

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-100, SUB 178

In the Matter of: ) **PETITION TO INTERVENE BY**  
Performance Based Regulation of ) **NORTH CAROLINA JUSTICE**  
Electric Utilities ) **CENTER, NORTH CAROLINA**  
) **HOUSING COALITION, SIERRA**  
) **CLUB, AND SOUTHERN**  
) **ALLIANCE FOR CLEAN ENERGY**

PURSUANT TO North Carolina Utilities Commission (Commission) Rule R1-19, the North Carolina Justice Center (NC Justice Center), the North Carolina Housing Coalition (NC Housing Coalition), the Sierra Club, and the Southern Alliance for Clean Energy (SACE) (collectively, Petitioners), through counsel, file this petition to intervene in the above-captioned docket, and provide the following information in support of their petition:

1. Section 4.(b) of Part II of S.L. 2021-165 requires the Commission to establish rules no later than 120 days following enactment—or no later than February 10, 2022—to implement performance-based regulation (PBR). *See also* N.C. Gen. Stat. § 62-133.16(j). In response, the Commission opened this rulemaking proceeding and allowed parties to petition to intervene and submit comments and proposed rules by November 9, 2021.

2. The NC Justice Center is a nonprofit research and advocacy organization whose mission is to eliminate poverty in North Carolina by ensuring that every household in the state has access to the resources, services, and fair treatment it needs to achieve economic security. The NC Justice Center has offices at 224 S. Dawson Street, Raleigh, North Carolina 27601.

3. The NC Justice Center and the low-income consumers whose interests it represents have a direct and substantial interest in this proceeding. The NC Justice Center seeks to intervene in this proceeding in order to ensure that North Carolina's PBR regime enhances affordability for low-income customers and promotes deployment of low-cost distributed energy resources and energy efficiency. The NC Justice Center has previously intervened on behalf of low-income North Carolinians in numerous proceedings before the Commission.

4. The NC Housing Coalition is a nonprofit membership organization with the goal of ensuring that every North Carolinian has access to safe, decent, and affordable housing. The principal address of the NC Housing Coalition is 3608 University Dr., Ste. 203, Durham, North Carolina 27707.

5. The NC Housing Coalition works with its members to reduce the energy burdens faced by low-income residents. In addition, as part of its efforts to improve access to affordable housing for low-income individuals, the NC Housing Coalition advocates for fair and affordable utility rates and charges. The NC Housing Coalition seeks to intervene in this proceeding in order to ensure that North Carolina's PBR regime enhances affordability for low-income customers. The NC Housing Coalition has previously intervened in numerous proceedings before the Commission on behalf low-income North Carolinians.

6. The Sierra Club is a national environmental organization whose mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful

means to carry out these objectives. In furtherance of this mission, the Sierra Club works to accelerate the transition from dirty fuels like coal and gas to clean energy solutions like solar, wind and energy efficiency, and advocates for state and federal policies and industry action to achieve this transition. The address of the Sierra Club's principal office in North Carolina is 19 West Hargett Street, Suite 210, Raleigh, NC 27601.

7. The Sierra Club and its members have a direct and substantial interest in this proceeding. The Sierra Club has a long history of working to reduce air pollution from coal-fired power plants and to promote clean energy sources in North Carolina, and its members include customers of our state's regulated electric utilities. The Sierra Club seeks to intervene in this proceeding in order to ensure that North Carolina's PBR regime promotes carbon reductions and promotes deployment of low-cost distributed energy resources and energy efficiency. The Sierra Club has previously intervened in proceedings before the Commission on behalf its approximately 21,000 North Carolina members.

8. Southern Alliance for Clean Energy (SACE) is a regional nonprofit organization whose mission is to promote responsible energy choices to address the impacts of global climate change and ensure clean, safe and healthy communities throughout the Southeast. SACE and its members, including members in North Carolina who receive electricity service from utilities regulated by the Commission, are interested in promoting greater reliance on clean energy resources to meet the Southeast's energy needs. SACE works directly with diverse stakeholders and industries on energy issues affecting the region, and actively participates in utility-sponsored energy efficiency and demand-side management stakeholder collaborative meetings. SACE also promotes clean energy solutions such as energy efficiency, solar energy and wind energy through

education and outreach in order to improve public health, the environment and the economy. SACE has its principal office in Tennessee, with a North Carolina address of 46 Orchard Street, Asheville, NC 28801.

9. SACE and its members have a direct and substantial interest in this proceeding. SACE has a long history of working to promote cost-effective energy efficiency, distributed energy resources, reduce carbon pollution, and fair rate designs that take into account the needs of low-income customers. Its members include customers of our state's regulated electric utilities. SACE seeks to intervene in this proceeding in order to ensure that North Carolina's PBR regime promotes deployment of low-cost distributed energy resources and energy efficiency while considering rate impacts to low-income customers. SACE has previously intervened in numerous proceedings before the Commission on behalf its North Carolina members

10. Petitioners seek to intervene in this proceeding in order to participate in this important proceeding concerning the implementation of PBR in our state. If allowed to intervene, Petitioners will advocate for a PBR structure that incentivizes the reduction of carbon pollution, reduces energy burdens for low-income customers, and encourages energy efficiency and other distributed energy resources to reduce system costs in ways that benefit all ratepayers. Petitioners will urge the Commission to shape the implementation of S.L. 2021-165 so as to retain the historic regulatory balance between the utilities and the public interest, and to better align utility incentives with the goals of affordability and carbon pollution reduction.


11. The attorneys for the NC Justice Center, the NC Housing Coalition, the Sierra Club, and SACE to whom all correspondence and filings in this docket should be addressed are:

David Neal  
Gudrun Thompson  
Southern Environmental Law Center  
601 West Rosemary Street, Suite 220  
Chapel Hill, NC 27516  
919-967-1450

Service by electronic mail pursuant to NCUC Rule R1-39 is preferred and should be addressed to dneal@selcnc.org and gthompson@selcnc.org.

WHEREFORE, the NC Justice Center, the NC Housing Coalition, the Sierra Club, and SACE request that they be allowed to intervene in this docket.

Respectfully submitted this the 9<sup>th</sup> day of November, 2021.



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*Attorneys for North Carolina Justice Center, the  
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and Southern Alliance for Clean Energy*

VERIFICATION

I, David L. Neal, verify that the contents of the foregoing Petition to Intervene are true to the best of my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true. I am authorized to sign this verification on behalf of the North Carolina Justice Center, North Carolina Housing Coalition, Sierra Club, and Southern Alliance for Clean Energy.



Date: November 9, 2021

Durham County, North Carolina

Sworn to and subscribed before me this day by Mindy D. Campbell.

This 9<sup>th</sup> day of November, 2021.

  
Signature

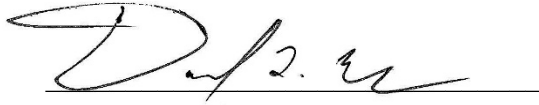
Mindy D. Campbell, Notary Public

My commission expires: January 24, 2022

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition to Intervene by North Carolina Justice Center, North Carolina Housing Coalition, Sierra Club, and Southern Alliance for Clean Energy as filed today in Docket No. E-100, Sub 178 has been served on all parties of record by electronic mail or by deposit in the U.S. Mail, first-class, postage prepaid.

This 9th day of November, 2021.

A handwritten signature in black ink, appearing to read 'D. Neal', is written over a horizontal line.

David L. Neal