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May 27, 2010

**Via Hand Delivery**

Ms. Renné Vance, Chief Clerk  
North Carolina Utilities Commission  
Dobbs Building, Fifth Floor  
Raleigh, NC 27603

**FILED**

**MAY 27 2010**

Clerk's Office  
N.C. Utilities Commission

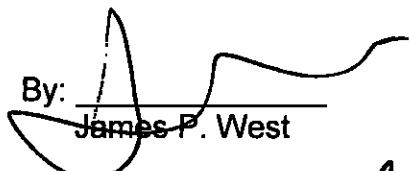
**Re: Docket No. E-100, Sub 127**

Dear Ms. Vance:

Enclosed for filing in the above-referenced matter on behalf of The Public Works Commission of Fayetteville are an original and 30 copies of our Petition to Intervene. Kindly date-stamp and return to us via our courier the additional enclosed copies. Please do not hesitate to telephone me with any questions concerning this matter.

Sincerely,

West Law Offices, P.C.

By:   
James P. West

JPW/kdl

Enclosures

cc: All Parties

*Clerk-AS*  
*AL*  
*7 Comm*  
*Bennink*  
*Kirby*  
*Watson*  
*Hoover*  
*Kite*  
*Hilburn*  
*Sessoms*  
*Ericson*  
*Jones*  
*Ex Dir*  
*3/3 Legal*  
*3/3 Acctg*  
*3/3 Elec/Reg*  
*3/3 Elec*

**MAY 27 2010**

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

Clerk's Office  
N.C. Utilities Commission

DOCKET NO. E-100, SUB 127

|   |   |                              |
|---|---|------------------------------|
| In the Matter of                          | ) | Petition to Intervene of the |
| Biennial Determination of Avoided Cost    | ) | Public Works Commission of   |
| Rates for Electric Utility Purchases from | ) | the City of Fayetteville     |
| Qualifying Facilities - 2010              | ) |                              |

The Public Works Commission of the City of Fayetteville ("FPWC"), by and through its legal counsel, hereby 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") to permit FPWC to intervene and participate in the above-captioned proceeding. In support of this petition, FPWC states as follows:

1. FPWC owns and operates a municipal electric system that provides retail electric service to customers in the City of Fayetteville and surrounding areas. The electric system includes generation, transmission, and distribution facilities to provide electric service to the public. FPWC purchases electricity at wholesale from Carolina Power & Light Company d/b/a Progress Energy Carolinas ("Progress") and sells electricity in the wholesale market.

2. FPWC's correct name and post office address are:

The Public Works Commission of the City of Fayetteville  
955 Old Wilmington Road  
Post Office Box 1089  
Fayetteville, North Carolina 28302

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

James P. West, Esq.  
West Law Offices, P.C.  
Suite 2325, Two Hannover Square  
434 Fayetteville Street

Raleigh, NC 27601  
Telephone (919) 856-8800  
Facsimile (919) 856-8801  
Email: [jpwest@westlawpc.com](mailto:jpwest@westlawpc.com)

Service by email is acceptable. Copies of all filings, communications, and orders should also be sent to the following persons:

Steve Blanchard, General Manager  
Public Works Commission  
P. O. Box 1089  
Fayetteville, NC 28302-1089  
Email: [steve.blanchard@faypwc.com](mailto:steve.blanchard@faypwc.com)

David Trego, Chief Operations Officer - Electrical Systems  
Public Works Commission  
P. O. Box 1089  
Fayetteville, NC 28302-1089  
Email: [david.trego@faypwc.com](mailto:david.trego@faypwc.com)

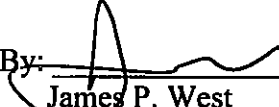
Dwight E. Davis  
Booth & Associates, Inc.  
1011 Schaub Drive  
Raleigh, North Carolina 27606  
Email: [davisde@booth-assoc.com](mailto:davisde@booth-assoc.com)

4. FPWC is directly affected by the avoided cost of Progress for capacity and energy purchases. No other party is capable of adequately representing or protecting FPWC's interests in this proceeding. As a result, FPWC has a vital interest in the matters at issue in this proceeding and should be permitted to intervene and participate.

WHEREFORE, FPWC respectfully requests that the Commission enter an order allowing FPWC to intervene and participate in this proceeding and to otherwise exercise all statutory rights provided to intervenors under North Carolina law.

This the 27<sup>th</sup> day of May, 2010.

WEST LAW OFFICES, P.C.

By:   
James P. West  
N.C. State Bar No. 18019  
Suite 2325, Two Hannover Square  
434 Fayetteville Street  
Raleigh, NC 27601  
(919) 856-8800

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the foregoing Petition to Intervene of the Public Works Commission of Fayetteville was served on all parties of record by either hand delivery, email, or depositing the same in the United States mail, postage prepaid.

This the 27<sup>th</sup> day of May, 2010.

WEST LAW OFFICES, P.C.

By:   
James P. West

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

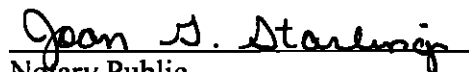
VERIFICATION

The undersigned, being duly sworn, deposes and says that he is the General Manager for The Public Works Commission of the City of Fayetteville, the intervenor herein; that he has read the foregoing Petition to Intervene, and knows the contents thereof, and that the same is true of his own knowledge, except as to those matters therein stated upon information and belief, and as to those, he believes them to be true; and that he consents that this verified petition be used as an affidavit.

This the 26<sup>th</sup> day of May, 2010.

  
Steven K. Blanchard

SWORN to and subscribed before me, this the 26<sup>th</sup> day of May, 2010.

  
Notary Public

Notary Public Printed Name: Joan G. Starling  
My Commission Expires: April 1, 2012

