COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2020-00124

Ex Parte: In the matter of establishing regulations for a multi-family shared solar program pursuant to § 56-585.1:12 of the Code of Virginia

ORDER FOR NOTICE AND COMMENT

During its 2020 Session, the Virginia General Assembly enacted Chapters 1188 (HB 572), 1189 (HB 1184), 1239 (HB 1647), and 1187 (SB 710) of the 2020 Virginia Acts of Assembly. These Acts of Assembly amend the Code of Virginia ("Code") by adding a section numbered 56-585.1:12,[1] effective July 1, 2020. Code § 56-585.1:12 requires that by January 1, 2021, the State Corporation Commission ("Commission") establish by regulation a program affording eligible multi-family customers of Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion") and Kentucky Utilities Company d/b/a Old Dominion Power Company ("ODP") the opportunity to participate in shared solar projects.

On July 1, 2020, the Commission entered an Order Directing Comment in this proceeding that sought comments on the multi-family shared solar program and associated regulations. The Commission's Order Directing Comment directed Dominion and ODP, and invited interested persons or entities, to file comments by July 24, 2020. The Order also permitted commenters to propose specific regulations by July 24, 2020.

[1] This section was added as § 56-585.1:11 but was renumbered pursuant to the direction of the Virginia Code Commission.

On July 20, 2020, Dominion filed a Motion for Limited Extension of Time to File Proposed Regulations and for Expedited Consideration ("Motion"). Through its Motion, Dominion requested that the Commission extend the deadline for submitting proposed regulations by three weeks to August 14, 2020. The Commission granted Dominion's Motion on July 22, 2020.

On July 24, 2020, the following parties filed comments: the Coalition for Community Solar Access and the Maryland-DC-Delaware-Virginia Solar Energy Industries Association (collectively, "CCSA/MDV-SEIA"); the Virginia Department of Mines, Minerals and Energy; the Virginia Clean Energy Advisory Board; the Sierra Club; the Southern Environmental Law Center and Appalachian Voices; Dominion; ODP and GRID Alternatives Mid-Atlantic. On August 14, 2020, Dominion and CCSA/MDV-SEIA filed proposed regulations.

Based on input received from the filings in this docket, the Commission's Staff ("Staff") has prepared proposed rules ("Proposed Rules"), which are attached to this Order for Notice and Comment ("Order").

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that Staff's Proposed Rules should be considered for adoption, that notice of the Proposed Rules be given to the public, and that interested persons have an opportunity to file written comments on, propose modifications or supplements to, or request a hearing on the Proposed Rules. We further find that a copy of the Proposed Rules should be sent to the Registrar of Regulations for publication in the *Virginia Register of Regulations*.

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Accordingly, IT IS ORDERED THAT:

(1) The Commission's Division of Information Resources shall forward a copy of this Order, including a copy of the Proposed Rules, to the Registrar of Regulations for publication in the *Virginia Register of Regulations*.

(2) An electronic copy of the Proposed Rules may be obtained by submitting a request to David R. Eichenlaub in the Commission's Division of Public Utility Regulation at the following email address: David.Eichenlaub@scc.virginia.gov. An electronic copy of the Proposed Rules can be found at the Division of Public Utility Regulation's website: https://scc.virginia.gov/pages/Rulemaking. Interested persons may also download unofficial copies of this Order and the Proposed Rules from the Commission's website: https://scc.virginia.gov/pages/Case-Information.

(3) The Commission's Division of Public Utility Regulation shall provide copies of this Order by electronic transmission, or when electronic transmission is not possible, by mail, to individuals, organizations, and companies who have been identified by Staff as interested in this matter, including those entities and individuals that previously filed comments in this proceeding.

(4) On or before November 2, 2020, any interested person may file comments on the Proposed Rules by following the instructions found on the Commission's website: https://scc.virginia.gov/casecomments/Submit-Public-Comments. Such comments also may include proposals and hearing requests. All comments shall refer to Case No. PUR-2020-00124. Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed in written comments. If a sufficient request for hearing

is not received, the Commission may consider the matter and enter an order based upon the papers filed herein.

(5) On or before November 16, 2020, the Staff shall file with the Clerk of the Commission a report on or response to any comments, proposals, or requests for hearing submitted to the Commission on the Proposed Rules.

(6) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.

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STATE CORPORATION COMMISSION

Chapter 342 Rules Governing Multi-family Shared Solar Program

CHAPTER 342

RULES GOVERNING MULTI-FAMILY SHARED SOLAR PROGRAM

20VAC5-342-10. Applicability.

A. This chapter is promulgated pursuant to the provisions of § 56-585.1:12 of the Code of Virginia. The provisions of this chapter apply to Phase II utilities, including, notwithstanding subsection G of §56-580, any investor-owned utility whose service territory assigned to it by the commission is located entirely within the Counties of Dickenson, Lee, Russell, Scott and Wise, subscriber organizations, and subscribers, and govern the development of shared solar facilities and participation in the multi-family shared solar program.

B. Customers participating in this program shall remain in their present customer class but may not participate in the shared solar program, pursuant to Chapters 1238 and 1264 of the 2020 Acts of Assembly, or the net metering program, pursuant to 20VAC5-315-10 et seq., while participating in this program.

C. Any shared solar facility may co-locate on the same parcel of land as another shared solar facility only if such facilities are owned by the same entity and do not exceed an accumulative maximum capacity of 5,000 kW alternating current in the aggregate. Such facilities will also be responsible for any special interconnection arrangements with the utility.

D. The provisions of this chapter shall not be deemed to prohibit the utility, in emergency situations, from taking actions it is otherwise authorized to take that are necessary to ensure public safety and reliability of the distribution system. The commission, upon a claim of

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inappropriate action or its own motion, may investigate and take such corrective actions as may be appropriate.

E. Any request for a waiver of any provision in this chapter shall be considered by the commission on a case-by-case basis and may be granted upon such terms and conditions as the commission may impose.

20VAC5-342-20. Definitions.

The following terms shall have the following meanings, unless the context clearly indicates otherwise:

"Administrative charge" is the total cost to the investor-owned utility to administer the program that is assessed to the subscriber organization.

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate (effective retail rate of the customer's rate class, expressed in dollars or cents per kilowatt-hour) inclusive of all supply charges, delivery charges, demand charges, fixed charges, and any applicable riders or other charges to the customer. The applicable bill credit rate shall be set such that the shared solar program results in robust project development and shared solar program access for all customer classes.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Investor-owned utility" or "utility" means each investor-owned utility in the Commonwealth including, notwithstanding subsection G of § 56-580 of the Code of Virginia, any investor-owned utility whose service territory assigned to it by the commission is located entirely within the Counties of Dickenson, Lee, Russell, Scott and Wise. "Investor-owned utility" does not include a Phase I utility, as that term is defined in subdivision A 1 of § 56-585.1 of the Code of Virginia.

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"Multi-family customer" means an investor-owned utility customer residing in an apartment or condominium complex with at least three individually metered residences.

"Multi-family shared solar program" or "program" means the program created through this chapter to allow for the development of shared solar facilities described in subsection C of § 56-585.1:12 of the Code of Virginia.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 3,000 kW alternating current at any single location or that does not exceed 5,000 kW alternating current at contiguous locations owned by the same entity or affiliated entities;

2. Is operated pursuant to a program whereby at least three subscribers receive a bill credit for the electricity generated from the facility in proportion to the size of their subscription;

3. Is located in the service territory of an investor-owned utility;

4. Is connected to the electric distribution grid serving the Commonwealth; and

5. Is located on a parcel of land on the premises of the multi-family utility customer or adjacent thereto.

"Subscriber" means a multi-family customer of an investor-owned electric utility that owns one or more subscriptions of a shared solar facility that is interconnected with the utility.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A "subscriber organization" shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility.

