

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION  
DOCKET NO. E-100, SUB 189**

<b>In the Matter of:</b>	)	
<b>Consideration of Certain Standards to</b>	)	<b>NCSEA’S PETITION TO</b>
<b>Promote Utility Demand Response</b>	)	<b>INTERVENE</b>
<b>Pursuant to the Infrastructure Investment</b>	)	
<b>and Jobs Act</b>	)	
	)	

**NCSEA’S PETITION TO INTERVENE**

Pursuant to North Carolina Utilities Commission (“Commission”) Rules R1-5, R1-7, and R1-19, as well as the Commission’s Nov. 10, 2022, *Order Allowing Comments*, the North Carolina Sustainable Energy Association (“NCSEA”) hereby petitions to intervene in the above-referenced 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 individual, business, and government members located across the State. NCSEA’s mission is to promote a sustainable future through the use of renewable energy and energy efficiency programs. 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, a smart grid, energy storage, and vehicle electrification.
  
2. On November 10, 2022, the Commission opened Docket No. E-100 Sub 189 and issued an *Order Allowing Comments*. That order drew a preliminary conclusion that the Commission’s previous efforts to regulate the relevant utilities’ demand response programs satisfies Section 40104 of the Infrastructure Investment and Jobs Act’s (“IIJA”) requirement for the Commission to have considered or implemented demand response or demand flexibility standards. This order also found good cause to allow interested parties

to file written comments regarding this preliminary conclusion and provides that “other parties desiring to become formal participants and parties of record shall file petitions to intervene or notices of intervention in accordance with the applicable Commission rules.”

3. NCSEA is actively involved in DEP’s energy efficiency collaborative, and NCSEA’s interest in cases involving energy efficiency has routinely been recognized by the Commission. See, e.g., Docket No. E-2, Sub 1287 (Smart Saver Solar program); Docket No. E-2, Sub 1273 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1252 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1206 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1174 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1145 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1108 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1070 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1044 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1030 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1019 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 1002 (DSM/EE cost recovery proceeding); Docket No. E-2, Sub 977 (DSM/EE cost recovery proceeding); Docket No. E-2 Sub 1307 (Multi-Family New Construction Tariffed On-Bill Pilot); and Docket No. E-2 Sub 1308 (Residential Smart Saver Energy Efficiency Program).

4. NCSEA is also actively involved in DEC’s energy efficiency collaborative, and NCSEA’s interest in cases involving energy efficiency has routinely been recognized by the Commission. See, e.g., Docket No. E-7, Sub 1261 (Smart Saver Solar program); Docket No. E-7, Sub 1155 (Residential New Construction program); Docket No. E-7, Sub 1265 (DSM/EE cost recovery proceeding); Docket No. E-7, Sub 1249 (DSM/EE cost recovery proceeding); Docket No. E-7, Sub 1230 (DSM/EE cost recovery proceeding); Docket No.

E-7, Sub 1192 (DSM/EE cost recovery proceeding); Docket No. E-7, Sub 1164 (DSM/EE cost recovery proceeding); Docket No. E-7, Sub 1130 (DSM/EE cost recovery proceeding); Docket No. E- 7, Sub 1105 (DSM/EE cost recovery proceeding); Docket No. E- 7, Sub 107 3(DSM/EE cost recovery proceeding) ; Docket No. E-7, Sub 1050 (DSM/EE cost recovery proceeding); Docket No. E-7, Sub 1031(DSM/EE cost recovery proceeding); Docket No. E-7, Sub 1001(EE cost recovery proceeding); Docket No. E-7, Sub 831 (NCSEA was permitted to intervene where DEC sought approval of Save-a-Watt and its first energy efficiency rider); Docket No. E-7 Sub 1278 (Residential Smart \$aver Energy Efficiency Program); see also Docket No. E-100, Sub 110 (a pre-REPS complaint brought by NCSEA against DEC to require increased use of energy efficiency).

5. NCSEA's participation in this docket will bring critical insight, knowledge, and understanding to the proceeding.

6. NCSEA's address is 4800 Six Forks Road, Suite 300, Raleigh, NC 27609. All correspondence related to this proceeding should be addressed to:

Taylor Jones  
Counsel for NCSEA  
4800 Six Forks Road  
Suite 300  
Raleigh, NC 27609  
(919) 832-7601  
taylor@energync.org

Ethan Blumenthal  
Counsel for NCSEA  
4800 Six Forks Road  
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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,

/s/ Ethan Blumenthal  
Ethan Blumenthal  
N.C. State Bar No. 53388  
Regulatory Counsel  
NCSEA  
4800 Six Forks Road  
Suite 300  
Raleigh, NC 27609  
(704) 618-7282  
ethan@energync.org

**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 21<sup>st</sup> day of December, 2022.

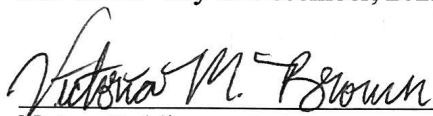
  
\_\_\_\_\_  
Ethan Blumenthal

NORTH CAROLINA  
MECKLENBURG COUNTY

Sworn to and subscribed before me,

this the 21<sup>st</sup> day of December, 2022.

[AFFIX SEAL OF NOTARY]

  
\_\_\_\_\_  
Notary Public

**VICTORIA M BROWN**  
Notary Public  
Mecklenburg Co., North Carolina  
My Commission Expires Oct. 3, 2027

Victoria M. Brown  
Printed Name of Notary Public  
My Commission Expires: October 3, 2027

**CERTIFICATE OF SERVICE**

I hereby certify that all persons on the docket service list 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.

This the 21<sup>st</sup> day of December, 2022.

/s/ Ethan Blumenthal  
Ethan Blumenthal  
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Regulatory Counsel  
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