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August 16, 2024

Via Electronic Filing

Mr. Bernard Logan, Clerk
State Corporation Commission
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1300 East Main Street - 1st Floor
Richmond, VA 23219

**Re: Petition of Virginia Distributed Solar Alliance for injunctive relief against
Virginia Electric and Power Company, for commencement of Staff
investigation, and for expedited consideration
Case No. PUR-2024- 00150**

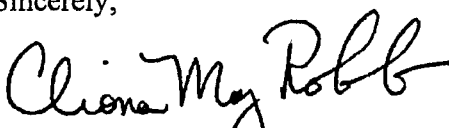
Dear Mr. Logan:

On behalf of Virginia Distributed Solar Alliance, enclosed for filing are the *Complaint and Petition for Injunctive Relief, for Commencement of Staff Investigation, and for Expedited Consideration*, in the above referenced matter.

Virginia Distributed Solar Alliance is providing service of documents in this case exclusively via email unless parties request otherwise. If any party copied on this correspondence would like to receive hard copies of documents, such party is asked to let me know that.

Should you have any questions concerning this filing, please contact me at (804) 799-4128. Thank you for your assistance in this matter.

Sincerely,


Cliona Mary Robb

Enclosure

cc: Certificate of Service

100 Shockoe Slip, Richmond, Virginia 23219-4140

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

PETITION OF VIRGINIA DISTRIBUTED SOLAR
ALLIANCE

CASE NO. PUR-2024- 00150

For injunctive relief against Virginia Electric and
Power Company, for commencement of Staff
investigation, and for expedited consideration

**COMPLAINT AND PETITION FOR INJUNCTIVE RELIEF, FOR COMMENCEMENT
OF STAFF INVESTIGATION, AND FOR EXPEDITED CONSIDERATION**

Pursuant to Rule 100 of the Rules of Practice and Procedure of the State Corporation Commission (“**Commission**”), 5 VAC 5-20-100, the Hearing Examiner’s Ruling issued on November 6, 2023 (“**November 6, 2023 Ruling**”) in Case No. PUR-2023-00069 (“**Interconnection Rulemaking Docket**”),¹ and the Order Directing Evidentiary Proceeding, Pilot, and Improvements to the Interconnection Process issued on August 7, 2024 (“**DTT Proceeding Order**”) in Case No. PUR-2022-00073 considering utility distributed energy resource (“**DER**”) interconnection related issues and questions (“**DER Interconnection Docket**”),² Virginia Distributed Solar Alliance (“**VA-DSA**”), by counsel, respectfully submits its petition for injunctive relief against Virginia Electric and Power Company d/b/a Dominion Energy Virginia (“**Dominion**”), for commencement of Staff investigation, and for expedited consideration (“**VA-DSA Petition**”). VA-DSA greatly appreciates action taken by the Commission in the DTT Proceeding Order, which calls for an evidentiary hearing on Dominion’s interconnection practices that require the use of direct transfer trip (“**DTT**”). This evidentiary hearing is vital to provide the

¹ *Ex Parte: In the matter of revising the Commission’s Regulations Governing Interconnection of Small Electric Generators and Storage*, Case No. PUR-2023-00069, Order Initiating Rulemaking Proceedings (May 2, 2023) (“**May 2023 Interconnection Regulations Order**”).

² *Ex Parte: In the matter considering utility distributed energy resource interconnection-related issues and questions*, Case No. PUR-2022-00073, Order for Comment (May 24, 2022).

Commission oversight mandated under Virginia law for net metering interconnection. However, the scope of the issues being considered by the Commission in the DER Interconnection Docket and the Interconnection Rulemaking Docket, including the relief afforded by the DTT Proceeding Order, is necessary but not sufficient to address the extraordinary circumstances at issue in this VA-DSA Petition.

In addition to these measures, VA-DSA stresses that an injunction is necessary to avoid depriving non-residential net metering customers of their rights under Virginia law. In the absence of an injunctive ruling, Dominion will have nullified the opportunities provided under current Virginia law for a significant portion of the non-residential net metering market for at least 3.5 years and may succeed in eliminating such opportunities altogether.³ The DTT Proceeding Order concluded that “[t]hrough this Order, the Commission takes significant steps to address the identified causes of interconnection-related issues and facilitates the safe interconnection of DERs to the distribution system.”⁴ VA-DSA agrees with this conclusion. The DTT Proceeding Order then states, [t]he Commission *will continue to address these issues as necessary, including* through the mechanisms described and outlined in this Order.”⁵

This VA-DSA Petition now brings to the attention of the Commission developments since the November 6, 2023 Ruling that warrant the Commission continuing to address interconnection issues via injunctive relief to ensure that Dominion does not deprive customers of non-residential net metering opportunities provided by the General Assembly. Accordingly, VA-DSA seeks to have the Commission prohibit certain Dominion interconnection practices until the Commission, after the evidentiary hearing conducted in accordance with the DTT Proceeding Order, has

³ See paragraph 53 (explaining how opportunities are delayed for at least 3.5 years and perhaps permanently).

⁴ DTT Proceeding Order at 13-14.

⁵ DTT Proceeding Order at 14 (emphasis added).

determined which of these Dominion interconnection practices may be imposed in compliance with Virginia law and regulation. In support thereof, VA-DSA states the following:

IDENTITY OF THE PARTIES

1. VA-DSA is an alliance of solar power developers and other solar advocates who have filed this VA-DSA Petition in support of preserving opportunities for mid-sized net metering projects, which are behind-the-meter, smaller-scale, net metered (“net metered” or “NEM”) solar projects that serve eligible non-residential customer-generators⁶ ranging from 250 kW to 1 MW such as public entities, non-profits, and private businesses, including K-12 schools, hospitals, churches, and local governments (“**Midsized Net Metering Projects**”).

2. Dominion is an investor-owned incumbent public utility organized and operated under the laws of the Commonwealth of Virginia and regulated by the Commission. Dominion provides electric service to the public within its service territory.

STATEMENT OF FACTS

3. The November 6, 2023 Ruling authorized Dominion to impose interim net metering interconnection parameters (“**Interim Parameters**”) as described in the second directive of the November 6, 2023 Ruling, which permitted Dominion “to (A) continue to require either a fiber optic or cellular-based DTT communication system, at the customer’s election, and (B) require installation of a DG Panel under certain conditions” regarding Midsized Net Metering Projects.⁷ VA-DSA seeks to have the Commission immediately enjoin the imposition of the Interim Parameters and all additional substation and distribution upgrade costs imposed on Midsized Net Metering Projects following the issuance of the Interim Parameters (collectively, “**Dominion**

⁶ Va. Code § 56-594, *Net energy metering provisions*, subsection B (defining non-residential net metering customers).

⁷ November 6, 2023 Ruling at 13.

Interim Requirements”) in their entirety because these constitute an unauthorized pilot program and violate Virginia law governing interconnection of DER. Following the November 6, 2023 Ruling, Dominion has failed to properly implement the ruling by imposing greater equipment requirements and costs than approved by the ruling, burdening net metering customers with excessive delays and costly studies, and unilaterally reframing the Interim Parameters as a pilot project to continuously change the ground rules for interconnection at Dominion’s sole discretion, all without Commission authority. However, if the Commission will not immediately enjoin the Dominion Interim Requirements in their entirety, then VA-DSA seeks to have the Commission immediately enjoin Dominion from imposing any costs or delays caused by the Dominion Interim Requirements on Midsized Net Metering Projects.

4. VA-DSA also seeks to have the Commission immediately enjoin Dominion from routinely delaying implementation of interconnection for net metering projects beyond the 30 days set forth in the Net Metering Regulations for residential net metering projects and beyond the 60 days set forth in the Net Metering Regulations for non-residential net metering projects (**“30 Day and 60 Day Timeframes”**)⁸ by directing that all net metering projects are deemed to have received Permission to Operate (**“PTO”**)⁹ in any instance where Dominion has failed to timely submit a waiver request accompanied by an explanation of why the waiver is needed for matters reasonably

⁸ 20 VAC 5-315-30 provides as follows: Company Notification. Thirty-one days after the date of notification for a residential customer, and 61 days after the date of notification for a nonresidential customer, the prospective customer may interconnect and begin operation of the generating facility unless the electric distribution company or the energy service provider requests a waiver of this requirement under the provisions of 20VAC5-315-80 prior to the 31st or 61st day, respectively. In cases where the electric distribution company or energy service provider requests a waiver, a copy of the request for waiver must be mailed simultaneously by the requesting party to the prospective customer and to the commission's Division of Public Utility Regulation.

⁹ PTO from the host utility represents one of five critical conditions for qualifying a project under United States Treasury rules for the federal Investment Tax Credit. The terminology that a “customer may interconnect and begin operation” in 20 VAC 5-315-30, while necessary, is not sufficient to comply with Treasury requirements and for that reason the VA-DSA seeks a determination from the Commission that such authority is de facto PTO from the host utility, in this case, Dominion.

beyond the utility’s control. However, if the Commission will not immediately enjoin Dominion from routinely delaying interconnection beyond the 30 and 60 Day Timeframes, VA-DSA seeks to have the Commission resolve this issue via a Staff investigation concluded no later than September 30, 2024 that addresses if it is consistent with Virginia law for Dominion to routinely delay implementation of interconnection for net metering projects beyond the beyond the 30 and 60 Day Timeframes, including whether (a) the burden imposed by such delays should be borne entirely by net metering projects or should instead be borne at least in part by Dominion and (b) whether all net metering projects are deemed to have received PTO in any instance where Dominion has failed to timely submit a waiver request accompanied by an explanation of why the waiver is needed for matters reasonably beyond the utility’s control.

5. VA-DSA requests expedited consideration of VA-DSA Petition to avoid an outcome where the Dominion Interim Requirements and the routine delays beyond the 30 and 60 Day Timeframes will impair the viability of Midsized Net Metering Projects for at least 3.5 years and possibly eliminate them altogether.¹⁰ Such injunction is sought pending the outcome of a separate evidentiary hearing to be convened on Dominion’s requirements surrounding the use of DTT pursuant to the DTT Proceeding Order. VA-DSA welcomes the DTT Proceeding Order’s conclusion “that a formal evidentiary proceeding would allow parties to establish a robust factual record on DTT and related alternatives that are not unduly burdensome and expensive,”¹¹ with the understanding that (a) “parties” will include customers and developers impacted by the imposition of DTT, (b) Dominion will be bound by “good utility practices” as defined under Virginia law,¹²

¹⁰ See paragraph 53 (explaining how opportunities are delayed for at least 3.5 years and perhaps permanently).
¹¹ DTT Proceeding Order at 7.
¹² See Paragraph 56 *infra*. See also Exhibit L, item 3 c (Fairfax County Board of Supervisors asking that good utility practices be applied to Dominion) and Exhibit L, item 5 a (Fairfax County Public Schools asking that good utility practices be applied to Dominion).

and (c) the Commission Staff will be able to engage a nationally recognized technical expert such as one recommended by an independent, non-utility national laboratory.¹³ However, given the current lack of a robust factual record, the hardships imposed on Midsized Net Metering Projects since December of 2022, and Dominion's failure to comply with Virginia statutes, regulations, and Commission rulings, VA-DSA urgently seeks injunctive relief pending the conclusion of the formal evidentiary proceeding set forth in the DTT Proceeding Order.

6. VA-DSA has actively participated in all recent Commission dockets addressing interconnection issues: the DER Interconnection Docket, the Interconnection Rulemaking, and Case No. PUR-2023-00097 involving VA-DSA's *Complaint and Petition for Injunctive Relief and Request for Expedited Action* seeking an injunction from the Commission directing Dominion to suspend the Net Metering Interconnection Parameters issued by Dominion in December 2022 ("**Original Parameters Docket**").¹⁴

7. To date, this active participation has failed to thwart the sure and swift decline of Midsized Net Metering Projects caused by Dominion implementing, with no impactful Commission oversight, policies unprecedented in any utility territory inside or outside Virginia that are decimating net metering for schools, local governments, nonprofits, and small businesses in Virginia. With this VA-DSA Petition, VA-DSA urgently seeks to have the Commission hit "pause" on conditions that are (a) driving Virginia schools and local governments to abandon or sharply curtail their efforts to adopt DER as a means to save taxpayer money,¹⁵ (b) eviscerating

¹³ See, e.g. Exhibit L, Item 5 b (Fairfax County Board of Supervisors supporting the engagement of a nationally recognized technical expert such as one recommended by an independent, non-utility national laboratory).

¹⁴ *Petition of Virginia Distributed Solar Alliance For injunctive relief against Virginia Electric and Power Company*, Case No. PUR-2023-00097.

¹⁵ See Exhibit L, Item 5 j. (Fairfax County Public Schools addressing reduced project size), Item 4 f (City of Charlottesville reducing project size regarding grant applications), Item 7 a, b, and c (news article citing Fairfax County Public Schools reducing the average size of solar facilities from 750 kW to 250 kW, which provides only one third of the anticipated savings), and Item 7 d (news article describing a 600 kW project being abandoned due to the sudden increase in Dominion interconnection costs).

the Virginia Clean Economy Act's objective to advance the growth of DER,¹⁶ (c) impeding efforts to advance public health and economic sustainability in Virginia,¹⁷ and (d) severely curtailing or eliminating the right of public entities, non-profits, and private businesses, including K-12 schools, hospitals, churches, and local governments to net meter, which thwarts the opportunities for non-residential net metering that the Virginia General Assembly has consistently expanded, particularly for Dominion customers, since 2015.¹⁸ This pause is appropriate while the Commission, via the DTT Proceeding Order, undertakes the task assigned by the General Assembly to the Commission to establish what are reasonable ground rules for the interconnection of DER in Virginia.¹⁹

8. VA-DSA observes that in the DTT Proceeding Order, the Commission recognized that the November 6, 2023 Ruling “found that if Dominion elected to require DTT or a DG Panel, a vendor or customer may petition the Commission for an evidentiary proceeding in which Dominion shall bear the burden of proving the necessity and reasonableness of such requirement.”²⁰ The DTT Proceeding Order further stated that “[t]o date, no vendor or customer

¹⁶ See, e.g. Va. Code § 56-585.1 (A)(6) (“Any plan for electric distribution grid transformation projects shall include both measures to facilitate integration of distributed energy resources and measures to enhance physical electric distribution grid reliability and security.”).

¹⁷ See, e.g. Exhibit L, Item 3 d (Fairfax County Board of Supervisors discussing impacts on public health and economic sustainability) and item 5 C (Fairfax County Schools discussing impacts on public health and economic sustainability).

¹⁸ Va. Code § 56-594 see Chapter 431 of 2015 Acts of General Assembly (expanding non-residential net metering capacity cap from 500 kW to 1 MW for facilities in place after July 1, 2015); Chapter 1187 of the Acts of General Assembly of 2020 (expanding non-residential net metering capacity cap from 1 MW to 3 MW and for Dominion customers up to 150% of the customer's load).

