

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. EMP-92, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Application of NTE Carolinas II, LLC, for)	NC WARN'S
a Certificate of Public Convenience and)	REPLY
Necessity to Construct a 500-MW Natural)	
Gas-Fueled Merchant Power Plant in)	
Rockingham County, North Carolina)	

NOW COMES the NC Waste Awareness and Reduction Network, Inc. ("NC WARN"), by and through the undersigned attorney, with a reply to NTE's Motion for Reconsideration of Order Granting Intervention by NC WARN and Objection, filed October 11, 2016. This reply adopts by reference the NC WARN's Motion to Intervene, filed on October 5, 2016.

1. NC WARN believes the counsel for NTE's statements about weather delays and other complications were made in good faith and as such, the Commission should treat NTE's motion as a response to NC WARN's motion to intervene rather than a motion for reconsideration.

2. In response to NTE's argument against NC WARN's standing, NTE objects to NC WARN's intervention because NC WARN's motion for intervention was based broadly on its concerns about the economic and environmental costs to its members of another natural gas plant. NC WARN's motion meets the requirements of Commission Rule R1-19 members by providing a "clear, concise statement of petitioner's interest in the subject matter of the proceeding, and the

way and manner in which such interest is affected by the issues involved in the proceeding.” R1-19(a)(3). Certainly in compared to other motions to intervene by NC WARN and most other parties in other proceedings, the present statement clearly presents how the proposed plant would like affect its members. Its members are concerned about the costs of the proposed plant, both economic and environmental. In particular, the members in the Triad – Reidsville area are additionally concerned about more air pollution in their communities.

3. In its motion, NC WARN further provided a list of utilities, cooperatives and other potential wholesale customers for power generated by the NTE plant. In its application NTE fails to openly state who will purchase the power so it is impossible for NC WARN to list specific cooperatives or municipalities in which NC WARN has members. Many of NC WARN’s are Duke Energy customers and others reside in various entities which might purchase power from NTE.

4. The Commission has denied motions to intervene, and in fact, denied NC WARN’s motion in the investigation in the second series of hearings on the Duke Energy-Progress Energy merger. Docket E-7, Sub 1017. As this was an exceptional situation, an investigation of possible improprieties, it was treated much differently than routine interventions and the standard practices before the Commission.

5. The issues before the Commission herein will be if there is a need for the proposed plant and whether it is in the public interest. NC WARN believes it is neither. NC WARN is having prefiled testimony prepared on the substantive

issues, and the testimony is due to be filed by October 18, 2016. As such NC WARN would appreciate a timely resolution of this matter.

THEREFORE, NC WARN prays that it is allowed to intervene in this matter and fully participate in the Commission's deliberations.

Respectfully submitted, this the 13th day of October 2016.

/s/ John D. Runkle

John D. Runkle
Attorney at Law
2121 Damascus Church Rd.
Chapel Hill, N.C. 27516
919-942-0600
jrunkle@pricecreek.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing MOTION TO INTERVENE BY NC WARN upon each of the parties of record in this proceeding or their attorneys of record by deposit in the U.S. Mail, postage prepaid, or by email transmission.

This is the 13th day of October 2016.

/s/ John D. Runkle
