

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 1089

In the Matter of: )  
)  
Application of Duke Energy )  
Progress, LLC for a Certificate of ) PETITION TO INTERVENE  
Public Convenience and Necessity to ) OF MOUNTAINTRUE  
Construct a 752 Megawatt Natural ) AND THE SIERRA CLUB  
Gas-Fueled Electric Generation )  
Facility in Buncombe County Near )  
the City of Asheville )

PURSUANT TO NCUC Rule R1-19 and R-69 and the *Order Scheduling Public Hearing and Requesting Investigation and Report by the Public Staff* issued by the North Carolina Utilities Commission (“Commission”), MountainTrue and the Sierra Club (collectively, “Petitioners”), through counsel, file this petition to intervene in the above-captioned docket and provide the following information in support of their petition:

1. On December 16, 2015, Duke Energy Progress, LLC (“DEP”) filed a letter giving notice of its intent to file an application for a Certificate of Public Convenience and Necessity (“CPCN”) to construct a 752 MW natural gas-fueled electric generation facility consisting of two new 280 MW (winter rating) natural gas-fueled combined cycle units and one 192 MW (winter rating) natural gas-fueled simple cycle combustion turbine unit, each with fuel oil back-up, in Buncombe County near Asheville, North Carolina (“Application”).

2. On December 18, 2015, the Commission issued an *Order Scheduling Public Hearing and Requesting Investigation and Report by the Public Staff*, providing, among other things, that any person having an interest in this proceeding may file a petition to intervene stating such interest on or before Friday, February 12, 2016.

3. MountainTrue is a nonprofit organization whose mission is to champion resilient forests, clean waters and healthy communities in Western North Carolina. Formed in January 2015 when Western North Carolina Alliance merged with two other conservation groups, MountainTrue focuses on a core set of issues across 23 counties of Western North Carolina: sensible land use, restoring public forests, protecting water quality and promoting clean energy. In furtherance of its mission, among other advocacy activities, MountainTrue advocates for clean energy alternatives to reduce the region's dependence on fossil-fueled generation. The principal address of MountainTrue is 29 North Market Street, Suite 610, Asheville, North Carolina 28801. MountainTrue also has offices in Boone and Hendersonville, North Carolina.

4. The Sierra Club is a national environmental organization whose mission is to explore, enjoy, and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives. The Sierra Club has a long history of working to reduce pollution from fossil-fueled power plants in North Carolina, by promoting clean energy sources and by other means. In the Western North Carolina region, the Sierra Club has actively advocated for a transition from the use of fossil fuel energy for electricity generation to a reliance on clean, safe energy resources such energy efficiency and renewable energy. The address of the Sierra Club's Asheville office is 34 Wall Street, Suite 709, Asheville, North Carolina 28806.

5. Petitioners and their members have a direct and substantial interest in this proceeding. The Commission's review of DEP's Application for a CPCN for a natural

gas-fueled electric generation facility at the Asheville site implicates the organizational missions and interests of both Petitioners, as described in the preceding paragraphs. Further, both MountainTrue and the Sierra Club have members who receive electric service from DEP; in addition to those members' interests in promoting the use of clean energy resources by DEP, the rates and service quality of those members are affected by DEP's mix of energy resources.

6. Petitioners seek to intervene in this proceeding to ensure that their organizational interests and those of their members are represented in the Commission's decision-making process regarding the Application.

7. The attorneys for Petitioners to whom all correspondence and filings in this docket should be addressed are:

Gudrun Thompson  
Southern Environmental Law Center  
601 West Rosemary Street, Suite 220  
Chapel Hill, NC 27516  
Tel: (919) 967-1450  
Fax: (919) 929-9421  
Email: gthompson@selcnc.org

and

Austin D. Gerken, Jr.  
Southern Environmental Law Center  
22 S. Pack Square, Suite 700  
Asheville, NC 28801  
Tel: (828) 258-2023  
Fax: (828) 258-2024  
Email: djgerken@selcnc.org

8. Service by electronic mail pursuant to NCUC Rule R1-39 is acceptable and should be addressed to gthompson@selcnc.org and djgerken@selcnc.org.

WHEREFORE, MountainTrue and the Sierra Club pray that they be allowed to intervene in this matter.

Respectfully submitted this 22nd day of December, 2015.

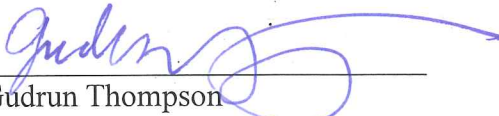
s/Gudrun Thompson  
Gudrun Thompson  
N.C. Bar No. 28829  
Southern Environmental Law Center  
601 W. Rosemary Street, Suite 220  
Chapel Hill, North Carolina 27516

Austin D. Gerken, Jr.  
N.C. Bar No. 32689  
Southern Environmental Law Center  
22 S. Pack Square, Suite 700  
Asheville, North Carolina 28801

*Attorneys for MountainTrue and the Sierra Club*

VERIFICATION

I, Gudrun Thompson, verify that the contents of the foregoing Petition to Intervene are true to the best of my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true. I am authorized to sign this verification on behalf of the Sierra Club and MountainTrue.

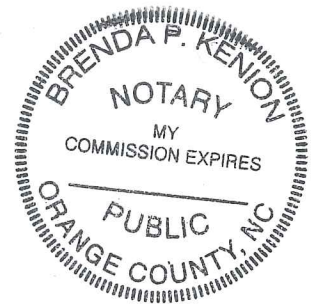
  
\_\_\_\_\_  
Gudrun Thompson


Date: December 22, 2015

Orange County, North Carolina

Sworn to and subscribed before me this day by Gudrun Thompson

This 22<sup>nd</sup> day of December, 2015



  
\_\_\_\_\_  
Signature

Brenda P. Kenion, Notary Public

My commission expires:

4-19-16

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition to Intervene of MountainTrue and the Sierra Club as filed today in Docket No. E-2, Sub 1089 has been served on all parties of record by electronic mail or by deposit in the U.S. Mail, first-class, postage prepaid.

This 22nd day of December, 2015.

s/ Robin G. Dunn