

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

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 and Performance Based Regulation))))))	Petition to Intervene of the Commercial Group
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Through counsel and pursuant to Rule R1-19 of the Rules and Regulations of the North Carolina Public Utilities Commission (“Commission”), the Commercial Group, an association of large commercial customers of the applicant¹ respectfully requests that the Commission enter an order permitting it to intervene and participate in the above-captioned proceeding. In support of this Petition, the Commercial Group states as follows:

1. Members of the Commercial Group are commercial customers of Duke Energy Progress, LLC (“Duke Progress”) that operate retail facilities and distribution centers in the service territory of Duke Energy in North Carolina.
2. The Commercial Group requests that copies of all notices, pleadings, orders, correspondence, and other communications be directed to and served upon:

Alan R. Jenkins
Jenkins at Law, LLC
2950 Yellowtail Ave.
Marathon, FL 33050
Phone: (404) 729-2037
Email: aj@jenkinsatlaw.com

¹ The Commercial Group is composed currently of BJ’s Wholesale Club, Inc., Food Lion, LLC, Penney OpCo LLC, and Walmart Inc., although other potential members of the Commercial Group may join the group for this proceeding. The Commercial Group shall inform the Commission of its final make-up upon or before the filing of direct testimony.

3. In this proceeding, Duke Progress proposes to change the rates it charges members of the Commercial Group, which could financially impact the members of the Commercial Group. Accordingly, the Commercial Group has an interest in this proceeding.

4. As a group of large commercial customers, the Commercial Group has interests that differ from, and are not adequately represented by, other parties to this proceeding. Moreover, this intervention would not unduly delay the proceedings or prejudice the rights of other parties.

5. This intervention is not for the purpose of delay, and no prejudice will result to the other parties if the Commercial Group is allowed to intervene. The Commercial Group's rights may be adversely affected if intervention is not granted at this time.

6. Pursuant to Rule R1-39, the Commercial Group agrees to electronic service of all pleadings and other papers in this docket.

WHEREFORE, the Commercial Group respectfully requests that the Commission grant it intervenor status as a full party of record and allow it to participate fully in these proceedings including, without limitation, filing and presenting testimony, cross examination of witnesses, participation in all formal and informal conferences and hearings, and filings of briefs and any other pleading, to the extent it deems necessary for its full participation herein.

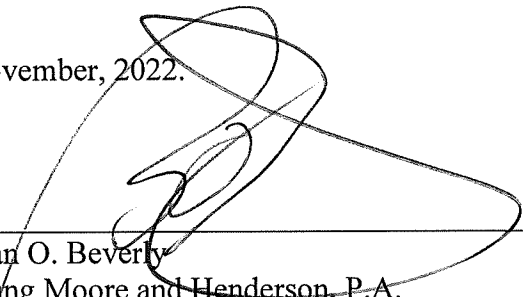
Respectfully submitted, this the 10th day of November, 2022.

Alan R. Jenkins
Georgia Bar No. 390198
Florida Bar No. 0110376
Jenkins at Law, LLC
2950 Yellowtail Ave.
Marathon, FL 33050

Phone: (404) 729-2037

Email: aj@jenkinsatlaw.com

Simultaneously moving for limited admission
to appear *pro hac vice*



Brian O. Beverly
Young Moore and Henderson, P.A.
3101 Glenwood Ave., Suite 200
Raleigh, NC 27612
Tel: (919) 782-6860
Fax: (919) 782-6753
Email: brian.beverly@youngmoorelaw.com

ATTORNEYS FOR INTERVENOR, THE COMMERCIAL GROUP

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

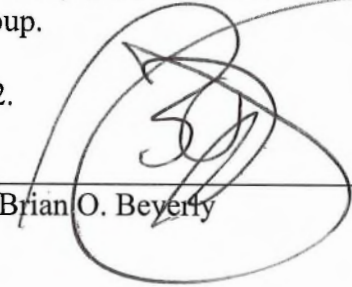
DOCKET NO. E-2, SUB 1300

In the Matter of)	
Application of Duke Energy Progress, LLC For)	Petition to Intervene
Adjustment of Rates and Charges Applicable)	of the Commercial Group
To Electric Service in North Carolina and)	
Performance Based Regulation)	

