

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. E-100, SUB 178

In the Matter of
Rulemaking Proceeding to Implement)
Performance-Based Regulation of Electric) PETITION TO INTERVENE
Utilities) OF TECH CUSTOMERS

Pursuant to North Carolina Utilities Commission (“Commission”) Rules R1-5, R1-7, and R1-19, Apple Inc., Meta Platforms, Inc., and Google LLC (collectively, the “Petitioners” or “Tech Customers”), by and through their undersigned counsel, hereby respectfully petition to intervene in the instant docket. In support of the petition, the Tech Customers provide the following information:

1. Apple Inc. is a corporation organized under the laws of the State of California, with corporate headquarters located at One Apple Park Way, Cupertino, CA 95014.
2. Meta Platforms, Inc. is a corporation organized under the laws of the State of Delaware, with corporate headquarters located at 1 Hacker Way, Menlo Park, CA 94025.
3. Google LLC is a limited liability company duly organized under the laws of the State of Delaware, with corporate headquarters located at 1600 Amphitheatre Parkway, Mountain View, California 94043.
4. The Tech Customers’ attorneys in this matter, to whom all communications and pleadings should be addressed, are:

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5. Each of the Tech Customers is a provider of online services and products.

In connection with these business operations, the Tech Customers, through their respective affiliates, own and operate data centers and related infrastructure in the service territory of Duke Energy Carolinas LLC (“DEC”).

6. Data centers are high load factor facilities that use energy on a 24-hours-a-day, 7-days-a-week basis. Each of the data centers owned and operated by the Tech Customers in DEC’s service territory uses electricity sold by DEC in the operation of its electric power and energy generation, transmission and distribution facilities.

7. The availability of an adequate and reliable supply of electricity on reasonable terms and conditions, including appropriate consideration of environmental policy goals, is critically important to the Tech Customers’ data center operations and the businesses supported by those operations.

8. By the Commission's Order Requesting Comments and Proposed Rules, the Commission made DEC a party to this docket.

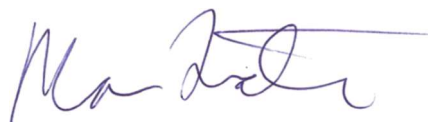
9. The adoption of rules governing performance-based regulation under consideration in this proceeding will affect reliability, rates and other conditions associated with DEC's sale of electricity to each of the Petitioners going forward.

10. Each of the Tech Customers has a direct, substantial and vital interest in the matters at issue that cannot be adequately represented by any other party and should be permitted to intervene and participate as parties to this proceeding.

11. The Tech Customers agree to accept electronic service of all filings in this proceeding.

WHEREFORE, the Tech Customers respectfully request that the Commission enter an order allowing them to intervene in the above-captioned proceeding, including the right to discovery and to otherwise exercise all statutory rights provided to intervenors under North Carolina law.

Respectfully submitted, this 9th day of November, 2021.



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*Attorneys for Apple Inc., Meta Platforms,
Inc., and Google LLC*


VERIFICATION

Marcus W. Trathen, first being duly sworn, deposes and says that he is the attorney for the Tech Customers; that he has read the foregoing Petition to Intervene and that the same is true of his personal knowledge, except as to any matters and thing 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 Tech Customers.

This the 9th day of November, 2021.



Sworn to and subscribed before me
this 9 day of November, 2021.



Notary Public

Commission Expires: 7-6-2024

**CYNTHIA M. HEIGHT
NOTARY PUBLIC
HARNETT COUNTY, N.C.
My Commission Expires 7-6-2024**

Certificate of Service

I hereby certify that a copy of the foregoing *Petition to Intervene of Tech Customers* has been served this day upon all parties of record in this proceeding, or their legal counsel, by electronic mail or by delivery to the United States Post Office, first-class postage pre-paid.

This the 9th day of November, 2021.

BROOKS, PIERCE, MCLENDON,
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