

IN THE SUPREME COURT OF NORTH CAROLINA

No. 198PA11

FILED 14 DECEMBER 2012

L&S WATER POWER, INC., BROOKS ENERGY, L.L.C., DEEP RIVER HYDRO, INC., HYDRODYNE INDUSTRIES LLC, WILLIAM DEAN BROOKS, and HOWARD BRUCE COX

v.

PIEDMONT TRIAD REGIONAL WATER AUTHORITY

On discretionary review pursuant to N.C.G.S. § 7A-31 of a unanimous decision of the Court of Appeals, \_\_\_ N.C. App. \_\_\_, 712 S.E.2d 146 (2011), affirming an order entered on 26 October 2009 by Judge Calvin E. Murphy and an order entered on 10 May 2010 by Judge Clarence E. Horton, Jr., both in Superior Court, Guilford County. Heard in the Supreme Court on 16 October 2012.

*Boydoh & Hale, PLLC, by J. Scott Hale, for plaintiff-appellees.*

*Roberson Haworth & Reese, P.L.L.C., by Robert A. Brinson and Christopher C. Finan; and Hunton & Williams, LLP, by Charles D. Case, for defendant-appellant.*

*Len S. Anthony, General Counsel, for Carolina Power & Light Company d/b/a Progress Energy Carolinas, Inc.; and Robert B. Schwentker, General Counsel, for North Carolina Electric Membership Corporation, amici curiae.*

*Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P., by V. Randall Tinsley, for City of Salisbury, amicus curiae.*

*Kimberly S. Hibbard, NCLM General Counsel, and Gregory F. Schwitzgebel, III, NCLM Senior Assistant General Counsel; and Daniel F. McLawhorn, City of Raleigh Associate City Attorney, for North Carolina League of Municipalities, amicus curiae.*

*Hartsell & Williams, P.A., by Christy E. Wilhelm and Fletcher L. Hartsell, Jr., for Water and Sewer Authority of Cabarrus County, amicus curiae.*

L&S WATER POWER, INC. v. PIEDMONT TRIAD REG'L WATER AUTH.

*Opinion of the Court*

PER CURIAM.

DISCRETIONARY REVIEW IMPROVIDENTLY ALLOWED.