

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION
DOCKET NO. E-2, SUB 1340
DOCKET NO. E-7, SUB 1310

| | | |
|--|---|----------------------------|
| In the Matter of: |) | |
| Duke Energy Progress, LLC, and Duke |) | |
| Energy Carolinas, LLC, 2024 Solar |) | NCSEA’S PETITION TO |
| Procurement Pursuant to Initial Carbon |) | INTERVENE |
| Plan |) | |
| |) | |

NCSEA’S PETITION TO INTERVENE

Pursuant to North Carolina Utilities Commission (“Commission”) Rules R1-5, R1-7, and R1-19, and the Commission’s February 8, 2024, *Order Initiating Proceeding and Requested Expedited Comments* (“Initiating Order”) in the above referenced dockets, the North Carolina Sustainable Energy Association (“NCSEA”) hereby petitions to intervene in the docket. In support of this petition, NCSEA states as follows:

1. NCSEA is a non-profit corporation formed under the laws of North Carolina, with an extensive membership that includes individuals, small and large businesses, nonprofits, and governments located across the State. This uniquely diverse membership, represents every aspect of North Carolina’s economy and informs NCSEA’s work in pursuit of its mission to drive policy and market development to create clean energy jobs, economic opportunities, and affordable energy that benefits all of North Carolina. NCSEA seeks to achieve its objectives by advocating for public policies that encourage the responsible technological and market development of renewable energy and energy efficiency—including all aspects of demand-side management, smart grids, energy storage, and vehicle electrification—and by promoting policies and programs that increases access to these new markets.



2. NCSEA has frequently appeared before the Commission as an intervenor in dockets involving integrated resource planning (“IRP”). *See, e.g.*, Commission Docket E-100, Sub 190; Commission Docket E-100, Sub 179; Commission Docket No. E-100, Sub 165; Commission Docket No. E-100, Sub 157; Commission Docket No. E-100, Sub 147; Commission Docket No. E-100, Sub 141; Commission Docket No. E-100, Sub 137; Commission Docket No. E-100, Sub 128; and Commission Docket No. E-100, Sub 118. However, IRP proceedings are “not intended to provide an occasion for the issuance of mandatory orders requiring substantive changes in a given utility’s operations.” *Utilities Comm. v. N.C. Elec. Membership Corp.*, 105 N.C. App. 136, 143, 412 S.E.2d 166, 170 (1992). Therefore, a party like NCSEA that desires a specific utility “to take or refrain from taking some specific substantive action” must seek to involve itself in a specific, substantive proceeding, such as this one. *Id.* at 144, 412 S.E.2d at 171.

3. On December 30, 2022, the Commission issued the *Order Adopting Initial Carbon Plan and Providing Direction for Future Planning* (“Carbon Plan Order”) in Docket No. E-100 Sub 179, which required Duke Energy Carolinas, LLC (“DEC”) and Duke Energy Progress, LLC (“DEP,” collectively “Duke Energy”) to target 2,350 MW of new solar as well as 600 MW of Solar Plus Storage divided between a 2023 procurement cycle and a 2024 procurement cycle. Pursuant to this Order, Duke Energy filed a *Motion To Open 2024 RFP Dockets, Grant Flexibility To Administer 2024 RFP Through A Resource Solicitation Cluster, And For Extension Of Time To File 2024 RFP* on Feb. 5, 2024. On Feb 8, 2024, the Commission issued its Initiating Order.

4. NCSEA was actively involved in the negotiations that led to House Bill 951 and Session Law 2021-165, which directed the Commission to develop a Carbon Plan,



issue the Carbon Plan Order, and made alterations to G.S. § 62-110.8, competitive procurement of renewable energy. NCSEA also intervened and actively participated in Docket Nos. E-2, Sub 1297 and E-7, Sub 1268 pertaining to the initial procurement of solar energy pursuant to HB 951, as well as Docket Nos. E-2, Sub 1317 and E-7, Sub 1290 pertaining to Duke Energy's 2023 solar procurement pursuant the Carbon Plan Order. NCSEA's membership includes developers of solar energy facilities that would be eligible to supply energy under the provisions of HB 951 and Duke Energy's present proposal.

5. NCSEA's participation in these dockets will bring critical insight, knowledge, and understanding to the proceeding. Given its extensive and diverse membership—and its longstanding role as a leader in the development of energy policy in North Carolina—NCSEA's interests are not adequately represented by any other party.

6. NCSEA's address is 4441 Six Forks Road, Suite 106-250, Raleigh, NC 27609. All correspondence related to this proceeding should be addressed to:

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7. Pursuant to Commission Rule R1-39, NCSEA agrees to electronic service of all pleadings and other filings in this matter.



WHEREFORE, for the reasons set forth above, NCSEA prays that it be allowed to intervene in this matter.

Respectfully submitted this the 14th day of February, 2024,

/s/ Ethan Blumenthal

Ethan Blumenthal
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*Counsel for the North Carolina
Sustainable Energy Association*

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Feb 15 2024



VERIFICATION

Ethan Blumenthal, first being duly sworn, deposes and says that he is the attorney for NCSEA; 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, and as to those, he believes them to be true; and that he is authorized to sign this verification on behalf of NCSEA.

This the 14th day of February, 2024.

Ethan Blumenthal

Ethan Blumenthal

NORTH CAROLINA
MECKLENBURG COUNTY

Sworn to and subscribed before me,

this the 14th day of February, 2024.

Jacquil Toon

Notary Public

Jacquil Toon

Printed Name of Notary Public

My Commission Expires: October 11, 2027

[AFFIX SEAL OF NOTARY]

Jacquil Toon
Commission # 201729000052
Electronic Notary Public - North Carolina
Wake County
My Commission Expires Oct 11, 2027

Notarial act performed by audio-visual communication



CERTIFICATE OF SERVICE

I hereby certify that all persons on the docket service lists have been served true and accurate copies of the foregoing Petition to Intervene by hand delivery, first class mail deposited in the U.S. mail, postage pre-paid, or by email transmission with the party's consent.

Respectfully submitted this the 14th day of February, 2024,

/s/ Ethan Blumenthal

Ethan Blumenthal

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NCSEA Petition to Intervene 2024 Solar Procurement.pdf

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E-Signature Summary

E-Signature 1: Ethan Blumenthal (ECB)

February 14, 2024 13:57:29 -5:00 [09968E905B9A] [76.251.4.26]
 ethan@energync.org (Principal) (Personally Known)

E-Signature Notary: Jacquil Toon (JT)

February 14, 2024 13:57:29 -5:00 [18B2EF3926A2] [75.7.142.186]
 jacquil@energync.org

I, Jacquil Toon, did witness the participants named above electronically sign this document.

