

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH
DOCKET No. E-7, SUB 1122

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

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| In the Matter of |) | |
| Application of Duke Energy Carolinas, |) | NC WARN'S MOTION |
| LLC For A Certificate of Public |) | TO INTERVENE AND |
| Convenience and Necessity to Construct |) | MOTION FOR |
| a 21 MW Combined Heat and Power |) | EVIDENTIARY HEARING |
| Facility at Duke University in Durham |) | |
| County, North Carolina |) | |

PURSUANT TO NCUC Rule R1-19, now comes the NC Waste Awareness and Reduction Network, Inc. ("NC WARN"), by and through the undersigned attorney, with a motion to allow it to intervene in this docket and for the Commission to hold an evidentiary hearing.

In support of the motions is the following:

1. NC WARN is a not-for-profit corporation under North Carolina law, with more than one thousand individual members and families across North Carolina. Its primary purpose is to work for climate protection through the advocacy of clean, efficient, and affordable energy. Its address is Post Office Box 61051, Durham, North Carolina 27715-1051.

2. The attorney for the Intervenors to whom all correspondence and filings should be addressed is John Runkle, Attorney at Law, 2121 Damascus Church Road, Chapel Hill, North Carolina 27516. Rule 1-39 service by email is acceptable and may be sent to jrunkle@pricecreek.com.

3. Members of NC WARN are concerned about the economic, environmental and climate impacts of a natural gas future, and the impacts of those costs on themselves, their families, and their livelihood. Some members of NC WARN are members of the Duke University community of staff, faculty, and students. Many members of NC WARN live near to the proposed plant and may be effected adversely by emissions. The NC WARN office is located approximately 2 miles from the proposed plant.

4. NC WARN has intervened in various dockets before the Commission, most recently in projects proposing use of natural gas as a fuel, such as Duke Energy Progress's Asheville natural gas project, Docket No. E-2, Sub 1089, and the NTE merchant plant near Reidsville, Docket No. EMP-92, Sub 0. NC WARN routinely intervenes in the annual dockets of the utilities' integrated resource plans (IRPs) and has presented testimony and comments on combined heat and power plants in North Carolina.

5. NC WARN staff and consultants have met with Duke University officials for several months on the proposed power plant. NC WARN submitted a report and recommendations to Duke University.

6. If allowed to intervene in this docket, NC WARN will advocate that the Commission fully investigate the need for the proposed plant, its impacts on residents, the Duke University community, and ratepayers, and its impacts on climate change.

MOTION FOR AN EVIDENTIARY HEARING

NC WARN requests an evidentiary hearing on Duke Energy Carolina's proposed natural gas-fired power plant. NC WARN further supports requests by members of the Duke University community for a public hearing on the Duke University campus.

In support of the motion is the following:

1. The issues involved are complex and may be of first impression with the Commission. The Duke University project is the first of four CHP facilities proposed by Duke Energy in its recent IRPs. The use for the facility by the end user, Duke University, may be incompatible with the requirements of a CPCN, benefitting all ratepayers.

2. As shown in NC WARN's report submitted to Duke University President Brodhead, there are viable and economic alternatives to the proposed power plant, including renewable energy sources and microgrid technologies.¹ The expressed needs of the University to provide safe and reliable backup power for the University Hospital and other critical university functions can likewise be met.

3. The University's expressed desire to obtain biogas for the power plant in the future is unlikely to be feasible. In the recent Order in Docket E-100, Sub 113, the Commission again waived the swine and poultry set aside under the State's portfolio standard and states the utilities "procurement efforts with respect to swine and poultry waste-to-energy resources have been challenging from the

¹ NC WARN, "Analysis of and Alternatives to the Proposed Duke University Natural Gas-Fired CHP Plant," October 24, 2016. This report will be submitted with testimony. Available at www.ncwarn.org/wp-content/uploads/NCWARN_Report_DukeUniv_Gas_Project.pdf

outset, due to the small numbers of existing market participants in the United States and the fact that few, if any, of those market participants have direct experience developing or operating those biomass technologies.”

4. Duke Energy has submitted an application for a certificate of public convenience and necessity (CPCN) without having obtained a contract with the University. Upon information and belief, some of the contract provisions could address the University’s ability to shut down the power plant at a given point before the end of its useful life and the University’s ability to “island off” the output of the proposed power plant in case of emergencies and power outages. These and other issues would be relevant to the Commission’s investigation of the CPCN application and the plant’s implications for North Carolina ratepayers. Therefore, the contract between the University and Duke Energy should be subject to scrutiny by the Commission and the public as part of these CPCN proceedings.

THEREFORE, NC WARN prays that it is allowed to intervene in this matter and fully participate in the Commission's deliberations, and further, the Commission hold an evidentiary hearing.

Respectfully submitted, this the 1st day of November 2016.

/s/ John D. Runkle

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CERTIFICATE OF SERVICE


I hereby certify that I have this day served a copy of the foregoing NC WARN'S MOTION TO INTERVENE AND MOTION FOR EVIDENTIARY HEARING upon each of the parties of record in this proceeding or their attorneys of record by deposit in the U.S. Mail, postage prepaid, or by email transmission.

This is the 1st day of November 2016.

/s/ John D. Runkle

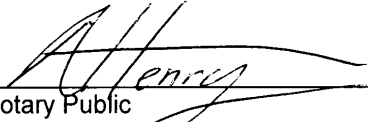
VERIFICATION

I, James Warren, Executive Director of NC WARN, verify that the contents of the above filing in this docket 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.



James Warren
Date 11/1/16

Sworn to and subscribed before me
This the 1st day of November, 2016



Notary Public

My commission expires: 1/6/2018

(seal)

