

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 179
DOCKET NO. E-100, SUB 190
DOCKET NO. E-100, SUB 191

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 179

In the Matter of
Duke Energy Progress, LLC, and Duke
Energy Carolinas, LLC, 2022 Biennial
Integrated Resource Plans and Carbon
Plan

DOCKET NO. E-100, SUB 190

In the Matter of
Biennial Consolidated Carbon Plan and
Integrated Resource Plans of Duke Energy
Carolinas, LLC, and Duke Energy
Progress, LLC, Pursuant to N.C.G.S.
§ 62-110.9 and § 62-110.1(c)

DOCKET NO. E-100, SUB 191

In the Matter of
Rulemaking Proceeding Related to Biennial
Consolidated Carbon Plan and Integrated
Resource Plans of Duke Energy Carolinas,
LLC, and Duke Energy Progress, LLC,
Pursuant to N.C.G.S. § 62-110.9 and
§ 62-110.1(c)

ORDER DENYING MOTION FOR
SUBSTITUTION AND GRANTING
INTERVENTION OF TOTALENERGIES
CAROLINA LONG BAY, LLC, IN
DOCKET NO. E-100, SUB 190

BY THE PRESIDING COMMISSIONERS: On May 14, 2024, TotalEnergies Renewables USA, LLC (TotalEnergies Renewables), filed a Motion for Substitution of Intervening Party (Motion for Substitution) in the above-captioned dockets. The Motion for Substitution requests that TotalEnergies Carolina Long Bay, LLC (TotalEnergies Carolina), be substituted for TotalEnergies Renewables as party to Commission Docket Nos. E-100, Subs 179, 190, and 191.

BACKGROUND

Docket No. E-100, Sub 179

Docket No. E-100, Sub 179 (Sub 179) concerns the Commission's initial Carbon Plan proceeding pursuant to N.C. Gen. Stat. § 62-110.9. TotalEnergies Renewables was permitted intervention in the Sub 179 proceeding by order dated July 4, 2022. Following the completion of its procedural schedule, the Commission issued its final Order Adopting Initial Carbon Plan and Providing Direction for Future Planning on December 30, 2022.

Docket No. E-100, Sub 190

Docket No. E-100, Sub 190 (Sub 190) concerns the Commission's first biennial consolidated Carbon Plan and integrated resource plan (IRP, CPIRP, as consolidated) proceeding pursuant to N.C.G.S. §§ 62-110.9 and 62-110.1(c). TotalEnergies Renewables was permitted intervention in the Sub 190 proceeding by order dated May 24, 2023. The Sub 190 proceeding is ongoing and the Commission will issue a final order by year end. The time for intervention in the Sub 190 proceeding will run on Tuesday, May 28, 2024. See Order Scheduling Public Hearings, Establishing Interventions and Testimony Due Dates and Discovery Guidelines, Requiring Public Notice, and Providing Direction Regarding Duke's Supplemental Modeling, Ordering Paragraph 12 (January 17, 2024).

Docket No. E-100, Sub 191

Docket No. E-100, Sub 191 (Sub 191) concerns the Commission's proceeding to establish a Commission Rule to govern consolidated CPIRP proceedings. TotalEnergies Renewables was permitted intervention in the Sub 191 proceeding by order dated May 24, 2023. Following the completion of its procedural schedule, the Commission issued its final Order Adopting Rule R8-60A and Amending Rules R8-60 R8-67 and R8-71 on November 20, 2023.

MOTION FOR SUBSTITUTION

In support of the Motion for Substitution, TotalEnergies Renewables states that while it at one time held lease OCS-A 0545 issued by the Bureau of Ocean Energy Management, which grants exclusive development rights to the one of the Carolina Long Bay Wind Energy Areas off the coast of North Carolina, following its intervention in the above-referenced dockets, it transferred lease OCS-A 0545 to its affiliate and successor in interest, TotalEnergies Carolina on November 14, 2023. TotalEnergies Renewables requests that TotalEnergies Carolina be substituted for TotalEnergies Renewables as intervenor in the above-referenced proceedings and further states that TotalEnergies Carolina will adhere to the currently established schedule, and the substitution will not create any delay in the proceeding.

DISCUSSION AND CONCLUSIONS

The Presiding Commissioners note that the Sub 179 and 191 proceedings have concluded, as the Commission issued final orders in these proceedings on December 30, 2022, and November 20, 2023, respectively. Accordingly, the Presiding Commissioners do not recognize good cause to allow the requested substitution or other relief at this time in these dockets. Should some future activity occur in either of these dockets warranting TotalEnergies Carolina to take an active role, the Commission will consider an appropriate motion demonstrating good cause at the appropriate future time. Accordingly, based upon the foregoing and the entire record herein, with regard to Docket Nos. E-100, Sub 179 and Sub 191, the Motion for Substitution is denied.

With regard to the Sub 190 proceeding, the Presiding Commissioners note that when acting in a quasi-judicial capacity, while not bound by the North Carolina Rules of Civil Procedure, the Commission applies the rules insofar as practicable and will look to the rules for guidance. See, e.g., Order Denying Motion to Compel, *Petition for Approval of Revisions to Interconnection Standards*, Docket No. E-100, Sub 101 (April 1, 2020); Order Issuing Subpoena to Michael J. Myers, *WLI Investments, LLC, 60 Gregory Road, Ste 1, Belville, North Carolina 28451 Complainant v. Old North State Water Company, LLC and Pluris Hampstead, LLC, Defendants*, Docket Nos. W-1305, Sub 35, W-1300, Sub 77 (September 19, 2022). N.C.G.S. § 1A-1, Rule 25(d) governs the substitution of parties upon transfer of interest and provides that “[i]n case of any transfer of interest other than by death, the action shall be continued in the name of the original party; but, upon motion of any party, the court may allow the person to whom the transfer is made to be joined with the original party.”

Accordingly, the Presiding Commissioners find good cause, based upon the foregoing and the entire record herein, to allow the intervention of TotalEnergies Carolina in addition to the established intervention of TotalEnergies Renewables.

IT IS, THEREFORE, ORDERED as follows:

1. That TotalEnergies Carolina is hereby allowed to intervene in this proceeding; and

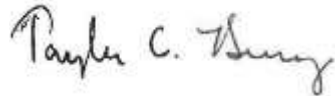
2. That the names and addresses of the attorneys for TotalEnergies Carolina are:

Weston Adams, III
Daniel R. Simon
Nelson, Mullins, Riley & Scarborough LLP
301 South College Street, 23rd Floor
Charlotte, NC 28202
weston.adams@nelsonmullins.com
dan.simon@nelsonmullins.com

ISSUED BY ORDER OF THE COMMISSION.

This the 22nd day of May, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in dark ink, appearing to read "Taylor C. Berry". The signature is written in a cursive, flowing style.

Taylor C. Berry, Deputy Clerk