

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1318  
DOCKET NO. EC-67, SUB 55

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Joint Application of Duke Energy Progress, LLC            )  
and North Carolina Electric Membership                )  
Corporation for a Certificate of Public Convenience    )     PETITION TO INTERVENE  
and Necessity to Construct a 1,360 MW Natural        )  
Gas-Fueled Combined Cycle Electric Generating       )  
Facility in Person County, North Carolina            )

NOW COMES Person County, North Carolina (“Person County” or “Petitioner”), by and through the undersigned counsel and pursuant to Commission Rules R1-5, R1-7, and R1-19, and petitions the Commission for leave to intervene in above-captioned proceeding. In support of this petition, Person County states the following:

1. Petitioner’s name, mailing address, and email address are as follows:

Person County  
c/o T.C. Morphis Jr., County Attorney  
304 S. Morgan St.  
Roxboro, NC 27573  
[morphis@broughlawfirm.com](mailto:morphis@broughlawfirm.com)

2. The name, address, and email of Petitioner’s attorneys are as follows:

Patrick Buffkin Buffkin Law Office 1009 Course Ln. Surf City, NC 28445 <a href="mailto:pbuffkin@gmail.com">pbuffkin@gmail.com</a>	T.C. Morphis, Jr., Person County Attorney THE BROUGH LAW FIRM, PLLC 1526 E. Franklin Street, Ste. 200 Chapel Hill, North Carolina 27514 <a href="mailto:morphis@broughlawfirm.com">morphis@broughlawfirm.com</a>
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3. Person County is a body politic and corporate and is one of North Carolina's 100 counties vested with the authorities and powers as set out in Chapter 153A of the North Carolina General Statutes.

4. Person County has a population of approximately 40,000 people and a median household income of approximately \$55,287. The North Carolina Department of Commerce designates Person County as a Tier 2, or moderately distressed county, based upon the average unemployment rate, median household income, percentage growth in population, and adjusted property tax base.<sup>1</sup>

5. On March 28, 2024, DEP, jointly with North Carolina Electric Membership Corporation ("NCEMC"), filed with the Commission a Joint Application for a Certificate of Public Convenience and Necessity ("CPCN") to construct a 1,360 MW Natural Gas-Fueled Combined Cycle ("CC") Electric Generating Facility in Person County, North Carolina ("the Joint Application").

6. Duke Energy Progress, LLC ("DEP"), provides electric service to a significant portion of the electric customers in Person County and operates a significant generation resource within the boundaries of Person County: the Roxboro Plant (a four-unit 2,422-MW coal-fired electric generating facility, which is one of the largest power plants in the United States).

7. NCEMC's member cooperative, Piedmont EMC, also provides electric service to a significant portion of the electric customers in Person County with a portion of its power resources being derived through NCEMC's power supply portfolio.

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<sup>1</sup> 2024 North Carolina Development Tier Designations, Nov. 29, 2023. Available online at <https://www.commerce.nc.gov/report-county-tiers-ranking-memo-current-year/download?attachment> (last visited Jun. 19, 2024).

8. The Joint Application proposes the CC facility to be placed into service by January 1, 2029, with shared ownership between the joint applicants. Along with the Roxboro coal-fired units 2 and 3, the facility would be known as the Person Energy Complex, and the Joint Application indicates that only minimal network upgrades are necessary to interconnect the replacement generation of the two units, and that DEP has contracted for sufficient firm interstate transportation natural gas capacity to support the demand requirements for the facility.

9. The location and operation of the Roxboro plant has been and continues to be a significant driver of economic prosperity in Person County, representing a large component of Person County's tax base and a correspondingly significant source of tax revenue that is needed to fund Person County's operations, including public schools, public safety, human services, and general government functions.<sup>2</sup>

10. In addition, DEP employs a significant number of people at the Roxboro Plant, making DEP an important employer within Person County, and supporting numerous small businesses, contract service providers, and other ancillary supportive enterprises within Person County.

11. Person County has a direct and substantial interest in this proceeding because the issues under consideration in this proceeding will determine or impact how long the Roxboro Plant will continue in operation, whether the Roxboro Plant will be replaced with generation resources located within Person County, and what type of generation asset is located in Person County, with potentially significant consequences for Person County's tax base, employment, and the future prosperity of the Person County community.

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<sup>2</sup> While the exact percentage of total revenue for Person County from Duke Energy's Roxboro plant property tax payments varies each year, the Roxboro Plant in combination with the Mayo generating station consistently represented approximately 20% of Person County's total annual revenue.

12. Person County's participation in this docket may bring critical insight, knowledge, and understanding to this proceeding, particularly with respect to the impacts to Person County by the resolution of the issues in this proceeding, and no other party can adequately represent Person County's interests in this proceeding.

13. Pursuant to Commission Rule R1-39, Person County consents to and requests that service of all notices, filings, communications, and other documents be made by electronic mail upon the undersigned counsel, with a courtesy copy to Mr. Morphis of The Brough Law Firm, the Person County Attorney.

WHEREFORE, for the foregoing reasons, Person County respectfully requests that the Commission grant Petitioner's request that it be permitted to intervene and participate fully as a party to this proceeding.

Respectfully submitted this the 19th day of June, 2024.

/s/ Patrick Buffkin

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*Attorneys for Intervenor Person County*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing Petition to Intervene has been duly served upon all persons on the docket service list by electronic mail.

This the 19th day of June, 2024.

BUFFKIN LAW OFFICE

BY: /s/ Patrick Buffkin

*Counsel for Person County, North Carolina*