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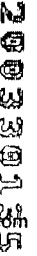
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Commonwealth of Virginia, ex rel. State Corporation Commission In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.
Case No. PUR-2020-00035

Dear Mr. Peck:

Please find enclosed for electronic filing in the above-referenced matter *Virginia Electric and Power Company's Motion for Relief from Certain Requirements Contained in Prior Commission Orders and for Limited Waiver of Rule 150*.

Please do not hesitate to contact me if you have any questions in regard to this filing.

Highest Regards,

/s/ Vishwa B. Link

Vishwa B. Link

Enc.

cc: Ashley B. Macko, Esq.
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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA, *ex rel.*)
)
STATE CORPORATION COMMISSION)
) Case No. PUR-2020-00035
In re: Virginia Electric and Power Company's)
Integrated Resource Plan filing pursuant to)
Va. Code § 56-597 *et seq.*)

**VIRGINIA ELECTRIC AND POWER COMPANY'S
MOTION FOR RELIEF FROM CERTAIN REQUIREMENTS CONTAINED IN
PRIOR COMMISSION ORDERS AND FOR LIMITED WAIVER OF RULE 150**

Virginia Electric and Power Company (the "Company"), by counsel, hereby moves the State Corporation Commission of Virginia (the "Commission") for relief from certain requirements contained in prior Commission orders because they are arguably outdated. The Company also moves the Commission for limited waiver of the requirement to file hard copy documents single-sided contained in Rule 150 of the Commission's Rules of Practice and Procedure (the "Procedural Rules").¹ In support of its motion, the Company states as follows:

1. The Company must file its 2020 Integrated Resource Plan (the "2020 Plan") by May 1, 2020, using only one side of the paper under Procedural Rule 150.² The 2020 Plan must comply with (i) the relevant statutory requirements,³ (ii) the Commission's Integrated Resource Planning Guidelines,⁴ and (iii) the requirements set forth by the Commission in prior orders.⁵

¹ 5 VAC 5-20-150.

² 5 VAC 5-20-150.

³ See Va. Code §§ 56-597 *et seq.*

⁴ *Commonwealth of Virginia ex rel. State Corporation Commission Concerning Electric Utility Integrated Resource Planning Pursuant to §§ 56-597 et seq. of the Code of Virginia*, Case No. PUE-2008-00099, 2008 S.C.C. Ann. Rept. 606, 607, Order Establishing Guidelines for Developing Integrated Resource Plans (Dec. 23, 2008).

⁵ See Va. Code § 56-598 (4); *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-*

Attached as Exhibit 1 is a chart containing all current requirements and guidelines applicable to the 2020 Plan.

Requirements

2. The Company has identified six requirements set forth in prior Commission orders that it considers outdated and no longer relevant to current integrated resource planning analyses. These include one requirement related to the Clean Power Plan, three requirements related to development of specific resources, and two requirements related to specific legislation. The Company seeks relief from these six requirements, as well as any other requirements set forth in prior Commission orders that the Commission considers no longer necessary.⁶

Clean Power Plan

3. In its Final Order on the Company's 2013 Plan, the Commission directed that the Company's future planning "should take into account the requirements of the Clean Power Plan as necessary" ("Requirement 1").⁷

597 et seq. of the Code of Virginia, Case No. PUE-2016-00049, 2016 S.C.C. Ann. Rept. 405, 408, Final Order at 7 (Dec. 14, 2016) ("Dominion shall continue to comply with all requirements directed in prior IRP orders").

⁶ The Company would also respectfully request that the Commission include language in future orders to excuse ongoing requirements for future integrated resources plans to the extent the law or regulation targeted by a requirement is superseded or repealed. This would alleviate the need for future motions for relief from outdated requirements. Alternatively, the Company respectfully requests that the Commission make such specific requirements applicable only to the next integrated resource plan—rather than ongoing—as the Commission has done for certain requirements.

⁷ *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUE-2013-00088, 2014 S.C.C. Ann. Rept. 301, 303, Final Order at 8 (Aug. 27, 2014).

