

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. E-2, SUB 1215

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Duke Energy Progress,	)	
LLC for a Certificate of Environmental	)	
Compatibility and Public Convenience and	)	ORDER DENYING
Necessity to Construct Approximately	)	PETITION TO INTERVENE
4.6 Miles of New 230 kV Transmission	)	
Line in the northeast area of Wilmington,	)	
New Hanover County, North Carolina	)	

BY THE COMMISSION: On September 25, 2019, Oliver Canady filed a petition to intervene in the above-captioned docket. In support of his request, Mr. Canady states that he is a Duke Energy Progress, LLC (DEP) ratepayer, with two separate accounts, and that as a ratepayer he is concerned that the transmission line will increase utility rates. He further states that the cost analysis estimate for construction looks incomplete and that the cost analysis associated for cost of operation and maintenance is omitted for the alternative six lines considered for comparison cost.

On October 1, 2019, DEP filed a Response in Opposition to Petition to Intervene requesting that the Commission deny the petition to intervene. In support of its request, DEP states that Mr. Canady has not shown sufficient interest in the proceeding to warrant intervention. DEP cites Commission Rule R1-19 indicating that the petition must contain “a clear, concise statement of the nature of the 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.” DEP further indicates that the Commission has held that, although the ability to intervene under Rule R1-19 is “generous, it is not unlimited.” [citations omitted] DEP argues that Mr. Canady’s service address is located in Johnston County, North Carolina, and is not located near the proposed transmission line. DEP further states that even though Mr. Canady has two accounts, neither is located in New Hanover County, Pender County, or near the proposed transmission line.

DEP next states that the current docket involves a Certificate of Public Convenience and Necessity (CPCN) and not a general rate case. Therefore, Mr. Canady’s stated interest, increased utility rates, is incidental to the subject matter of this proceeding. DEP indicates that Mr. Canady’s interest is not sufficiently affected by the issues involved in this proceeding to warrant intervention. DEP argues that to allow any customer of DEP intervention in a transmission CPCN proceeding would essentially make the intervention “unlimited” in contravention of the Commission’s precedent. DEP contends that Mr. Canady

must show an interest in the proceeding that is more substantive in nature than simply being a customer of DEP.

The Commission agrees with DEP. Commission Rule R1-19 provides that any person "having an interest in the subject matter" of a Commission proceeding may become a party by filing a verified petition to intervene. A petition to intervene shall include, among other things, a "clear, concise statement of the nature of the 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." Commission Rule R1-19(a)(2). The Commission has held that "although the right to intervene under Rule R1-19 is generous, it is not unlimited. Intervention requires a real interest in the proceeding," Order Denying Petition to Intervene in Docket No. E-7, Sub 728 (September 13, 2007), "not just an incidental or casual interest." Order Denying Petition to Intervene in Docket No. E-22, Sub 412 (May 13, 2004).

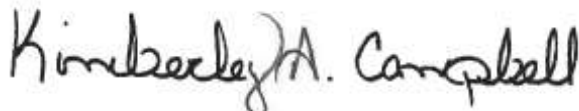
The Commission concludes that Mr. Canady does not live, nor own property, near the proposed transmission line. Therefore, his interest in the subject matter of this proceeding, increased rates, is incidental to the current CPCN proceeding and his petition to intervene shall be denied. The Commission finds good cause to allow Mr. Canady's petition to intervene to be entered in the record of this proceeding as a consumer statement of position. The Commission also shall allow Mr. Canady the ability to file any supplemental information to be considered as a consumer statement of position on or before October 21, 2019.

IT IS, THEREFORE, ORDERED that Mr. Canady's petition to intervene in this proceeding shall be denied, that his petition to intervene be entered in the record of this proceeding as a consumer statement of position, and that Mr. Canady be allowed the ability to file any supplemental information, which shall be considered as a consumer statement of position, on or before October 21, 2019.

ISSUED BY ORDER OF THE COMMISSION.

This the 14<sup>th</sup> day of October, 2019.

NORTH CAROLINA UTILITIES COMMISSION

Handwritten signature of Kimberley A. Campbell in black ink.

Kimberley A. Campbell, Chief Clerk