

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-2, Sub 1330
DOCKET NO. E-7, Sub 1296

Docket No. E-2, Sub 1330)
)
In the Matter of:)
Application Duke Energy Progress, LLC,)
for Approval of Innovation Prototyping)
Guidelines and Regulatory Approval of)
Non-Demand-Side Management/Energy)
Efficiency Customer Program Offerings)
)
Docket No. E-7, Sub 1296)
)
In the Matter of:)
Application Duke Energy Carolinas, LLC,)
for Approval of Innovation Prototyping)
Guidelines and Regulatory Approval of)
Non-Demand-Side Management/Energy)
Efficiency Customer Program Offerings)
)

**NCSEA’S PETITION TO
INTERVENE**

Pursuant to North Carolina Utilities Commission (“Commission”) Rules R1-5, R1-7, and R1-19, the North Carolina Sustainable Energy Association (“NCSEA”) hereby petitions to intervene in the above-referenced dockets. In support of this petition, NCSEA states as follows:

1. NCSEA is a non-profit corporation formed under the laws of North Carolina, with individual, business, and government members located across the State. NCSEA’s mission is to promote a sustainable future using renewable energy and energy efficiency programs. NCSEA seeks to achieve its objectives by advocating for public policies that encourage the responsible technological and market development of

renewable energy and energy efficiency, including all aspects of demand side management, a smart grid, energy storage, and vehicle electrification.

2. On December 30, 2022, the Commission issued its *Order Adopting Initial Carbon Plan and Providing Direction for Future Planning*, ordering Duke Energy Progress, LLC, and Duke Energy Carolinas, LLC (collectively, “Duke” or the “Company”) to “engage with stakeholders to develop guidelines for expedited regulatory approval of customer programs and pilots for non-DSM/EE customer programs that enable load reduction or load management consistent with the Carbon Plan including rate design programs and EV programs.” In the Matter of Duke Energy Progress, LLC and Duke Energy Carolinas, LLC, 2022 Biennial Integrated Resource Plans and Carbon Plan, Docket No. E-100, Sub 179, 134 (Dec. 30, 2022).

3. On February 24, 2023, Duke convened a stakeholder process pursuant to the Commission’s December 30, 2022, Order, and convened additional stakeholder sessions on April 12, 2023, and July 27, 2023. On October 30, 2023, in a joint filing with certain participants to the stakeholder process, Duke filed a letter requesting the approval of the Joint Proposed Innovation Prototyping Guidelines (the “Joint Guidelines”) outlining consensus on an accelerated framework to foster innovation by establishing flexibility and expedited review and approval for non-Demand Side Management/Energy Efficiency customer programs. On November 3, 2023, the Commission issued its *Order Requesting Comments* establishing November 29, 2023, deadlines for intervention and comments on the Joint Guidelines for Docket Nos. E-2, Sub 1330 and E-7, Sub 1296.

4. The Commission granted NCSEA intervention in the Initial Carbon Plan proceeding (Commission Docket E-100, Sub 179) and the pending Carbon Plan Integrated

Resource Planning (“IRP”) (Commission Docket E-100, Sub 190). NCSEA has also frequently appeared before the Commission as an intervenor in other dockets involving IRPs. *See, e.g.*, Commission Docket E-100, Sub 190; Commission Docket E-100, Sub 179; Commission Docket No. E-100, Sub 165; Commission Docket No. E-100, Sub 157; Commission Docket No. E-100, Sub 147; Commission Docket No. E-100, Sub 141; Commission Docket No. E-100, Sub 137; Commission Docket No. E-100, Sub 128; and Commission Docket No. E-100, Sub 118. However, IRP proceedings are “not intended to provide an occasion for the issuance of mandatory orders requiring substantive changes in a given utility’s operations.” *Utilities Comm. v. N.C. Elec. Membership Corp.*, 105 N.C. App. 136, 143, 412 S.E.2d 166, 170 (1992). Therefore, a party like NCSEA that desires a specific utility “to take or refrain from taking some specific substantive action” must seek to involve itself in a specific, substantive proceeding, such as this one. *Id.* at 144, 412 S.E.2d at 171.

5. NCSEA was actively involved in the stakeholder sessions that led to the consensus framework outlined in the Joint Guidelines and subsequently was a signatory to the Company’s letter requesting approval of the Joint Guidelines. As such, NCSEA has an interest in ensuring that the Joint Guidelines are implemented in accordance with the consensus reached during the stakeholder process established by the Commission’s December 30, 2022, Order.

6. NCSEA’s participation in these dockets will bring critical insight, knowledge, and understanding to the proceeding.

7. NCSEA’s address is 4441 Six Forks Road, Suite 106-250, Raleigh, NC

27609. All correspondence related to this proceeding should be addressed to:

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8. Pursuant to Commission Rule R1-39, NCSEA agrees to electronic service of all pleadings and other filings in these matters.

WHEREFORE, for the reasons set forth above, NCSEA prays that it be allowed to intervene in these matters.

Respectfully submitted this the 16th day of November, 2023,

/s/ Ethan Blumenthal
Ethan Blumenthal
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VERIFICATION

Ethan Blumenthal, first being duly sworn, deposes and says that he is the attorney for NCSEA; that he has read the foregoing Petition to Intervene 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 sign this verification on behalf of NCSEA.

This the 16th day of November, 2023.

Ethan Blumenthal

NORTH CAROLINA
MECKLENBURG COUNTY

Sworn to and subscribed before me,

this the 16th day of November, 2023.

[AFFIX SEAL OF NOTARY]

Notary Public

Printed Name of Notary Public
My Commission Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service lists have been served true and accurate copies of the foregoing Petition to Intervene by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

This the 16th day of November, 2023.

/s/ Ethan Blumenthal
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