¹⁹ Va. Code § 56-578(C). See Exhibit L, Item 1 a (James Madison University urging the Commission to set policies that address connection to the grid controlled by Dominion), Item 3 a (Fairfax County Board of Supervisors urging the Commission to suspend Dominion's practices related to DTT), Items 4 a and 4 h (City of Charlottesville objecting to Dominion's practices related to DTT that make utilizing DER infeasible for many projects not being approved by a final Commission order and not undergoing meaningful Commission review), Item 5 a (Fairfax County Public Schools seeking suspension of Dominion's practices related to DTT because they have not been approved by a final order by the Commission), Item 5 l (Fairfax County Public Schools seeking immediate Commission action to suspend Dominion's practices related to DTT).

²⁰ DTT Proceeding Order at 5.

has filed such a petition.”²¹ The VA-DSA stresses that, as discussed more fully in paragraphs 29 to 31 of this VA-DSA Petition, VA-DSA has been waiting for the conclusion of the initial phase of implementing the first directive of the November 6, 2023 Ruling, which directs Dominion, the Commission Staff, and stakeholders to address and study engineering requirements necessary to safely and reliably interconnect net metering distributed energy resources (“**Net Metering Interconnection Study**”). The initial phase of the Net Metering Interconnection Study did not conclude until August 8, 2024,²² and VA-DSA was gathering information from that effort to more fully inform the Commission of developments concerning the status of Dominion Interim Requirements following the November 6, 2023 Ruling.

LEGAL BASIS FOR THE COMMISSION’S JURISDICTION

9. The Commission has jurisdiction over the dispute described in this VA-DSA Petition. The Commission has the power and is charged with the duty of regulating the rates, charges, services, and facilities of utility companies operating within the Commonwealth.²³ The Constitution of Virginia and statutes enacted by the General Assembly give the Commission broad authority over the control and regulation of public service companies.²⁴

10. The Virginia Code provides that “[a]ny person aggrieved by anything done or omitted in violation of any of the provisions of [Title 56], by any public service corporation chartered or doing business in the Commonwealth, shall have the right to make complaint of the grievance and seek relief by petition against such public service corporation before the State Corporation Commission, sitting as a court of record.”²⁵ When such a grievance is established,

²¹ DTT Proceeding Order at 5.
²² See Exhibit H, VA-DSA Notes from August 8, 2023 Meeting of SCC Working Group for NEM Engineering Requirements.
²³ Va. Const. Art. IX, § 2.
²⁴ *Piedmont Envtl. Council v. Va. Elec. and Power Co.*, 278 Va. 553, 562, 684 S.E.2d 805, 810 (2009).
²⁵ Va. Code § 56-6.

the Commission has jurisdiction, by injunction, to restrain the public service corporation from continuing the violation and to require compliance with the requirements of law.²⁶

11. The Virginia Code also provides that “[t]he Commission shall have the power, and be charged with the duty, of supervising, regulating, and controlling all public service companies doing business in this Commonwealth, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses therein by such companies.”²⁷

12. The Commission is empowered, upon finding the practices or acts of a public utility are “unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of law or if it be found that any service is inadequate or that any reasonable service cannot be obtained,” to substitute therefore and make orders respecting changes in such practices and acts as shall be just and reasonable.²⁸

13. Accordingly, the Commission has jurisdiction to provide the relief requested by VA-DSA.

LEGAL BASIS FOR THE ACTION

14. As a distributor, which is a company that “operat[es] a retail distribution system to provide electricity directly to retail customers,”²⁹ Dominion has the obligation under Va. Code § 56-578 (the “**Interconnection Statute**”) “to connect any retail customer, *including those using distributed generation*, located within its service territory to those facilities of the distributor that are used for delivery of retail electric energy, subject to *Commission rules and regulations and approved tariff* provisions related to connection of service.”³⁰

²⁶ Va. Code § 56-6.

²⁷ Va. Code § 56-35.

²⁸ Va. Code § 56-247.

²⁹ Va. Code § 56-576 (defining “distributor” as such term is used in the Virginia Electric Utility Regulation Act).

³⁰ Va. Code § 56-578, subsection A (emphasis added).

15. Dominion is required under the Interconnection Statute “to provide distribution within its service territory on a basis that is just, reasonable, and not unduly discriminatory to suppliers of electric energy, *including distributed generation*, as *the Commission* may determine.”³¹

16. The Interconnection Statute also requires that the Commission, when adopting interconnection standards, “to not make compliance *unduly burdensome and expensive*” and to “determine questions about the ability of *specific equipment* to meet interconnection standards.”³²

17. Dominion is required, when planning for electric grid transformation projects, to “include measures to facilitate integration of distributed energy resources and measures to enhance distribution grid reliability and security.”³³

BACKGROUND

18. On May 24, 2022, the Commission established the DER Interconnection Docket to explore interconnection issues related to utility DER.³⁴ Through this docket, the Commission Staff has collected comments on utility DER interconnection issues and on January 18, 2024 issued its *Final Report on for the Virginia State Corporation Commission’s DER Interconnection Working Group Process Petition* (“**Final Report**”), which addresses issues related to interconnection costs including but not limited to substation improvements, cost transparency, and the imposition of DTT on interconnection projects in light of their costs.³⁵ On February 21, 2024, the Commission issued an *Order Inviting Comments on the Final Report* by March 22, 2024. VA-DSA, along with

³¹ Va. Code § 56-578, subsection B (emphasis added).

³² Va. Code § 56-578, subsection C (emphasis added).

³³ Va. Code § 56-585.1 (A) (6).

³⁴ DER Interconnection Docket, May 2022 Order at 1.

³⁵ DER Interconnection Docket, Order at 6 (March 3, 2023).

numerous other parties, filed comments on the Final Report. This effort appears to have culminated in the DTT Proceeding Order.

19. On May 2, 2023, the Commission issued the May 2023 Interconnection Regulations Order to determine whether Chapter 314 of Title 20 of the Virginia Administrative Code, which governs front-of-the-meter facilities that interconnect to a utility's distribution system ("**Interconnection Regulations**"), should be revised. This May 2023 Interconnection Regulations Order directed the Commission's Staff to solicit comments from stakeholders and persons having an interest in the Interconnection Regulations and the interconnection of small electrical generators and storage in the Commonwealth and, at a minimum, consider whether amendments to the Interconnection Regulations are needed.³⁶

20. On June 1, 2023, in the Original Parameters Docket, VA-DSA filed its *Complaint and Petition for Injunctive Relief and Request for Expedited Action* ("**Original Parameters Petition**") seeking an injunction from the Commission directing Dominion to suspend the Net Metering Interconnection Parameters issued by Dominion on December 2022 ("**Original Parameters**").

21. On July 31, 2023, in the Original Parameters Docket, the Report of Mary Beth Adams, Hearing Examiner ("**Hearing Examiner's Report**") was issued.

22. On August 30, 2023, in the Original Parameters Docket, the Commission issued its Final Order prohibiting Dominion from applying the Original Parameters to Midsized Net Metering Projects ("**Injunctive Order**"). This injunction, which was based on the findings and recommendations in the Hearing Examiner's Report, "suspends the imposition of the [Original] Parameters on Midsized NEM Projects . . . at least until the Commission has completed its

³⁶ May 2023 Interconnection Regulations Order at 2.

investigations and rulemaking in Case Nos. PUR-2022-00073 and PUR-2023-00069 and has ruled definitely on such issues”³⁷ and then stated that Dominion “should continue to take the actions necessary to maintain the immediate safety and reliability of its system; this may include, but need not be limited to, seeking specific authority from this Commission in one or more formal proceedings.”³⁸

23. On September 15, 2023, in the Interconnection Rulemaking Docket, Dominion filed a Motion for Interim Authority and Request for Expedited Treatment (“**Interim Authority Motion**”), in which Dominion sought to have

the Commission promptly issue an order: (i) granting the Company interim authority on an expedited basis to establish and implement the Minimum Standards for Midsized NEM interconnection; and (ii) requiring the Company, Staff and stakeholders to specifically address and establish study and engineering requirements necessary to safely and reliably interconnect Net Metering DERs as part of the proceedings in Case No. PUR-2023-00069.³⁹

24. The Interim Authority Motion stated that the Interim Parameters differed from the Original Parameters by substituting “cellular-based communication” in lieu of “the installation of dark fiber,” which would “substantially reduce the cost of this upgrade.”⁴⁰ But this substitution would not get rid of the need for a distributed generation panel (“**DG Panel**”), the cost of which at \$250,000 Dominion observed “is not insubstantial.” Nonetheless, Dominion characterized the Interim Parameters as “significant and reasonable concessions, on an interim basis, which will mitigate some of the costs of interconnection for Net Metering DER customers.”⁴¹

³⁷ Injunctive Order at 4

³⁸ Injunctive Order at 4.

³⁹ Interim Authority Motion at 15.

⁴⁰ Interim Authority Motion at 7.

⁴¹ Interim Authority Motion at 8 and 12.

25. The November 6, 2023 Ruling granted the authority for the Interim Parameters which are the subject of this VA-DSA Petition, relying on two key premises.

26. The first premise that was the basis for the November 6, 2023 Ruling concerned increases in size and value of Midsized Net Metering Projects. The November 6, 2023 Ruling stressed that

Dominion Energy has advised that it has experienced significant increases in both the volume of customer applications and the size of DERs applying for NEM DERs, with 82 midsized NEM projects currently in its queue for interconnection, representing 42.8 MW of solar. The Company affirmed that to date it has connected a total of 75 midsized NEM projects totaling 36 MW of solar.⁴²

27. The second premise that was the basis for the November 6, 2023 Ruling concerned safety and reliability claims. The Hearing Examiner cited Dominion’s assertion that its use of DTT to isolate faults from the public “is consistent with utility best practices” based on a study by the Electric Power Research Institute (“EPRI”), which “showed that all 35 surveyed utilities ‘identified the use of DTT to isolate faults from the public.’”⁴³

28. On November 16, 2023, VA-DSA filed a *Motion to Certify the November 6, 2023 Ruling*, and on November 27, 2023, the Hearing Examiner declined to certify the November 6, 2023 Ruling for two reasons. First, the November 6, 2023 Ruling provided “interim authority to require DTT and/or a DG panel only in limited circumstances and always subject to Dominion Energy, if challenged, bearing the burden of proof such measures are necessary and reasonable,” which the Hearing Examiner stated, “provides for an evidentiary basis for applying the interim measures.” Second, “the interim measures do not have a direct bearing on the outcome of the case” because the Commission “has already ruled to include its Regulations Governing Net Energy

⁴² November 6, 2023 Ruling at 6; at 11 (describing 74 midsized net metering projects being interconnected with 82 in the queue).

⁴³ November 6, 2023 Ruling at 6. See discussion of EPRI Study at paragraph 42 and 43 *infra*.

Metering into its investigation and rulemaking in Case Nos. PUR-2022-00073 and PUR-2023-00069.”⁴⁴

29. On May 17, 2024, the Commission Staff provided notice via email that, pursuant to the November 27, 2023 Hearing Examiner’s Ruling in the Interconnection Rulemaking Docket, the Commission Staff was convening a working group meeting on June 17, 2024 “to discuss the engineering requirements necessary to safely and reliably interconnect NEM DERs” and indicated that this effort “includes, but may not be limited to the requirements for direct transfer trip and dark fiber.”

30. During that June 17, 2024 working group meeting, Dominion presented the slides attached as **Exhibit B** to this VA-DSA Petition.⁴⁵ In that meeting, Dominion revealed that it is treating the Interim Parameters as a pilot program⁴⁶ where Dominion dictates the results, without input from developers of Midsized Net Metering providers or the Commission Staff. For instance, Dominion is requiring dual carrier cellular DTT,⁴⁷ and, in addition to adding an extra cellular carrier, is also requiring that such carriers be AT&T or Verizon.⁴⁸ At the SCC Interconnection Workgroup Meeting on August 8, 2024, Dominion also informed participants about another “grounding recloser” pilot project that Dominion is conducting with NREL and EPRI that will “help with all these issues” which had never been announced or approved by the Commission to the knowledge of VA-DSA members.⁴⁹ Dominion is also requiring Midsized Net Metering Projects to bear the costs of distribution and substation upgrades that go beyond the DG Panel

⁴⁴ November 27, 2023 Hearing Examiner’s Ruling in Case No. PUR-2023-00069 at 3.

⁴⁵ A member of the VA-SDA requested and received such slides via email from Neil Joshipura on the Commission Staff on June 28, 2024. The first slide is dated June 17, 2024 but subsequent slides are dated June 26, 2024.

⁴⁶ Exhibit B, slide 9 (describing 250 kw to 1 MW sites as “Pilot Projects”).

⁴⁷ Exhibit B, slide 9.

⁴⁸ Exhibit B, slide 9.

⁴⁹ See Exhibit H for the VA-DSA Notes on the 8/8/2024 SCC Workgroup Meeting

authorized in the November 6, 2023 Ruling.⁵⁰ These circumstances impose extra costs and delays when applying the Interim Parameters because Dominion is running field tests⁵¹ and conducting RFPs for certain equipment, which results in cost estimates, rather than studies, being a major factor in delays associated with Midsized Net Metering Projects.⁵² During the August 8, 2024 meeting of the SCC Working Group for NEM Engineering Requirements, Dominion reported that the first pilot of dual cellular DTT just went live in April 2024, and to date Dominion has only released six of twenty cost estimates for projects participating in the pilot of dual cellular DTT because these six only needed upgrades on the distribution system. For eight of the fourteen remaining projects, Dominion expects more extended delays because they need customized boxes for the substation.⁵³ **Exhibit A** documents the recent experience of Madison Energy to demonstrate that these extensive delays are not trivial. Out of 32 projects that Madison is currently working on for Dominion net metering customers, 4 of them slightly exceed the 1 MW threshold for Midsized Net Metering Projects (1.5 MW, 1.279 Mw, 1.069 MW, and 1.179 MW) while the remaining 28 projects range from 388 kW to 781 kW. For the 32 projects, the average time that has elapsed since the project was submitted to Dominion is 246 days and counting, even allowing for some studies completed but nevertheless delayed. In contrast, Madison’s experience with Midsized Net Metering Projects, from 2015 when the cap was expanded to 1 MW until December of 2022 when the Original Parameters and then Interim Parameters were imposed, was receiving PTO within 60 days consistent with 20 VAC 5-315-30. VA-DSA stresses that it is not seeking to litigate in this VA-DSA Petition delays generally associated with Dominion interconnection studies, which are

⁵⁰ See paragraph 45 of this VA-DSA Petition.

⁵¹ Exhibit B, slide 10.

⁵² Exhibit C. (“According to Dominion, the delays are not caused by the studies. The delays are caused by cost estimates.”).

⁵³ Exhibit H, VA-DSA Notes from August 8, 2024 Meeting of SCC Working Group for NEM Engineering Requirements.

being addressed in the DTT Procedural Order via Staff's proposed revisions in the Interconnection Rulemaking Docket.⁵⁴ Rather, VA-DSA is seeking to have Midsized Net Metering Projects not be subject to any studies at all that are associated with the Dominion Interim Requirements.

