

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
13EHR18085

Alcoa Power Generating Inc Petitioner v. Division Of Water Quality, NC Department of Environment and Natural Resources Respondent	AMENDED SCHEDULING ORDER
--	---------------------------------

Having considered the Motion to Continue Hearing and to Establish a Scheduling Order filed by Petitioner Alcoa Power Generating Inc. ("APGI"), and for good cause shown;

IT IS HEREBY ORDERED that:

- a. The parties shall file any motions pursuant to Rule 12 of the North Carolina Rules of Civil Procedure (NCRCP) on or before January 31, 2014;
- b. The parties shall file any responses to NCRCP Rule 12 motions on or before February 10, 2014;
- c. The hearing on any NCRCP Rule 12 motions shall be held on February 19, 2014 or 21, 2014, or as soon thereafter as is convenient for the Court;
- d. Discovery shall be completed by the date (Discovery Completion date) set as follows:
 - i. If no NCRCP Rule 12 motions are filed by January 31, 2014, discovery shall be completed on or before March 14, 2014; or
 - ii. If any NCRCP Rule 12 motions are filed, but the case is not resolved as a result of the hearing, the parties shall complete discovery on or before 45 days following the issuance of the Court's ruling in response to the NCRCP Rule 12 motions;
- e. The parties shall file any summary judgment motions pursuant to NCRCP Rule 56 (Summary Judgment Motions) on or before the date 30 days after the Discovery Completion Date (Summary Judgment Motion Deadline);

- f. Responses to any Summary Judgment Motions shall be filed on or before 10 days after the Summary Judgment Motion Deadline (Summary Judgment Response Deadline);
- g. Any hearing on the Summary Judgment Motions (Summary Judgment Hearing) shall be held at least 10 days following the Summary Judgment Response Deadline, or as soon thereafter as is convenient for the Court;
- h. If the case is not resolved as a result of the Summary Judgment Hearing, the parties shall confer and, within 30 days of their receipt of the results of the Summary Judgment Hearing, hold a Prehearing Conference and submit to the Court the information requested under 26 NCAC 3.0108(a) including proposed dates for the hearing on the merits, or, in the alternative, request that the Court schedule a Prehearing Conference pursuant to 26 NCAC 3.0108(b).
- i. The case caption is conformed to the name of Respondent.

This the 8th day of January, 2014.

A handwritten signature in black ink, reading "Beecher R. Gray". The signature is written in a cursive, flowing style.

Beecher R. Gray
Administrative Law Judge

On this date mailed to:

Charles D Case
Hunton & Williams, LLP
421 Fayetteville St, Ste 1400
Raleigh, NC 27601
Attorney For Petitioner

Kiran H Mehta
Hearst Tower, 47th Floor
214 N. Tryon St.
Charlotte, NC 28202-4006
Attorney For Petitioner

Jane L Oliver
John Payne
NC Department of Justice
9001 Mail Service Center
Raleigh, NC 27699
Attorney For Respondent

This the 8th day of January, 2014.



N. C. Office of Administrative Hearings
6714 Mail Service Center
Raleigh NC 27699-6714
919 431 3000
Facsimile: 919 431 3100

RECEIVED
JAN 09 2014
N.C. ATTORNEY GENERAL
Environmental Division