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January 6, 2011

FILED

JAN 06 2011

Clerk's Office  
N.C. Utilities Commission

Ms. Renné Vance, Chief Clerk  
North Carolina Utilities Commission  
Dobbs Building, Fifth Floor  
430 North Salisbury Street  
Raleigh, NC 27602

Re: Docket No. E-100, Sub 127; Biennial Determination of Avoided Cost Rates for  
Electric Utility Purchases from Qualifying Facilities-2010

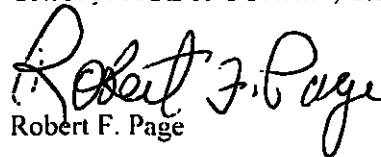
VIA HAND DELIVERY

Dear Ms. Vance:

We enclose for filing in the above-referenced matter, on behalf of Carolina Utility Customers Association, Inc. ("CUCA"), an original and 35 copies of CUCA's Petition to Intervene. Kindly date-stamp and return to us via our courier the five additional enclosed copies. Please let me know, at your earliest convenience, if you have any questions concerning this filing.

Very truly yours,

CRISP, PAGE & CURRIN, L.L.P.

  
Robert F. Page

Enclosures

cc: Ms. Sharon Miller  
All Parties

Clerk's  
AL  
7 Lamm  
Bennink  
K. by  
Watson  
Hoover  
Kite  
Hilburn  
Sessions  
Ericson  
Jones  
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3/13 Acctg  
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**JAN 06 2011****Clerk's Office  
N.C. Utilities Commission****BEFORE THE NORTH CAROLINA UTILITIES COMMISSION****DOCKET NO. E-100, SUB 127**

|   |   |   |
|---|---|---|
| In the Matter of                          | ) |   |
| Biennial Determination of Avoided Cost    | ) | <b>Petition of Carolina Utility Customers</b> |
| Rates for Electric Utility Purchases from | ) | <b>Association, Inc. to Intervene</b>         |
| Qualifying Facilities-2010                | ) |   |

Carolina Utility Customers Association, Inc. ("CUCA"), by and through its undersigned counsel, files this Petition pursuant to G.S. 62-72 and Rule R1-19 of the Rules and Regulations of the North Carolina Utilities Commission ("Commission") that CUCA be permitted to intervene and participate in the above-captioned proceeding. In support of this petition, CUCA states as follows:

1. CUCA is a corporation duly organized, validly existing, and in good standing under the laws of the State of North Carolina, with its principal office located at Suite 210, Trawick Professional Center, 1708 Trawick Road, Raleigh, North Carolina 27604. The names and addresses of its principal officers are:

Chair: H. Gary Faw  
Ajinomoto Aminoscience  
4020 Ajinomoto Drive  
Raleigh, NC 27610

Vice-Chair: Peggy R. Claytor  
The Timken Company  
1835 Ducher Avenue, SW  
Canton, Ohio 47706-2798

Executive Director: Sharon C. Miller  
Carolina Utility Customers Association, Inc.  
Suite 210, Trawick Professional Center  
1708 Trawick Road  
Raleigh, North Carolina 27604  
Email: [smiller@cucainc.org](mailto:smiller@cucainc.org)

2. CUCA's attorney, to whom all communications and pleadings should be addressed is:

Robert F. Page  
Crisp, Page & Currin, L.L.P.  
4010 Barrett Drive, Suite 205  
Raleigh, NC 27609  
Telephone: (919) 791-0009  
Facsimile: (919) 791-0010  
Email: [rpage@cpclaw.com](mailto:rpage@cpclaw.com)

3. CUCA is an organization of industrial utility customers whose member companies maintain numerous industrial manufacturing facilities and employ thousands of workers throughout the State of North Carolina, including the territory in which Progress Energy Carolinas, Inc. (Progress), Duke Energy Carolinas, LLC ("Duke"), and Dominion North Carolina Power (NC Power) have been authorized by the Commission to sell electricity at retail.


4. CUCA's member companies use electricity in the operation of their manufacturing plants. The availability of an adequate supply of electricity at a reasonable price is critical to the economic viability of CUCA's member companies. As a result, CUCA has a vital interest in the matters at issue in the above-captioned proceeding and should be permitted to intervene and participate.

5. CUCA agrees to accept electronic service of all filings in the Docket.

WHEREFORE, CUCA respectfully requests that the Commission enter an order allowing CUCA to intervene and fully participate in the above-captioned proceeding, including the right to discovery, and to otherwise exercise all statutory rights provided to intervenors under North Carolina law.

This the 6<sup>th</sup> day of January, 2011.

CRISP, PAGE & CURRIN, L.L.P.

By:   
Robert F. Page  
N.C. State Bar No. 3307  
4010 Barrett Drive, Suite 205  
Raleigh, NC 27609  
(919) 791-0009 Telephone  
(919) 791-0010 Fax  
[rpage@cpclaw.com](mailto:rpage@cpclaw.com) Email

## CERTIFICATE OF SERVICE

I, the undersigned counsel for CUCA, do hereby certify that a copy of the foregoing Petition to Intervene was served upon all parties of record in this proceeding, or their legal counsel, by electronic mail or hand delivery or depositing a copy of same in the United States Postal Service.

This the 6<sup>th</sup> day of January, 2011.

  
Robert F. Page

## ELECTRONIC SERVICE LIST

Mr. Ralph McDonald - [rmcdonald@bdixon.com](mailto:rmcdonald@bdixon.com)  
Mr. James P. West - [jpwest@westlawpc.com](mailto:jpwest@westlawpc.com)  
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Ms. Gisele L. Rankin - [gisele.rankin@psncuc.nc.gov](mailto:gisele.rankin@psncuc.nc.gov)

STATE OF NORTH CAROLINA

VERIFICATION

COUNTY OF WAKE

Sharon C. Miller, being duly sworn, deposes and says that she is the Executive Director of Carolina Utility Customers Association, Inc., the intervenor herein; that she has read the foregoing Petition of Carolina Utility Customers Association, Inc., to Intervene, and knows the contents thereof, and that the same is true of her own knowledge, except as to those matters herein state upon information and belief, and as to those, she believes them to be true; and that this verified petition be used as an affidavit.

This the 6<sup>th</sup> day of January, 2011.

Sharon C. Miller  
SHARON C. MILLER

SWORN to and subscribed before me,  
This the 6<sup>th</sup> day of January, 2011.

Deatrice Williams  
Notary Public

My Commission Expires: 3-23-2011