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"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill over the past 12 months for the customer account to which the subscription is attributed.

20VAC5-342-30. Licensing of subscriber organizations.

A. Other than an investor-owned utility, each entity seeking to conduct business as a subscriber organization shall obtain a license from the commission prior to commencing business operations. Each entity applying for a license to conduct business as a subscriber organization shall file an application with the clerk of the commission and contemporaneously provide a copy of the application to the investor-owned utility. If the applicant becomes aware of any material changes to any information within the application, the applicant shall inform the commission within 10 calendar days. Applications shall include the following information:

1. Legal name of the applicant, as well as any trade names.

2. Physical business addresses and telephone numbers of the applicant's principal office and all offices in Virginia.

3. A description of the applicant's authorized business structure, identifying the state authorizing such structure and date (e.g., if incorporated, the state and date of incorporation; if a limited liability company, the state issuing the certificate of organization and the date of issuance).

4. Name and business address of all principal corporate officers and directors, partners, and LLC members, as appropriate.

5. If a foreign corporation, a copy of the applicant's authorization to conduct business in Virginia from the commission or if a domestic corporation, a copy of the certificate of incorporation from the commission.

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6. A list of the states in which the applicant and the applicant's affiliates conduct business related to participation in a shared solar program, the names under which such business is conducted, and a description of the business conducted.

7. The applicant shall disclose if it is an affiliate of the incumbent utility. If it is, it shall further provide a description of internal controls the applicant has designed to ensure that it and its employees, contractors, and agents that are engaged in the (i) merchant, operations, transmission, or reliability functions of the electric generation systems, or (ii) customer service, sales, marketing, metering, accounting or billing functions, do not receive information from the utility or from entities that provide similar functions for or on behalf of the utility as would give the affiliated subscriber organization an undue advantage over non-affiliated subscriber organizations.

8. Name, title, and address of the applicant's registered agent in Virginia for service of process.

9. Name, title, address, telephone number, and email address of the applicant's liaison with the commission.

10. Sufficient information to demonstrate, for purposes of licensure with the commission, financial fitness commensurate with the service or services proposed to be provided. Applicant shall submit the following information related to general financial fitness:

a. Proof of a minimum bond rating (or other senior debt) of "BBB-" or an equivalent rating by a major rating agency, or a guarantee with a guarantor possessing a credit rating of "BBB-" or higher from a major rating agency. If not available, other evidence that will demonstrate the applicant's financial responsibility;

b. The applicant's audited balance sheet, income and cash flow statements for the most recent fiscal year or published financial information such as the most recent

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Securities and Exchange commission forms 10-K and 10-Q. If not available, other financial information for the applicant or any other entity that provides financial resources to the applicant may be provided; or

c. A continuous or renewable performance or surety bond, an irrevocable letter of credit, or an irrevocable guaranty from a creditworthy corporate parent of the applicant in a minimum amount of $50,000 in a form to be prescribed by the commission staff. A certified copy of the bond, letter of credit, or guaranty shall be provided to the State Corporation Commission's Division of Utility Accounting and Finance within 30 days of the issuance of a license to the applicant by the commission.

11. Sufficient information to demonstrate technical fitness commensurate with the service to be provided, to include:

a. A description of the applicant's experience developing solar facilities and engaging as a subscriber organization or other relevant services. Provide a discussion of the applicant's qualifications, including a summary of other projects developed and managed by the applicant with location, status, and operational history.

b. The names and a description of the managerial and technical experience of each principal officer and appropriate senior management person with direct responsibility for the business operations conducted in Virginia. Include a description of their experience related to developing solar facilities and providing shared solar services.

c. Billing service options the applicant intends to offer and a description of the applicant's billing capability including a description of any related experience.