31. **Exhibit C** to this VA-DSA Petition contains meeting notes compiled by VA-DSA based on discussions during the June 17, 2024 working group meeting. These document numerous issues with Dominion's interconnection of Midsized Net Metering Projects, such as failure to meet the 30 Day and 60 Day Timeframes, failure to submit waivers to the Commission Staff when that occurs, and failure to provide updates to developers regarding new policies for additional substation and distribution equipment that impose considerable costs and delays. These new policies exceed the DTT cellular communications and DG Panel requirements that were sought in the Interim Authority Motion and authorized in the November 6, 2023 Ruling.

32. **Exhibit D** to this VA-DSA Petition consists of a chart showing the detrimental impact of the Dominion Interim Requirements, which go beyond requiring the DTT cellular communications and DG Panel that were specifically authorized by the November 6, 2023 Ruling. Having Midsized Net Metering Projects bear the costs of DTT, the DG Panel, and additional distribution and substation upgrades that are included in the Dominion Interim Requirements means such projects are bearing costs and suffering from delays that were not imposed between 2015 (when the net metering cap was expanded to 1 MW) and December 2022 when the Original Parameters and then the Interim Parameters were imposed.⁵⁵ For quite a few sites following the approval of the Interim Parameters by the November 6, 2023 Ruling, additional distribution and substation costs are collectively in excess of \$200,000. Such costs are in addition to the \$250,000

⁵⁴ DTT Proceeding Order at 12-13.

⁵⁵ See, e.g. Exhibit I showing contingent approval for a Midsized NEW Project prior to the issuance of the Original Parameters in December 2022. This contingent approval indicates that the project failed the 3:1 light load check and required a reclosure upgrade, which at the time was a cost borne by Dominion.

cost of the DG Panel, meaning that Dominion Interim Requirements impose costs consistently in excess of \$450,000.⁵⁶ This demonstrates that the end result of the Interim Authority Motion represents “significant and reasonable concessions” only in the eyes of Dominion. In the eyes of customers and developers for Midsized Net Metering Projects, the resulting Dominion Interim Requirements still create an insurmountable barrier for providing net metering as desired by numerous schools, local governments, nonprofits, and small businesses, depriving them of their ability to fully utilize state and federal funding to achieve their sustainability objectives.⁵⁷ Exhibit D establishes that the costs for upgrades associated with the Dominion Interim Requirements range from 17% to 240% of the *total* cost of the project, with the average cost being 81% of the *total* project costs. **Exhibit E** to this VA-DSA Petition establishes that interconnection for 56 Midsized Net Metering Projects was pending as of February 3, 2024, while according to Dominion’s spokesman, as cited in the Washington Post article included as **Exhibit F** to this VA-DSA Petition, 33 Midsized Net Metering Projects have required upgrades. This means that over 50% of Midsized Net Metering Projects have required upgrades. When viewed as a whole, these facts establish that the conditions for interconnection of Midsized Net Metering Projects when subjected to paying for the Dominion Interim Requirements are unduly burdensome.

33. **Exhibit L** details how Dominion Interim Requirements have made it economically infeasible for Christopher Newport University,⁵⁸ Fairfax County government,⁵⁹ the City of

⁵⁶ See, e.g. Exhibit M, June 6, 2024 Presentation of Madison Energy for Preparation Call for June 17, 2024 Meeting of SCC Working Group for NEM Engineering Requirements.
⁵⁷ See, e.g. Exhibit L, Items 4 c, d, e, and f (City of Charlottesville grant applications downsized and future grant applications being impeded as well).
⁵⁸ Exhibit L, Item 2 describing how the large interconnection surcharges for projects over 250 kW is a huge obstacle for the university installing onsite solar arrays as it seeks to lower its carbon footprint).
⁵⁹ Exhibit L, Items 5 e (describing Dominion interconnection creating barriers that make many solar projects economically infeasible), 5 f (noting that a \$1.7 million cost for interconnection includes \$900,000 for fiber optic cable), 5 g (noting that Dominion’s DTT requirements added \$3.4 million in cost to one-fourth of its projects, including several located in disadvantaged communities).

Charlottesville,⁶⁰ Fairfax County Public Schools,⁶¹ and Episcopal High School⁶², among others, to implement on-site solar at the scale and with the desired savings and climate benefits sought by these schools and localities. After enduring this burden for over two years,⁶³ localities and schools have urged the Commission to immediately suspend the Dominion Interim Requirements so that the Midsized Net Metering market does not continue to be crippled while awaiting a definitive Commission assessment of the Dominion Interim Requirements.⁶⁴

34. VA-DSA notes that only 6.7% of electric generation in Virginia comes from solar, and less than 10% of that solar generation is in the commercial range that includes Midsized Net Metering Projects.⁶⁵ This raises the question of how such a small fraction (i.e., less than 1%) of electric generation can necessitate such costly grid upgrades.

35. In Dominion's Annual Report on its Grid Transformation Plan, filed on March 29, 2024 in Commission Case No. PUR-2021-00127, Dominion, on page 7 under the heading

⁶⁰ Exhibit L, Items 4 g (costs threatened the viability of onsite solar), 4 h (objecting to Dominion interconnection practices that have not been approved by a final order by the Commission being unduly burdensome and disadvantaging widespread deployment of DERs in Virginia for two years, which makes utilizing DERs infeasibly for many projects in contraction to the statutory policy adopted by the General Assembly).

⁶¹ Exhibit L, Items 5 d (observing that the costs imposed by Dominion's interconnection practices without meaningful Commission oversight are posing barriers to the Fairfax County Public Schools achieving their renewable energy goals, 5 e (stating that Dominion's new interconnection practices and its failure to comply with existing rules are making many solar projects in Fairfax County economically unfeasible), 5 g (predicting that interconnection would add significant costs to solar projects, with fiber adding well over one million dollars to each project and exceeding two million dollars for larger sites), 5 j (expressing concern that solar installations will be limited to smaller, less advantageous projects, which impacts the work on larger schools because the added costs threaten the viability of these investments and threatened the savings of taxpayer dollars and associated jobs).

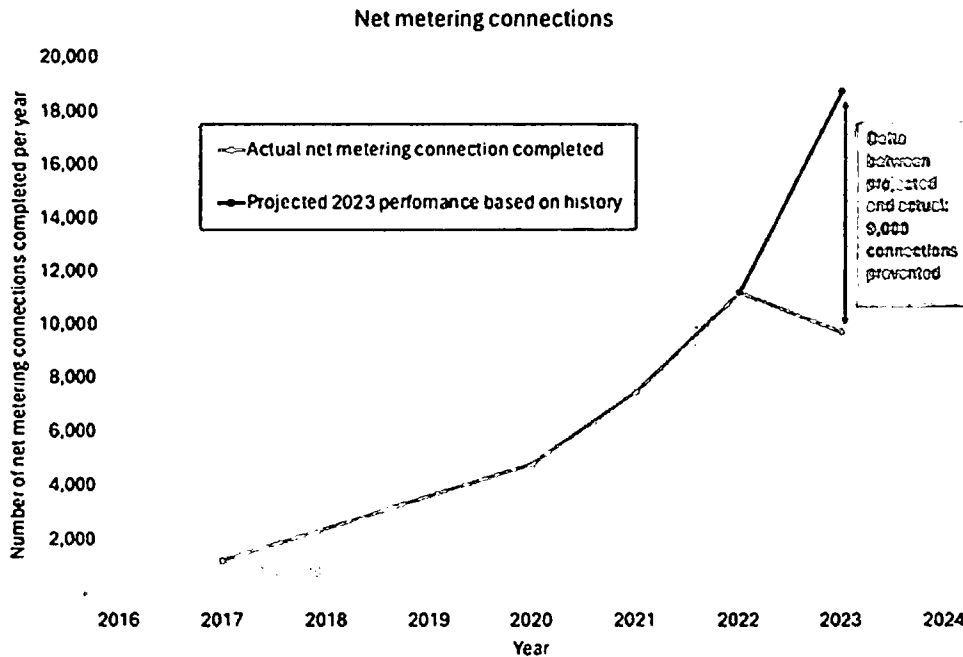
⁶² Exhibit L, Item 6 a (observing that Dominion makes it too hard for schools to install solar in a timely and affordable manner).

⁶³ See, e.g. Exhibit L, Item 3 h (Fairfax County Board of Supervisors expressing concerns that DER has been advantage for two years in ways that make DER infeasible for many projects) and Item 5 k (Fairfax County Public Schools expressing concerns about insufficient Commission oversight disadvantaging the implement of DER for two years).

⁶⁴ Exhibit L Item 3 a (Fairfax County Board of Supervisors urges the Commission to suspend Dominion's DER interconnection requirements that have not been approved by a Commission final order), Item 4 a and 4 h (City of Charlottesville urges the Commission to promptly suspend Dominion's DER interconnection requirements that have not been approved by a final order from the Commission and have not undergone meaningful Commission review, which has resulted in making utilizing DER infeasible for many projects), Item 5 A (Fairfax County Public Schools seeks suspension of Dominion interconnection requirements not approved by Commission final order), and Item 5 I (Fairfax County Public Schools seeks immediate action to suspend Dominion's interconnection parameters).

⁶⁵ <https://www.seia.org/state-solar-policy/virginia-solar>.

“improved support for DER interconnection,” contains a chart showing “the number of net metering connections completed per year” from 2016 to 2023. This chart shows a positive growth pattern for net metering prior to the Original Parameters. Extrapolating from this data, as demonstrated in the chart below, shows more than a 60% loss to the industry after the Original Parameters and then the Interim Parameters were imposed.



Source: Dominion’s Annual Report on its Grid Transformation Plan, filed on March 29, 2024 in Commission Case No. PUR-2021-00127 with note added about projected performance.

36. **Exhibit G** to this VA-DSA Petition consists of an IREC assessment, which was provided to the Commission Staff by VA-DSA in conjunction with the June 17, 2024 working group meeting and has since been refined slightly.⁶⁶ This IREC assessment demonstrates that a respected industry leader, which is independent of utility influence, critiques Dominion’s insistence that it is appropriate to impose DTT on Midsized Net Metering Projects, and provides

⁶⁶ These refinements are minor non-substantive changes for grammatical and technical clarity and to prove a more formal tone.

support for the Commission enjoining the imposing of DTT on Midsized Net Metering Projects pending resolution of the evidentiary proceeding established by the DTT Proceeding Order.

37. The notion of utilities imposing unjust, unreasonable, and unduly discriminatory practices for interconnection has already been established for interconnection at the transmission level. In FERC Order 1920, the Federal Energy Regulatory Commission made findings that included the following:

- Specifically, in this final rule, we find that there is substantial evidence to support the conclusion that the *existing regional transmission planning and cost allocation processes are unjust, unreasonable, and unduly discriminatory or preferential*.⁶⁷
- The record demonstrates that significant expansion of the transmission system is occurring through one-off, piecemeal, interconnection-related network upgrades *constructed in response to individual generator interconnection requests*. As the Commission observed in the NOPR, the evidence shows a sharp growth in both the total cost of interconnection-related network upgrades and *in the cost of such upgrades relative to generation project costs*. The record indicates that the average cost of interconnection-related network upgrades is increasing over time as the transmission system is fully subscribed and demand for interconnection service outpaces transmission investment.⁶⁸
- While some commenters argue *that transmission providers do not rely too heavily on the generator interconnection process to build transmission facilities, we find that the record indicates otherwise*. Specifically, as discussed above, the increase in both the total and average cost of interconnection demonstrates how much transmission investment is occurring on a *one-off, incremental basis through generator interconnection processes*. The Commission has consistently and repeatedly found *that interconnection-related network upgrades provide systemwide benefits, a finding which courts have upheld*. In turn, we find that increasingly relying on interconnection customers' interconnection-related network upgrades to expand the capacity of the transmission system is inefficient and leads to less cost-effective transmission development than would result from long-term, forward-looking, and more comprehensive regional transmission planning, to the detriment of customers.⁶⁹

⁶⁷ Order No. 1920, *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation* (issued May 13, 2024), 187 FERC ¶ 61,068 (FERC Order 1920), ¶1, <https://www.ferc.gov/media/e1-rm21-17-000> (emphasis added).

⁶⁸ FERC Order 1920, ¶ 104 (emphasis added)

⁶⁹ FERC Order 1920, ¶ 108 (emphasis added).

These findings by FERC, regarding interconnection at the transmission level, are precisely what Midsized Net Metering Projects are experiencing when seeking to interconnect at the distribution level: cost allocation processes that are unjust, unreasonable, and unduly discriminatory and preferential, a sharp increase in the cost of network upgrades relative to the generation project cost, and grid providers relying too heavily on the grid interconnection process to build grid facilities, particularly when interconnection-related network upgrades provide system-wide benefits. Just as FERC acted to address these issues for transmission interconnection, the Commission should act to address these issues at the distribution level by granting VA-DSA’s injunction pending resolution of the evidentiary proceeding set forth in the DTT Proceeding Order.

ARGUMENT

38. The November 6, 2023 Ruling determined, contrary to the positions taken by VA-DSA and the Commission Staff, that the Interconnection Rulemaking proceeding should expand beyond a rulemaking for the Interconnection Regulations of Chapter 314, which encompasses interconnection of front-of-the-meter facilities to the distribution grid, to also include net metering regulations set forth in Chapter 315 (“**Net Metering Regulations**”),⁷⁰ which encompass net metering projects that are always behind-the-meter facilities.⁷¹

39. The November 6, 2023 Ruling reached this determination by concluding that, when the Commission on August 30, 2023 issued its Injunctive Order, the Commission included Chapter 315 within the scope of this Case No. PUR-2023-00069 proceeding. In support of this determination, the November 6, 2023 Ruling cited this passage from the Injunctive Order upholding the Hearing Examiner’s finding in PUR-2023-00097 that the injunction sought by VA-DSA should be granted:

⁷⁰ 20 VAC 5-315-10 *et seq.*
⁷¹ November 6, 2023 Ruling at 7-9.

Based on the findings and recommendations in the Report, the Commission hereby issues an injunction, as plead for in the Petition, that “suspends the imposition of the Parameters on Midsized NEM Projects and suspends the requirements of [Small Generator Interconnection Agreement (‘SGIA’)] for Midsized NEM Projects at least until the Commission has completed its investigations and rulemaking in Case Nos. PUR-2022-00073 and PUR-2023-00069 *and has ruled definitively on such issues.*”⁷²

This passage establishes that the Injunctive Order required the Commission’s investigations and rulemaking in this proceeding, Case No. PUR-2023-00069, to be “completed” and also required the Commission to have “ruled definitively” on imposition of the Original Parameters on Midsized Net Metering Projects *before* any suspension of the Original Parameters was lifted. None of this has happened, but the November 6, 2023 Ruling nonetheless granted authority for the Interim Parameters, which are a modified version of the Original Parameters.

40. Approval of the Interim Parameters was based on another passage from the Injunctive Order, which stated that Dominion

... should continue to take the actions necessary to maintain the immediate safety and reliability of its system; this may include, but need not be limited to, seeking specific authority from the Commission in one or more formal proceedings.⁷³

There are three reasons why nothing in this passage precludes the relief that VA-DSA seeks in this VA-DSA Petition.

