

Charles B. Mierek
P.O. Box 100
Clifton, SC 29324-0100
Tel.864-579-2000
Email:Mierek@CliftonPower.com

OFFICIAL COPY

January 6, 2011

Ms. Renne C. Vance, Chief Clerk
NORTH CAROLINA UTILITIES COMMISSION
4325 Mail Service Center
Raleigh, NC 276-4325

FILED
JAN 12 2011
Clerk's Office
N.C. Utilities Commission

RE: Docket E-100, Sub 127
In The Matter of
Biennial Determination of Avoided
Cost Rates for Electric Utility
Purchases From Qualifying Facilities

mhl
Full Dist.

Dear Ms. Vance:

Please find enclosed 19 copies of a petition to intervene.

Please stamp the 19th copy and return it in the stamped and self addressed envelope.

If you have any questions or if there is any other information that you need, please call me.

Sincerely,

Charles B. Mierek

Charles B. Mierek, P.E.

Original

**BEFORE THE
NORTH CAROLINA UTILITIES COMMISSION**

DOCKET NO. E-100, Sub 127

FILED
JAN 12 2011
Clerk's Office
N.C. Utilities Commission

In The Matter of)	Petition To
Biennial Determination of Avoided)	Intervene Of
Cost Rates for Electric Utility)	Charles B. Mierek
)	

NOW COMES CHARLES B. MIEREK. ("Mierek"), pursuant to Rule R1-19 of the Rules and Regulations of the North Carolina Utilities Commission, and moves for leave to intervene in this Docket and fully participate in the above captioned proceeding. In support of this petition, Mierek respectfully shows the Commission the following:

1. Mierek is a person with its principal place of business located at 1220 Meadowbrook Road, Spartanburg, South Carolina 29307-3455.

2. All notices, pleadings, communications and other documents should be directed as follows:

If by US Postal Service

Mr. Charles B. Mierek
P.O. Box 100
Clifton, SC 29324-0100
Tel. 864-579-2000

If by Delivery Service

Mr. Charles B. Mierek
1220 Meadowbrook Road
Spartanburg, SC 29307-3455
Tel. 864-579-2000

3. Mierek is investigating the development of several hydropower projects in North Carolina. Mierek has a substantial interest in the avoided cost rates for North Carolina electric purchases from qualifying facilities. As such, Mierek has a direct, substantial, and pecuniary interest in this proceeding.

WHEREFORE, Mierek respectfully requests the Commission to:

1. enter an order allowing it to intervene and fully participate in this docket, including the right to examine and cross-examine witnesses, to file briefs and orally argue positions before the Commission, and to otherwise exercise all rights provided to intervenors under North Carolina law;
2. to adopt any findings of fact and conclusions of law proposed by Mierek;
3. to require the electric utilities to send to Mierek any documents that have been filed with the Commission to date in this docket in their full unredacted form; and
4. to grant such other and further relief as to the Commission seems just and proper.

This 5rd day of January 2011.

By: 

Mr. Charles B. Mierek
P.O. Box 100
Clifton, SC 29324-0100

Tel. 864-579-2000
Email: Mierek@CliftonPower.com

VERIFICATION

State of South Carolina)
) SS.
County of Spartanburg)

I, Charles B. Mierek, being first duly sworn, depose and say: That I have read said foregoing application and know the contents thereof; and that all of the statements contained therein are true and correct to the best of my knowledge and belief.

This 5rd day of January 2011.

Charles B. Nichols

Mr. Charles B. Mierek
P.O. Box 100
Clifton, SC 29324-0100

Tel. 864-579-2000
Email: Mierek@CliftonPower.com

Subscribed and sworn to before me, a Notary Public, in and for said County and said State
this 5th day of January 2011.

James L. Mc
Notary Public

My commission expires: 7/28/14

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of Mierek's petition to intervene dated 7 January 2011 in the subject docket upon the following persons listed below by deposit in the U.S. Mail, first class, postage prepaid:

Robert W. Kaylor, PA Suite 330 3700 Glenwood Avenue Raleigh, NC 27612	Antoinette R. Wike, Chief Counsel NCUC Public Staff 4326 Mail Service Center Raleigh, NC 27626-4326
Len S. Anthony, Deputy General Counsel Progress Energy Carolina, Inc. Carolina Power and Light Company PEB17A4 P.O. Box 1551 Raleigh, NC 27602-1551	Kurt Olson Staff Counsel NCSEA P. O. Box 6465 Raleigh, NC 27628
Kendrick C. Fentress Assistant General Counsel Duke Energy Carolinas, LLC 3700 Glenwood Avenue, Suite 330 Raleigh, NC 27612 919.784.8454 <i>Kendrick.Fentress@duke-energy.com</i>	Ralph McDonald Bailey & Dixon Post Office Box 1351 Raleigh, North Carolina 27602-1351
Mr. Richard Kucharski Legal Counsel Western Carolina University Room 530 H. F. Robinson Administration Building Cullwhee, NC 28723	James P. West West Law Offices, P.C. Two Hannover Square, Suite 2325 434 Fayetteville Street Raleigh, NC 27601



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