12. A copy of the applicant's dispute resolution procedure, including the toll-free number for the customer service department.

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13. A copy of the applicant's proposed standard agreement it plans to use with prospective subscribers.

14. A $250 registration fee payable to the commission.

15. The following information related to the applicant's fitness to operate as a subscriber organization:

a. Disclosure of any (i) civil, criminal, or regulatory sanctions or penalties imposed or in place within the previous five years against the applicant, any of its affiliates, or any officer, director, partner, or member of an LLC or any of its affiliates, pursuant to any state or federal consumer protection law or regulation; and (ii) felony convictions within the previous five years, which relate to the business of the company or to an affiliate thereof, of any officer, director, partner, or member of an LLC.

b. Disclosure of whether any application for license or authority to conduct a similar type of business as it proposes to offer in Virginia has ever been denied, and whether any license or authority issued to it or an affiliate has ever been suspended or revoked and whether other sanctions have been imposed.

B. An officer with appropriate authority shall attest that all information supplied on the application for licensure is true and correct and that, if a license is granted, the applicant will abide by all applicable laws of the Commonwealth and regulations of the commission.

C. Any application that fails to provide all required information herein, shall be regarded as incomplete. No action shall be taken on any application until deemed complete and filed.

D. Upon receipt of an application for a license to conduct business as a subscriber organization, the commission shall enter an order providing notice to appropriate persons and an opportunity for comments on the application. The commission shall issue a license to conduct

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business as a subscriber organization upon finding the applicant satisfies the requirements established by this chapter.

E. A license granted pursuant to this chapter is valid until revoked or suspended by the commission or until the subscriber organization abandons its license.

F. Commission approval is required for transfer or assignment of a license issued under this section to any third party. The commission may condition its approval on any terms it determines are appropriate to protect customers.

20VAC5-342-40. Registration with the utility.

A. Licensed subscriber organizations shall register with the utility by entering into an agreement containing information as prescribed in this section.

B. A subscriber organization shall provide proof of licensure by the commission.

C. A subscriber organization shall submit to the utility the full name of the subscriber organization, address, and type of entity (e.g., partnership, corporation, etc.).

D. Subscriber organizations shall provide the identity of the shared solar facility participating in the multi-family shared solar program, including an address of record and a copy of the executed interconnection agreement for the shared solar facility.

E. Subscriber organizations and the utility shall exchange the names, telephone numbers, and e-mail addresses of appropriate internal points of contact to address operational, business coordination and customer account issues, and the names and addresses of their registered agents in Virginia.

F. In the event a license granted under 20VAC5-342-30 is transferred to another entity with approval from the commission, the subscriber organization must notify the utility within five business days of approval by the commission.

G. The utility may require reasonable financial security from the subscriber organization to safeguard the utility and its customers from the reasonably expected net financial impact due to the nonperformance of the subscriber organization. The amount of such financial security shall be commensurate with the level of risk assumed by the utility. Such financial security may include a letter of credit, a deposit in an escrow account, a prepayment arrangement, a surety bond, or other arrangements that may be mutually agreed upon by the utility and the subscriber organization.

20VAC5-342-50. Marketing and enrollment.

A. A subscriber organization shall not conduct any marketing activities related to participation in the multi-family shared solar program until after the subscriber organization (i) receives a license from the commission; (ii) has begun the interconnection process with the utility pursuant to Regulations Governing Interconnection of Small Electrical Generators and Storage (20VAC5-314); and (iii) completed registration with the utility, as set forth in 20VAC5-342-40 of this chapter.

B. A subscriber organization shall not enroll customers until after it receives the executed Small Generator Interconnection Agreement pursuant to 20VAC5-314-40 through 20VAC5-314-70, and any other applicable local and state permits for the shared solar facility.

