

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 150

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Rulemaking Proceeding to Implement)	ORDER DENYING
G.S. 62-110.8)	PETITION TO INTERVENE

BY THE CHAIRMAN: On July 28, 2017, the Commission issued an order initiating this rulemaking proceeding to adopt and modify the Commission's rules, as necessary, to implement G.S. 62-110.8. To facilitate the Commission adopting final rules in this proceeding on or before October 16, 2017, that order set an expedited schedule for filings in this proceeding, including a deadline of August 16, 2017, for filing of petitions to intervene in accordance with the applicable Commission rules.

On August 16, 2017, Enel Green Power North America, Inc. (EGP-NA), filed a petition to intervene in this proceeding. In support of its request to be made a party to this proceeding, EGP-NA states that it operates "High Shoals Hydro Power Plant NC USA located at 111 Conley Hill Drive, with a design capacity of 1.85 megawatts." EGP-NA further states that it may be specifically and substantially impacted by the promulgation of the final regulations in this matter. EGP-NA's petition was signed by Kate McKeever, Director of Regulatory Affairs. Its petition was not accompanied by the verification required by Commission Rule R1-19, nor was it signed by a licensed North Carolina attorney.

On August 21, 2017, Commission staff contacted Ms. McKeever by electronic mail to inform her that G.S. 84-2.1, et. seq., and Commission Rule R1-5 require that a corporation be represented by an attorney licensed by the State of North Carolina, and that pleadings filed with the Commission must be signed and verified by an attorney licensed by the State of North Carolina. As of the date of this order, EGP-NA has not responded to Commission staff's communication.

After careful consideration, the Chairman finds good cause to deny EGP-NA's petition to intervene based upon the failure to comply with G.S. 84-2.1, et. seq. and Commission Rule R1-5. The Chairman notes that EGP-NA's petition states a substantively similar interest in this proceeding as two other petitions filed in this proceeding, which were denied by orders issued contemporaneous with this order. Similar to those petitioners, EGP-NA state that it owns a hydroelectric generating facility that is currently operating. However, amended G.S. 62-156 provides that eligibility to participate in the competitive procurement "shall be limited to facilities ... that are placed into service after the date of the electric public utility's initial competitive procurement." EGP-NA's statement that its facility is currently in operation demonstrates that it is

ineligible to participate in the competitive procurement program. Therefore, the EGP-NA's petition to intervene shall be, and hereby is, denied. Finally, the Chairman notes that the denial of EGP-NA's petition is without prejudice as to its right to file a consumer statement of position in this proceeding.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 5th day of September, 2017.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, reading "Linnetta Threatt".

Linnetta Threatt, Acting Deputy Clerk