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October 18, 2011

VIA ELECTRONIC FILING
The Honorable Jocelyn Boyd
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Re:
- **Docket Number 2011-271-E**
- **Joint Petition to Intervene**

Dear Ms. Boyd:

Enclosed for filing is Petitioner, the Commission of Public Works of the City of Spartanburg, South Carolina and Petitioner, Spartanburg Sanitary Sewer District's Joint Petition to Intervene, Coversheet and Certificate of Service.

All parties of record have been served. Please notify the undersigned if you there is anything else you may need.

Respectfully Submitted,

/S/_____
Richard L. Whitt

RLW/cas

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges

BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2011 - 271 - E

(Please type or print)

Submitted by: Richard L. Whitt

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition** ☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☒ Electric	☐ Affidavit	☐ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certificatio
☐ Electric/Telecommunications	☐ Answer	☐ Motion	☐ Request for Investigatior
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☐ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☒ Petition to Intervene	☐ Return to Petition
☐ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Order	☐ Other:
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2011-271-E

IN RE: Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges	))))	JOINT PETITION TO INTERVENE

INTRODUCTION

A Docket was opened in this matter, on July 1, 2011, and assigned the above-referenced Docket number. Joint Petitioners herein, are the **(i)** Commission of Public Works of the City of Spartanburg, South Carolina and **(ii)** the Spartanburg Sanitary Sewer District. The Commission of Public Works of the City of Spartanburg, South Carolina's and the Spartanburg Sanitary Sewer District's, Joint Petition to Intervene, filed pursuant to R. 103-825, of this Commission's Rules and Regulations, follows:

JOINT PETITIONERS

Commission of Public Works of the City of Spartanburg, South Carolina.

1. The Commission of Public Works of the City of Spartanburg, South Carolina, oversees Spartanburg Water System, (hereinafter as, "SWS").

2. SWS owns and operates three drinking water treatment facilities and serves more than 180,000 residents in thirty communities, including all of the City of Spartanburg. Those thirty communities are located in four Counties, spanning from NW Greenville County, Spartanburg, Cherokee and Union Counties.

Spartanburg Sanitary Sewer District.

3. The Spartanburg Sanitary Sewer District is a Special Purpose District, established by the State of South Carolina, which is overseen by the Spartanburg Sanitary Sewer District Commission (hereinafter as, "SSSD").

4. SSSD owns eight and operates nine wastewater treatment facilities throughout Spartanburg County.

Spartanburg Water.

5. Although SWS and SSSD are separate legal entities, they share: goals, facilities, business offices, employees, a general manager, a common customer service number and elected commissioners. Both entities, SWS and SSSD are operated under the rubric of "Spartanburg Water" (Spartanburg Water System and Spartanburg Sanitary Sewer District are denominated hereinafter together as, "Spartanburg Water").

6. Because of their closely interrelated interests in this matter, SWS and SSSD, are filing this, "Joint Petition to Intervene".

JOINT PETITION TO INTERVENE

7. On August 5, 2011, Duke Energy Carolinas, LLC, hereinafter as, "Duke"), filed an Application with the Public Service Commission of South Carolina, (hereinafter as, "Commission") requesting authority from this Commission to adjust and increase its retail electric rates, charges and tariffs.

8. SWS's and SSSD's energy costs with Duke in the timeframe of July 1, 2010, through July 31, 2011 totaled, $2,411,850. Of that total, $1,093,571 was paid by SWS and $1,318,279 was paid by SSSD.

9. Spartanburg Water's position is that, as to Duke's proposed rate increase **(i)** Spartanburg Water has a direct and material interest in the issues to be addressed and resolved by this Commission in this Docket and **(ii)** Duke's proposed rate increase will have a direct and negative, material impact on Spartanburg Water's energy costs, with increases of between 23.4% and 33.9%, from Duke's proposed MP tariff increase, alone.

10. Although all of Spartanburg Water's accounts with Duke, will be affected by Duke's rate case filing, Spartanburg Water will incur an annual increase of over $540,000, in its energy costs from the proposed change to the MP tariff, alone (over thirteen months).

11. Spartanburg Water presently has thirteen facilities that will be directly impacted by Duke's proposed increase to the MP tariff.

