

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

Docket No. E-2, SUB 1317  
Docket No. E-2, SUB 1340  
Docket No. E-7, SUB 1290  
Docket No. E-7, SUB 1310  
Docket No. E-100, SUB 190

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Biennial Consolidated Carbon Plan and Integrated Resource Plans of Duke Energy Carolinas, LLC and Duke Energy Progress, LLC, Pursuant to NCGS § 62-110.9 and § 62.110.1(c)	)	APPLICATION FOR LEAVE TO INTERVENE OUT-OF-TIME OF THE UNITED STATES DEPARTMENT OF DEFENSE AND ALL OTHER FEDERAL EXECUTIVE AGENCIES
	)	
	)	
	)	
	)	
	)	
	)	

**APPLICATION FOR LEAVE TO INTERVENE OUT-OF-TIME OF  
THE UNITED STATES DEPARTMENT OF DEFENSE AND ALL OTHER FEDERAL  
EXECUTIVE AGENCIES**

The United States Department of Defense and all other Federal Executive Agencies (“DoD/FEA”), hereby petitions the State of North Carolina Utilities Commission (“Commission”) for leave to intervene out-of-time in the above-captioned proceeding. DoD/FEA has a direct and significant interest in this proceeding. This application to intervene out-of-time is filed pursuant to Rules R1-5, R1-7, and R1-19, and the Commission’s February 8, 2024 *Order Initiating Proceeding and Requesting Expedited Comments* in Docket Nos. E-100, SUB 190, E-2, SUB 1340 and E-7, SUB 1310. 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:

John J. McNutt<sup>1</sup>  
Regulatory Law Counsel  
U.S. Army Legal Services Agency  
Office of The Judge Advocate General  
9275 Gunston Road  
Fort Belvoir, VA 22060-4446  
Telephone: (619) 302-9642  
Email: john.j.mcnutt.civ@army.mil  
District of Columbia Bar No. 491341

## 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 and Duke Energy Carolinas (“the Companies”). On January 31, 2024, the Companies filed an amended petition for approval of its 2023-2024 Carbon Plan and Integrated Resource Plan in Docket No. E-100, Sub 190. DoD/FEA has an interest in this proceeding, as the proportion of the Companies’ resource mix that is served by carbon-emitting resources versus the proportion served by carbon-pollution free electricity (CFE) will have an impact on DoD/FEA’s ability to meet its obligations under Section 203 of Executive Order 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*.<sup>2</sup>

---

<sup>1</sup> Mr. McNutt is filing a Verified Motion for Limited Practice along with this Application. Mr. McNutt has local counsel admitted to practice in North Carolina. Mr. McNutt will pay the required fees for admittance.

<sup>2</sup> *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, 86 Fed. Reg. 70,935 (Dec. 13, 2021) (E.O. No. 14057), available at <https://www.govinfo.gov/content/pkg/FR-2021-12-13/pdf/2021-27114.pdf>.



### III

DoD/FEA purchases large amounts of electricity from DEP in North Carolina. DOD installations served by DEP include, but are not limited to, Fort Liberty, Marine Corps Base Camp Lejeune, Seymour Johnson Air Force Base, and Marine Corps Air Station Cherry Point.

### IV

The interests of DoD/FEA are such that they cannot be adequately protected by any other party. DOD's national security mission, the unique load profiles of its major installations, and the military's continuing mandate to acquire resiliency resources for its bases are all factors supporting DOD's position that its interests are unique and cannot be represented in this proceeding by any other party.

### 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. To the extent that DOD/FEA's intervention is untimely, DOD/FEA represent that DOD/FEA will accept the procedural schedule as already determined by the Commission and DOD/FEA will not request any extensions to the schedule to accommodate DOD/FEA's untimely application to intervene. No party should be prejudiced by DOD/FEA's late application to intervene.

### VI

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

**WHEREFORE**, The United States Department of Defense and all other Federal Executive Agencies petitions the Commission for leave to intervene out-of-time in the captioned proceeding.

Dated this 21<sup>st</sup> day of February, 2024

Respectfully submitted,



---

John McNutt  
Regulatory Law Counsel  
U. S. Army Legal Services Agency  
Office of The Judge Advocate General  
9275 Gunston Road (JALS-ELD)  
Fort Belvoir, VA 22060-5546  
Telephone 619-302-9642  
Email: john.j.mcnutt.civ@army.mil

*Counsel for the United States Department of  
Defense and all other Federal Executive  
Agencies*

**VERIFICATION**

John J. McNutt, 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 *Application For Leave To Intervene Out-Of-Time Of The United States Department Of Defense And All Other Federal Executive Agencies* 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 appear in this matter on behalf of the United States Department of Defense and all other Federal Executive Agencies.

Dated this 21st day of February 2024

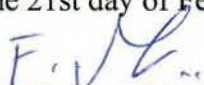


John J. McNutt

State of VIRGINIA  
County of Fairfax

Sworn to and subscribed before me,

this the 21st day of February 2024



Notary Public

[Affix SEAL OF NOTARY]

Farzana Barjor Maneksha

Printed Name of Notary Public

My Commission expires: 01-31-2025



Farzana Barjor Maneksha  
Commonwealth of Virginia  
Notary Public  
Commission No: 7744219  
My Commission Expires: Jan/31/2025

**CERTIFICATE OF SERVICE**

I, John J. McNutt, hereby certify that all persons on the docket service list have been served true and accurate copies of the foregoing *Application for Leave to Intervene Out-of-Time* by email transmission with the party's consent.

Dated this 22nd day of February 2024



---

John J. McNutt  
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

*Counsel for the United States Department of  
Defense and all other Federal Executive  
Agencies*