

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-100, SUB 150

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Rulemaking Proceeding to Implement)	ORDER DENYING
G.S. 62-110.8		PETITIONS TO INTERVENE

BY THE CHAIRMAN: On July 28, 2017, the Commission issued an order initiating this rulemaking proceeding to adopt and modify the Commission's rules, as necessary, to implement G.S. 62-110.8. To facilitate the Commission adopting final rules in this proceeding on or before October 16, 2017, that order set an expedited schedule for filings in this proceeding, including a deadline of August 16, 2017, for filing of petitions to intervene in accordance with the applicable Commission rules.

On August 15 and 16, 2017, respectively, Keven Edwards and Mark W. Bishopric (together, Hydro Facility Owners) filed petitions to intervene, pro se. In support of their requests to be made parties to this proceeding, the Hydro Facility Owners state identical claims to have an interest in the outcome of this proceeding.

On August 21, 2017, Commission staff contacted the Hydro Facility Owners by electronic mail to inform them that Commission Rule R1-19 requires a verified petition to intervene. On August 28, 2017, Mr. Edwards filed a verification page for his petition. As of the date of this order, Mr. Bishopric has not responded to Commission staff's communication.

After careful consideration, the Chairman finds good cause to deny the Hydro Facility Owners' petitions to intervene. The identical petitions to intervene do not state an interest in this proceeding, even when construed liberally with every doubt resolved in favor of the pro se litigants. The Hydro Facility Owners state that they own and operate hydroelectric generating facilities and that, based on the amendments to G.S. 62-156, they believe that they will need to consider participating in the competitive procurement program that is the subject of this rulemaking proceeding. However, amended G.S. 62-156 provides that eligibility to participate in the competitive procurement "shall be limited to facilities ... that are placed into service after the date of the electric public utility's initial competitive procurement." The Hydro Facility Owners' statement that their facilities are currently in operation demonstrates that they are ineligible to participate in the competitive procurement program. In addition, Mr. Bishopric's petition fails to comply with the requirements of Commission Rule R1-19. Nothing else in the Hydro Facility Owners' petitions demonstrates an interest in the subject matter of this proceeding. Therefore, the Hydro Facility Owners' petitions shall be, and hereby are, denied.

Finally, the Chairman notes that the comments filed by Mr. Edwards on August 16, 2017, remain pending in this docket as a consumer statement of position, and will be afforded appropriate consideration in the Commission's development and adoption of rules herein, and that the denial of Mr. Bishopric's petition is without prejudice as to his right to file a consumer statement of position in this proceeding.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 5th day of September, 2017.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script, reading "Linnetta Threatt".

Linnetta Threatt, Acting Deputy Clerk