41. The first reason that the relief sought in this VA-DSA Petition is not precluded by the “safety and reliability” directive in the Injunction Order concerns a flaw in the basic premise for authorizing the Interim Parameters. The November 6, 2023 Ruling relies on Dominion’s claim that “it has experienced *significant increases* in both the volume of customer applications and the *size* of DERs applying for the NEM DERs.”⁷⁴ However, Dominion’s own facts fail to support this

⁷² Injunction Order at 4, as cited in November 6, 2023 Ruling at 9 (emphasis in November 6, 2023 Ruling).

⁷³ Injunction Order at 5, as cited in November 6, 2023 Ruling at 12.

⁷⁴ November 6, 2023 Ruling at 6; at 11 (emphasis added).

claim. The November 6, 2023 Ruling cites 82 projects totaling 42.8 MW currently in queue for interconnection, as compared to 75 projects totaling 36 MW being interconnected. But these numbers demonstrate that the average size of pending projects is 1.9 MW, as compared to the average size of interconnected projects as 2.08 MW, demonstrating that the average size has not significantly increased—in fact, it has slightly decreased. Moreover, Midsized Net Metering Projects range from 250 kW to 1 MW, which is less than half of the average size of projects that Dominion has interconnected. It makes no sense for Dominion to complain about Midsized Net Metering Projects contributing to a significant increase in the size of net metering DERs when such projects are half as large as the average size of net metering DERs that Dominion has interconnected before it imposed either the Original Parameters or the Interim Parameters.

42. The second reason that the relief sought in this VA-DSA Petition is not precluded by the “safety and reliability” directive in the Injunction Order is that Dominion has provided no actual evidence for its safety and reliability claims: Dominion’s claims are based entirely on speculation, not actual evidence.⁷⁵ And that speculation is grounded in one source with a clear bias. Dominion has cited, in both the Original Parameters Docket⁷⁶ and the Interconnection Rulemaking Docket,⁷⁷ an electric utility trade group study produced by EPRI (“EPRI Study”), but Dominion never made a copy of the EPRI Study article available to any party in either docket. In sharp contrast, VA-DSA has provided assessments from IREC in both dockets that refute

⁷⁵ Transcript from October 18, 2023 oral argument in Original Parameters Docket at 106-107 (in responding to VA-DSA’s reliance on historical data demonstrating no safety or reliability issues since the influx of DES, Dominion’s counsel conceded that “the Company’s position here, especially with regard to safety, *is not based on historical data. It’s irrelevant that nothing has happened yet*”) (emphasis added).

⁷⁶ *Petition of Va. Distributed Solar Alliance for Injunctive Relief against Va. Elec. & Power Co.*, PUR 2023-00097, Response of Va. Electric & Power Company at 12 (June 21, 2023).

⁷⁷ November 6, 2023 Hearing Examiner Ruling at 6.

Dominion’s assertions.⁷⁸ Exhibit G to this VA-DSA Petition also contains an IREC assessment that critiques Dominion’s rationale for requiring DTT for Midsized Net Metering Projects. IREC observes that Dominion’s primary rationale for requiring DTT is a concern that DERs will not disconnect quickly enough to allow its protection system to fast reclose (e.g. 160ms reclose time). This fast reclose allows Dominion to restore power quickly with minimal disruption to customers. Dominion claims that inverters (which Midsized Net Metering Projects favor over DTT) are incapable of responding fast enough to fault events on Dominion’s 34.5 kV system, for which Dominion has a fast reclosing scheme in place in order to support the quick restoration of customer loads while initially reducing fault current exposure. IREC observes that various research papers have identified utility fast reclosing schemes as a challenge when connecting higher penetration of DERs. Such research concludes that changes to utility protection methodology may need to be mandated to allow for DER penetration levels to increase. Moreover, a growing body of research suggests that while fast-reclosing schemas were beneficial in maintaining commercial motor loads, such schema are ineffective for digital devices, which have grown significantly as a percentage of all customer loads. IREC stresses that

one should consider the tradeoffs being made between the impact fast-reclosing (~160 ms reclosing in Dominion for instance) has on different customer classes compared to the impact that the 3:1 load-to-generation ratio has on solar penetration levels in the state. *Essentially, is Virginia willing to hinder its renewable energy goal in order to preserve an outdated protection methodology that provides increasingly limited benefits to customers?*⁷⁹

⁷⁸ *Petition of Va. Distributed Solar Alliance for Injunctive Relief against Va. Elec. & Power Co.*, PUR 2023-00097, Reply of Va. Distributed Solar Alliance to Response of Dominion Electric & Power Company at 13 (June 28, 2023); *Ex Parte: In the matter of revising the Commission’s Regulations Governing Interconnection of Small Electric Generators and Storage*, Case No. PUR-2023-00069, Response of Va. Distributed Solar Alliance in Opposition to Motion for Interim Authority and Request for Expedited Treatment at 10 (Sept. 28, 2023).

⁷⁹ Exhibit G at 1.

VA-DSA stresses that this is a question to be decided by the Commission, not Dominion. When weighing the answer to this question, the Commission should be guided by Dominion's obligation to interconnect distributed generation subject to Commission rules and regulations and approved tariffs,⁸⁰ to Dominion's obligation to provide distribution that is just, reasonable, and not unduly discriminatory to distributed generation,⁸¹ to the Commission's obligation to make interconnection standards not unduly burdensome and expensive and to determine questions about the ability of specific equipment to meet interconnection standards,⁸² and to Dominion's obligation, when planning for electric grid transformation projects, to include measures to facilitate integration of distributed energy resources.⁸³

43. In referencing the EPRI Study, Dominion incorrectly asserted that the study states that "Industry Testing and Publications have shown that mixtures of synchronous machines and IBRs have compromised the effectiveness of IBR protection response," as protection has been defined by Dominion during the Working Groups. The EPRI Study actually evaluates the anti-islanding response of inverters, which Dominion is conflating with impacts to system protection. The EPRI Study shows that some anti-islanding algorithms used by inverters become less effective when connected to a feeder with a large percentage of synchronous generators. VA-DSA does not dispute this claim. If a feeder has a high penetration of synchronous generators, and the inverters proposed use an anti-islanding algorithm that is highly impacted by synchronous generators, VA-DSA would agree with the determination that DTT may be appropriate for anti-islanding. However, Dominion does not consider the DER mixture of any feeder nor the anti-islanding method used by a proposed inverter-based system. Ultimately, the EPRI Study does not support

⁸⁰ Va. Code § 56-578, subsection A.

⁸¹ Va. Code § 56-578, subsection B.

⁸² Va. Code § 56-578, subsection C.

⁸³ Va. Code § 56-585/1(A)(6).

the protection claims presented during the working groups in the DER Interconnection Docket or the Interconnection Rulemaking Docket because (a) the EPRI Study relates only to islanding, which Dominion has repeatedly stated is not a concern,⁸⁴ and (b) the EPRI Study indicates that system specifics (i.e., DER mixture) significantly affect anti-islanding performance. This suggests that a one-size-fits-all solution, like Dominion's simplified screen, is insufficient for determining the need for DTT.

44. The third reason that the relief sought in this VA-DSA Petition is not precluded by the “safety and reliability” directive in the Injunction Order is that nothing prevents Dominion from implementing the Dominion Net Metering Parameters at its own cost⁸⁵ while waiting for the Commission to conclude the evidentiary proceeding called for in the DTT Proceeding Order and decide whether the Commission will adopt (a) the approach favored by EPRI of liberally requiring DTT, (b) the approach favored by IREC of more judicially assessing the need for DTT, or (c) another standard for establishing what equipment is appropriate for net metering interconnections, a task that under Virginia law is explicitly reserved for the Commission.⁸⁶

45. When the November 6, 2023 Ruling approved the Interim Parameters “[b]ased on safety and reliability concerns, and the number of midsized NEM projects in the Company’s queue awaiting interconnection,”⁸⁷ the ruling specifically required Dominion to “*continue* to require either a fiber optic or cellular-based DTT communication system, *at the customer’s election*.”⁸⁸ Such approval for using cellular-based DTT and a DG Panel was granted in under two months, but

⁸⁴ See, e.g. Exhibit G at 1 (IREC, based on its participation in the DER Interconnection Docket, states: “Dominion claims it is not concerned about unintentional islanding and ultimately trusts the inverters to respond within the 2-second window allowed by IEEE 1547-2018”).

⁸⁵ See, e.g. Exhibit J to this VA-DSA Petition illustrating that Dominion paid for grid upgrades for Midsized Net Metering Projects prior to its imposition of the Original Parameters.

⁸⁶ Va. Code § 56-578(C).

⁸⁷ November 6, 2023 Ruling at 12.

⁸⁸ November 6, 2023 Ruling at 13 (emphasis added).

that swift action did not result in Midsized Net Metering Projects moving forward based on those two conditions. Developments since November 6, 2023 establish that Dominion is treating the Interim Parameters as the *commencement of a pilot program*, with Dominion making up new rules for interconnection of Midsized Net Metering Projects with no Commission oversight or communication of the new rules to Midsized Net Metering Projects. Dominion is not “continuing” to require a cellular DTT communication system at the customer’s option. Dominion is instead treating the provision of a cellular DTT communication system as a pilot, unilaterally imposing new rules that impose significant expenses and delays.⁸⁹ Moreover, these new rules are not being communicated to Midsized Net Metering Projects or the Commission, creating further havoc with the Midsized Net Metering Project market.⁹⁰ The new rules increase costs and delays by imposing additional conditions such as (a) requiring dual carrier cellular rather than single carrier cellular,⁹¹ (b) requiring that those cellular providers be Verizon and AT&T,⁹² (c) requiring substation equipment that goes beyond a DG Panel, such as shunt trip breakers costing \$60,000 and reclosers costing \$50,000, with substation and distribution upgrades—exclusive of DG Panels—exceeding \$200,000 for quite a few Midsized Net Metering Projects,⁹³ and (d) waiting on responses to RFPs for Dominion-specified equipment, which delays for months the provision of costs estimates.⁹⁴ As previously discussed in paragraph 30 of this VA-DSA Petition, the first pilot of dual cellular DTT did not go live until April of 2024, five months after the November 6, 2023 Ruling. And as of August 2024, which is nearly a year after Dominion petitioned for approval of the Interim

⁸⁹ Exhibit B at slide 9 (indicating that all Midsized Net Metering Projects being offered dual carrier cellular are “Pilot Projects.”)

⁹⁰ Exhibit C (noting developers’ frustration with waiting for over 7 months)

⁹¹ Exhibit B, slide 9.

⁹² Exhibit C (noting that Dominion seemed to say dual carriers required the presence of both AT&T and Verizon).

⁹³ See, e.g. Exhibit M, June 6, 2024 Presentation of Madison Energy for Preparation Call for June 17, 2024 Meeting of SCC Working Group for NEM Engineering Requirements.

⁹⁴ Exhibit C (noting developers’ frustration with waiting for over 7 months for cost estimates).

Parameters, Dominion has only released six of twenty cost estimates for projects participating in the pilot of dual cellular DTT. For eight of the fourteen remaining projects, Dominion expects more extended delays because they need customized boxes for the substation. The bottom line is that less than one month after the Commission enjoined the December 2022 Parameters on August 30, 2023, Dominion filed for approval of the Interim Parameters as a more viable solution for Midsized Net Metering Projects, but these Interim Parameters have proven to also be a roadblock for Midsized Net Metering Projects because to date the best Dominion has done is to issue cost estimates for only six projects.⁹⁵

46. Accordingly, VA-DSA seeks to have the Commission enjoin the Dominion Interim Requirements because they constitute an unauthorized pilot program. Pilot programs are permitted under Virginia law but, as Dominion well knows, pilot programs initiated by Dominion require Dominion to seek approval by filing an application pursuant to Va. Code § 56-234,⁹⁶ which requires approval by an *order* of the Commission following notice, a hearing, and a public interest finding:

However, no provision of law shall be deemed to preclude *voluntary rate or rate design tests or experiments, or other experiments involving the use of special rates*, where such experiments have been *approved by order* of the Commission after *notice and hearing and a finding* that such experiments are necessary in order to acquire information which is or may be *in furtherance of the public interest*. The Commission's final order *regarding any petition filed by an investor-owned electric utility* for approval of a voluntary rate or rate design test or experiment shall be entered the earlier of not more than six months after the filing of the petition or not more than three months after the date of any *evidentiary hearing* concerning such petition.⁹⁷

⁹⁵ Exhibit H, VA-DSA Notes from August 8, 2024 Meeting of SCC Working Group for NEM Engineering Requirements.

⁹⁶ See, e.g., *Application of Virginia Electric and Power Co.*, Case No. PUE-2011-00014, Order for Notice and Hearing at 3 (February 17, 2011) (“In accordance with the provisions of § 56-234 of the Code, Dominion shall not implement its proposed experimental Pilot Program until it is approved by order of the Commission after notice and hearing and a finding that such experiment is necessary in order to acquire information that is or may be in furtherance of the public interest”).

⁹⁷ Va. Code § 56-234 (emphasis added).

There has been no application by Dominion detailing the parameters of the pilot program, no notice, no hearing, no public interest finding, and no order by the full Commission approving the Interim Parameters. The November 6, 2023 Ruling had a third directive that permitted a party aggrieved by the Interim Parameters to petition for an evidentiary hearing after the Interim Parameters had been imposed on such party, but this ruling does not constitute an order by the full Commission, and even if it did, the ruling calls for a hearing after imposition of the Interim Parameters; that is in direct conflict with Va. Code § 56-234, which requires approval of a pilot program initiated by a utility only after notice, a hearing, and a public interest finding has occurred.

47. VA-DSA also seeks to have the Commission enjoin the Dominion Interim Requirements because they run afoul of the Injunctive Order, which is the only Commission *order* addressing the application of DTT to Midsized Net Metering Projects other than the DTT Proceeding Order, which calls for an evidentiary hearing to assess Dominion’s DTT requirements. The Injunctive Order suspended the Original Parameters “based on the findings and recommendations in the Report,” referring to the Hearing Examiner’s Report issued on July 31, 2023.⁹⁸ Those findings determined that Dominion is required, under the Interconnection Statute

. . . to connect distributed generation customers to its distribution system, “subject to Commission rules and regulations and approved tariff provisions relating to connection of service” and provide service to its distributed generation customers “on a basis that is just, reasonable, and not unduly discriminatory . . . as the Commission may determine.”⁹⁹

The Hearing Examiner’s Report findings also determined that the Interconnection Statute requires the Commission to “establish ‘interconnection standards to ensure . . . distribution safety and reliability’” and in so doing, “the Commission must ensure that ‘compliance [is not] unduly

⁹⁸ Injunctive Order at 4.

⁹⁹ Hearing Examiner’s Report at 18-19, quoting Va. Code § 56-578(C).

burdensome and expensive.”¹⁰⁰ In addition, the Hearing Examiner’s Report findings determined that the Interconnection Statute “requires that the Commission ‘determine questions about the ability of specific equipment to meet interconnection standards” and charges the Commission with the duty to “determine questions about the ability of specific equipment to meet interconnection standards.”¹⁰¹

48. The Dominion Interim Requirements fail to satisfy any of these requirements under the Interconnection Statute that apply to Dominion’s attempt to impose DTT on Midsized Net Metering Projects, as established in the Injunctive Order.