C. A subscriber organization shall maintain adequate records allowing it to verify the customer's enrollment authorization. Authorization shall be in the form of a written contract with affirmed written signature, electronic signature or recorded verbal affirmation. The subscriber organization shall maintain a copy of the contract for at least one year after the date of expiration. Such enrollment contracts shall be provided within five business days to the customer, the utility, or the commission staff upon request.

D. A subscriber organization shall provide accurate and understandable information in any advertisements, solicitations, marketing materials, or customer service contracts. All such

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materials shall, in a manner that is not misleading, include a statement that the price for the subscription does not include charges to be billed by the utility.

E. A subscriber organization shall provide to prospective subscribers, prior to executing a written contract, a description of how the multi-family shared solar program will function. Such description shall include explanations of the respective roles of the subscriber organization and the utility, and a detailed description of how customers will be billed.

F. Subscriber contracts shall include, at a minimum, the following information:

1. Contract price expressed in per kilowatt hours, or if price is not easily specified, an explanation of how the subscription price will be calculated.

2. Size of the subscriber subscription in kilowatt hours. The contract must address modification of subscriptions in the event a shared solar facility underperforms during a period.

3. Length of the contract.

4. Provisions for terminating the contract, including any termination fees.

5. Location of the shared solar facility.

6. Size of the shared solar facility.

7. Description of billing terms and conditions.

8. List of applicable fees, including start up fees, cancellation fees, late payment fees and fees for returned payments for insufficient funds.

9. Clear descriptions of the responsibilities of the subscriber organization and the utility, consistent with this chapter.

10. Toll-free number and address for complaints and inquiries.

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11. A clear statement that (i) the maximum size of the subscriber's subscription shall not exceed their estimated annual usage; (ii) each customer may only participate in one shared solar facility or one multi-family solar facility; and (iii) a net metering customer may not participate in this program.

12. In a conspicuous location, confirmation of the customer's authorization for the utility and subscriber organization to exchange, at a minimum, the following billing information:

a. Customer name

b. Billing address and premise address

c. Utility account number

d. Share solar subscription information, including, at a minimum:

(1) Pricing

(2) Subscription size

(3) Contract start date and length

(4) Terms of subscription

13. In a conspicuous location, signatures confirming the customer's request to enroll and the approximate date the enrollment will be effective.

H. Upon a customer's request, the subscriber organization may re-enroll a subscriber at a new address under the existing contract without the need to acquire a new authorization record, but the subscriber organization must provide the utility with updated billing information set forth in subdivision F 12 of this section.

I. At least 60 days prior to the commercial operation of a shared solar facility, the subscriber organization shall provide to the utility, in a format acceptable to the utility, a list of subscribers enrolled in the shared solar facility and their subscription information.

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J. In the event multiple enrollment requests are submitted for the same customer, the utility shall process the request with the earliest dated contract and shall send notification to the customer within five business days of receipt of the enrollment request of such enrollment. The utility shall terminate enrollment only with sufficient proof of termination presented by either the customer or the subscriber organization.

K. At least 60 days prior to the termination or abandonment of a shared solar facility, a subscriber organization must provide advanced written notice to the customer, the utility, and the commission.

L. A subscriber organization shall safeguard adequately all customer information and shall not disclose such information unless the customer authorizes disclosure or unless the information to be disclosed is already in the public domain. This provision, however, shall not restrict the disclosure of credit and payment information as currently permitted by federal and state statutes.

20VAC5-342-60. Billing and payment.

A. Subscriber organizations shall provide subscriber information to the utility as follows:

1. Subscriber organizations must provide, on a monthly basis and in a standard electronic format and pursuant to this chapter, a subscriber list indicating the kilowatt-hours of generation attributable to each of the subscribers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility.

2. Subscriber lists must be updated monthly to reflect canceling subscribers and to add new subscribers.

3. Monthly information must be provided by the fifth business day of the month.

4. Data transfer protocols for exchange of data between the subscriber organization and the utility shall be established to include:

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a. Data components

b. Data format

c. Timing of monthly data exchanges

d. Encryption level

e. Channel of data submission

B. A subscriber organization may offer separate billing or consolidated billing service (net crediting) in which the utility will be the billing party to the customer.

