

**Virginia State Corporation Commission
eFiling CASE Document Cover Sheet**

22042021

Case Number (if already assigned)	PUR-2021-00206
Case Name (if known)	Petition of Appalachian Power Company For approval of its 2021 RPS Plan under § 56-585.5 of the Code of Virginia and related requests
Document Type	RPNS
Document Description Summary	Virginia Electric and Power Company's response to the April 6, 2022 Motion for Ruling on Confidentiality of Information on behalf of the Office of the Attorney General's Division of Consumer Counsel
Total Number of Pages	4
Submission ID	24610
eFiling Date Stamp	4/13/2022 3:56:16PM

McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Phone: 804.775.1000
Fax: 804.775.1061
www.mcguirewoods.com

Elaine S. Ryan
Direct: 804.775.1090

McGUIREWOODS

220420651
eryan@mcguirewoods.com

April 13, 2022

BY ELECTRONIC DELIVERY

Bernard Logan, Clerk
State Corporation Commission
Document Control Center
Tyler Building, First Floor
1300 East Main Street
Richmond, VA 23219

*Petition of Appalachian Power Company For approval of its 2021 RPS Plan
under § 56-585.5 of the Code of Virginia and related requests
Case No. PUR-2021-00206*

Dear Mr. Logan:

Pursuant to Rule 170 of the Commission's Rules of Practice and Procedure and Paragraph (7) of the Hearing Examiner's February 11, 2022 Protective Ruling and Additional Protective Treatment for Extraordinarily Sensitive Contract & Prices Information and RFP Results, Virginia Electric and Power Company (the "Company") herein files its response to the April 6, 2022 Motion for Ruling on Confidentiality of Information on behalf of the Office of the Attorney General's Division of Consumer Counsel ("Motion").

The Commission's Rules of Practice and Procedure contain explicit procedures for protecting information containing "trade secrets, privileged, or confidential commercial financial information," and through its Protective Rulings, the Commission has consistently held that for certain categories of information, the risk of harm to the utility and its customers outweighs the presumption in favor of public disclosure.

In particular, the Commission consistently has recognized that information concerning competitively negotiated contract prices and terms, RFP results, and other competitively sensitive or proprietary information warrants heightened protection. If such information were to be made public or shared with certain market participants, this would give a competitive advantage to those parties, and undermine the negotiation and solicitation process to the detriment of the utility, its customers, and other market participants. Market participants would know what the utility would be willing to pay, and on what terms, and could be incentivized to increase their bids. Moreover, if bidders believed their information would be made public or shared with other bidders, this would have a detrimental impact on the competitive solicitation process. For the benefit of the utility, its customers, and the Commonwealth as a whole, such

information should be protected from public disclosure through the reasonable procedures set forth in Rule 170 and the Commission's Protective Rulings.¹

In addition, the Commission has consistently held that such protections should be considered on a case-by-case basis upon consideration of the specific documents, material, and information designated as confidential or extraordinarily sensitive by a party in a particular proceeding. Therefore, the Company further urges that any ruling in this proceeding concerning the treatment of confidential and extraordinarily sensitive information be limited to the specific documents, material, and information that are the subject of the Motion.

Very truly yours,

/s/ Elaine S. Ryan

Elaine S. Ryan

cc: Paul E. Pfeffer, Esq.
Lisa R. Crabtree, Esq.
Sarah R. Bennett, Esq.
Service List

¹ Virginia Electric and Power Company has not accessed any of the extraordinarily sensitive materials in this proceeding and therefore cannot address the specific information at issue in the Motion. By the terms of the Protective Ruling, access to the extraordinarily sensitive information is not available to individuals "engaged in the business of, or providing services related to, the development, manufacturing, construction, operation, or installation of energy projects, energy project equipment supply, or electric distribution business development."

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of April 2022, a true and accurate copy of the foregoing filed in Case No. PUR-2021-00206 was delivered by hand, email or mail first class postage pre-paid to the following:

William H. Chambliss, Esq.
Kiva Bland Pierce, Esq.
Office of the General Counsel
State Corporation Commission
Tyler Building, 1300 E. Main St., 10th Floor
Richmond, VA 23219

Timothy E. Biller, Esq.
James G. Ritter, Esq.
Hunton Andrews Kurth LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, VA 23219

Noelle J. Coates, Esq.
American Electric Power Service Corporation
3 James Center
1051 East Cary Street, Suite 1100
Richmond, VA 23219

James R. Bacha, Esq.
American Electric Power Service
Corporation
1 Riverside Plaza
Columbus, OH 43215

Edward L. Petrini, Esq.
S. Perry Coburn, Esq.
Timothy G. McCormick, Esq.
Dannieka N. McLean, Esq.
Christian & Barton, LLP
901 East Cary Street, Suite 1800
Richmond, VA 23219

C. Meade Browder, Jr., Esq.
C. Mitch Burton, Jr., Esq.
John E. Farmer, Jr., Esq.
Office of the Attorney General
Division of Consumer Counsel
202 N. Ninth Street
Richmond, VA 23219

William Cleveland, Esq.
Nate Benforado, Esq.
Josephus Allmond, Esq.
Southern Environmental Law Center
120 Garrett Street, Suite 400
Charlottesville, VA 22902

John L. Walker, III, Esq.
Anna T. Birkenheier, Esq.
Williams Mullen
Williams Mullen Center
200 South 10th Street, Suite 1600
P.O. Box 1320
Richmond, VA 23218

Matthew L. Gooch, Esq.
William T. Reisinger, Esq.
ReisingerGooch, PLC
1108 East Main Street, Suite 1102
Richmond, VA 23219

Carrie H. Grundmann, Esq.
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, NC 27103

Steven W. Lee, Esq.
Spilman Thomas & Battle, PLLC
1100 Bent Creek Boulevard, Suite 101
Mechanicsburg, PA 17050

Shaun C. Mohler, Esq.
Stone Mattheis Xenopoulos & Brew, PC
1025 Thomas Jefferson Street, N.W.
Suite 800 West
Washington, DC 20007

 /s/ Elaine S. Ryan

22042001