BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-7, SUB 1276

In the Matter of Application of Duke	:	PETITION TO
Energy Carolinas, LLC, For Adjustment of	:	INTERVENE OF
Rates and Charges Applicable to Electric	:	THE KROGER CO. and
Service in North Carolina and	:	HARRIS TEETER LLC
Performance-Based Regulation	:	HARRIS I EEI ER LLC

PETITION TO INTERVENE OF THE KROGER CO. and HARRIS TEETER LLC

Pursuant to North Carolina Utilities Commission ("Commission") Rule R1-19,

The Kroger Co. and Harris Teeter LLC, a Division of The Kroger Co. ("Petitioners" or

"Kroger and Harris Teeter"), hereby petitions to intervene and participate in the

proceeding concerning the application of Duke Energy Carolinas, LLC ("Applicant" or

"DEC"). In support of its Petition, Kroger and Harris Teeter state as follows:

1. <u>Name and Addresses of Petitioners</u>:

The Kroger Co. and Harris Teeter LLC, a Division of Kroger Co. Attn: Michal Shepard, Director of Energy/Engineering 701 Crestdale Road Mathews, NC 28105

2. <u>Name and Address of Attorneys/Consultants Representing</u> <u>Petitioners</u>:

Kurt J. Boehm, Esq. Jody Kyler Cohn, Esq. **BOEHM, KURTZ & LOWRY** 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202 Telephone: 513-421-2255 Fax: 513-421-2764 E-mail: <u>kboehm@BKLlawfirm.com</u> jkyler@BKLlawfirm.com OFFICIAL COP

Feb 21 2023

Ben M. Royster (NC Bar ID: 34184) ROYSTER AND ROYSTER, PLLC 851 Marshall Street Mount Airy, N.C. 27030 Ph: 336-789-5127 Fax: 336-789-6650 benroyster@roysterlaw.com

Justin Bieber ENERGY STRATEGIES, LLC 111 E Broadway, Suite 1200 Salt Lake City, Utah 84111 E-mail: jbieber@energystrat.com

Pursuant to Rule R1-39, Kroger and Harris Teeter agrees to electronic service of all pleadings and other papers in this docket.

3. Identify the Petitioners:

Kroger and Harris Teeter are retail electric customers of DEC. Petitioners have numerous grocery stores and other facilities that purchase their electric supply from the Applicant.

4. <u>Petitioners' Interest in this Proceeding</u>:

Kroger and Harris Teeter are corporations engaged in the business of selling groceries at retail throughout the United States. These stores purchase millions of kWh of electricity from the Applicant annually. The grocery stores operated by Kroger and Harris Teeter are high load factor facilities that use energy for food storage, lighting, heating, cooling and distribution, often on a 24 hour a day, 7 day a week basis. If DEC's application is granted, then the cost for electric power service to Petitioners could be substantially impacted. Accordingly, Petitioners have a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.

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5. <u>Issues To Be Raised</u>:

The primary issue the Petitioners intends to address in this case will be whether the proposed rate increase sought by DEC is reasonable and justified. We also intend to address whether the proposed allocation and design of large commercial tariffs are just and reasonable.

WHEREFORE, for the reasons set forth above, Petitioners request that this Petition to Intervene be granted.

DATED this 21st day of February, 2023.

<u>/s/ Kurt J. Boehm</u> Kurt J. Boehm, Esq. Jody Kyler Cohn, Esq. BOEHM, KURTZ & LOWRY 36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202 Ph: 513-421-2255 Fax: 513-421-2764 E-mail: <u>kboehm@BKLlawfirm.com</u> jkylercohn@BKLlawfirm.com

/s/ Ben M. Royster

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COUNSEL FOR THE KROGER CO. AND HARRIS TEETER LLC

VERIFICATION

I, Kurt J. Boehm, first being duly sworn, deposes and says that he is the attorney for The Kroger Co. and Harris Teeter LLC ("Kroger and Harris Teeter"); that he has read the foregoing Petition to Intervene and 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 Kroger and Harris Teeter.

Kurt J. Boehm, Esq. COUNSEL FOR THE KROGER CO. and HARRIS TEETER LLC

Subscribed and sworn to this 21st day of February, 2023, by Kurt J. Boehm, Esq.

Notary Public Commission Expires:



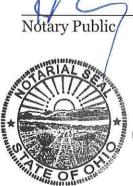
KIMBERLY E. NONELLE Notary Public, State of Ohio My Commission Expires 08-26-2024

VERIFICATION

I, Jody Kyler Cohn, first being duly sworn, deposes and says that she is the attorney for The Kroger Co. and Harris Teeter LLC ("Kroger and Harris Teeter"); that she has read the foregoing Petition to Intervene and the same is true of her personal knowledge, except as to any matters and things therein stated on information and belief, and as to those, she believes them to be true; and that she is authorized to sign this verification on behalf of Kroger and Harris Teeter.

Jody Kyler Cohn, Esq. COUNSEL FOR THE KROGER CO. and HARRIS TEETER LLC

Subscribed and sworn to this 21st day of February, 2023 by Jody Kyler Cohn, Esq.



KIMBERLY E. NONELLE Notary Public, State of Ohio My Commission Expires 08-26-2024

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition to Intervene of The Kroger Co. and Harris Teeter LLC in Docket No. E-7, SUB 1276 has been served by electronic mail (when available) or by depositing a copy in the United States mail, postage prepaid, addressed to the parties of record, or their counsel.

This the 21st day of February, 2023.

/s/ Kurt J. Boehm

Kurt J. Boehm, Esq. Jody Kyler Cohn, Esq. BOEHM, KURTZ & LOWRY 36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202 Ph: 513-421-2255 Fax: 513-421-2764 E-mail: <u>kboehm@BKLlawfirm.com</u> jkylercohn@BKLlawfirm.com

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