Progress Energy

January 8, 2009

Mr. Charles Terreni
Chief Clerk/Administrator
South Carolina Public Service Commission
101 Executive Drive
Columbia, SC 29210

RE: Docket No. 2008-251-E

Dear Mr. Terreni:

Enclosed for filing in the above-referenced docket on behalf of Progress Energy Carolinas, Inc. is a Motion to Deny Petition to Intervene of the Southern Environmental Law Center, the Coastal Conservation League, Natural Resources Defense Council and Southern Alliance for Clean Energy.

Yours very truly,

Len S. Anthony/mhm

Len S. Anthony
General Counsel
Progress Energy Carolinas, Inc.

LSA:mhm

Enclosure

cc: Mr. John Flitter

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Progress Energy Service Company, LLC
P.O. Box 1551
Raleigh, NC 27602

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2008-251-E

IN RE: Application of Carolina Power and Light Company d/b/a Progress Energy Carolinas, Incorporated for the Establishment of Procedures for DSM/EE Programs	))))))	**CERTIFICATE OF SERVICE**

I, Len S. Anthony, hereby certify that Progress Energy Carolinas, Inc.'s Motion to Deny Petition to Intervene of the Southern Environmental Law Center, the Coastal Conservation League, Natural Resources Defense Council and Southern Alliance for Clean Energy has been served on all parties of record either by hand delivery, email, or by depositing said copy in the United States mail, postage prepaid, addressed as follows:

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This 8th day of January, 2009.

Len S. Anthony /mhm

Len S. Anthony
General Counsel

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2008-251-E

January 8, 2008

IN RE: Application of Carolina Power and Light Company d/b/a Progress Energy Carolinas, Incorporated for the Establishment of Procedures for DSM/EE Programs	)))))))	**MOTION TO DENY PETITION TO INTERVENE OF THE SOUTHERN ENVIRONMENTAL LAW CENTER, THE COASTAL CONSERVATION LEAGUE, NATURAL RESOURCES DEFENSE COUNCIL AND SOUTHERN ALLIANCE FOR CLEAN ENERGY**

Pursuant to Public Service Commission of South Carolina ("the Commission") Regulations 103-825 and 103-829, Progress Energy Carolinas, Inc. ("PEC") moves the Commission to deny the Petition to Intervene Out of Time of the Southern Environmental Law Center ("SELC"), the Coastal Conservation League ("CCL"), the Natural Resources Defense Council ("NRDC") and the Southern Alliance for Clean Energy ("SACE") (hereinafter referred to collectively as "the Petitioners"). In support thereof, PEC shows the following:

On June 27, 2008, PEC filed its Application for Establishment of Demand Side Management and Energy Efficiency Program Procedures. By Notice of Filing issued July 8, 2008 the Commission established August 8, 2008 as the deadline for the filing of petitions to intervene. On August 7, 2008 PEC filed its affidavits that such Notice had been properly published in the appropriate newspapers serving PEC's assigned service territory in South Carolina.

On December 29, 2008 the Petitioners filed a Petition to Intervene Out of Time. The Petitioners provide no excuse or justification for waiting over 4 months beyond the date established by the Commission to seek to intervene in this proceeding. In the Petition to Intervene Out of Time, each of the Petitioners alleges that it has "members" located in PEC's service territory. A review of each of the Petitioner's Internet Websites indicates that only the Southern Alliance for Clean Energy and the Coastal

Conservation League have "members". It appears that all that is required to be a "member" is to donate money to the organization. The Petition is silent as to whether any of these "members" located in PEC's service territory were consulted before the Petition was filed, whether such "members" support the Petition or will be involved in developing the position to be taken by the Petitioners if allowed to intervene.

The websites of these entities provide only vague and general information as to their goals and positions. The SELC website says that its mission is to:

> "Use the power of the law to protect the environment and health of the Southeast. Working in all three branches of government, this non-profit organization shapes, implements, and enforces the laws and policies that determine the quality of the air you breathe, the water you drink, and the landscapes and communities around us."

Similarly, the SACE website indicates it: "is a nonprofit, nonpartisan organization that promotes responsible energy choices that solve global warming problems and ensure clean, safe and healthy communities throughout the Southeast."

The CCL website states that: "Its mission is to protect the natural environment of the South Carolina coastal plain and to enhance the quality of life of our communities by working with individuals, businesses and government to ensure balanced solutions."

Finally, the NRDC website states its mission is "To safeguard the Earth: its people, its plants and animals and the natural systems on which all life depends."

These mission statements provide no indication to someone donating money to these organizations that their money will be spent to intervene in utility DSM/EE proceedings. Similarly, given these vague and "motherhood and apple pie" mission statements it cannot be argued with any integrity that by making a donation, these donors support these entities' intervention in this proceeding.

At a hearing before the North Carolina Utilities Commission on January 7, 2009, regarding cost recovery of DSM/EE costs by PEC, the witness for the Southern Environmental Law Center, the Southern Alliance for Clean Energy and the Natural Resources Defense Council admitted that he had no idea

whether any "member" located in PEC's service territory had been consulted before these entities petitioned to intervene in that proceeding or supported the position being taken by those entities.

Given that at best the "members" the Petitioners claim are located in PEC's service territory are nothing more than persons who have donated money to one of the Petitioners and the Petitioners have not presented any evidence that such "members" support the Petitioners' actions in seeking to intervene, and the deadline established by the Commission for intervention was four months ago, the Petition to Intervene Out of Time should be denied.

WHEREFORE, PEC moves the Commission to deny the Petitioners' Petition to Intervene Out of Time.

Respectfully submitted this 8th day of January, 2009.

PROGRESS ENERGY CAROLINAS, INC.

Len S. Anthony/mhm

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