VERIFICATION

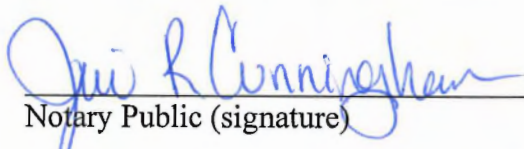
Brian O. Beverly, first being duly sworn, deposes and says that he is the attorney for the Commercial Group; that he has read the foregoing Petition to Intervene and the same is true of his personal knowledge, except as to any matters and things therein stated on information and belief, and as to those, he believes them to be true; and that he is authorized to sign this verification on behalf of the Commercial Group.

This the 10th day of November, 2022.



Brian O. Beverly

Subscribed and sworn to before me
this the 10th day of November, 2022.



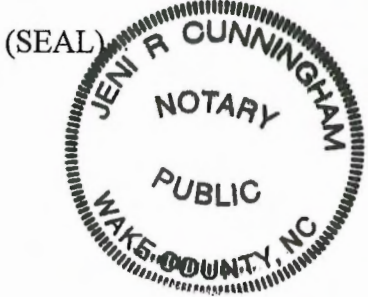
Notary Public (signature)

Jeni R. Cunningham

Notary Public (Printed or Typed Name)

My Commission No.: 19923140113

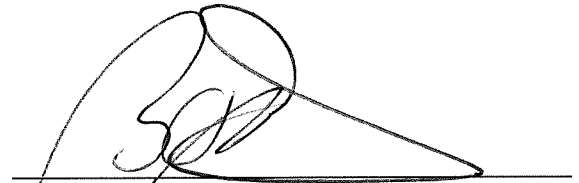
My Commission Expires: 3-2-2025



CERTIFICATE OF SERVICE

I certify that a copy of the Petition to Intervene and Motion for Limited Admission in Docket No. E-2, Sub 1300 has been served on each party of record by electronic mail (e-mail), hand delivery, or by depositing a copy in the United States mail, postage prepaid.

This the 15th day of November, 2022.



Brian O. Beverly
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North Carolina Utilities Commission

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Docket E-2 Sub 1300

Docket E-2 Sub 1300

Details	Documents	Service List	Subscribe
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Service List

<u>Address</u>	<u>Party Type</u>	<u>Date Added</u>	<u>Party of Record</u>
Duke Energy Progress, LLC PO Box 1551 Raleigh, NC 27602 E-Mail: jack.jirak@duke-energy.com	Applicant		Yes
JEFFRIES, IV; JAMES H Attorney MCGUIREWOODS, LLP 201 NORTH TRYON STREET, SUITE 3000 CHARLOTTE, NC 28202-2146 Primary: +1(704)343-2348 E-Mail: jjeffries@mcguiirewoods.com		6/15/2022	No
Charles Bayless NCEMC 3400 Sumner Blvd Raleigh, NC 27616 E-Mail: charles.bayless@ncemcs.com		7/11/2022	Yes
Melissa O Butler Troutman Pepper Hamilton Sanders LLP 600 Peachtree Street NE Suite 3000 Atlanta, GA 30308 E-Mail: melissa.butler@troutman.com	Intervener	6/15/2022	Yes
David T. Drooz Attorney Fox Rothschild, LLC 434 Fayetteville Street - Suite 2800 Raleigh, NC 27601 Telephone 1: +1(919)-755 x 8700 E-Mail: ddrooz@foxrothschild.com	Intervener	7/11/2022	Yes
Jack E. Jirak Associate General Counsel Duke Energy Corporation 410 S. Wilmington Street NCRH 20 Raleigh, NC 27601 Telephone 1: +1(919)546-2694 Telephone 1: +1(919)546-3267 E-Mail: jack.jirak@duke-energy.com		6/8/2022	Yes
Schauer, Craig D. Brooks, Pierce, McLendon, Humprey & Leonard LLP Suite 1700 Wells Fargo Capitol Center 150 Fayetteville Street P.O. Box 1800 (zip 27602) Raleigh, NC 27601 E-Mail: cschauer@brookspierce.com	Intervener	6/16/2022	Yes

