

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. E-100, SUB 113

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Rulemaking Proceeding to Implement )      MOTION TO ALLOW INTERVENTION  
Session Law 2007-397                    )      BY THE COMMUNITY GROUPS

PURSUANT TO Rule R1-3, now comes the Citizens for a Safe Environment, the Citizens Alliance for a Clean, Healthy Economy, the Sampson County Citizens for a Safe Environment and the Blue Ridge Environmental Defense League, Inc. (the “Community Groups”), through the undersigned attorney, with a motion to allow them to intervene in this docket to the extent that they can respond to the Joint Motion of Progress Energy Carolina, Inc., Duke Energy Carolinas LLC, Dominion North Carolina Power, North Carolina Electric Membership Corporation, North Carolina Eastern Municipal Power Agency and North Carolina Municipal Power Agency Number 1 (the “Joint Motion”), filed with the Commission on August 14, 2009. In support of the motion is the following:

1. The Citizens for a Save Environment is an unincorporated association that is a community chapter of the Blue Ridge Environmental Defense League, Inc., a North Carolina Corporation. Members of the Citizens reside in northeast Sampson and northern Duplin Counties. Its address is c/o Deborah Kornegay, Post Office Box 218, Calypso, North Carolina 28325.
2. The Citizens Alliance for a Clean, Healthy Economy is an unincorporated

association that is a community chapter of the Blue Ridge Environmental Defense League, Inc., a North Carolina Corporation. Almost all of its members are residents of Surry County. Its address is c/o Sam Tesh, 326 Graymar Road, State Road, North Carolina 28676.

3. The Sampson County Citizens for a Safe Environment is an unincorporated association that is a community chapter of the Blue Ridge Environmental Defense League, Inc., a North Carolina Corporation. Almost all of its members are residents of Sampson County. Its address is c/o Jean Ellis Bryson, 1131 N. N. Ellis Road, Faison, North Carolina 28341

4. The Blue Ridge Environmental Defense League is a public interest citizen organization, incorporated under North Carolina law, that provides support to local community efforts opposing unwanted and harmful development. It has member chapters in 35 North Carolina communities, and individual members across North Carolina and several surrounding states. Its address is Post Office Box 88, Glendale Springs, North Carolina 28629.

5. The Community Groups bring this action on behalf of their members and are representing their rights and interests. Each of the Community Groups has members who reside in close proximity to the proposed Fibrowatt poultry waste incinerators in Sampson and Surry Counties. At present Fibrowatt, through its limited liability corporations, has made the only proposals to supply electricity from poultry waste resources pursuant to G.S. 62-133.8(f).

6. The Community Groups and their members will be adversely affected by the operation of the proposed incinerators because of the noxious odors and toxic

emissions, increased truck traffic on rural roads and highways, the loss of the use and enjoyment of their property, the loss of property values and interference with their health, safety and general welfare. Some of the members of the Community Groups are farmers and operate agricultural businesses that would be adversely impacted from toxic emissions from the proposed incinerators on their crops and farm property.

7. Members of the Community Groups are also customers of the electric utilities in North Carolina and use electric power supplied by those utilities in their homes and businesses. They are concerned about the cost of energy and the impacts from expensive new poultry waste-generated power when there are other cleaner and less expensive sources available.

8. The attorney for the Community Groups to whom all correspondence and filings should be addressed is John Runkle, Attorney at Law, Post Office Box 3793, Chapel Hill, North Carolina 27515. Rule 1-39 service by email is acceptable and may be sent to jrunkle@pricecreek.com.

9. The Community Groups had not petitioned to intervene in this docket to date because until the Joint Motion was filed, the Community Groups did not have a sufficient interest in the other aspects of these proceedings to do so.

10. In its Order Requesting Comments on Joint Motion, August 31, 2009, the Commission allowed interested parties to file comments.

11. If allowed to intervene in this docket, the Community Groups will advocate that the Commission grant the Joint Motion in part and further postpone and/or modify the requirements in Senate Bill 3 regarding poultry litter.

THEREFORE, the Community Groups pray that they are allowed to intervene in this matter.

Respectfully submitted, this the 1<sup>st</sup> day of September 2009.

---

John D. Runkle  
Attorney at Law  
P.O. Box 3793  
Chapel Hill, N.C. 27515  
919-942-0600 (o&f)  
[jrunkle@pricecreek.com](mailto:jrunkle@pricecreek.com)

CERTIFICATE OF SERVICE

I hereby certify that the persons on the service list have been served this MOTION TO ALLOW INTERVENTION BY THE COMMUNITY GROUPS (E-100, Sub 113) by deposit in the U.S. Mail, postage prepaid, or by email transmission.

This is the \_\_\_ day of September 2009.

---

Attorney at Law

STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH

DOCKET NO. E-100, SUB 113

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Rulemaking Proceeding to Implement ) VERIFICATION  
Session Law 2007-397 )

I, David Mickey, representing the Blue Ridge Environmental Defense League, Inc., verify that the contents of the MOTION TO ALLOW INTERVENTION BY THE COMMUNITY GROUPS filed in this docket are true to the best of my knowledge, except as to those matters stated on information and belief, and as to those matters, I believe them to be true.

\_\_\_\_\_/s/original\_\_\_\_\_  
David Mickey

date \_\_\_\_\_

Sworn to and subscribed before me,  
this is the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_/s/original\_\_\_\_\_  
Notary Public  
my commission expires: