

**DUKE ENERGY CAROLINAS, LLC,**

**Plaintiff,**

**vs.**

**FRONTIER COMMUNICATIONS OF  
THE CAROLINAS, LLC,**

**Defendant.**

**THIS MATTER** is before the Court *sua sponte* to ascertain subject matter jurisdiction. The Defendant, Frontier Communications of the Carolinas, LLC, removed this action from state court based upon diversity jurisdiction (#1). In the Complaint, the Plaintiff alleges that Duke Energy Carolinas, LLC is a corporation organized under the laws of the state of North Carolina and the Defendant is a corporation organized and existing under the laws of the state of Delaware. In a pleading filed by the Defendant before the Federal Communications Commission, a copy of which was filed in this matter (#24-1), the Defendant alleges that Duke Energy Carolinas, LLC is a subsidiary of Duke Energy Corporation, a corporation organized and existing under the laws of the state of Delaware. As a result it appears the court should make an investigation to determine if diversity

jurisdiction does in fact exist in this matter.

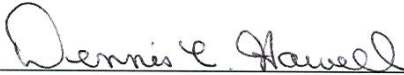
Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4<sup>th</sup> Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c)(“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Plaintiff and the Defendant will be required by this Court to indicate the constitute members or partners of each party.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that on or before **August 28, 2014**, the Plaintiff shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of Duke Energy Carolinas, LLC and for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified. It is also **ORDERED** that on or before **August 28, 2014**, the Defendant shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of

Frontier Communications of the Carolinas, LLC and for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: August 7, 2014

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Dennis L. Howell  
United States Magistrate Judge

