

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1259
DOCKET NO. E-2, SUB 1283

In the Matter of)
Joint Petition of Duke Energy Progress,)
LLC, and Duke Energy Carolinas, LLC,)
to Request the Commission to Hold a)
Joint Hearing with the Public Service)
Commission of South Carolina to Develop)
Carbon Plan)

PETITION TO INTERVENE

NOW COME ElectriCities of North Carolina, Inc., North Carolina Eastern Municipal Power Agency, and North Carolina Municipal Power Agency Number 1 (collectively hereinafter “Petitioners” or “the Power Agencies”), and petition the Commission, pursuant to Commission Rule R1-19, for leave to intervene in these dockets.

In support of their Petition, Petitioners state the following:

1. The names and mailing address of the Petitioners are:

ElectriCities of North Carolina, Inc.
North Carolina Eastern Municipal Power Agency
North Carolina Municipal Power Agency Number 1
1427 Meadow Wood Blvd.
Raleigh, N.C. 27604

2. The name and address of Petitioners' attorney is:

Daniel C. Higgins
Burns, Day & Presnell, P.A.
P.O. Box 10867
Raleigh, N.C. 27605
dhiggins@bdppa.com

3. ElectriCities of North Carolina, Inc. (“ElectriCities”) is a joint municipal assistance agency organized pursuant to N.C. Gen. Stat. § 159B-43 by North Carolina Eastern Municipal Power Agency (“NCEMPA”), North Carolina Municipal Power Agency Number 1 (“NCMPA1”), and several municipalities not served by either power agency. ElectriCities is a membership organization that provides aid and assistance to its agency and non-agency members in connection with the operation of their electric systems. ElectriCities also provides management services to those agencies. ElectriCities was an active participant in the stakeholder process that led the development of House Bill 951, now codified at Session Law 2021-165, and has a direct interest in the manner in which that Session Law is implemented. The municipalities, as key stakeholders, can assist the Commission in ensuring that the legislative intent supporting the Session Law is met. ElectriCities is also a retail customer of Duke Energy Progress, LLC (“DEP”), which serves its headquarters building in Raleigh, North Carolina.

4. NCEMPA is a joint agency organized pursuant to Chapter 159B by its members, which consist of 32 cities and towns located in the portions of eastern North Carolina served by DEP and Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (“Dominion”).

5. NCMPA1 is a joint agency organized pursuant to Chapter 159B by its members, which consist of 19 cities and towns located in that portion of western North Carolina served by Duke Energy Carolinas, LLC (“DEC”).

6. The Power Agencies request that any notices, filings or other communications with respect to this Petition and proceeding be served on the following:

Daniel C. Higgins
Burns, Day & Presnell, P.A.
P.O. Box 10867
Raleigh, N.C. 27605
dhiggins@bdppa.com

and

Jay Morrison
Chief Legal and External Affairs Officer
Electricities of North Carolina, Inc.
1427 Meadow Wood Blvd.
Raleigh, NC 27604
jmorrison@electricities.org

7. The Power Agencies' member municipalities are electric power suppliers who operate distribution systems to supply their end-user residents and retail customers with electric power in various parts of North Carolina. The vast majority of the power NCEMPA's municipal members provide to their customers is purchased from DEP pursuant to a wholesale contract. NCEMPA also contracts with DEP for delivery of power to its members' delivery points and for various other services. The power NCMPA1's municipal members provide to their customers is supplied through NCMPA1's ownership interest in the Catawba Nuclear Station and other owned and contracted resources. NCMPA1 contracts with DEC to manage the Catawba Nuclear Station, to deliver power to its members' delivery points, and for various other services. In addition, some of the Power Agencies' municipal members own and operate electric generation resources pursuant to authorizations previously provided by the Commission.

8. In the Commission's November 23, 2021 *Order Requesting Comments on Petition for Joint Proceeding*, the Commission requests comments regarding the Joint Petition filed by DEP and DEC in these dockets on November 9, 2021. In that Joint Petition, DEP and DEC requested that the Commission conduct a joint hearing with the

Public Service Commission of South Carolina to consider the impact on generation planning and related issues resulting from the requirements of S.L. 2021-165. That law requires the Commission develop a plan for steps to be taken to achieve reductions in the emissions of carbon dioxide in this State from electric generating facilities owned or operated by DEP and DEC (“Carbon Plan”). The Commission authorized interested persons desiring to become formal parties to the proceeding to file a petition to intervene on or before December 20, 2021.

9. The Power Agencies have a real and substantial interest in the development of the Carbon Plan, and they and their members will be impacted by whatever plan is ultimately established to achieve reductions in the emissions of carbon dioxide by DEP and DEC. As a retail electric customer of DEP, ElectriCities has a real and substantial interest in the issues raised in this proceeding.

10. This proceeding may impact the rates, terms, and conditions applicable to electric service by DEP to certain of the Power Agencies’ municipal members and may have a material or prejudicial effect on the Power Agencies’ interests.

11. No other party can adequately represent the interests of ElectriCities, NCEMPA, NCMPA1, and their members, and the Power Agencies’ participation in this docket would be in the public interest.

12. Petitioners agree to accept electronic service of all filings in these dockets.

WHEREFORE, for the foregoing reasons, ElectriCities, NCEMPA, and NCMPA1 respectfully request that the Commission:

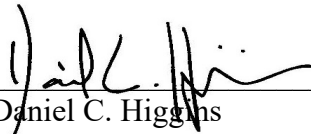
1. Grant Petitioners’ request that they be permitted to intervene and to become parties to this docket;

2. Grant Petitioners' request that they be permitted to file comments and other papers, call and examine witnesses, cross-examine other witnesses and be heard on matters relative to the issues involved in this docket; and

3. For such other and further relief as the Commission deems just and proper.

Respectfully submitted, this the 14th day of December, 2021.

BURNS, DAY & PRESNELL, P.A.

By: 
Daniel C. Higgins
P.O. Box 10867
Raleigh, North Carolina 27605
Telephone: (919)782-1441
E-mail: dhiggins@bdppa.com
Attorneys for the Power Agencies

NORTH CAROLINA

VERIFICATION

WAKE COUNTY

Jay Morrison, being first duly sworn, deposes and says that he is Chief Legal and External Affairs Officer of Electricities of North Carolina, Inc., a Petitioner, that he has read the foregoing Petition and that the same is true of his own knowledge, except as to those matters and things therein alleged upon information and belief, which he believes to be true.

This the 13th day of December, 2021.

Jay Morrison

Sworn to and subscribed before me,
this the 13th day of December, 2021.

Jennifer T. Johanns

Notary Public


My Commission expires: 11-13-2026

JENNIFER T JOHANNS
NOTARY PUBLIC
WAKE COUNTY, NC
My Commission Expires 11-13-2026

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document was duly served upon counsel of record for the Public Staff and all parties to these dockets by either depositing same in a depository of the United States Postal Service, first-class postage prepaid, addressed as shown below, or by electronic delivery, this the 14th day of December, 2021.

BURNS, DAY & PRESNELL, P.A.



Daniel C. Higgins
Post Office Box 10867
Raleigh, NC 27605
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