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STATE OF SOUTH CAROLINA

BEFORE THE PUBLIC SERVICE COMMISSION

Docket No. 2021-90-E

In the Matter of: Duke Energy Progress, LLC's 2021 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)	)	**PETITION TO INTERVENE OF JOHNSON DEVELOPMENT ASSOCIATES, INC.**

Johnson Development Associates, Inc. ("JDA"), pursuant to SC Code of Laws § 58-41-20(A) and SC Code of Regs. 103-825, respectfully submits this petition to intervene in the above-captioned proceeding currently pending before the South Carolina Public Service Commission (the "Commission"). In support of its petition, JDA states as follows:

1. On March 10, 2021, the Commission opened Docket 2021-90-E relating to Duke Energy Progress, LLC ("DEP") in accordance with the provisions of the South Carolina Energy Freedom Act, codified at S.C. Code Ann. § 58-41-10 *et seq.* (the "Act").

2. Under the Act, the Commission, at least once every twenty-four months, shall review and approve each electrical utility's "standard offer, avoided cost methodologies, form contract power purchase agreements, commitment to sell forms, and any other terms or conditions necessary to implement the terms of [the Act]." *See* S.C. Code Ann. § 58-41-20(A).

3. The Commission previously undertook such a review in Docket 2019-186-E when it convened the first South Carolina avoided cost docket under the Act relating to DEP (the "2019 Docket"). In the 2019 Docket, JDA successfully intervened and participated in the proceeding.

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4. In the above-captioned docket, which presents essentially the same issues raised in the 2019 Docket, JDA seeks to intervene in order to again represent and protect its unique interests directly impacted in this proceeding.

5. JDA has a substantial and specific economic interest in the development of renewable energy in South Carolina and the Commission's consideration of the matters under the Act. JDA, a South Carolina Corporation founded in 1986 and headquartered in Spartanburg, South Carolina,[1] is a multi-division developer of industrial, commercial, multi-family, self-storage, and, importantly here, renewable energy projects. JDA is currently developing renewable energy projects in South Carolina. JDA has qualifying facilities under development and/or positioned in DEP's interconnection queue that will be impacted by the decisions this Commission makes regarding the selection of an avoided cost methodology, calculation of the avoided cost, the term of length in years that the utility must offer for power purchase agreements to qualifying facilities, and the other terms and conditions this Commission finds necessary to adjudicate pursuant to the Act. All of these issues squarely impact the economics and feasibility of JDA's renewable energy development projects.

6. Accordingly, JDA has a direct and substantial interest in the outcome of this proceeding, as JDA's business interests will be directly affected by the presentation and resolution of the matters at issue under the Act in this proceeding. JDA's position and market presence relates directly to the details of this proceeding concerning DEP.

7. For those reasons, among others, JDA's interest in this proceeding cannot be adequately represented or protected by any other party.

[1] More precisely, JDA's office are located at 100 Dunbar Street, Spartanburg, South Carolina, 29306.

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8. The Commission has established a procedural schedule for this proceeding. Importantly, the May 24, 2021 deadline for parties to intervene has not passed and is still months away. Accordingly, JDA's petition is timely.

9. JDA's participation would constructively add to this proceeding by contributing to the development of a complete record based on JDA's unique, significant interests in developing large development projects, especially those involving renewable energy, throughout the state.

10. Granting JDA's request to intervene in this proceeding is in the public interest and is consistent with the policies of the Commission in encouraging maximum public participation in issues before it.

11. Pursuant to Rule 103-804, JDA states that it is represented by the following counsel in this proceeding:

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WHEREFORE, Petitioner Johnson Development Associates, Inc. prays that it be allowed to intervene as a party of record and participate fully in this proceeding.

<signature page follows>

Respectfully submitted this 5th day of April, 2021.

NELSON MULLINS RILEY & SCARBOROUGH LLP

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BEFORE THE PUBLIC SERVICE COMMISSION

Docket No. 2021-90-E

In the Matter of: Duke Energy Progress, LLC's 2021 Avoided Cost Proceeding Pursuant to S.C. Code Ann. Section 58-41-20(A)	)	**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one copy of the **Petition to Intervene of Johnson Development Associates, Inc.** to the persons named below at the addresses set forth via electronic mail and e-filing:

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Columbia, South Carolina
April 5, 2021

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