

STATE OF NORTH CAROLINA
UTILITIES COMMISSION RALEIGH

DOCKET NO. EMP-105, SUB 0

**In the Matter of the Application of
Friesian Holdings, LLC for a
Certificate of Public Convenience
and Necessity**

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**NORTH CAROLINA CLEAN
ENERGY BUSINESS
ALLIANCE’S PETITION TO
INTERVENE**

PETITION TO INTERVENE

Pursuant to North Carolina Utilities Commission ("Commission") Rules R1-5, R1-7, and R1-19, and the Order Scheduling Hearings, Requiring Filing of Testimony, Establishing Procedural Guidelines, and Requiring Public Notice ("Scheduling Order") issued by the Commission on June 13, 2019, the North Carolina Clean Energy Business Alliance ("NCCEBA") hereby petitions to intervene in the above-referenced docket. In support of this petition, NCCEBA states as follows:

1. NCCEBA is a non-profit trade association created to promote the common interests of clean energy businesses in North Carolina. It represents all types of businesses in the clean energy sector including developers, manufacturing, engineering, construction, professional and financial services, and non-energy businesses wishing to purchase clean energy.

2. According to past Commission filings, applicant Friesian Holdings, LLC ("Friesian") is proposing to develop a solar facility that would require significant network upgrades, the cost of which would initially be paid by applicant but which would be potentially be repaid by Duke Energy Progress LLC over time pursuant to the project’s FERC-jurisdictional Interconnection Agreement. *See* Motion to Stay by Cypress Creek Renewables, p. 4, Docket No. E-100, Sub 101 (November 9, 2018).

3. There are substantial questions of state and federal law relating to whether and to what extent this Commission can or should consider the repayment of these network upgrades in assessing whether the proposed generator is consistent with the public convenience and necessity; and more broadly, scope of issues that the Commission should consider on a merchant plant CPCN application under G.S. § 62-110.1. Many of NCCEBA's members are developers of generating facilities that require CPCNs under Sec. 62-110.1 and the Commission's rules, and that have a substantial interest in the resolution those questions. In addition, NCCEBA as a representative of such industry participants can provide unique information and insight on the potential implications of the Commission's resolution on this issue.

4. NCCEBA's participation in this docket will bring critical insight, knowledge, and understanding to this proceeding and the specific issues that will be raised in this proceeding.

5. NCCEBA's attorneys, to whom all communications and pleadings should be addressed are:

Benjamin L. Snowden
Counsel
Kilpatrick Townsend Stockton LLP
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
Telephone: (919) 420-1719
Email: bsnowden@kilpatricktownsend.com

6. NCCEBA requests that any notices, filings, or other communications in this docket be served on the following:

Benjamin L. Snowden
Counsel
Kilpatrick Townsend Stockton LLP
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
Telephone: (919) 420-1719
Email: bsnowden@kilpatricktownsend.com

Christopher M. Carmody
Executive Director
North Carolina Clean Energy Business Alliance
811 Ninth Street, Suite 120-158
Durham, NC 27705
Telephone: 919-608-1060
E-mail: Director@ncceba.com

7. Pursuant to Commission Rule R1-39, NCCEBA agrees to accept electronic service of all filings in this docket.

8. NCCEBA asks that the Commission make it a party to this proceeding with the rights typically applicable to intervenors.

WHEREFORE, NCCEBA requests that its Petition to Intervene be granted.

This the 5th day of August 2019.

KILPATRICK TOWNSEND &
STOCKTON LLP

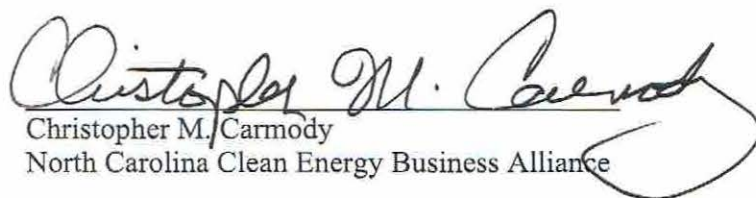
By: *Benjamin L. Snowden*
Benjamin L. Snowden
Counsel
4208 Six Forks Road, Suite 1400
Raleigh, NC 27609
Telephone: (919) 420-1719
Email: bsnowden@kilpatricktownsend.com

VERIFICATION

Christopher M. Carmody, having been first duly sworn, deposes and says:

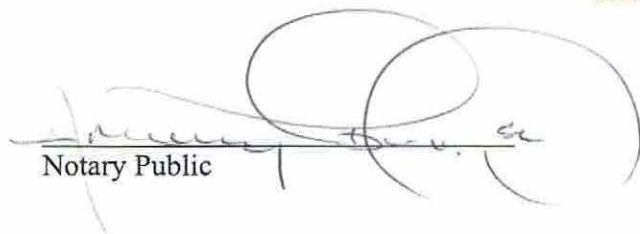
- 1. I am the Director for North Carolina Clean Business Alliance.
- 2. I have read the foregoing Petition to Intervene and know its contents.
- 3. The matters stated in this instrument are true to the best of my knowledge, except

as to those matters that are stated to be on information and belief, and, as to those matters, I believe them to be true.

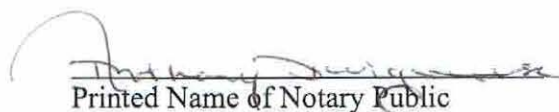

 Christopher M. Carmody
 North Carolina Clean Energy Business Alliance

Sworn to and subscribed before me

This 1 day of August 2019.


 Notary Public

Anthony Dwight House NOTARY PUBLIC Durham County, North Carolina My Commission Expires 10/13/2019
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 Printed Name of Notary Public

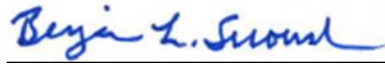
[NOTARY SEAL]

My Commission Expires: 10/13/2019

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **Petition to Intervene** has been served upon all parties of record by electronic mail, or depositing the same in the United States mail, postage prepaid.

This the 5th day of August 2019.



Benjamin L. Snowden