4. On July 8, 2019, the Environmental Protection Agency finalized its repeal of the Clean Power Plan.⁸

5. Because the Clean Power Plan is no longer a pending regulation, the Company believes it is no longer necessary or relevant to any planning analyses to account for the requirements of the Clean Power Plan in the 2020 Plan or any future plans. In any plan, the Company must, by statute, evaluate “the effect of current and pending state and federal regulations” as part of its integrated resource planning (“IRP”) process.⁹ The Clean Power Plan is no longer current or pending, and is therefore no longer required by statute to be evaluated. Accordingly, the Company respectfully requests to be relieved from the now outdated Requirement 1 to include a specific analysis related to the Clean Power Plan.

Development of Specific Resources

6. In its Final Order on the Company’s 2011 Plan, the Commission directed that the Company’s future IRP filings must include “models where North Anna 3 (if included in subsequent IRPs) competes against other resource options” (“Requirement 2”).¹⁰

⁸ *Repeal of the Clean Power Plan: Emission Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units*, 84 Fed. Reg. 32,520, Final Rule (Jul. 8, 2019).

⁹ Va. Code § 56-599 B 8.

¹⁰ *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUE-2011-00092, 2012 S.C.C. Ann. Rept. 296, 297, Final Order at 3 (Oct. 5, 2012).

7. The 2011 Plan Final Order also directed that future filings “shall include consideration of non-carbon capture sequestration capable coal resources (as new construction and through the purchase of existing facilities) relative to other technologies included in its busbar screening process” (“Requirement 3”).¹¹

8. In addition, in its Final Order on the Company’s 2015 Plan, the Commission directed that the Company’s future IRP filings include a comprehensive risk analysis to evaluate the risk and impact of constructing significant new natural gas and nuclear power generation:

In future IRPs, the Company shall

- continue to evaluate the risks associated with plans that the Company prepares;
- include discount rate risk as a criterion in the Company’s risk analysis;
- specifically identify the levels of natural gas-fired generation where operating cost risks may become excessive or provide a detailed explanation as to why such a calculation cannot be made;
- analyze ways to mitigate operating cost risk associated with natural gas-fired generation, including, but not limited to, long-term supply contracts that lock in a stable price, long-term investment in gas reserves, securing long-term firm transportation, and on-site liquefied natural gas storage; and
- analyze the cost of mitigating risks associated with the share of natural-gas fired generation that is equivalent to the amount the Company expects would be displaced by the construction and operation of North Anna 3 (“Requirement 4”).¹²

9. The Company has paused material development activities for North Anna 3.¹³ In addition, coal without carbon capture sequestration technology is no longer a viable generating

¹¹ *Id.* at 3-4

¹² *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUE-2015-00035, 2015 S.C.C. Ann. Rept. 320, 324, Final Order at 13-14 (Dec. 30, 2015).

¹³ *See Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUR-2018-00065, Exhibit 47: Mitchell Rebuttal Testimony at

resource, and significant build-out of natural gas generation facilities is not currently viable, with the passage by the General Assembly of the Virginia Clean Economy Act of 2020 (the “VCEA”).¹⁴ The VCEA establishes the objective of 100 percent clean energy by 2045, and permits the construction of carbon-emitting generating facilities only if there is a threat to reliability or security of electric service.¹⁵ For these reasons, the Company believes that the aforementioned requirements related to the development of those specific resources are no longer necessary. The Company will continue to model all reasonable generating resources.¹⁶ Further, removing the requirement related to a comprehensive risk analysis specifically will relieve the Company of a time- and resource-intensive analysis that is no longer relevant, as neither Commission Staff (“Staff”) nor respondents have focused on it. The Company thus respectfully requests to be relieved from Requirements 2 through 4.

Specific Legislation – GTSA Only

10. In its Final Order on the Company’s 2017 Plan, the Commission directed the Company to include “detailed plans to implement the mandates contained in [the Grid

3:1-13 (Sept. 7, 2018) (“The Combined Operating License for the North Anna 3 facility was received in June 2017. Since that time, the Company has paused material development activities.”).

¹⁴ Senate Bill 851, House Bill 1526. The legislation is currently awaiting further action by the Governor.

¹⁵ *Id.*

¹⁶ *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUE-2018-00065, Final Order (June 27, 2019) [hereinafter *2018 Final Order*]; *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUE-2018-00065, Order at 5 (Dec. 7, 2018) (instructing that “the Company shall not force the modeling to select any resource, nor exclude any reasonable resource”).

Transformation and Security Act of 2018 (“the GTSA”)], as well as plans that comply with all other legal requirements” (“Requirement 5”).¹⁷ The GTSA became effective July 1, 2018.