49. Dominion is required to connect distributed generation customers, which include Midsized Net Metering Projects, to its distribution system pursuant to Commission rules and regulations and approved tariffs. Commission rules, regulations, and approved tariffs must be adopted by Commission order,¹⁰² and the Dominion Interim Requirements have not been adopted by Commission order.

50. Dominion is required to provide service to its distributed generation customers on a basis that the Commission has determined is just, reasonable, and not unduly discriminatory. There is no such determination for the Dominion Interim Requirements, which encompass DTT, DG Panels, and additional distribution and substation upgrades. The November 6, 2023 Ruling that is the basis for Dominion imposing the Interim Parameters (which are limited to cellular DTT and DG Panels) made no such determination, and the full Commission, after issuing a procedural order concerning the Interim Parameters, has determined in the DTT Proceeding Order that

¹⁰⁰ Hearing Examiner’s Report at 19, quoting Va. Code § 56-578(C).

¹⁰¹ Hearing Examiner’s Report at 19, quoting Va. Code § 56-578(C).

¹⁰² See *Petition of Dogwood Solar, LLC, For injunctive relief against Shenandoah Valley Electric Cooperative*, Case No. PUR-2020-00154, Final Order at 8 (October 26, 2020) (determining that the utility could only charge an interconnecting customer for operating and maintenance costs if it had “a tariff or regulation approved pursuant to Commission order.”)

Dominion’s DTT requirements must undergo scrutiny in a full evidentiary process. Significantly, the November 6, 2023 Hearing Examiner’s Ruling stressed the temporary and limited nature of the Interim Parameters, noting that they would “only” be adopted on an “interim basis” under “certain circumstances” including failing to meet the 3:1 light load to generation ratio screening.¹⁰³ Actual experience since the November 6, 2023 Ruling demonstrates that this approach is unreasonable because it imposes high fixed cost (\$250,000 DG Panel, \$60,000 for shunt trip breakers,\$50,000 for reclosers plus other substation upgrades collectively totaling as much as \$450,000) and extremely delayed cost estimates associated with such equipment on Midsized Net Metering Projects¹⁰⁴ in a manner that cripples the development of Midsized Net Metering Projects,¹⁰⁵ in sharp contrast to Dominion’s claim that the Interim Parameters represented “significant and reasonable concessions, on an interim basis, which will mitigate some of the costs of interconnection for Net Metering DER customers.”¹⁰⁶ Such mitigation has not provided reasonable outcomes for Midsized Net Metering Projects following the November 6, 2023 Ruling. Indeed, the DTT Proceeding Order recognizes the lack of an evidentiary basis for imposing DTT when it determines that a formal evidentiary basis is needed to “allow parties to establish a robust factual record on DTT and related alternatives which are not unduly burdensome and expensive,”¹⁰⁷ and the full Commission endorsed that determination when it issued the DTT Proceeding Order on August 7, 2024.

51. The Dominion Interim Requirements also run afoul of the Commission’s duty to establish interconnection standards to ensure distribution safety and reliability and, in so doing,

¹⁰³ November 6, 2023 Hearing Examiner’s Ruling at 12.

¹⁰⁴ See Exhibit C. See, e.g. Exhibit M, June 6, 2024 Presentation of Madison Energy for Preparation Call for June 17, 2024 Meeting of SCC Working Group for NEM Engineering Requirements.

¹⁰⁵ See generally Exhibit D.

¹⁰⁶ Interim Authority Motion at 8 and 12.

¹⁰⁷ DTT Proceeding Order at 7.

ensure that compliance is not unduly burdensome and expensive. Although Dominion has asserted that the Dominion Interim Requirements are necessary to ensure distribution safety and reliability, the Commission has not adopted standards that the DTT required in the Interim Parameters is necessary to ensure distribution safety and reliability. The Original Parameters Petition that was the basis for the Injunctive Order was granted in part because “continued implementation of the [Original] Parameters will create barriers to interconnection that the Interconnection Statute aims to prevent,” and this circumstance established “sufficient harm . . . for an injunction to issue.”¹⁰⁸ Even the November 6, 2023 Ruling recognized that such DTT standards did not exist when its third directive directed Dominion, Staff and stakeholders “to specifically address and establish study and engineering requirements necessary to safely and reliably interconnect Net Metering DERs as part of the proceedings in Case No. PUR-2023-00069.”¹⁰⁹ The DTT Proceeding Order similarly recognizes that DTT standards have not been approved by the Commission when that order indicates that the DTT evidentiary proceeding “shall include consideration of the requirements surrounding the use of DTT to interconnect generation facilities subject to the . . . Net Metering Regulations.”¹¹⁰ This need to consider revisions to Net Metering Regulations related to the use of DTT appears to support a determination that Dominion has acted prematurely by imposing requirements impacting Net Metering Regulations prior to receiving approval from the full Commission to do so.

52. Similarly, the Dominion Interim Requirements run afoul of the Commission’s duty to determine questions about the ability of specific equipment to meet interconnection standards and to determine the ability of specific equipment to meet interconnection standards. It is

¹⁰⁸ Hearing Examiner’s Report at 20; Injunctive Order at 4 (basing an injunction “on the findings and recommendations in the Report.”).

¹⁰⁹ November 6, 2023 Ruling at 13.

¹¹⁰ DTT Proceeding Order at 7.

inconsistent with the Commission’s statutory obligations to allow highly controversial equipment associated with DTT to *first* cripple an entire segment of the net metering market and *then* figure out if such equipment is needed to meet a not-yet-determined standard. The DTT Proceeding Order appears to support this conclusion when it directs Dominion, in its November 15, 2024 filing, to propose “revisions to its terms and conditions applicable to interconnection and net metering customers.”¹¹¹ If imposing DTT requires revisions to terms and conditions applicable to interconnection and net metering customers, then Dominion again has acted prematurely by imposing requirements impacting Net Metering Regulations prior to receiving Commission approval to do so.

53. Consequently, Dominion should be enjoined from imposing the Dominion Interim Requirements because the Dominion Interim Requirements are illegal under Virginia law governing pilot programs, are illegal under Virginia law governing interconnection of distributed generation customers to Dominion’s distribution system, and threaten to drastically curtail or eliminate altogether net metering for public entities, non-profits, and private businesses, including K-12 schools, hospitals, churches, and local governments. VA-DSA recognizes that the DTT Proceeding Order will ultimately adjudicate to what extent it is proper for Dominion to impose DTT on Midsized Net Metering Projects. But it is quite possible that a final order will not be issued until August of 2025 regarding the outcome of the evidentiary proceeding established by the DTT Proceeding Order.¹¹² Under the best case scenario from VA-DSA’s perspective, the Commission would determine that DTT will not be required for Midsized Net Metering Projects.

¹¹¹ DTT Proceeding Order at 7.

¹¹² The August 2025 estimate for a final order is based on Dominion filing testimony on November 15, 2024 and the possibility that a procedural order will call for respondents to file testimony by February 14, 2025, Commission Staff to file testimony by March 15, 2025, Dominion to file rebuttal testimony by March 31, 2025, and a hearing on April 16, 2025, as well as the possibility that post hearing briefs will be filed by May 30, 2025, a Hearing Examiner’s Report will be issued by June 30, 2025, comments on the Hearing Examiner’s Report will be filed by July 21, 2025, and a final order will be issued by August 20, 2025.

But even in this best case scenario, Midsized Net Metering Projects often take nearly a year to be put in place once they have been green lighted, which means that customers served by Midsized Net Metering Projects would have been waiting from December of 2022 until August of 2026 (one year after the estimate of August of 2025 for the Commission’s final order) to complete their projects. And by August of 2026, the landscape for net metering may have changed considerably following the outcome of Dominion’s May 1, 2025 net metering petition as provided for in the May 6, 2024 Order issued in Case No. PUR-2024-00047, which calls for a final order no later than 12 months after the proceeding is commenced, with such final order setting forth the new terms for net metering.¹¹³

54. But if the Commission does not enjoin the Dominion Interim Requirements in their entirety, then VA-DSA seeks to have the Commission enjoin Dominion from imposing any costs or delays associated with the Dominion Interim Requirements on Midsized Net Metering Projects. The authority for pilot programs under Virginia law contemplates such programs providing a benefit to some customer, hence the “public interest” finding required under Va. Code § 56-234 authorizing such programs. The Dominion Interim Requirements instead impose a burden, which VA-DSA strongly believes is an undue burden, on the Midsized Net Metering Projects that are the focus of the Dominion Interim Requirements.¹¹⁴ In the absence of the Dominion Interim Requirements, Midsized Net Metering Projects would interconnect under the status quo that prevailed prior to the December 2022 Original Parameters, which status quo the Injunctive Order determined was consistent with the Interconnection Statute.

¹¹³ *Ex Parte Future net energy metering proceedings of Appalachian Power Co. & Va. Elec. & Power Co. pursuant to Code § 56-594, PUR-2024-00047, Order (May 6, 2024).*

¹¹⁴ *See Exhibit A (Madison Energy example of delays associated with Dominion Interim Requirements), Exhibit D (developer data concerning the impact of DTT requirements) and Exhibit L (examples of how Dominion Interim Requirements create issues for schools and localities).*

55. Prior to December of 2022, Dominion did not require DTT for behind-the-meter projects like Midsized Net Metering Projects. DTT was only required by Dominion for front-of-the-meter projects subject to Chapter 314 regulation. The significant difference between behind-the-meter and front-of-the-meter projects is that behind-the-meter projects are sized to serve on-premises load, meaning not more than one-third of the generation, for less than half of the time, ever reaches the electric grid.¹¹⁵ Front-of-the-meter projects are both larger (well above the 3 MW limit for all net metering projects) and their entire output is placed on the electric grid 100% of the time. If a pilot program is being utilized for DTT that substitutes cellular communications for fiber optic communications, then such a pilot program would logically be done for front-of-the-meter projects, where there is greater experience with DTT, where the larger size of such projects means the cost burdens of DTT can more readily be borne, and where the entire output of such systems is delivered to the grid. Imposing a cellular communications DTT pilot program on Midsized Net Metering Projects, when the costs and delays imposed by cellular communications DTT drastically curtail the ability to provide non-residential net metering, should only be done *after* the Commission has determined the necessity for DTT for behind-the-meter projects. Indeed, the second directive in the November 6, 2023 Ruling recognizes, at least in part, the logic behind this approach. In the November 6, 2023 Ruling, the Hearing Examiner “agree[d] with VA-DSA . . . that the interconnection of midsized NEM projects can involve highly technical, fact-based issues that are best determined in an evidentiary proceeding.”¹¹⁶ This agreement led the Hearing Examiner to set forth his first directive:

The Company, Staff, and stakeholders are directed to specifically address and establish study and engineering requirements necessary to safely and reliably

¹¹⁵ See, e.g. Va Code §56-594, which requires the capacity of net metering facilities for Dominion customers to be capped at “150% of the expected annual energy consumption based on the previous 12 months of billing history.”

¹¹⁶ November 6, 2023 Ruling at 12.

interconnect Net Metering DERs as part of the proceedings in Case No. PUR-2023-00069.¹¹⁷

This investigation began on May 17, 2024 and its initial stage concluded on August 8, 2024 regarding Staff's Net Metering Interconnection Study. The DTT Proceeding Order now appears to supersede the NEM Interconnection Study by requiring Dominion, by November 15, 2024, to address the following in detail (for both front-of-the-meter and behind-the-meter projects), including supporting testimony and exhibits:

- Dominion's proposed criteria for determining which situations require DTT, with all supporting engineering justifications;
- The operational considerations supporting its proposed use of DTT (such as latency, grid safety and reliability, cybersecurity, availability, location, and project size);
- Dominion's proposed criteria for alternative options to DTT, if any, including perceived benefits and limitations of those options (such as the feasibility, effectiveness, latency, grid safety and reliability, cybersecurity, and availability of each alternative);
- Notable options to DTT not proposed by Dominion in its Filing and Dominion's justification for their exclusion (such as the feasibility, effectiveness, latency, grid safety and reliability, cybersecurity, and availability of each alternative);
- Identify when in the study process Dominion determines that the use of DTT or an alternative is required and how this will be communicated to the interconnecting customer, including anticipated cost;
- Provide a breakdown of the approximate installation and operation and maintenance costs of DTT, including, but not limited to, (i) the average cost per mile to install DTT, (ii) the average cost of substation upgrades that are required in order to utilize DTT, and (iii) any reoccurring monthly charges that interconnection customers must pay;
- Provide a breakdown of the approximate installation and operation and maintenance costs of each proposed alternative, including but not limited to (i) the average initial cost for key equipment needed for each alternative option, (ii) the average cost of substation upgrades that are required in order to utilize the alternative, and (iii) any reoccurring monthly charges that interconnection customers must pay; and
- Provide any additional information that would be useful for the Commission to know on ruling on this issue.¹¹⁸

¹¹⁷ November 6, 2023 Ruling at 13.

¹¹⁸ DTT Proceeding Order at 7-8.

Unless and until the outcome of the DTT Proceeding Order finds that DTT is so vital that it must be imposed notwithstanding the drastic impact on Midsized Net Metering Projects, any imposition of Dominion Interim Requirements on Midsized Net Metering Projects should only be permitted if Midsized Net Metering Projects are held harmless, meaning they will incur no additional costs and no additional delays by the imposition of Dominion Interim Requirements.

56. At the same time the Commission enjoins application of the Dominion Interim Requirements, VA-DSA also seeks to have the Commission enjoin Dominion from routinely delaying implementation of interconnection for net metering projects beyond the 30 Day and 60 Day timeframes. This injunction should direct that all net metering projects are deemed to have received PTO, including permission to install bi-directional, revenue grade meters and to accrue net metering credits,¹¹⁹ in any instance where Dominion has failed to timely submit a waiver request accompanied by an explanation of why the waiver is needed for matters reasonably beyond the utility's control (with staffing, bi-directional meters, and low to mid voltage equipment being considered within Dominion's control).¹²⁰ Such injunction is appropriate for three reasons. First, the 30 Day and 60 Day Timeframes are expressly set forth in the Virginia code. Second, their routine violation imposes significant hardships on customers and developers because federal investment tax credits are tied to the receipt of PTO and because solar developers cannot sustain a business model where the timing of construction crews is subject to such uncertainty.¹²¹ Third, as described in **Exhibit K** to this VA-DSA Petition, Dominion is the only Virginia utility that

¹¹⁹ Having customers install bi-directional, revenue grade meters would allow customers to track what net metering payments they have accrued from the 31st day or 61st day, as applicable, that they gave Dominion the required interconnection notification.

¹²⁰ Dominion has a statutory obligation to timely interconnect DERs, and failure to procure sufficient staffing and sufficient equipment should not excuse Dominion from meeting its statutory obligations.