1. Where a subscriber organization chooses to use consolidated billing, the subscriber organization's marketing materials and contracts must identify clearly that the utility may charge a net crediting fee not to exceed 1.0% of the bill credit value.

2. Where a subscriber organization chooses to use net crediting, any shared solar subscription fees charged via the net crediting model shall be set to ensure that subscribers do not pay more in subscription fees than they receive in bill credits.

3. All billing of the customer shall occur and comply with the utility's normal billing and credit cycles.

C. Credits to subscriber's bills shall occur within one billing cycle following the cycle during which energy was generated by the shared solar facility.

D. Each utility shall, on a monthly basis and in a standardized electronic format, provide the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month, as well as the amount of the bill credit applied to each subscriber.

E. Failure of subscriber to pay any regulated balance charges shall subject the subscriber to the same credit consequences set forth in the utility's commission-approved terms and conditions of service, including potential requirement to post security deposit or disconnection of service.

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The utility shall advise the subscriber directly of any pending disconnection action for nonpayment consistent with current practice, separate from the customer bill. Such notice shall identify clearly the amount that must be paid and the date by which such amount must be received and provide instructions for direct payment to the utility to avoid disconnection. A subscriber may not be disconnected for nonpayment of unregulated service charges.

F. Bill credits.

1. Bill credits shall be for a particular calendar month, regardless of the billing period or billing cycle of the individual customer's account.

2. Bill credits shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any portion of a bill credit that exceeds the subscriber's monthly bill shall be carried over and applied to the next month's bill. Such carry-over plus the next month's credit cannot exceed the next month's bill.

3. In the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month, a subscriber organization may accumulate bill credits. The subscriber organization shall provide the utility allocation instructions for distributing excess bill credits to subscribers on an annual basis.

4. In an annual proceeding, the commission shall set the applicable bill credit based upon the subscriber's class of either residential, commercial or industrial.

5. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational.

6. The bill credits associated with the multi-family shared solar program shall be applied through the utility's fuel factor.

G. Administrative charge.

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In an annual proceeding, as prescribed in 20VAC5-342-80 of this chapter, the commission will set an administrative charge to be assessed to subscriber organizations.

H. Shared solar facility requirements.

1. Regardless of whether a subscriber organization uses net crediting, a utility may bill the subscriber organization a monthly administrative charge, as approved by the commission in the annual proceeding set forth in 20VAC5-342-80, for the costs attributed to the interconnection of the shared solar facility to the utility grid to cover the costs of providing electric services to the facility.

2. A shared solar facility must have a utility-provided meter capable of measuring output of the facility on a 30-minute interval basis.

a. The shared solar facility's meter shall not be located behind another utility customer account.

b. Costs of installation, maintenance, and reading of the meter shall be part of the administrative costs of the shared solar program billed to the subscriber organization.

20VAC5-342-70. Disputes.

A. The parties agree to resolve all disputes arising out of the shared solar program process according to the provisions of this section.

B. A subscriber organization shall establish an explicit dispute resolution procedure that identifies clearly the process that shall be followed when resolving customer disputes. A copy of such dispute resolution procedure shall be provided to a customer or the commission upon request.

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C. If the dispute remains unresolved, either party may petition the commission to handle the dispute as a formal complaint or may exercise whatever rights and remedies it may have in equity or law.

D. A subscriber organization shall furnish to customers an address and 24-hour toll-free telephone number for customer inquiries and complaints regarding services provided by the subscriber organization. The 24-hour toll-free telephone number shall be stated on all customer-billing statements and shall provide customers the opportunity to speak to a customer representative during normal business hours. Outside of normal business hours, a recorded message shall direct customers how to obtain customer assistance.

