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PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NOS. 2019-224-E and 2019-225-E ORDER NO. 2021-37-H

MARCH 31, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:
South Carolina Energy Freedom Act (House Bill 3659) Proceeding Related to S.C. Code Ann. Section 58-37-40 and Integrated Resource Plans for Duke Energy Carolinas, LLC

South Carolina Energy Freedom Act (House Bill 3659) Proceeding Related to S.C. Code Ann. Section 58-37-40 and Integrated Resource Plans for Duke Energy Progress, LLC

MATTER UNDER CONSIDERATION:
Petition to Intervene Out of Time of the Sierra Club and Natural Resources Defense Council ("NRDC") (together, "the Petitioners")

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene Out of Time of the Sierra Club and Natural Resources Defense Council. No objections to the Petition to Intervene have been filed.

Under Commission regulation, the Commission must determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that parties filing a Petition to Intervene in a matter pending before the SC Public Service Commission must set forth clearly and concisely:
(a) The facts from which the nature of the petitioner's alleged right or interest can be determined;
(b) The grounds of the proposed intervention;
(c) The position of the petitioner in the proceeding.
Further, in Commission practice, the parties filing a Petition to Intervene Out of Time should explain why the Petition is being filed out of time, and whether granting the Petition will delay the proceeding or prejudice existing parties.

In the present case, counsel for the Sierra Club and NRDC clearly sets out the facts from which the nature of the right or interest can be determined, the grounds of the proposed intervention, and its position in this case. Counsel describes the purpose of the organizations and states that the Sierra Club and NRDC have a strong interest in the outcome of this proceeding, and a direct and substantial interest in the Integrated Resource Plans ("IRPs") of South Carolina electric utilities. Counsel notes that the two organizations

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are interested in promoting greater reliance on energy efficiency and renewable energy by these utilities. Further, counsel notes that members of the organizations who receive electricity service at their homes and businesses from South Carolina electric utilities will be affected by decisions made by said utilities in their resource planning processes, and by the Commission in this and future related proceedings, such as new plant certifications and rate cases.

In addition, counsel notes that the Sierra Club works to accelerate the transition from "dirty fuels" to clean energy solutions, and advocates for state and federal policies and industry action to achieve this transition. Counsel also states that NRDC works to promote renewable energy and to advocate for the passage and implementation of clean energy standards and other policies than expand the market for wind and solar power. NRDC also works to promote renewable energy and to advocate for the passage and implementation of clean energy standards.

According to counsel, the Petitioners recognize that the Commission directed parties to file a Petition to Intervene on or before December 15, 2020. Petitioners are represented by the Southern Environmental Law Center in the 2020 Duke Energy Carolinas and Duke Energy Progress IRP proceeding currently underway before the North Carolina Utilities Commission. NCUC Docket No. E-100, Sub 165. The Southern Environmental Law Center currently represents the Southern Alliance for Clean Energy ("SACE"), South Carolina Coastal Conservation League ("CCL"), and Upstate Forever in the above-captioned proceeding. To advance their particular interests in South Carolina, Petitioners wish to also intervene in the above-captioned proceeding before the Public Service Commission of South Carolina. If Petitioners are allowed to intervene, the Southern Environmental Law Center, would jointly represent SACE, CCL, Upstate Forever, Sierra Club, and NRDC. Sierra Club and NRDC plan to participate in the evidentiary hearing if permitted to intervene. Counsel for the Petitioners further states that their intervention will not delay this proceeding or prejudice existing parties. Counsel for all other existing parties stated that, on the date of the filing of the instant Petition, they did not object to the request.

Pursuant to these facts, this Hearing Officer holds that the Sierra Club and NRDC have successfully satisfied the criteria for intervention stated in the Commission Regulation. The Petitioners interest in this matter can clearly be discerned, as can the grounds for the intervention. Further, the Petitioner's position is clearly stated. Also, counsel has satisfactorily articulated a reason for the Petition's late filing. Further, it does not appear that the Petitioners' late filing will delay the proceeding or prejudice existing parties.

As previously noted, there are no objections to the intervention. Accordingly, the Petition to Intervene Out of Time of the Sierra Club and Natural Resources Defense Council is hereby granted in these Dockets. This ends the Chief Hearing Officer's Directive.