¹²¹ See, e.g. Exhibit L, Item 3 b (Fairfax County Board of Supervisors urges the Commission to ensure compliance with exiting timelines), Item 4 i (City of Charlottesville seeks to have the Commission ensure compliance with existing timelines), and Item 5 m (Fairfax County Public Schools urges immediate action by Commission to ensure compliance with existing timelines).

routinely exceeds the 30 Day and 60 Day Timeframes,¹²² which supports a finding that Dominion’s behavior is unduly discriminatory towards Midsized Net Metering Projects and is not consistent with good utility practice. Although “good utility practice” is defined in the Interconnection Regulations in Chapter 314 (rather than the Net Metering Regulations in Chapter 315), Dominion claimed on page 6 of its Original Parameters, which were the basis for the Interim Parameters, that the Original Parameters were based on good utility practice. This suggests it is appropriate to measure the Dominion Interim Requirements against the “good utility practice” yardstick, which describes utility

practices . . . engaged in or approved by a *significant portion of the electric industry* during the relevant time period . . . that, in the exercise of reasonable judgment . . . could have been expected to *accomplish the desired result at a reasonable cost*, consistent with good business practice, reliability, safety, and expedition.¹²³

It is important to keep in mind that good utility practice “is not intended to be limited to the *optimum* practice, method, or act to the exclusion of all others, but rather to include practices, methods, or acts *generally accepted* in the region.”¹²⁴ The Dominion Interim Requirements do not meet the criteria of being used by a significant portion of the electric utility industry in Virginia, nor do they accomplish the desired safety goal at a reasonable cost.

57. However, if the Commission will not immediately enjoin Dominion from routinely delaying interconnection beyond the 30 and 60 Day Timeframes, VA-DSA seeks to have the Commission resolve this issue via a Staff investigation concluded no later than September 30, 2024 that addresses if it is consistent with Virginia law for Dominion to routinely delay implementation of interconnection for net metering projects beyond the beyond the 30 and 60 Day

¹²² See Exhibit K.

¹²³ 20 VAC 5-314-20 (emphasis added).

¹²⁴ 20 VAC 5-314-20 (emphasis added).

Timeframes, including whether (a) the burden imposed by such delays should be borne entirely by net metering projects or should instead be borne at least in part by Dominion and (b) whether all net metering projects should be deemed to have received PTO, including permission to install bi-directional meters and accrual of net metering payments¹²⁵ in any instance where Dominion has failed to timely submit a waiver request accompanied by an explanation of why the waiver is needed for matters reasonably beyond the utility's control (with staffing and typical equipment being considered within Dominion's control).¹²⁶

58. In making its request for such injunctive relief, VA-DSA recognizes that the DER Interconnection Docket and the Interconnection Rulemaking Docket are still in process and that the Commission has issued the DTT Proceeding Order. However, it has been over two and a half years since the Commission first recognized the need to investigate DER interconnection issues¹²⁷ and during that interim period Dominion has been emboldened to take steps that further impede the ability of DER to survive in Virginia. As discussed in paragraph 53, in the absence of an injunction, the operation of Midsized Net Metering Projects will be delayed at least 3.5 years and may be eliminated altogether. From VA-DSA's perspective, this is an instance where justice delayed is justice denied.

59. VA-DSA requests expedited consideration of this VA-DSA Petition so that the Commission can quickly address and resolve the significant burden caused by (a) Dominion imposing the Dominion Interim Requirements on Midsized Net Metering Projects prior to

¹²⁵ Having customers install bi-directional, revenue grade meters would allow customers to track what net metering payments they have accrued from the 31st day or 61st day, as applicable, that they gave Dominion the required interconnection notification.

¹²⁶ Dominion has a statutory obligation to timely interconnect DERs, and failure to procure sufficient staffing and sufficient equipment should not excuse Dominion from meeting its statutory obligations.

¹²⁷ See, e.g. Final Report at 12 (summarizing the Commission's history in addressing need to explore utility DER interconnection issues in a comprehensive manner through the Final Order in PUR-2021-00127). See also Exhibit L, Item 3 h (Fairfax County Board of Supervisors expressing concern that DER has been disadvantaged for two years), Item 5 k (Fairfax County School Board expressing concern that DER has been disadvantaged for two years).

resolution of the evidentiary process set forth in the DTT Proceeding Order and (b) Dominion consistently delaying interconnection beyond the 30 Days and 60 Day Timeframes.

WHEREFORE, VA-DSA requests that the Commission, on an expedited basis, enjoin the Dominion Interim Requirements in their entirety prior to resolution of the evidentiary process set forth in the DTT Proceeding Order. However, if the Commission will not enjoin the Dominion Interim Requirements in their entirety prior to resolution of the evidentiary process set forth in the DTT Proceeding Order, then VA-DSA requests that the Commission, on an expedited basis, enjoin Dominion from imposing any costs or delays associated with the Dominion Interim Requirements on Midsized Net Metering Projects prior to resolution of the evidentiary process set forth in the DTT Proceeding Order, or grant such other relief as the Commission deems appropriate. VA-DSA also requests that the Commission enjoin Dominion from exceeding the 30 and 60 Day Timeframes (including PTO being granted automatically under the conditions set forth above), or if such injunction is not granted, direct that a Staff investigation resolve this issue by September 30, 2024, or such other relief as the Commission deems appropriate.

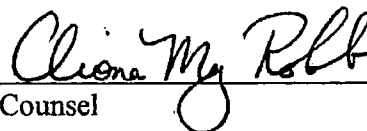
Respectfully submitted,

VIRGINIA DISTRIBUTED SOLAR ALLIANCE

August 16, 2024

By: _____

Counsel



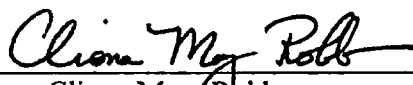
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List of Exhibits

- Exhibit A** Madison Energy examples of delays associated with Dominion Interim Requirements
- Exhibit B** Dominion Slides for June 17, 2024 Meeting of SCC Working Group NEM Engineering Requirements
- Exhibit C** VA-DSA Notes from June 17, 2024 Meeting of SCC Working Group for NEM Engineering Requirements
- Exhibit D** Developer data showing impacts of Dominion Interim Requirements
- Exhibit E** PPA projects in Dominion SCC notification website
- Exhibit F** May 27, 2024 Washington Post article: *Va. went all in on solar. Then its powerful utility changed the rules.*
- Exhibit G** IREC Assessment Associated with June 17, 2024 Meeting of SCC Working Group NEM Engineering Requirements
- Exhibit H** VA-DSA Notes from August 8, 2024 Meeting of SCC Working Group for NEM Engineering Requirements
- Exhibit I** Intentionally omitted.
- Exhibit J** March 12, 2020 Memorandum indicating how 3:1 standard requires a reclosing upgrade
- Exhibit K** Affidavit regarding 30 and 60 Day Timeframes
- Exhibit L** Examples of how Dominion Interim Requirements create issues for schools and localities
- Exhibit M** June 6, 2024 Presentation of Madison Energy for Preparation Call for June 17, 2024 Meeting of SCC Working Group for NEM Engineering Requirements

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the *Complaint and Petition of Virginia Distributed Solar Alliance for Injunctive Relief, for Commencement of Staff Investigation, and for Expedited Consideration*, was hand-delivered, emailed, and/or mailed, first-class postage prepaid, this 16th day of August, 2024, to each person listed below.


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Exhibit A

Madison Energy examples of delays associated with Dominion Interim Requirements


Project Name	Status	State	County	Capacity (kWac)	Capacity (MWac)	Submitted Date (System Inverter)	Received Date (State Time Elapsed)	Submission Date (Facility)	Received Date (Modules)	Time Elapsed (FS)	Time Elapsed (Days)
1 NN South Morrison Education Center	Evaluating Study Results	Virginia	Newport News	388	370	6/6/2023	8/21/2023	3/6/2024	8/7/2024	154	154
2 NN Plant Services Building	Evaluating Study Results	Virginia	Newport News	370	370	6/6/2023	10/30/2023	3/6/2024	8/7/2024	152	230
3 NN Discovery STEM	Evaluating Study Results	Virginia	Newport News	428	360	6/6/2023	4/4/2024	4/4/2024	8/12/2024	130	236
4 NN Child Nurturing Center	Evaluating Study Results	Virginia	Newport News	612	520	6/6/2023	10/30/2023	3/6/2024	8/7/2024	152	236
5 Fairfax Stormwater Wastewater Consolidation Facility Building 1	Evaluating Study Results	Virginia	Fairfax	413	360	4/25/2023	2/5/2024	3/13/2024	8/7/2024	147	433
6 Fairfax Stormwater Wastewater Consolidation Facility Building 2 and 3	Evaluating Study Results	Virginia	Fairfax	413	360	4/25/2023	2/5/2024	3/13/2024	8/7/2024	147	433
7 Fairfax Kingstome Consolidated Facility	Awaiting System Impact Study	Virginia	Fairfax	387	370	8/4/2023	TBD	TBD	TBD	TBD	TBD
8 Fairfax Mason District Police Station	Evaluating Study Results	Virginia	Fairfax	374	300	6/29/2023	10/30/2023	10/30/2023	6/6/2024	263	406
9 Fairfax Police Operations Bureau (OSB)	Evaluating Study Results	Virginia	Fairfax	388	370	7/25/2023	7/25/2023	3/13/2024	8/7/2024	147	229
10 Mason Crest ES	Awaiting Facilities Study	Virginia	Fairfax	369	370	1/13/2023	3/22/2023	3/13/2024	8/7/2024	154	222
11 North Stratford HS	Received Interconnection Approval	Virginia	Stafford	1,500	1780	6/10/2022	12/5/2022	12/5/2022	12/20/2022	15	183
12 Evergreen ES	Evaluating Study Results	Virginia	Chesterfield	707	560	6/9/2023	10/30/2023	3/13/2024	8/7/2024	147	290
13 Meadowbrook HS	Evaluating Study Results	Virginia	Chesterfield	1,279	960	6/9/2023	1/29/2024	3/13/2024	7/31/2024	140	374
14 Falling Creek HS	Evaluating Study Results	Virginia	Chesterfield	561	460	3/14/2024	6/24/2024	6/24/2024	8/7/2024	44	146
15 New West Area MS	Awaiting System Impact Study	Virginia	Chesterfield	781	600	6/11/2024	TBD	TBD	TBD	TBD	TBD
16 Swift Creek HS	Awaiting Facilities Study	Virginia	Chesterfield	1,059	890	5/9/2023	10/30/2023	3/13/2024	8/7/2024	154	287
17 Albemarle HS	Awaiting Facilities Study	Virginia	Albemarle	545	440	5/16/2024	7/11/2024	6/30/2024	8/7/2024	45	81
18 Brownsville ES	Awaiting Facilities Study	Virginia	Albemarle	377	370	5/16/2024	7/30/2024	7/30/2024	8/7/2024	15	90
19 Burley MS	Awaiting System Impact Study	Virginia	Albemarle	354	280	6/19/2024	TBD	TBD	TBD	TBD	TBD
20 Greer ES	Awaiting System Impact Study	Virginia	Albemarle	352	280	5/16/2024	TBD	TBD	TBD	TBD	TBD
21 Henley MS	Awaiting System Impact Study	Virginia	Albemarle	658	550	5/16/2024	TBD	TBD	TBD	TBD	TBD
22 Ivy ES	Awaiting System Impact Study	Virginia	Albemarle	403	320	5/16/2024	TBD	TBD	TBD	TBD	TBD
23 Journey MS	Awaiting Facilities Study	Virginia	Albemarle	593	460	5/16/2024	7/30/2024	7/30/2024	8/7/2024	15	90
24 Walton MS	Awaiting Facilities Study	Virginia	Albemarle	556	440	5/16/2024	7/30/2024	7/30/2024	8/7/2024	15	80
25 Western Albemarle MS	Awaiting Facilities Study	Virginia	Albemarle	768	600	5/16/2024	7/30/2024	7/30/2024	8/7/2024	15	90
26 Cranham MS	Evaluating Study Results	Virginia	Pittsylvania	548	440	2/2/2023	5/23/2023	7/30/2024	8/7/2024	44	153
27 Gretna ES - old design	Pre-Submission	Virginia	Pittsylvania	488	350	5/30/2023	8/21/2023	NA	4/19/2024	NA	NA
28 Glen Allen HS	Received Interconnection Approval	Virginia	Henrico	564	460	1/19/2022	5/23/2023	NA	NA	NA	NA
29 JRDCC	Awaiting Facilities Study	Virginia	Powhatan	639	636	1/19/2023	3/14/2023	3/11/2024	8/7/2024	156	211
30 Williamsburg MS	Awaiting Facilities Study	Virginia	Alulungan	482	360	6/9/2023	10/30/2023	10/30/2023	8/7/2024	156	269
31 Pamunkey Regional Jail	Awaiting Facilities Study	Virginia	Henner	1,179	875	10/20/2023	3/11/2024	3/11/2024	8/7/2024	156	269
32 Westmoreland HS	Awaiting Facilities Study	Virginia	Westmoreland	446	446	7/7/2023	TBD	TBD	TBD	TBD	TBD
Totals				18,529	15,510	Average	Average	Average	Average	110	246

Capacity KW (AC)	15,510
Total number of projects impacted	32
System Impact Studies (average time elapsed)	144
Facilities Studies (average time elapsed)	110
Total average time elapsed	246

Note: time elapsed as of August 14, 2024

Average Time: Completed Studies


For projects finished with the study process, the values below show the average time for a project to complete each study within the interconnection study process.

Utility is **Dominion**  **Reset**

System Impact Study (Days)	161		Facilities Study (Days)	140		Total Study Time (Days)	308	
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Average Time: Incomplete Studies

For projects that have yet to finish the study process, the values below show the average time for a project to complete each within the interconnection study process.

