

ensure that grid investments maximize their potential to create a cleaner, more resilient electric and gas system.

5. Specifically, EDF works extensively with public utility commissions, industry, academia, and other stakeholders across the country and in this region to evaluate, improve and advance electric and gas system investment plans so that they realize a full range of resiliency, environmental, economic and consumer benefits. EDF aims to ensure that clean energy and grid modernization investments provide: (1) benefits that outweigh the costs of the investments; and (2) accountability that dollars spent are providing tangible benefits. EDF also supports various clean energy policies before state public utility commissions.

6. EDF's members have a direct and substantial interest in the electric generation applications in the Duke Energy Carolinas, LLC ("DEC") and Duke Energy Progress, LLC ("DEP") (DEC and DEP, collectively, "Duke") North Carolina territories. Specifically, EDF's members have direct interest in the implementation of North Carolina's SL 2021-165 and Duke's application to construct carbon-emitting generation resources, including the proposed 850 MW Natural Gas-fired combustion turbine generation facility at issue in this docket.

7. EDF has repeatedly appeared in proceedings before the Commission dealing with matters affecting their members including proceedings regarding energy generation and energy efficiency planning, prudence in utility investments and rate payer impact, and policy decisions, particularly regarding clean energy, regarding new Duke generation investments. *See*, Docket Nos. E-100, Sub 190 and 191 (2023 Duke Carbon Plan/Integrated Resource Plan and Carbon Plan Rulemaking); Docket No. E-100, Sub 157 (2018 Integrated Resource Plan and REPS Compliance Proceeding); Docket No. E-2, Sub 1142 (DEP 2017 Rate Case); Docket No. E-100, Sub 147 (2016 Integrated Resource Plan and REPS Compliance Proceeding); Docket E-100, Sub 141 (2014

Integrated Resource Plans Proceeding); Docket No. E-7, Sub 939 (Buck Stream Station Renewable Energy Facility Registration Proceeding); Docket No. E-7, Sub 940 (Lee Steam Station Renewable Energy Facility Registration Proceeding); Docket No. E-100, Sub 115 (Determination of Purchase Price of Swine Farm Methane Gas Proceeding); Docket No. E-2, Sub 926 (Proposed Demand Response Program); E-2, Sub 929 (Proposed Residential EnergyWise Program); E-2, Sub 928 (Proposed Residential Comprehensive Retrofit Programs); Docket Nos. E-2, Sub 998 and E-7, Sub 986 (Progress/Duke Merger Proceedings).

8. Notably, Duke filed the *Duke Energy Carolinas, LLC and Duke Energy Progress, LLC's Motion to Consolidate* ("Motion to Consolidate") in the instant docket, Docket No. E-2, Sub 1318 (the "Person County CPCN Proceeding"), where EDF is contemporaneously seeking intervention, and Docket No. E-100, Sub 190 (the "CPIRP Docket"), where EDF has already been granted intervention.

9. The Motion to Consolidate seeks for the Commission to consolidate the procedural schedule in the CPIRP Docket with the procedural schedules in the instant docket and the Person County CPCN Proceeding, which would effectively combine the three proceedings procedurally.

10. The regulatory and evidentiary standards for the Commission to consider and implement in these different proceedings are not the same, though, so the consolidation of the three dockets would be a purely procedural remedy to the benefit of Duke.

11. While EDF has not taken a position on the Motion to Consolidate, in an effort to efficiently investigate the multiple proceedings prior to the Commission issuing an order on the Motion to Consolidate, EDF did request from Duke the fulsome *Duke Energy Carolinas, LLC's Application for Certificate of Public Convenience and Necessity*, including all exhibits in

unredacted form, filed in in the instant docket, through a data request propounded on March 20, 2024.¹

12. Despite the outstanding Motion to Consolidate and the intuitive position that the CPIRP Docket deals with generation asset planning including new natural gas facilities for Duke, Duke has taken the position that the fulsome application in the instant docket is not discoverable to parties who have not yet intervened.

13. Accordingly, in an effort to be judicious and efficient given the upcoming procedural deadlines in the CPIRP proceeding and in advance of Duke's requested procedural deadlines in the dual CPCN proceedings, EDF is now seeking intervention here and, contemporaneously, in the Person County CPCN Proceeding.

14. Duke has not yet filed objections to EDF's March 20, 2024 data requests and EDF does not relinquish any available procedural remedies it might have in response to any such filed objections, including, but not limited to, a Motion to Compel by way of this intervention request.

15. Finally, had Duke not sought to consolidate the proceedings, EDF would have separately sought intervention.

16. EDF only sought the fulsome application via data request because (1) the discovery process seemed more efficient especially given the currently unopposed Motion to Consolidate and (2) the application is relevant to the underlying CPIRP Proceeding.

17. EDF's participation in this proceeding as a party will benefit the Commission by providing critical insight, knowledge, and understanding.

18. All correspondence related to this proceeding should be addressed to counsel:

¹ The March 20, 2024 data requests did include a typographical error listing them as EDF's Second Set of Data Requests when they were, in actuality, EDF's Third Set of Data Requests, but this error was pointed out by Duke counsel and has since been corrected.

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

WHEREFORE, for the foregoing reasons, EDF respectfully requests that the Commission grant Petitioner's request that it be permitted to intervene and participate fully as a party to this docket.

Respectfully submitted this 4th day of April, 2024.

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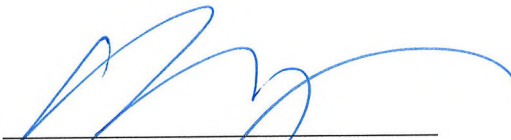
STATE OF NORTH CAROLINA

WAKE COUNTY

VERIFICATION

Benjamin W. Smith, first being duly sworn, deposes and says that he is the attorney for Environmental Defense Fund; that he has read the foregoing Petition to Intervene and that the same is true of his personal knowledge, except as to any matters and things therein stated on information and belief as to those, he believes them to be true; and that he is authorized to sign this verification on behalf of Environmental Defense Fund.

This 4th day of April, 2024.

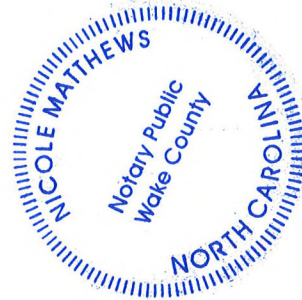

Benjamin W. Smith

Sworn to and subscribed before me
this 4th day of April, 2024.


Notary Public (signature)

Nicole Matthews
Notary Public (printed)

My Commission expires: 12-6-24



CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Petition to Intervene* has been served by electronic mail, hand delivery, or by depositing a copy in the United States Mail, first-class postage prepaid, properly addressed to parties of record.

This the 4th day of April, 2024.

By: /s/Benjamin W. Smith
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