

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 190

In the Matter of		
Biennial Consolidated Carbon Plan and)	
Integrated Resource Plans of Duke Energy)	Petition to Intervene of the
Carolinas, LLC, and Duke Energy)	North Carolina Electric
Progress, LLC, Pursuant to N.C.G.S. § 62-)	Membership Corporation
110.9 and § 62-110.l(c))	

NOW COMES the North Carolina Electric Membership Corporation (“NCEMC”) and, pursuant to North Carolina Utilities Commission (“Commission”) Rules R1-5, R1-7, and R1-19, petitions to intervene in the above-referenced docket. In support of its petition, NCEMC submits as follows:

1. NCEMC is a generation and transmission cooperative organized pursuant to Chapter 117 of the North Carolina General Statutes and is responsible for the full or partial power supply for 25 of its member distribution cooperatives throughout the State of North Carolina. Those 25 members, in turn, supply electricity to more than one million homes, farms, and businesses in which more than 2.5 million North Carolinians live and work.

2. In addition to generating its own power and energy, NCEMC and its members purchase power and energy, pursuant to wholesale contracts, from DEC, DEP, Virginia Electric and Power Company d/b/a Dominion Energy North Carolina (“Dominion”), and others to supply its members in 93 counties in North Carolina.¹

¹ NCEMC also shares joint ownership and operations of several facilities with Duke. NCEMC is part owner of the Catawba Nuclear Station located in York County, South Carolina, which is operated and

NCEMC and its member distribution cooperatives have over 200 wholesale power delivery points across the State and also take retail service from DEC, DEP, and Dominion at multiple locations.

3. On March 15, 2023, the Commission issued an *Order Establishing Biennial Proceeding and Opening Dockets* for Duke Energy Carolinas, LLC's ("DEC") and Duke Energy Progress, LLC's ("DEP") (collectively, "Duke" or "the Companies") Carbon Plan and Integrated Resource Plan ("CPIRP") in this Docket.

4. On August 17, 2023, the Companies filed a Petition for Approval of their 2023-2024 Carbon Plan and Integrated Resource Plans pursuant to N.C. Gen. Stat. §§ 62-110.1(c) and 62-110.9, the Commission's December 30, 2022, *Order Adopting Initial Carbon Plan and Providing Direction for Future Planning* ("2022 Carbon Plan Order"), and consistent with Proposed Rule R8-60A.

5. NCEMC notes that the Commission in its 2022 Carbon Plan Order provided initial steps for Duke to take in furtherance of achieving the carbon dioxide emission reductions called for in N.C. Gen. Stat. § 62-110.9, as enacted into law through the passage of House Bill 951 (S.L. 2021-165, also referred to as "H951").

maintained by DEC. NCEMC's ownership interests consist of 61.51% of Unit 1, approximately 700 megawatts ("MW"), and 30.75% in the common support facilities of the station. NCEMC's ownership entitlement is bolstered by a reliability exchange between the Catawba Nuclear Station and DEC's McGuire Nuclear Station located in Mecklenburg County, North Carolina. NCEMC is also a part owner in the Lee combined cycle ("CC") plant located in Anderson, South Carolina. NCEMC's ownership interest consists of a 13.735% share of the 750-megawatt combined-cycle natural gas plant. DEC operates and maintains the plant, and NCEMC's ownership entitlement is bolstered by a reliability exchange between Lee CC and DEC's Dan River and Buck CC plants. Additionally, NCEMC owns and operates approximately 680 MW of combustion turbine ("CT") generation at sites in Anson and Richmond Counties, NC, a portion of which is contractually obligated to Duke.

6. The 2022 Carbon Plan Order also recognized the important interrelationships between DEP, DEC, and their wholesale customers from both a reliability and cost perspective in Carbon Plan process, stating that:

The Commission recognizes that contractual arrangements between Duke and its wholesale customers associated with the operation of DER, demand reduction measures, and any compensation mechanisms associated with such resources are FERC-jurisdictional. However, the Commission acknowledges the very real potential that coordinated use of these resources has to influence a lower-cost path to compliance with N.C.G.S. § 62-110.9. Therefore, the Commission directs Duke to continue to coordinate with NCEMC and other LSEs in both its ISOP process and the Carbon Plan stakeholder process regarding the utilization of the capabilities of their DER programs and the ability of such programs to contribute to Duke's ability to comply with the carbon dioxide emissions reduction mandates of N.C.G.S. § 62-110.9 in a least cost manner that at a minimum maintains or improves the reliability of the entire grid network in North Carolina. (2022 Carbon Plan Order at 112).

7. The Commission in its March 15, 2023, *Order Establishing Biennial Proceeding and Opening Dockets* in this docket also opened additional dockets related to H951 implementation, including: Docket No. E-100, Sub 191 for the consideration of proposed rule changes related to the CPIRP proceeding; Sub Docket No. E-100, Sub 190T for the purpose of receiving status updates and progress reports on the North Carolina Transmission Planning Collaborative ("NCTPC") process, of which NCEMC is a member; and Sub Docket No. E-100, Sub 190S for the purpose of receiving information regarding Duke's stakeholder process conducted in developing its proposed CPIRP.