Utility is **Dominion**  **Reset**

System Impact Study (Days)	151		Facilities Study (Days)	93		Total Study Time (Days)	247	
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Exhibit B

**Dominion Slides for June 17, 2024 Meeting of
SCC Working Group NEM Engineering
Requirements**

SCC Working Group

NEM Engineerings Requirements

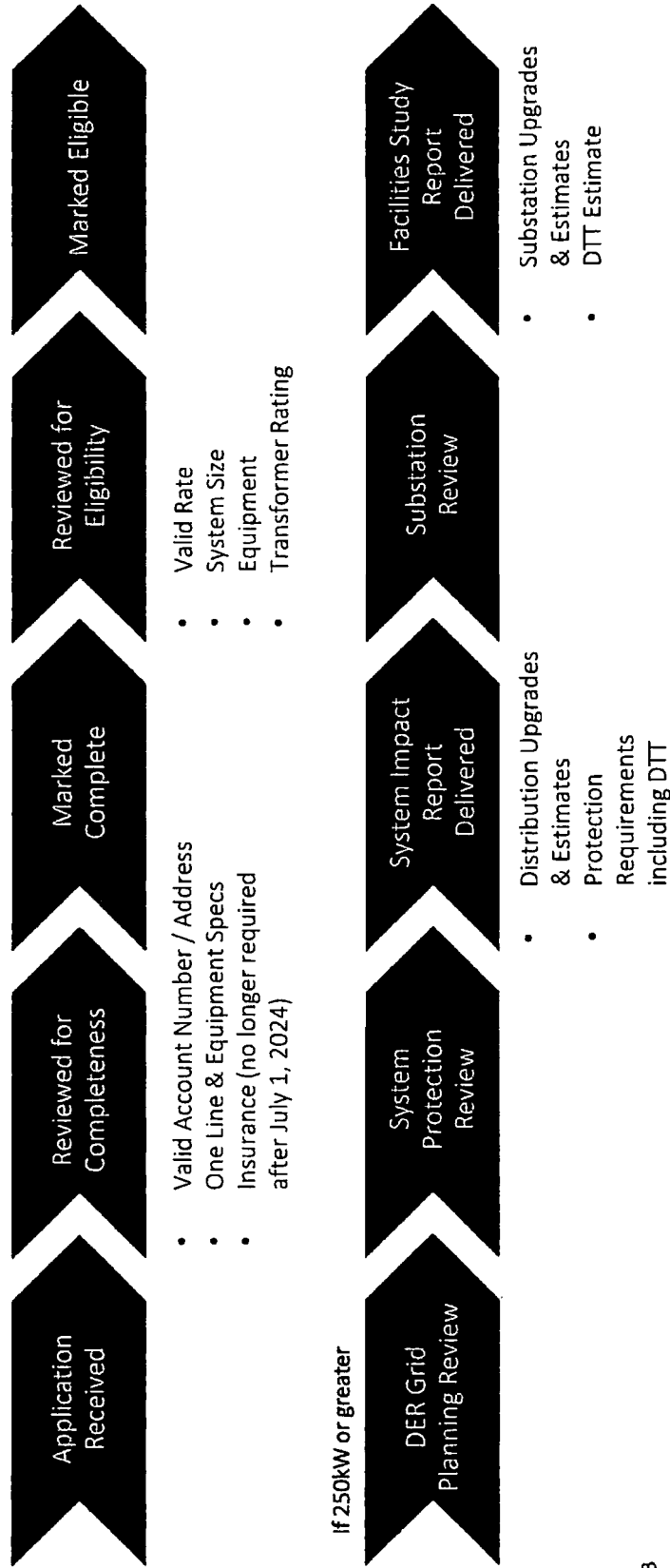
1 June 17, 2024



Agenda

- Non-Residential NEM Application Review and Study Process Overview
- 3:1 Level Set
- Dual Carrier Cellular (DCC) DTT Update
- Project Level Discussion
 - Red River Foods
 - Freedom High School
 - Madison Energy Investments
- Questions

Non-Residential NEM Application Review & Study Process



June 26, 2024



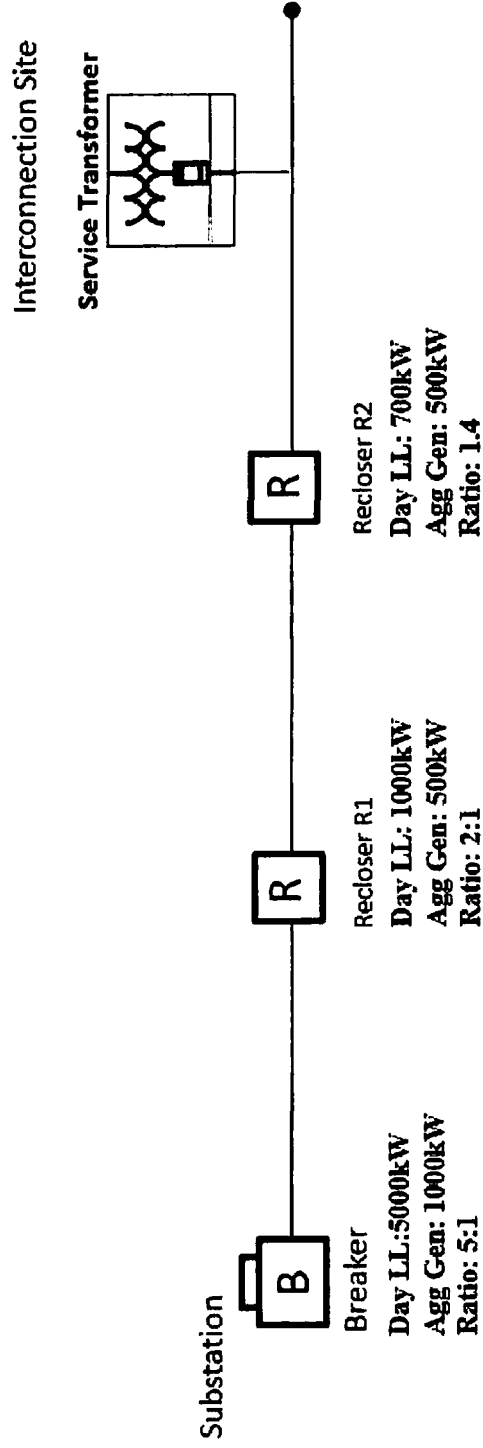
How Light Load is Determined:

- Daytime light loading for PV DER, typically from 6am to 6pm, depending on the time of year.
- Multiple redundant tools are used to determine light loading on inline reclosers.
 1. Synergi Planning Modeling tool estimates load values from customer monthly kWh readings.
 2. PI Historian –Consists of raw data gathered from intelligent electronic devices on the grid.
 3. If available, AMI meter tools are utilized.
 4. If the building is not constructed the customer Load letter is used.

How Aggregate Generation is Determined:

- After a site receives its permission to operate and a meter exchange occurs, the solar site is added to our GIS maps and Engineering models.
- Calculating Aggregate generation is a simple matter of adding existing generation + proposed generation behind each 3-phase protective device.
- Dominion's maps and models are updated weekly for new DER sites.

3:1 Level Set



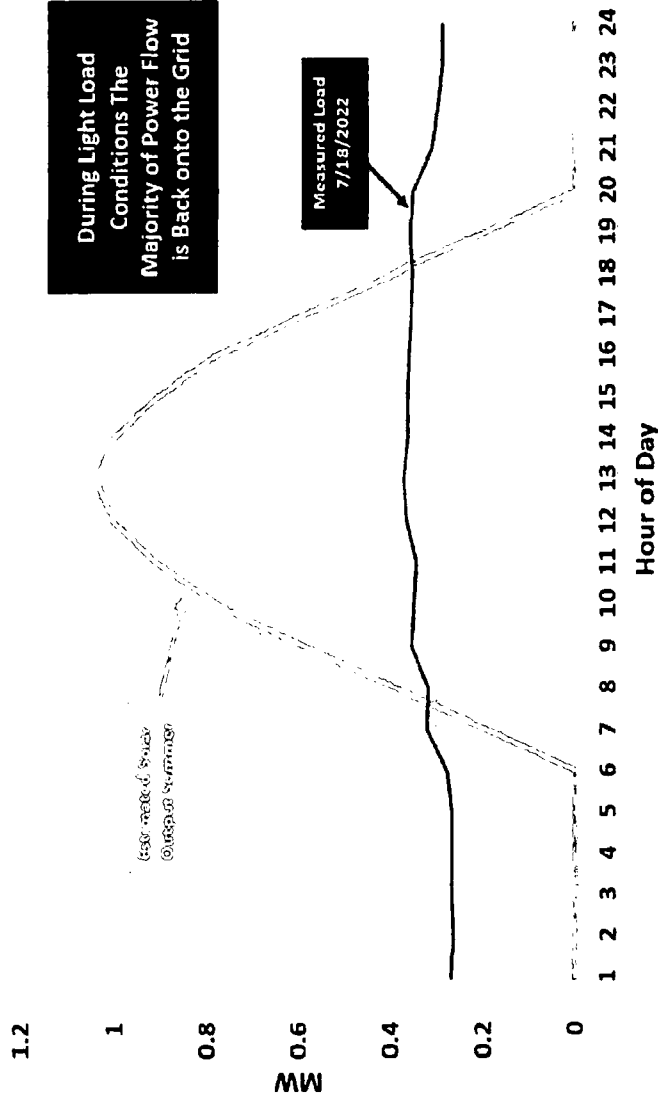
What are the major bottlenecks to completing studies for the mentioned interconnections and similarly sized NEM projects?

- ✓ Increased Export Limits Established in VA Chapter 315 in Summer 2020 (VCEA).
- ✓ First of their kind protection schemes for interconnecting large NEM sites. Cultivating new processes for interconnection.
- ✓ Each project, regardless of size, requires individual engineering studies to determine the protective equipment required for the interconnection.
- ✓ Factors that impact the study and requirements --

- Site Location
- Circuit Load
- Existing DER on the circuit
- Substation Design

Year	Residential	Non-Residential
2000	10 kW	25 kW
2005	10 kW	500 kW
2011	20 kW	500 kW
2015	20 kW	1 MW
2020	25 kW	3 MW

Why these sites require this level of Engineering Study?



Reverse Flow System Impacts:

- Source during fault conditions
- Inter-dependency
- Circuit Capacities
- Voltage Profiles



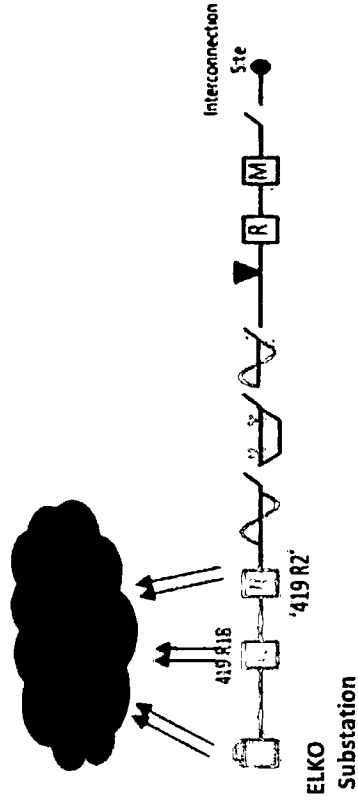
Describe the process to confirm adequacy of cellular Direct Transfer Trip (DTT) for NEM sites.

1. All 250kW – 1MW NEM sites being offered Dual Carrier Cellular DTT are Pilot Projects.
2. Field operation will confirm the adequacy of the system. The Elko Substation Field Test has been in service since 4/29/2024. No false trips as of yet. Working on Latency.
3. If a 250kW –1MW NEM site chooses DCC DTT, reliability that is equivalent to traditional fiber is not guaranteed.
4. Sites are screened with a hand-held spectrum analyzer for presence of ATT & Verizon cellular presence.

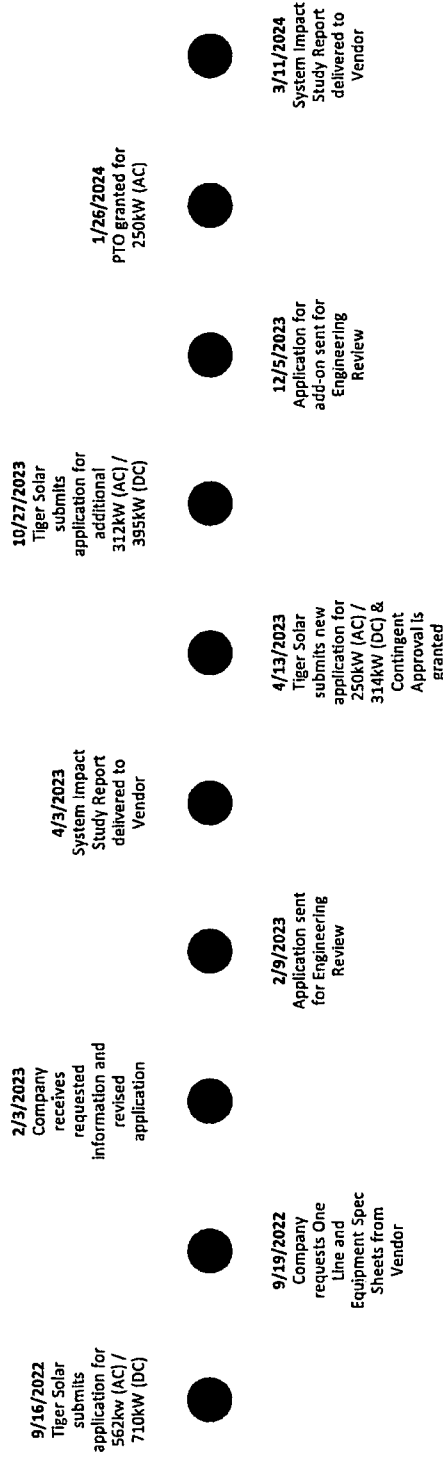


The General Concept of Dual Carrier Cellular & Elko Substation Field Test:

- ✓ Existing Circuit has DTT from the Substation to all inline reclosers.
- ✓ DTT signal originates from DG Panel in the Substation Control house.
- ✓ DTT signal converted to GOOSE and is broadcasted over an open VPN network that each cradle point has observability of.
- ✓ If the inline or breaker senses a fault or is SCADA operated, a transfer trip is communicated to the POI via the VPN network.
- ✓ Each Inline recloser or a/c POI will require an equipment cabinet that houses the equipment. Equipment also required in the substation.



Red River Foods (2840 Sprouse LLC)

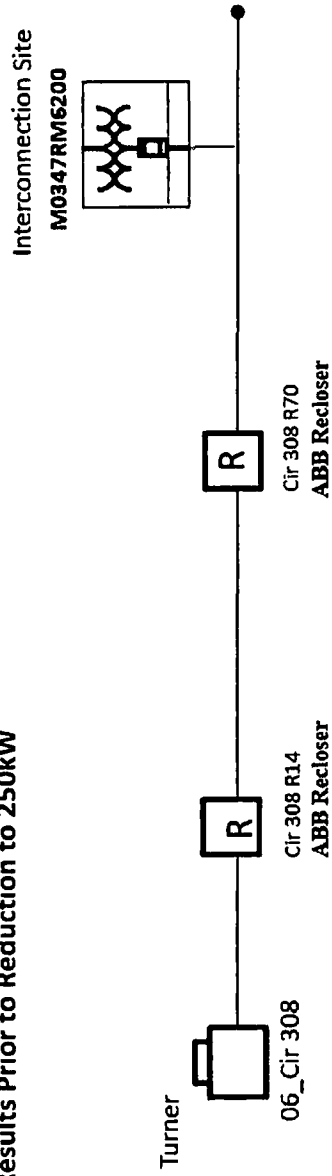


The requirement for DTT was communicated in the System Impact Study Report delivered on April 3, 2023. At that time, the Vendor expressed their intent to reduce the system size in an effort to avoid engineering review. A new application for 250kW (AC) was received 10 days later, and Contingent Approval was granted. PTO has been issued on the 250kW (AC) project and a System Impact Study Report has been delivered for the add-on system submitted in October 2023. DTT is required for the total 562kW (AC).