12. The impact on Joint Petitioner SWS and Joint Petitioner SSSD will be greater because **(i)** Spartanburg Water has recently issued Bonds without an allowance for the increased energy expense contemplated by Duke's rate case and **(ii)** Spartanburg Water has already completed its 2012 budget, without an allowance for the increased energy expense contemplated by Duke's rate case.

13. SWS's and SSSD's position is that they should be allowed to intervene in this Docket, with full rights of participation and that given the state of the record in this Docket at this stage of the proceedings, SWS and SSSD lack sufficient information to set forth their position in this matter with finality, at this time.

14. The granting of the Commission of Public Works of the City of Spartanburg, South Carolina's Petition to Intervene and the Spartanburg Sanitary Sewer District's Petition to Intervene, filed jointly, is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and intervention should be allowed so that a full and complete record addressing its views and concerns can be developed.

15. The Commission of Public Works of the City of Spartanburg, South Carolina and the Spartanburg Sanitary Sewer District are represented by counsel in this proceeding:

Timothy F. Rogers
Richard L. Whitt
Austin & Rogers, P.A.
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WHEREFORE, Joint Petitioners pray for the following relief:

(**a**). That this Joint Petition to Intervene be accepted and that Joint Petitioners be made parties of record;

(**b**). That Joint Petitioners be allowed to participate fully in this proceeding and take such positions as they deem advisable; and

(**c**). For such other and further relief as is just and proper.

[Signature Page Follows]

Respectfully Submitted,

/S/

Richard L. Whitt
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508 Hampton Street, Suite 300
Columbia South Carolina, 29201
803-251-7442
Attorneys for Joint Petitioners, the Commission of Public Works of the City of Spartanburg, South Carolina and the Spartanburg Sanitary Sewer District.

October 18, 2011
Columbia, South Carolina

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2011-271-E

IN RE: Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges	))))	**Certificate of Service**

I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I electronically mailed a copy of the Correspondence, Cover Sheet, Petitioner, Spartanburg Water System and Petitioner, Spartanburg Sanitary Sewer District's Joint Petition to Intervene and this Certificate of Service, in the above referenced matter as indicated below, via electronic mail as addressed below, on October 18, 2011.

(2) *Representing Office of Regulatory Staff* **Courtney D. Edwards** **Shannon Bowyer Hudson** Office of Regulatory Staff Title: Counsel	1401 Main Street, Suite 900 Columbia, SC 29201	Phone: 803-737-0889 Fax: 803-737-0895 cedwards@regstaff.sc.gov
(3) *Representing Duke Energy Carolinas, LLC* **Frank R. Ellerbe, III** **Bonnie D. Shealy** Robinson, McFadden & Moore, P.C. Title: Counsel	Post Office Box 944 Columbia, SC 29202-0944	Phone: 803-779-8900 Fax: 803-252-0724 fellerbe@robinsonlaw.com
(4) *Representing Duke Energy Carolinas, LLC* **Heather S. Smith** Duke Energy Carolinas, LLC Title: Deputy General Counsel	550 South Tryon Street, DEC 45 A Charlotte, NC 28202	Phone: 980-373-4465 Fax: 980-373-8534 heather.smith@duke-energy.com
(5) *Representing South Carolina Energy Users Committee* **Scott Elliott** Elliott & Elliott, P.A. Title: Counsel	1508 Lady Street Columbia, SC 29201	Phone: 803-771-0555 Fax: 803-771-8010 selliott@elliottlaw.us
(7) *Representing Duke Energy Carolinas, LLC* **Timika Shafeek-Horton** Duke Energy Carolinas, LLC Title: Counsel	Post Office Box 1006/EC03T Charlotte, NC 28201	Phone: 704-382-6373 Fax: 704-382-8137 timika.shafeek-horton@duke-energy.com
7) Representing Wal-Mart Stores East, LP and Sam's East, Incorporated Thomas L. Moses Monahan and Moses, LLC Title: Counsel	13-B West Washington Street Greenville, SC 29601	Phone: 864-241-4604 Fax: 864-241-4606 tom.moses@momolaw.com

[Signature Page Follows]

Columbia, South Carolina

October 18, 2011

/S/_____
Carrie A. Schurg