8. NCEMC was actively involved in the development of H951 and has a direct interest in seeing the policies and goals of the law implemented in a manner consistent with legislative intent. The cooperatives were identified, along with municipalities, as key

stakeholders to be involved in the implementation of H951 before the Commission by its legislative sponsors.² The Commission has granted NCEMC's petitions to intervene in multiple dockets related to H951 implementation, including: Docket No. E-100, Sub 174, related to the rulemaking to implement multi-year ratemaking and performance-based regulation; Docket No. E-100, Sub 179, related to Duke's 2022 Carbon Plan filing; and Docket No. E-100, Sub 191 related to rulemaking changes to adopt the CPIRP process. The perspectives of NCEMC as an intervenor in this proceeding are consistent with the expectations of the legislative sponsors of H951 and will continue to assist the Commission in ensuring that the legislative intent supporting H951 is met.

9. For the reasons stated above, NCEMC and its member cooperatives have direct, substantial, and pecuniary interests that could be materially affected by the Commission's actions in this proceeding. No other party can adequately represent NCEMC's interests in this proceeding.

10. NCEMC's principal office is located at 3400 Sumner Boulevard, Raleigh NC 27616. All communications and pleadings related to this proceeding should be addressed to NCEMC's counsel:

Timothy R. Dodge, Regulatory Counsel
North Carolina Electric Membership Corporation
3400 Sumner Boulevard, Raleigh, NC 27616
Telephone: (919) 875-3111
Email: tim.dodge@ncemcs.com

² See statement by Sen. Paul Newton on October 5, 2021, before the Senate Committee on Agriculture, Energy, and Environment, in which Sen. Newton responded to the question "Are co-ops and munis [municipal power agencies] qualifying stakeholders under the bill?" by stating affirmatively that "Yes. So if this plan is being considered, and they want a voice, and they want to address the Utilities Commission about the proposed plan going forward, they are absolutely stakeholders. I don't want there to be any confusion about that." Archive of transcript and audio available at North Carolina Legislative Library, Raleigh, North Carolina.

Michael D. Youth, Associate General Counsel
Telephone: (919) 875-3060
Email: michael.youth@ncemcs.com

With a copy to

Charles Bayless, Senior Vice President and General Counsel
Telephone: (919) 875-3085
Email: charlie.bayless@ncemcs.com

11. NCEMC asks that the Commission make it a party to this proceeding and permit it to exercise all rights provided to intervenors under North Carolina law and this Commission's rules.

12. NCEMC's intervention is timely as no deadline for intervention has been set by the Commission.

13. Pursuant to Commission Rule R1-39, NCEMC agrees to accept electronic service of all filings in this Docket.

WHEREFORE, NCEMC respectfully requests that the Commission grants NCEMC's petition to intervene.

Respectfully submitted this the 17th day of November 2023.

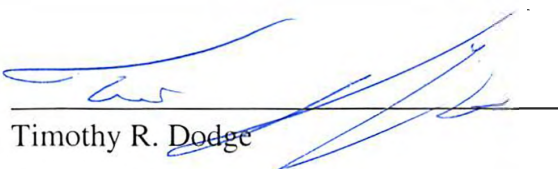
**NORTH CAROLINA ELECTRIC
MEMBERSHIP CORPORATION**

By: /s/ Timothy R. Dodge
Timothy R. Dodge
Regulatory Counsel
3400 Sumner Blvd.
Raleigh, North Carolina 27616
Telephone: (919) 875-3111
Email: tim.dodge@ncemcs.com


STATE OF NORTH CAROLINA**COUNTY OF WAKE**

Timothy R. Dodge swears and says under penalty of perjury:

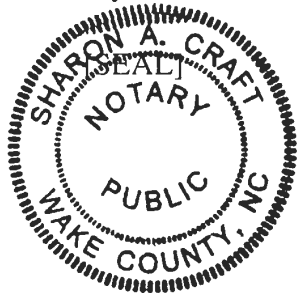
1. He is Regulatory Counsel for North Carolina Electric Membership Corporation.
2. He has read the foregoing *Petition to Intervene* and knows its contents.
3. The matters stated in this instrument are true of his knowledge, except as to those matters that are stated to be on information and belief, and, as to those matters, he believes them to be true.


Timothy R. Dodge

Sworn to and subscribed before me
this the 17th day of November 2023.


Notary Public
Sharon A. Craft

My Commission Expires: 03/24/2025



CERTIFICATE OF SERVICE

It is hereby certified that the foregoing document has been served upon all parties of record by electronic mail, or depositing the same in the United States mail, postage prepaid.

This the 17th day of November 2023.

/s/ Timothy R. Dodge
Timothy R. Dodge

OFFICIAL COPY

Nov 17 2023