

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. EMP-92, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of NTE Carolinas II, LLC, for a)	
Certificate of Public Convenience and Necessity)	ORDER GRANTING PETITION
to Construct a 500-MW Natural Gas-Fueled)	TO INTERVENE
Merchant Power Plant in Rockingham County,)	
North Carolina)	

BY THE PRESIDING COMMISSIONER: On January 19, 2017, the Commission issued an Order Granting Certificate with Conditions in the above-captioned docket. In summary, the Order issued a certificate of public convenience and necessity (CPCN) to NTE Carolinas II, LLC (NTE) for the construction of a 500-MW natural gas-fired merchant power plant to be built in Rockingham County, North Carolina (Rockingham facility).

On November 26, 2019, NTE filed a motion informing the Commission that it has not begun construction of the Rockingham facility, and requesting that the Commission renew the CPCN pursuant to Commission Rule R8-63.

On December 6, 2019, Duke Energy Carolinas, LLC (DEC), filed a petition with the Commission seeking to intervene in this docket. In summary, DEC stated that it entered into a Large Generator Interconnection Agreement (LGIA) with NTE on November 8, 2017. In addition, DEC alleged that NTE defaulted on the LGIA and that litigation regarding the LGIA ensued. DEC stated that it cannot speak to NTE's financial ability to construct the Rockingham facility, but that the uncertainty surrounding the facility exposes DEC to considerable risks, and that DEC's need to monitor and possibly address those risks provides DEC with ample standing to intervene.

On December 13, 2019, NTE filed a response to DEC's petition. In summary, NTE stated that it does not object to DEC's intervention, *per se*. In addition, NTE discussed the LGIA entered into by NTE and DEC, and the litigation between NTE and DEC regarding the LGIA that is presently pending in federal court and before the Federal Energy Regulatory Commission (FERC). Further, NTE stated that it disagrees with several of the factual allegations made by DEC about the parties' actions under the LGIA and the current status of the LGIA. Finally, NTE stated that the issues surrounding the LGIA will be resolved in the federal court and FERC proceedings and, therefore, need not be addressed by the Commission in this proceeding.

Based on the foregoing and the record, the Presiding Commissioner is of the opinion that good cause exists to allow the requested intervention by DEC. With regard to the issues surrounding the LGIA, the Presiding Commissioner reaches no conclusion about those issues. The Commission will address such issues in this proceeding when

and if that becomes necessary.

IT IS, THEREFORE, ORDERED as follows:

1. That DEC is hereby allowed to intervene in this proceeding.
2. That the names and addresses of the attorneys for DEC are:

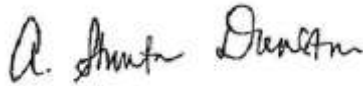
Lawrence B. Somers
Deputy General Counsel
Duke Energy Corporation
P. O. Box 1551 / NCRH 20
Raleigh, NC 27602-1551
919-546-6722
Bo.somers@duke-energy.com

Dwight W. Allen
Allen Law Offices
1514 Glenwood Ave., Suite 200
Raleigh, NC 27604
919-838-5175
dallen@theallenlawoffices.com

ISSUED BY ORDER OF THE COMMISSION.

This the 27th day of January, 2020.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in black ink, appearing to read "A. Shonta Dunston".

A. Shonta Dunston, Deputy Clerk