October, 2017.

LAW OFFICES OF F. BRYAN BRICE, JR.

By: _____
Matthew D. Quinn