

ELLIOTT & ELLIOTT, P.A.
ATTORNEYS AT LAW
1508 Lady Street
COLUMBIA, SOUTH CAROLINA 29201
selliott@elliottlaw.us

SCOTT ELLIOTT

TELEPHONE (803) 771-0555
FACSIMILE (803) 771-8010

June 30, 2011

VIA E-FILING

Jocelyn Boyd, Esquire
Chief Clerk and Administrator
South Carolina Public Service Commission
101 Executive Center Drive
Columbia, SC 29210

RE: Application of Duke Energy Corporation and Progress Energy, Inc.
on Behalf of Their Electrical Utility Subsidiaries, Duke Energy Carolinas,
LLC and Progress Energy Carolinas, Inc. to Engage in a Business
Combination Transaction
Docket No. 2011-158-E

Dear Ms. Boyd:

Enclosed please find for filing the Petition to Intervene of the South Carolina Energy Users Committee ("SCEUC") in the above-captioned matter. By copy of this letter, I am serving all parties of record and requesting that each serve me with all outstanding motions or other pleadings, together with all discovery responses served to date and to be served.

If you have questions, please do not hesitate to contact me.

Sincerely Yours,

ELLIOTT & ELLIOTT, P.A.



Scott Elliott

SE/jcl

Enclosures

cc: All parties of record (w/enc.)

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION

DOCKET NO. 2011-158-E

IN THE MATTER OF:)
)
Application of Duke Energy Corporation)
and Progress Energy, Inc. on Behalf of)
Their Electrical Utility Subsidiaries Duke)
Energy Carolinas, LLC and Progress Energy)
Carolinas, Inc. to Engage in a Business)
Combination Transaction)

PETITION TO INTERVENE

The South Carolina Energy Users Committee (“SCEUC”) hereby petitions the South Carolina Public Service Commission (“Commission”) pursuant to R.103-825 of the Commission’s rules and regulations to intervene and be made a party of record in the above-captioned docket. In support of this Petition, SCEUC would allege as follows:

1. That Duke Energy Corporation (“Duke”) and Progress Energy, Inc. (“Progress”) (collectively, referred to as the “Applicants”) on behalf of their utility subsidiaries, Duke Energy Carolinas, LLC and Progress Energy Carolinas, Inc., filed an Application with the Public Service Commission of South Carolina (“the Commission”) pursuant to S.C. Code Ann. Section 58-27-1300 and 26 S.C. Code Ann. Regs. 103-823 for authorization to engage in a business combination transaction. The Application states further that the merger of Duke Energy Carolinas, LLC and Progress Energy Carolinas, Inc. cannot occur absent the acquisition of Progress by Duke, and the primary impact of the acquisition of Progress by Duke is upon Duke Energy Carolinas, LLC and Progress Energy Carolinas, Inc., and therefore the Applicants treat the two transactions as one for the purposes of this docket.



2. That SCEUC is an association organized in the State of South Carolina, consisting of large consumers of energy which are engaged in various manufacturing enterprises throughout the State.

3. That a number of members of SCEUC purchase and consume substantial amounts of electricity from Duke Energy Carolinas, LLC and Progress Energy Carolina, Inc.

4. That SCEUC and its members have a direct and material interest in the issues to be addressed and resolved by the Commission in this docket and the interests of its members are not adequately represented by the current parties to this proceeding.

5. That given the state of the record at this stage of the proceedings, SCEUC lacks sufficient information to fully develop and state its position in this proceeding at this time.

6. That granting SCEUC's request to be made a party of record in this proceeding is in the public interest, is consistent with the policies of the Commission in encouraging maximum public participation in issues before it, and should be allowed so that a full and complete record addressing its views and concerns can be developed.

7. That the Petitioner is represented by the following counsel in this proceeding:

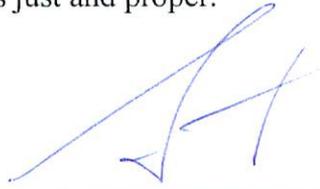
Scott Elliott, Esquire
Elliott & Elliott, P.A.
1508 Lady Street
Columbia, South Carolina 29201
Telephone: 803-771-0555
Fax: 803-771-8010
selliott@elliottlaw.us

WHEREFORE, Petitioner prays for the following relief:

a. That this Petition to Intervene be accepted and that Petitioner be made a party of record;

P. 3

- b. That Petitioner be allowed to participate fully in this proceeding and take such positions as it deems advisable; and
- c. For such other and further relief as is just and proper.



Scott Elliott, Esquire
ELLIOTT & ELLIOTT, P.A.
1508 Lady Street
Columbia, SC 29201
(803) 771-0555
(803) 771-8010
selliott@elliottlaw.us

Attorney for the South Carolina Energy
Users Committee

Columbia, South Carolina
June 30, 2011

CERTIFICATE OF SERVICE

The undersigned employee of Elliott & Elliott, P.A. does hereby certify that (s)he has served below listed parties with a copy of the pleading(s) indicated below by mailing a copy of same to them in the United States mail, by regular mail, with sufficient postage affixed thereto and return address clearly marked on the date indicated below:

RE: Application of Duke Energy Corporation and Progress Energy, Inc. on Behalf of Their Electrical Utility Subsidiaries, Duke Energy Carolinas, LLC and Progress Energy Carolinas, Inc. to Engage in a Business Combination Transaction

DOCKET NO.: 2011-158-E

PARTIES SERVED: Pablo O. Nuesch, Esquire
Peter J. Hopkins, Esquire
James N. Horwood, Esquire
Spiegel & McDiarmid. LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036

Nanette S. Edwards, Esquire
Courtney D. Edwards, Esquire
Office of Regulatory Staff
1401 Main Street, Ste. 900
Columbia, SC 29201

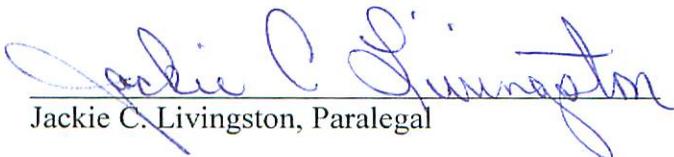
Frank R. Ellerbee, III, Esquire
Robinson, McFadden & Moore, P.C.
P. O. Box 944
Columbia, SC 29202

Kodwo Gharty-Tagoe, Esquire
Duke Energy Carolinas, LLC
P. O. Box 1006, EC03T
Charlotte, NC 28201-1006

Len S. Anthony, Esquire
Progress Energy Carolinas, Inc.
P. O. Box 1551 – MC 17A4
Raleigh, NC 27602

PLEADING: PETITION TO INTERVENE BY SOUTH CAROLINA ENERGY
USERS COMMITTEE

June 30, 2011


Jackie C. Livingston, Paralegal