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VIA E-FILE

November 4, 2022

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
430 N. Salisbury Street
Raleigh, NC 27603

Re: Docket Nos. E-2 SUB 1300

Dear Ms. Dunston:

Please find attached the PETITION TO INTERVENE OF THE KROGER CO. AND HARRIS TEETER, LLC e-filed today in the above-referenced docket.

The Kroger Co. and Harris Teeter, LLC will supplement its filing with the statement required by N.C. GEN. STAT. §84-4.1(2) shortly.

By copy of this letter, all parties of record have been served.

Very Truly Yours,

/s/ Kurt J. Boehm

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
BOEHM, KURTZ & LOWRY

Ben M. Royster (NC Bar ID: 34184)
ROYSTER AND ROYSTER, PLLC

**COUNSEL FOR THE KROGER CO.
AND HARRIS TEETER, LLC**

KJBkew

OFFICIAL COPY

Nov 04 2022

**BEFORE
THE NORTH CAROLINA UTILITIES COMMISSION
Docket No. E-2, SUB 1300**

In the Matter of Application of Duke Energy Progress, LLC, for Adjustment of Rates and Charges Applicable to Electric Service in North Carolina	: : : :	PETITION TO INTERVENE OF THE KROGER CO. and HARRIS TEETER LLC
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PETITION TO INTERVENE OF HARRIS TEETER LLC

Pursuant to North Carolina Utilities Commission “(Commission”) Rule R1-19, The Kroger Co. and Harris Teeter LLC, a Division of The Kroger Co. (“Petitioners” or “Kroger and Harris Teeter”), hereby petitions to intervene and participate in the proceeding concerning the application of Duke Energy Progress, LLC (“Applicant” or “DEP”). In support of its Petition, Kroger and Harris Teeter state as follows:

1. Name and Addresses of Petitioners:

The Kroger Co. and Harris Teeter LLC, a Division of Kroger Co.
Attn: Michal Shepard, Director of Energy/Engineering
701 Crestdale Road
Mathews, NC 28105

2. Name and Address of Attorneys/Consultants Representing Petitioners:

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
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Justin Bieber
ENERGY STRATEGIES, LLC
Parkside Towers
215 South State Street, Suite 200
Salt Lake City, Utah 84111
E-mail: jbieber@energystrat.com

Pursuant to Rule R1-39, Kroger and Harris Teeter agrees to electronic service of all pleadings and other papers in this docket.

3. **Identify the Petitioners:**

Kroger and Harris Teeter are retail electric customers of DEP. Petitioners have numerous grocery stores and other facilities that purchase their electric supply from the Applicant.

4. **Petitioners' Interest in this Proceeding:**

Kroger and Harris Teeter are corporations engaged in the business of selling groceries at retail throughout the United States. These stores purchase millions of kWh of electricity from the Applicant annually. The grocery stores operated by Kroger and Harris Teeter are high load factor facilities that use energy for food storage, lighting, heating, cooling and distribution, often on a 24 hour a day, 7 day a week basis. If DEP's application is granted, then the cost for electric power service to Petitioners could be substantially impacted. Accordingly, Petitioners have a substantial and vital interest in the outcome of this proceeding which cannot be adequately represented by any other party.

5. Issues To Be Raised:

The primary issue the Petitioners intends to address in this case will be whether the proposed rate increase sought by DEP is reasonable and justified. We also intend to address whether the proposed allocation and design of large commercial tariffs are just and reasonable.

WHEREFORE, for the reasons set forth above, Petitioners request that this Petition to Intervene be granted.

DATED this 4th day of November, 2022.

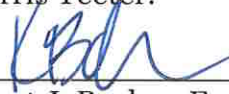
/s/ Kurt J. Boehm
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**COUNSEL FOR THE KROGER CO.
AND HARRIS TEETER LLC**

VERIFICATION

I, Kurt J. Boehm, first being duly sworn, deposes and says that he is the attorney for The Kroger Co. and Harris Teeter LLC ("Kroger and Harris Teeter"); that he has read the foregoing Petition to Intervene and 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 Kroger and Harris Teeter.



Kurt J. Boehm, Esq.
COUNSEL FOR THE KROGER CO. and
HARRIS TEETER LLC

Subscribed and sworn to this 4th day of November, 2022, by Kurt J. Boehm, Esq.



John P. Lowry,
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO


My Commission Has
No Expiration



Notary Public
Commission Expires:

VERIFICATION

I, Jody Kyler Cohn, first being duly sworn, deposes and says that she is the attorney for The Kroger Co. and Harris Teeter LLC ("Kroger and Harris Teeter"); that she has read the foregoing Petition to Intervene and the same is true of her personal knowledge, except as to any matters and things therein stated on information and belief, and as to those, she believes them to be true; and that she is authorized to sign this verification on behalf of Kroger and Harris Teeter.



Jody Kyler Cohn, Esq.
COUNSEL FOR THE KROGER CO.
and HARRIS TEETER LLC

Subscribed and sworn to this 4th day of November, 2022 by Jody Kyler Cohn, Esq.



Notary Public



John P. Lowry,
Attorney At Law
NOTARY PUBLIC
STATE OF OHIO

My Commission Has
No Expiration

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition to Intervene of The Kroger Co. and Harris Teeter LLC in Docket No. E-2, SUB 1300 has been served by electronic mail (when available) or by depositing a copy in the United States mail, postage prepaid, addressed to the parties of record, or their counsel.

This the 4th day of November, 2022.

/s/ Kurt J. Boehm

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

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