11. On March 9, 2020, the Commission directed that the Company’s 2020 Plan must include, among other analyses, “the mandates and requirements of the VCEA and other relevant legislation based on the best available information.”¹⁸

12. The VCEA amended Title 56, and largely incorporates the statutory policies and objectives of the GTSA. The new analysis related to the VCEA will include the requirements of all relevant laws, including the GTSA, as now amended by the VCEA. Therefore, the Company respectfully requests to be relieved of the requirement to include its detailed plan to implement the “mandates” of the GTSA based on the law as it existed on July 1, 2018. Some of those provisions will be changed by the VCEA, such as the amount of solar to be developed, and an analysis of the VCEA will necessarily include the surviving and amended portions of the GTSA. An analysis of *only* the GTSA seems outdated and of little relevance with the passage of the VCEA; therefore, the Company respectfully requests relief from Requirement 5.¹⁹

¹⁷ *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUR-2017-00051, 2018 S.C.C. Ann. Rept. 216, 217, Final Order at 3-4 (Mar. 12, 2018).

¹⁸ *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUR-2020-00035, Order at 2 (Mar. 9, 2020).

¹⁹ The Company did include a GTSA-only plan in its 2018 Compliance Filing (Plan F), as well as a plan that meets the objectives of the GTSA in its 2019 Update (Plan B). See *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUR-2018-00065, 2018 Compliance Filing at 18 (Mar. 7, 2019); *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUR-2019-00141, 2019 Update to the 2018 Plan at 11, 13 (Mar. 7, 2019). These plans could provide the desired point of comparison with the alternative plans shown in the upcoming 2020 Plan.

13. In addition to the GTSA-related requirement discussed above, the Commission's Final Order on the Company's 2018 Plan included a requirement related to modeling assumptions for solar power purchase agreements ("PPAs") based on specific language in the GTSA: "In future IRPs, Dominion shall, among other things . . . [m]odel solar PPAs as 25% and 50% of the solar generation capacity placed in service under Code § 56-585.1:4" ("Requirement 6").²⁰

14. While the VCEA did not amend the language of Va. Code § 56-585.1:4 D related to solar PPAs, it added Va. Code § 56-585.5 D, which requires 35% solar PPAs. Accordingly, the Company believes that modeling solar PPAs as 35% of solar generation capacity placed into service will provide a more accurate picture of future solar generation consistent with the VCEA. The Company thus respectfully requests relief from Requirement 6 as to modeling solar PPAs.

15. The Company shared this motion with Staff prior to filing. Staff authorized the Company to represent that Staff does not oppose the request for relief from the Requirements 1 through 4 related to the Clean Power Plan and development of specific resources. With respect to Requirements 5 and 6, Staff views them as potentially relevant to modeling the incremental changes between the GTSA and the VCEA. Staff thus takes no position on the request for relief for Requirements 5 and 6.

Limited Waiver

16. Rule 150 of the Procedural Rules requires that each document may only use one side of the paper.²¹ The Commission routinely waives this requirement in its procedural orders

²⁰ 2018 Final Order at 11.

²¹ 5 VAC 5-20-150.

once a matter has been established.²² To preserve natural resources, the Company respectfully requests limited waiver of the single-sided printing requirement of Rule 150, permitting all paper documents filed with the Office of the Clerk of the Commission in this docket to use both sides of the paper, including the 2020 Plan.²³

WHEREFORE, for the reasons stated, the Company respectfully requests that the Commission grant its motion and issue an order (i) relieving the Company from Requirements 1 through 6 contained in prior Commission orders; (ii) granting limited waiver of Rule 150 to permit the Company to file the 2020 Plan double-sided, and (iii) granting any other relief the Commission deems just and proper. To the extent the Commission denies the requested relief from some of the requested requirements, the Company respectfully requests 60 days from the date of the Commission order to complete and file the analysis necessary to address the remaining requirements.

Respectfully submitted,

By: /s/ Vishwa B. Link
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²² See *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to § 56-597 et seq. of the Code of Virginia*, Case No. PUR-2018-00065, Order for Notice and Hearing at 10 (May 4, 2018).

²³ The Company requests this limited waiver to the extent it files the 2020 Plan in paper. The Company is continuing to evaluate the logistics for filing the 2020 Plan in light of the ongoing public health emergency related to COVID-19 and the Commission's recent orders regarding operating procedures. See *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005 (Mar. 19, 2020).

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