

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. E-100, Sub 178

In the Matter of )  
Rulemaking Proceeding to Implement )  
Performance-Based Regulation of )  
Electric Utilities )

**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 this docket.

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](mailto: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”) and North Carolina Municipal Power Agency Number 1 (“NCMPA1”). ElectriCities is a membership organization that

provides aid and assistance to its 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 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](mailto:dhiggins@bdppa.com)

and

Jay Morrison  
Chief Legal Officer  
ElectriCities of North Carolina, Inc.  
1427 Meadow Wood Blvd.

Raleigh, NC 27604  
[jmorriso@electricities.org](mailto:jmorriso@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 various other services. The power NCEMPA's municipal members provide to their customers is supplied through NCEMPA's ownership interest in the Catawba Nuclear Station and other owned and contracted resources. NCEMPA 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 provided by the Commission.

8. In the Commission's October 14, 2021 *Order Requesting Comments and Proposed Rules*, the Commission requested parties to file comments and proposed rules on the implementation of performance-based regulation ("PBR") of electric public utilities, as authorized in N.C. Gen. Stat. § 62-133.16, and made DEC, DEP, and Dominion parties to the proceeding. The Commission also authorized any other persons desiring to become formal parties to the proceeding to file a petition to intervene on or before November 9, 2021.

9. As a retail electric customer of DEP, ElectriCities has a real and substantial interest in the issues raised in this proceeding. No other party can adequately represent the interest of ElectriCities in this proceeding. Moreover, as electric power

suppliers, the Power Agencies' municipal members have a real and substantial interest in the issues raised in this proceeding. No other party can adequately represent the interests of the Power Agencies and their members, and the Power Agencies' participation in this docket would be in the public interest.

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

WHEREFORE, for the foregoing reasons, ElectriCities NCEMPA, and NCMAPA1 respectfully request that the Commission:

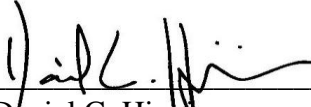
1. Grant Petitioners' request that they be permitted to intervene and to become parties to this docket;

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 9<sup>th</sup> day of November, 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](mailto:dhiggins@bdppa.com)  
Attorneys for the Power Agencies

NORTH CAROLINA

VERIFICATION

WAKE COUNTY

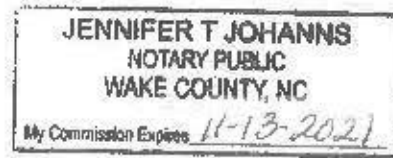
Jay Morrison, being first duly sworn, deposes and says that he is Chief Legal and External Affairs Officer of Electricities of North Carolina, Inc., a Petitioner, that he has read the foregoing Petition and that the same is true of his own knowledge, except as to those matters and things therein alleged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

This the 9<sup>th</sup> day of November, 2021.

*Jay Morrison*  
\_\_\_\_\_

Sworn to and subscribed before me,  
this the 9<sup>th</sup> day of November, 2021.

*Jennifer T. Johanns*  
\_\_\_\_\_  
Notary Public

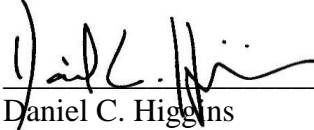


My Commission expires: *Nov. 13, 2021*

**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 9<sup>th</sup> day of November, 2021.

BURNS, DAY & PRESNELL, P.A.



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Daniel C. Higgins  
Post Office Box 10867  
Raleigh, NC 27605  
Tel: (919) 782-1441