

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 1300

In the Matter of)	
)	
Application of Duke Energy Progress, LLC,)	PETITION TO INTERVENE
for Adjustment of Rates and Charges Applicable)	
to Electric Service in North Carolina)	

NOW COME ElectriCities of North Carolina, Inc. (“ElectriCities”) and North Carolina Eastern Municipal Power Agency (“NCEMPA” and with ElectriCities “Petitioners”) 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
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”) and North Carolina Municipal Power Agency Number 1 (“NCMPA1”). ElectriCities is a membership organization that provides aid and assistance to NCEMPA and NCMPA1 in connection with the operation

of their electric systems. ElectriCities also provides management services to those agencies.

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

5. NCEMPA requests 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 Officer
ElectriCities of North Carolina, Inc.
1427 Meadow Wood Blvd.
Raleigh, NC 27604
jmorrison@electricities.org

6. NCEMPA’s member municipalities are electric power suppliers that operate distribution systems to supply their end-user residents and retail customers with electric power in various parts of North Carolina. While NCEMPA’s municipal members provide their customers with power purchased from DEP pursuant to a wholesale contract, various NCEMPA members are also retail customers of DEP. For example, the City of Rocky Mount is a DEP retail customer for power for streetlights, sewer system lift stations and area light accounts. The Town of Clayton is a retail customer of DEP for power for streetlights, lift stations, concession stands, irrigation pumps, and some

subdivision lighting outside its electrical service area. Likewise, the City of Wilson is a retail customer of DEP, which provides electric service for Wilson's water utility asset located in Elm City. Apex is also a DEP retail customer, with Duke retail accounts for streetlights and pump stations at the Apex water plant. Smithfield is a retail customer of DEP for power supplying streetlights and some outlying sewer lift stations. Lumberton is a retail customer of DEP for some street lighting as well as sewer lift stations. Fremont is a retail customer of DEP for power for lift stations and some area lights. Washington is a retail customer of DEP for some sewer lift stations. Selma is a DEP retail customer for street lighting.

7. ElectriCities is also a retail electric customer of DEP.

8. As noted in the Commission's Order denying Piedmont Electric Membership Corporation's request to intervene in DEP's 2017 rate case, "as stated in their petitions to intervene, all three of [Fayetteville Public Works Commission, Haywood Electric Membership Corporation and North Carolina Electric Membership Corporation] **are retail customers of DEP and thus are directly affected by the Commission's decisions.**"¹ (Emphasis added). Fayetteville Public Works Commission ("FPWC") has already been allowed to intervene in the present docket.

9. This proceeding will impact the rates, terms, and conditions applicable to retail electric service by DEP and may have a material or prejudicial effect on the interests of various NCEMPA member municipalities. Because various NCEMPA members are DEP retail customers, Petitioners should be allowed to intervene here, like FPWC, to protect the interests of those NCEMPA members.

¹ *In the Matter of Application of Duke Energy Progress, LLC, for Adjustment of Rates and Charges Applicable to Electric Utility Service in North Carolina*, Order Denying Petition To Intervene And Allowing Amicus Curiae Status, Docket No. E-2, SUB 1142 p. 5 (August 10, 2017) 2017 WL 3476331.

10. No other party is capable of adequately representing or protecting the interests of NCEMPA's members or ElectriCities in this proceeding. As such, NCEMPA and ElectriCities have a real and substantial interest in this proceeding.

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

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

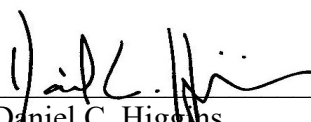
1. Grant Petitioners' request that they be permitted to intervene and to become parties to this docket;

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 1st day of February, 2023.

BURNS, DAY & PRESNELL, P.A.

By: 
Daniel C. Higgins
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Raleigh, North Carolina 27605
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Attorneys for the ElectriCities and
NCEMPA

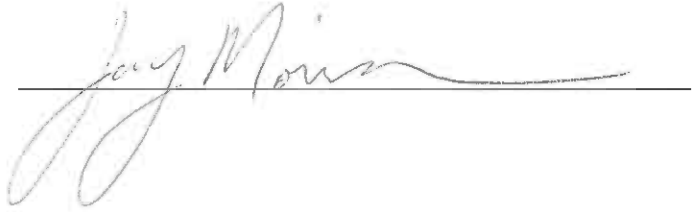
NORTH CAROLINA

VERIFICATION

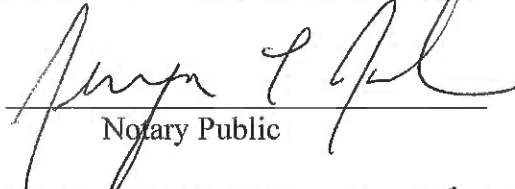
WAKE COUNTY

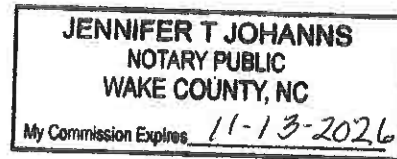
Jay Morrison, being first duly sworn, deposes and says that he is Chief Legal and External Affairs Officer of ElectriCities of North Carolina, Inc., a Petitioner, that he has read the foregoing Petition and that the same is true of his own knowledge, except as to those matters and things therein alleged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

This the 1st day of February, 2023.



Sworn to and subscribed before me,
this the 1th day of February, 2023.


Notary Public



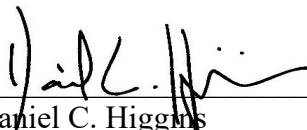
My Commission expires: 11-13-2026

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 1st day of February, 2023.

BURNS, DAY & PRESNELL, P.A.



Daniel C. Higgins
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Raleigh, NC 27605
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OFFICIAL COPY

Feb 01 2023