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Nov 11 2022

<u>Address</u>	<u>Party Type</u>	<u>Date Added</u>	<u>Party of Record</u>
Taylor Jones 4800 Six Forks Rd Suite 300 Raleigh, NC 27609 Telephone 1: +1(919)832-7601 E-Mail: taylor@energync.org		7/7/2022	Yes
BREITSCHWERDT; E BRETT Attorney MCGUIRE WOODS, LLP 501 Fayetteville St. Suite 500 RALEIGH, NC 27601 Fax: +1(919)755-6699 Primary: +1(919)755-6563 Telephone 1: +1(919)755-6600 E-Mail: bbreitschwerdt@mcguirewoods.com		6/9/2022	Yes
Cress, Christina D. Attorney CIGFUR 434 Fayetteville St, Suite 2500 P. O. Box 1351 (zip 27602) Raleigh, NC 27601 Telephone 1: +1(919)607-6055 E-Mail: ccress@bdixon.com	Intervener	6/13/2022	Yes
Munashe Magarira Southern Environmental Law Center 601 West Rosemary St Ste 220 Chapel Hill, NC 27516 E-Mail: mmagarira@selcnc.org	Intervener	7/5/2022	Yes
Michael D. Youth Government and Regulatory Affairs Counsel NC Electric Membership Corporation 3400 Sumner Blvd. Raleigh, NC 27616 Telephone 1: +1(919)875-3060 E-Mail: michael.youth@ncemcs.com	Other	6/30/2022	Yes
Marcus Trathen Attorney Brooks, Pierce, McLendon, Humphrey & Leonard, LLP 150 Fayetteville Street; Suite 1700 Wells Fargo Capitol Center; P.O Box 1800 (27602) Raleigh, NC 27601 Telephone 1: +1(919)839-0300 E-Mail: mtrathen@brookspierce.com	Intervener	6/16/2022	Yes
FENTRESS; KENDRICK C ASSOCIATE GENERAL COUNSEL DUKE ENERGY NCRH 20 PO BOX 1551 RALEIGH, NC 27602 Fax: +1(919)784-5240 Telephone 1: +1(919)546-6733 E-Mail: Kendrick.Fentress@duke-energy.com		6/9/2022	Yes
Rebecca Olsen E-Mail: rolsen@mcguirewoods.com		6/15/2022	No

<u>Address</u>	<u>Party Type</u>	<u>Date Added</u>	<u>Party of Record</u>
Margaret A Force Assistant Attorney General NC Department of Justice Consumer Protection 114 W. Edenton St. Raleigh, NC 27603 E-Mail: pforce@ncdoj.gov		6/29/2022	No
KAYLOR, ROBERT W LAW OFFICE OF ROBERT W. KAYLOR 353 E. SIX FORKS ROAD Suite 260 RALEIGH, NC 27609-7882 Fax: +1(919)828-5240 Telephone 1: +1(919)546-5250 Telephone 1: +1(919)828-5250 E-Mail: bkaylor@rwkaylorlaw.com		6/9/2022	Yes
Timothy R Dodge Regulatory Counsel North Carolina Electric Membership Corporation 3400 Sumner Blvd. Raleigh, NC 27616 Telephone 1: +1(919)875-3111 E-Mail: tim.dodge@ncemcs.com	Other	6/30/2022	Yes
Speer, R. Taylor Fox Rothschild 2 West Washington Street Suite 1100 Greenville, SC 29607 E-Mail: tspeer@foxrothchild.com	Intervener	7/11/2022	Yes
Nadia Luhr Public Staff 430 N Salisbury St Raleigh, NC 27604 Telephone 1: +1(919)733-0975 E-Mail: nadia.luhr@psncuc.nc.gov		6/22/2022	Yes
EDMONDSON, LUCY E. Staff Attorney PUBLIC STAFF - NORTH CAROLINA UTILITIES COMMISSION 4326 Mail Service Center Raleigh, NC 27699-4300 E-Mail: lucy.edmondson@psncuc.nc.gov		11/8/2022	No
NEAL, DAVID ATTORNEY SOUTHERN ENVIRONMENTAL LAW CENTER 601 WEST ROSEMARY ST., STE. 220 CHAPEL HILL, NC 27516 Telephone 1: +1(919)967-1450 E-Mail: dneal@selcnc.org	Intervener	7/5/2022	Yes