DIALYSIS CARE OF NORTH CAROLINA, LLC, d/b/a DCNC, LLC, d/b/a DIALYSIS CARE OF ROWAN COUNTY, Petitioner v. NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF FACILITY SERVICES, CERTIFICATE OF NEED SECTION, Respondent, and BIO-MEDICAL APPLICATIONS OF NORTH CAROLINA, INC. d/b/a BMA OF KANNAPOLIS d/b/a METROLINA KIDNEY CENTER OF KANNAPOLIS (LESSEE) AND METROLINA NEPHROLOGY ASSOCIATES, P.A. (LESSOR), Respondent-Intervenors

No. 252A00

## (Filed 21 December 2000)

## No Headnotes.

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 137 N.C. App. 638, 529 S.E.2d 257 (2000), affirming a final agency decision entered by the Division of Facility Services of the North Carolina Department of Health and Human Services on 9 December 1998. Heard in the Supreme Court 18 October 2000.

Poyner & Spruill L.L.P., by William R. Shenton, Thomas R. West, and Pamela A. Scott, for petitioner-appellant.

Michael F. Easley, Attorney General, by James A. Wellons, Special Deputy Attorney General, for respondent-appellee; and Law Office of Joy H. Thomas, by Joy H. Thomas, for respondent-intervenor-appellees.

PER CURIAM.

AFFIRMED.