

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

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

2022 APR 27 P 3:59
CLERK'S OFFICE
STATE CORPORATION COMMISSION

HEARING EXAMINER'S RULING

April 27, 2022

On January 21, 2022, Appalachian Power Company ("APCo" or "Company") completed the filing of its petition ("2021 Petition") with the State Corporation Commission ("Commission") for approval of its annual plan, pursuant to § 56-585.5 D 4 of the Code of Virginia ("Code"). Additionally, APCo requested approval of several rate adjustment clauses under § 56-585.1 of the Code and prudence determinations pursuant to § 56-585.1:4 of the Code.

Concurrent with the 2021 Petition, the Company filed a Motion for Protective Ruling and Additional Protective Treatment for Extraordinarily Sensitive ("ES") Information ("Motion") pursuant to Rules 5 VAC 5-20-110 and 5 VAC 5-20-170 of the Commission's Rules of Practice and Procedure ("Rules"), 5 VAC 5-20-10 *et seq.*, along with a proposed Protective Ruling.

On February 11, 2022, the Commission entered an Order for Notice and Hearing that, among other things, scheduled a public evidentiary hearing for April 21, 2022, provided any interested person or entity an opportunity to participate as a respondent in this proceeding, and appointed a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission. Also on February 11, 2022, I granted the Company's Motion and issued a Protective Ruling establishing procedures for the filing, exchange, and handling of confidential and ES information and documents in this case.

Several entities timely filed notices of participation, including the Office of the Attorney General's Division of Consumer Counsel ("Consumer Counsel") and Virginia Electric and Power Company ("Dominion Energy").

On April 6, 2022, Consumer Counsel filed a motion challenging the Company's ES designation of certain information included in the 2021 Petition ("Consumer Counsel's Motion"). APCo and Dominion Energy filed responses to Consumer Counsel's Motion on April 13, 2022, and Consumer Counsel filed its reply on April 18, 2022.

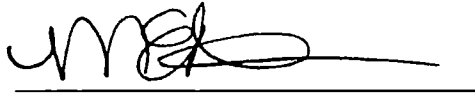
The hearing convened as scheduled on April 21, 2022, and continued through April 25, 2022. At the conclusion of the evidentiary hearing, oral argument was convened on Consumer Counsel's Motion.

A series of technical difficulties occurred during the oral argument, which was held virtually. These issues include the court reporter's loss of connectivity to the hearing followed by

the malfunction of the courtroom's recording device, the latter of which was not discovered until after the conclusion of the oral argument. As a result, there is no record of the oral argument's ES session.

In consideration of the circumstances, I find it appropriate to reconvene for the purpose of capturing a record of the oral argument on Consumer Counsel's Motion. By subsequent Ruling, I will schedule such oral argument, unless the parties are able to resolve their differences in the meantime.

Accordingly, **IT IS DIRECTED THAT**, on or before May 6, 2022, APCo, Consumer Counsel, and any other participant in this case desiring to appear at the oral argument shall provide Lea Ann Robertson, at LeaAnn.Robertson@scc.virginia.gov; Wendy Starkey, at Wendy.Starkey@scc.virginia.gov; and Kaitlyn McClure, at Kaitlyn.McClure@scc.virginia.gov their available dates for the time-period between May 23, 2022, through June 10, 2022.



Mary Beth Adams
Hearing Examiner

The Clerk of the Commission is requested to send a copy of this Ruling to all persons on the official Service List. The Service List is available from the Clerk of the State Corporation Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, VA 23219.