E. A subscriber organization shall immediately direct a customer to contact the utility if the customer has a service emergency. Such direction may be given either by a customer service representative or by a recorded message on its 24-hour toll-free telephone number.

F. A subscriber organization shall retain customer billing and account records and complaint records for at least three years and provide copies of such records to a customer or the commission upon request.

G. In the event that a customer has been referred to the utility by a subscriber organization, or to a subscriber organization by the utility, for response to an inquiry or a complaint, the party that is contacted second shall: (i) resolve the inquiry or complaint in a timely fashion, or (ii) contact the other party to determine responsibility for resolving the inquiry or complaint.

H. In the event a subscriber organization and customer cannot resolve a dispute, the subscriber organization shall provide the customer with the toll-free number and address of the commission.

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20VAC5-342-80. Annual proceeding.

The commission shall convene a proceeding annually to determine the monthly administrative charge to subscriber organizations and the calculation of each customer class's applicable bill credit rate for the following year.

With respect to the administrative charge:

1. The administrative charge established annually as set forth above must include, at a minimum, the following four general categories of costs, to be demonstrated by the utility:

a. Transmission and distribution costs;

b. Standby generation and balancing costs;

c. Non-bypassable charges established by the commission or otherwise by law; and

d. Other administrative costs, including but not limited to, any banking, balancing, and storing fees related to the utility's processing and handling of the excess bill credits.

2. Certain of these costs, including transmission and distribution costs, as well as non-bypassable charges, will be determined by reference to rates approved in parallel rate proceedings before the commission and shall be updated automatically for subscriber organizations when those rates are adjusted for the utility's customer population. Other components of the administrative charge, including those in the standby generation and balancing costs category and the other administrative costs category, will be evaluated and determined by the commission in the annual proceeding convened pursuant to this section.

The bill credit shall be calculated in accordance with 20VAC5-342-70 F.

20VAC5-342-90. Recordkeeping and reporting requirements.

A. Subscriber organizations.

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Each subscriber organization shall file a report annually with the commission by January 31 of each calendar year for the previous calendar year. When making the annual report, the subscriber organization shall provide the following information:

1. Total number of subscribers and the amount of kilowatts subscribed to by each subscriber; and

2. Certification that there is no subscriber whose subscription size exceeds the subscriber's average annual bill over the past 12 months for the customer account to which the subscription is attributed.

Each subscriber organization shall retain a record of all disclosure forms and subscriber allocation lists for a period of at least three years. Each subscriber organization shall retain copies of subscriber contracts for a period of at least one year from the date of their expiration. Each of these documents must be made available immediately upon request from the commission or commission staff.

A subscriber organization shall retain customer billing and account records and complaint records for at least three years.

B. Utility.

In accordance with the commission's Regulations Governing Interconnection of Small Electric Generators and Storage (20VAC5-314), and specifically, 20VAC5-314-130:

1. The utility shall maintain, subject to audit, records for three years of (i) all interconnection requests received pursuant to this chapter, (ii) the times required to complete interconnection request approvals and disapprovals, and (iii) justification for the actions taken on the interconnection requests.

2. Each utility shall annually, on or before January 31, submit a written report to the commission staff that includes the utility's shared solar facility queue and a listing of those

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facilities interconnected during the preceding calendar year. This report shall include the following data for each shared solar facility:

a. Queue number.

b. The physical address or geographic coordinates (latitude and longitude) of the shared solar facility.

c. The capacity of the shared solar facility, in terms of megawatts.

d. The substation and transformer to which the project will be interconnected.

e. The feeder or circuit to which the project will be interconnected.

f. The date of submission of final completed Interconnection Request Form, as provided in 20VAC5-314-170.

g. Interdependency status (e.g., Project A or Project B).

h. Status of the request in the interconnection process (e.g., interconnection agreement executed, connected, canceled).

i. The date of final completed signed interconnection agreement.