

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-2, SUB 1300

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application of Duke Energy Progress,)	UNITED STATES DEPARTMENT OF
LLC, for Adjustment of Rates and)	DEFENSE AND ALL OTHER
Charges Applicable to Electric)	FEDERAL EXECUTIVE AGENCIES'
Service in North Carolina and)	MOTION FOR LEAVE TO INTERVENE
Performance Based Regulation)	

The Secretary of Defense, though duly authorized counsel and on behalf of the consumer interests of The United States Department of Defense and all other Federal Executive Agencies ("DoD/FEA"), hereby petitions the State of North Carolina Utilities Commission Raleigh ("Commission") for leave to intervene in the above-captioned proceeding. DoD/FEA has a direct and significant interest in this proceeding. This application to Intervene is filed pursuant to R1-5, R1-7, and R1-9 of the Commission's Rules of Practice and Procedure and the Commission's December 16, 2022 Order Scheduling Investigation and Hearings, Establishing Intervention and Testimony Due Dates and Discovery Guidelines, and Requiring Public Notice. In support of this Motion, DoD/FEA states as follows:

I

DoD/FEA will be represented by, with all documents served upon and all communications referred to, its duly authorized representative pursuant to 40 U.S.C. § 501(c), United States Army Legal Services Agency employee:

Kyle J. Smith¹
General Attorney
U.S. Army Legal Services Agency
Environmental Law Division (JALS-ELD)
9275 Gunston Road
Fort Belvoir, VA 22060-4446
Telephone: (703) 693 -1274
Email: kyle.j.smith124.civ@army.mil

Pursuant to Commission Rule R1-39, DoD/FEA agrees to electronic service of all pleadings and other filings in this matter.

II

DoD/FEA maintains certain military installations and civilian agency activities within the State of North Carolina, a number of which obtain electric service from Duke Energy Progress, LLC (“DEP”). On October 6, 2022, DEP filed an application with the Commission, requesting authority to adjust and increase its rates and charges for retail electric service in North Carolina. In this instant proceeding, the Commission proposes to evaluate DEP’s Application in the public interest.

III

DoD/FEA purchases large quantities of electric service from DEP in North Carolina. DoD/FEA installations served by DEP include, but are not limited to, Fort Bragg, Marine Corps Base Camp Lejeune, Seymour Johnson Air Force Base, and Marine Corps Air Station Cherry Point. DoD/FEA is a customer with a significant economic interest in this proceeding and will be affected by its outcome.

¹ Kyle J Smith is filing a Motion for Admittance *Pro Hac Vice* in this matter contemporaneously with this Motion, associating with local counsel, and paying all fees required by G.S. § 84-41.

IV

The interests of DoD/FEA are such that it cannot be adequately protected by any other party. The load factor, characteristics, and rate schedules upon which these facilities buy power make their usage distinct from other large customers. DoD/FEA will present evidence that will be of value to the Commission in its determination of the issues.

V

DoD/FEA's intervention and participation herein will not unreasonably broaden the issues, burden the record, unduly affect the rights of participating parties, or unreasonably delay the proceedings.

WHEREFORE, The United States Department of Defense and all other Federal Executive Agencies petitions the Commission for leave to intervene in the captioned proceeding as a party with full rights to participate in the proceeding, including the right to discovery, to examine witnesses, to file testimony and briefs, and to be heard at oral argument.

Dated this 30th day of January, 2023

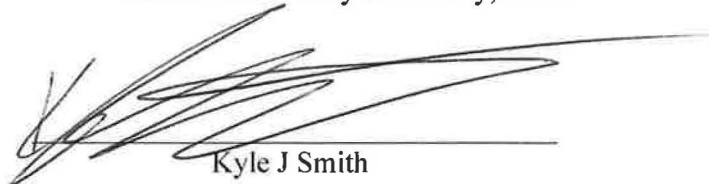
Respectfully submitted,

/s/ Kyle J Smith
Kyle J Smith
General Attorney
Environmental Law Division (JALS-ELD)
Office of the Judge Advocate General
U. S. Army Legal Services Agency
9275 Gunston Road
Fort Belvoir, VA 22060-5546 .
For
The United States Department of Defense
and
all other Federal Executive Agencies

VERIFICATION

Kyle J. Smith, first being duly sworn, deposes and says that he is the attorney with and for The United States Army Legal Services Agency; that he has read the foregoing Motion to Intervene and that the same is true of his personal knowledge, except as to any matters and things therein stated on information and belief, and as to those, he believes them to be true; and that he is authorized to sign this verification on behalf of The United States Department of Defense and all other Federal Executive Agencies.

Dated this 30th day of January, 2023




Kyle J Smith

State of VIRGINIA
County of FAIRFAX

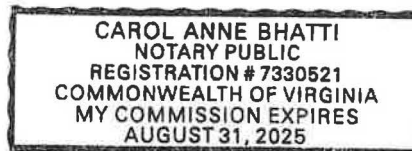
Sworn to and subscribed before me,

this the 30 day of January, 2023



Notary Public

[Affix SEAL OF NOTARY]





Printed Name of Notary Public

My Commission expires: 8/31/2025

#7330521


CERTIFICATE OF SERVICE

I, Kyle J Smith, hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing Motion to Intervene by mail deposited in the U.S. mail, postage prepaid, or by email transmission with the party's consent.

Dated this 30th day of January, 2023

/s/ Kyle J Smith

Kyle J Smith
General Attorney
Environmental Law Division (JALS-ELD)
Office of the Judge Advocate General
U. S. Army Legal Services Agency
9275 Gunston Road
Fort Belvoir, VA 22060-5546 .
For
The United States Department of Defense
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North Carolina

Utilities Commission

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Service List

<u>Address</u>	<u>Party Type</u>	<u>Date Added</u>	<u>Party of Record</u>
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Tirrill E Moore Assistant Attorney General N.C Departmart of Justice P.O Box 629 Raleigh , NC 27602 Telephone 1: +1(919)716-0141 E-Mail: temoore@ncdoj.gov		6/29/2022	No

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