Red River Foods Engineering Requirements

Study Results Prior to Reduction to 250kW



Utility Device	Minimum Ratio
308R14	<3:1
308R70	<3:1
CB 30852	4.71
Transformer #1	6.20
Transmission Line 286	5.76

Table 1 - Light Load to Cumulative Generation Ratio

Upgrades:

- ✓ Replace 308 R14 & add DTT
- ✓ Replace 308 R70 & add DTT
- ✓ Shunt Trip Breaker with
- ✓ PQ & Communication Equipment

Freedom High School

2/3/2023
Got Electric LLC submits
application for 987KW
(AC) / 1322kW (DC)

2/16/2023
Application sent for
Engineering Review

5/23/2023
System Impact Study
Report delivered to
Vendor



2/16/2023
Company requests One
Line and Equipment Spec
Sheets from Vendor &
Receives Required
Information Same Day

5/10/2023
Company files waiver
with SCC

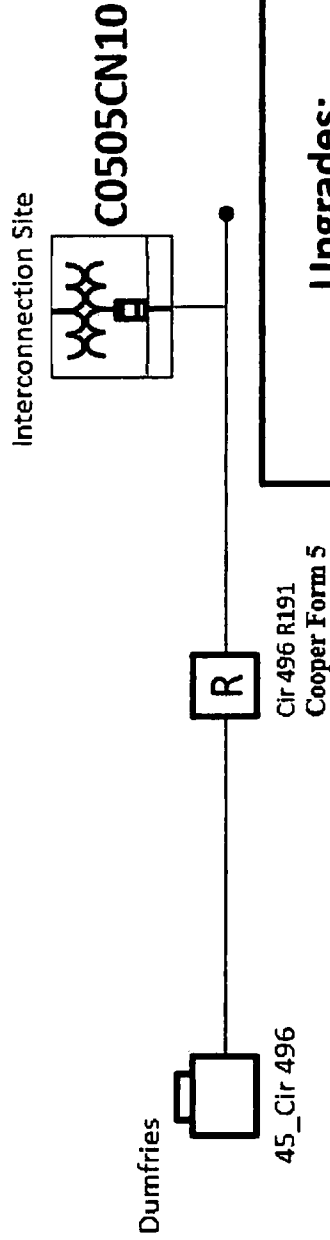
5/31/2023
Company meets with
Vendor to review results
of engineering studies,
told project will not be
moving forward at this
time

The requirement for DTT was communicated in the System Impact Study Report delivered on May 23, 2023. During a virtual meeting the following week the Vendor expressed they would not be moving forward with the project due to the DTT requirement and expected cost. The Company ceased all Engineering work on the project including developing a cost estimate for the protection requirements identified in the System Impact Study Report.



Freedom High School Engineering Requirements

Study Results Prior to Site Withdrawing

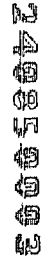


Upgrades:

- ✓ Replace 496 R191 & add DTT
- ✓ Substation upgrades required
- ✓ Upsize Service Transformer
- ✓ Shunt Trip Breakers with PQ & Communication Equipment

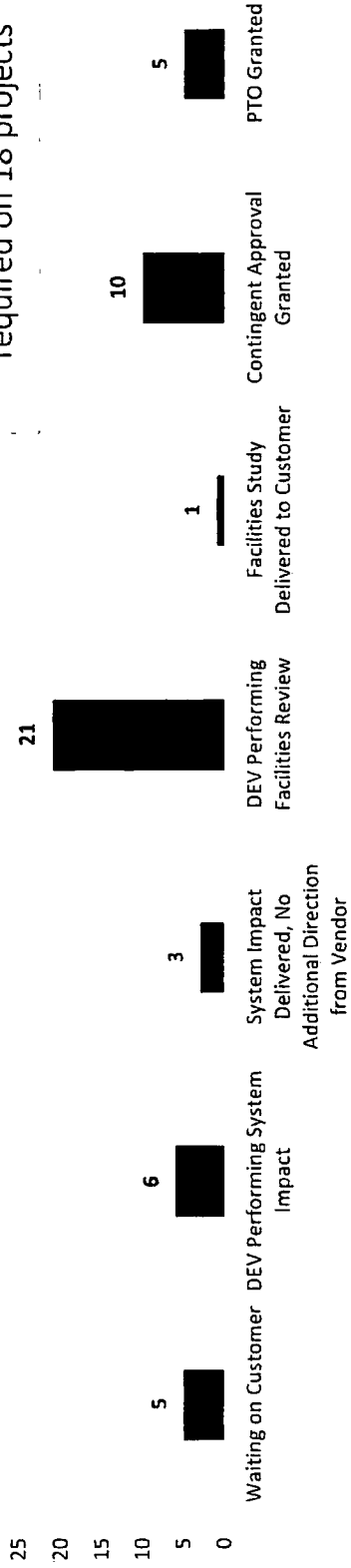
Utility Device	Minimum Ratio
496R191	1.76
CB 49622	2.62
Transformer #2	3.09
Transmission Line 2022	5.45

Table 1 - Light Load to Cumulative Generation Ratio



MEI Project Status

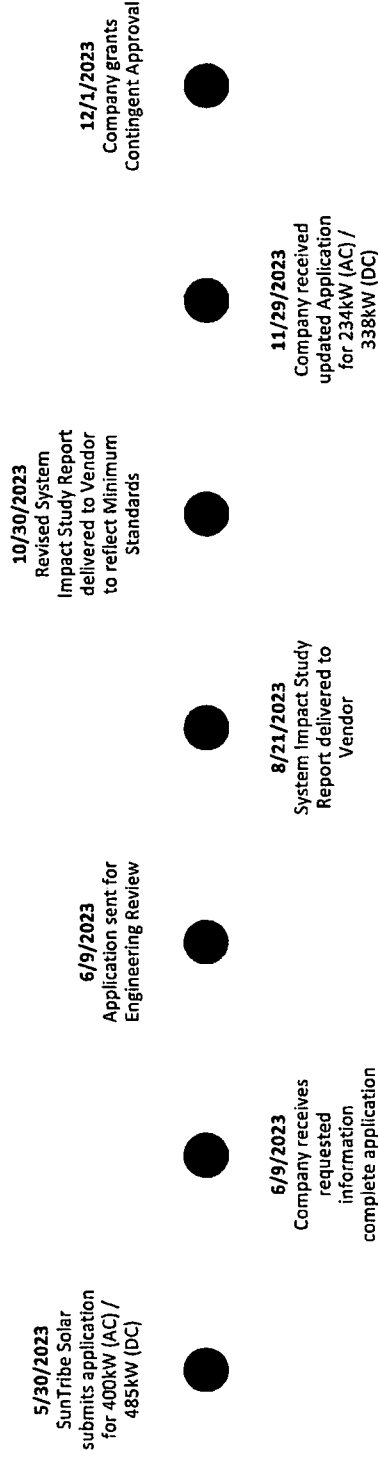
51 Projects in 250kW – 1MW Queue



- Based on conversation with Vendor in Spring 2023, Company operated under the assumption that no projects with DTT or DER Relay Panel would advance and therefore no Facilities Studies were requested.
- In September 2023, Company sought guidance from Vendor on how to proceed on projects requiring DTT.
- In March 2024, Vendor provided comprehensive list of all projects for which they desired a Facilities Study and the priority in which projects should be addressed.
- Company working to develop Substation and Dual Cellular Cost estimates.



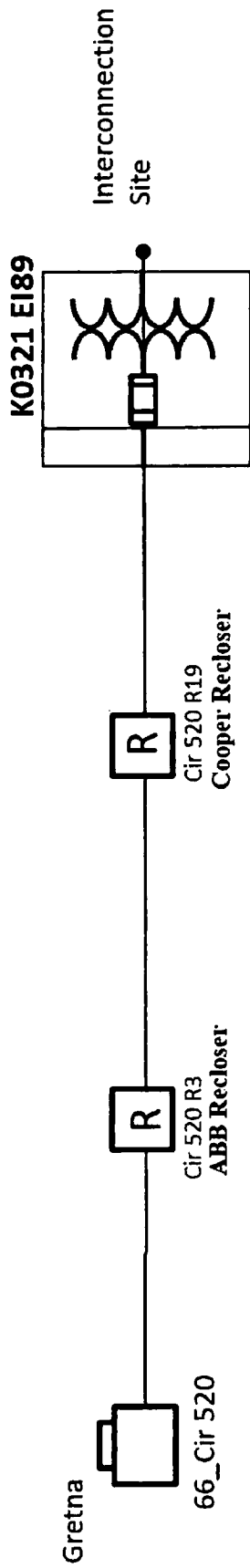
Pittsylvania County - Gretna Elementary School



The requirement for DTT was communicated in the System Impact Study Report delivered on August 21, 2023. The Company provided an updated System Impact Study Report to the customer on October 30, 2023 removing the requirement for a Company-owned shunt trip breaker and seeking approval to move forward to the Facilities portion of the study process. Vendor submitted new application to avoid engineering review and Contingent Approval was granted.

Gretna Elementary School Engineering Requirements

Study Results Prior to Reduction to <250kW



Utility Device	Minimum Ratio
520 R3	3.37
520 R19	2.17
CB 52022	1.25
Transformer #1	1.64
Transmission Line 1040	3.43

Table 1 - Light Load to Cumulative Generation Ratio

Upgrades:

- ✓ Replace 520 R19 & add DTT
- ✓ Substation upgrades required
- ✓ Shunt Trip Breaker with
- ✓ PQ & Communication Equipment

Pamunkey Regional Jail

10/20/2023
SunTribe Solar submits
application for 875kW
(AC) / 1179kW (DC)

10/23/2023
Application sent for
Engineering Review

3/11/2024
Vendor requested
Facilities Study and Dual
Cellular DTT Estimate

10/23/2023
Company requests One
Line and Equipment
Spec Sheets from
Vendor and receives
same day

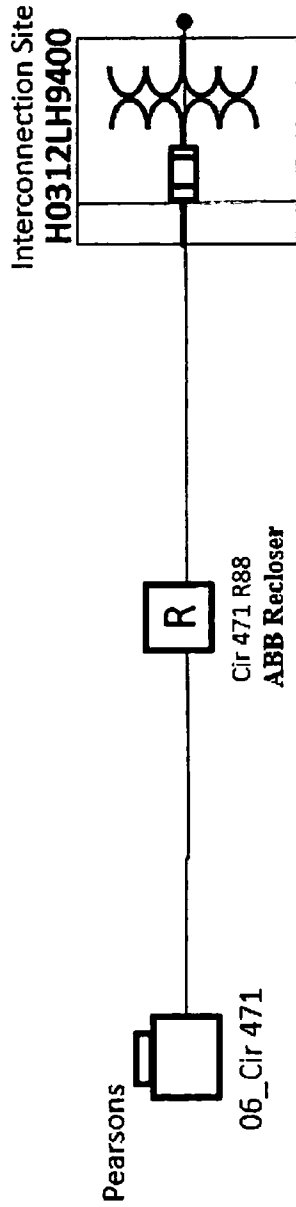
3/11/2024
System Impact Study
Report delivered to
Vendor

The requirement for DTT was communicated in the System Impact Study Report delivered on March 11, 2024. Vendor expressed desire to move forward to Facilities Study phase and requested Dual Cellular DTT Estimate on March 11, 2024. Company is working to provide cost estimates to Vendor at this time.



Pamunkey Regional Jail Engineering Requirements

Moving forward with Facilities and DCC DTT Study



Utility Device	Minimum Ratio
471 R88	< 1.36
CB 47172	1.36
Transformer #1	4.08
Transmission Line 2075	3.34

Table 1 - Light Load to Cumulative Generation Ratio

Upgrades:

- ✓ Replace 471 R88 with DTT
- ✓ Substation upgrades required
- ✓ Shunt Trip Breaker with
- ✓ PQ & Communication Equipment



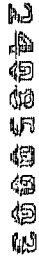
Chesterfield County - Evergreen Elementary School

- 6/9/2023 SunTribe Solar submits application for 560kW (AC) / 706kW (DC)
- 7/5/2023 Company receives requested information and files waiver with SCC
- 3/13/2024 SunTribe provides list of projects, including Evergreen, requesting Facilities Study



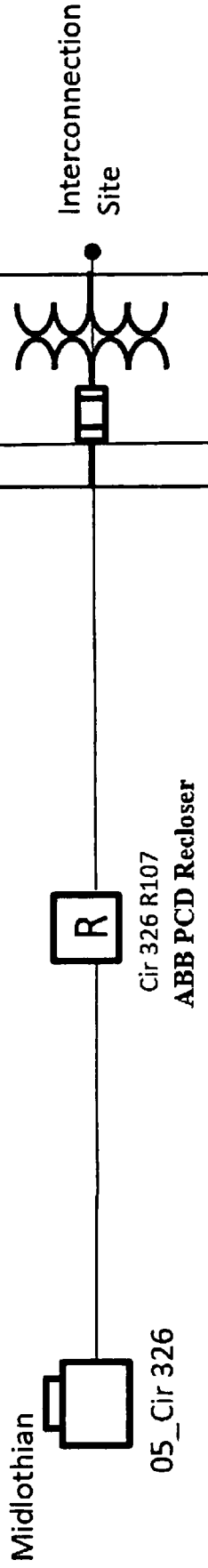
- 7/5/2023 Company requests One Line and Equipment Spec Sheets from Vendor
- 10/30/2023 System Impact Study Report delivered to Vendor; advised Customer of 2nd meter base requirement

The requirement for DTT was communicated in the System Impact Study Report delivered on October 30, 2023. The Company operated under the assumption that Vendor would not move forward on any projects requiring DTT and/or DER Relay Panel based on a conversation in Spring 2023. In Spring 2024, SunTribe notified the Company they desired to receive Facilities Studies and Dual Cellular Estimates for specific projects and the Company has been working to complete studies.



Evergreen Elementary School Engineering Requirements

Moving forward with Facilities and DCC DTT Study



Utility Device	Minimum Ratio
326R107	1.04
CB 32612	4.75
Transformer #5	6.61
Transmission Line 282	9.22

Table 1 - Light Load to Cumulative Generation Ratio

Upgrades:

- ✓ Replace 326 R107 with DTT
- ✓ Shunt Trip Breaker with
- ✓ PQ & Communication Equipment

Stafford County – Moncure Elementary School

11/28/2023
SunTribe Solar submits
application for 320kW (AC) /
393kW (DC)

2/9/2024
System Impact Study Report
sent to System Impact Study
Report delivered to Vendor

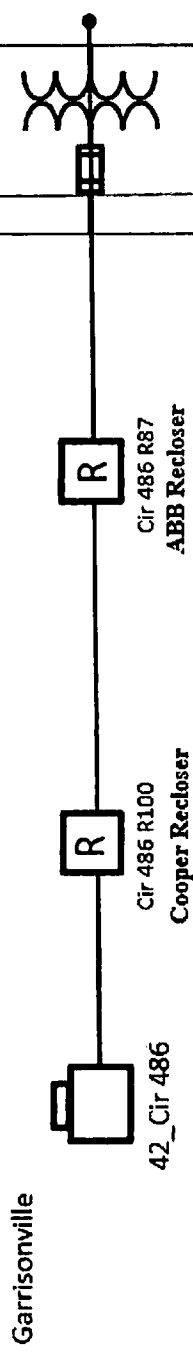
11/29/2023
Application sent to
Engineering for review

3/11/2024
Sent for Facilities Study

The requirement for DTT was communicated in the System Impact Study Report delivered on February 9, 2024. Company received request to begin Facilities Study on March 11, 2024.

Stafford Moncure Elementary

Moving forward with Facilities and DCC DTT Study



Upgrades:

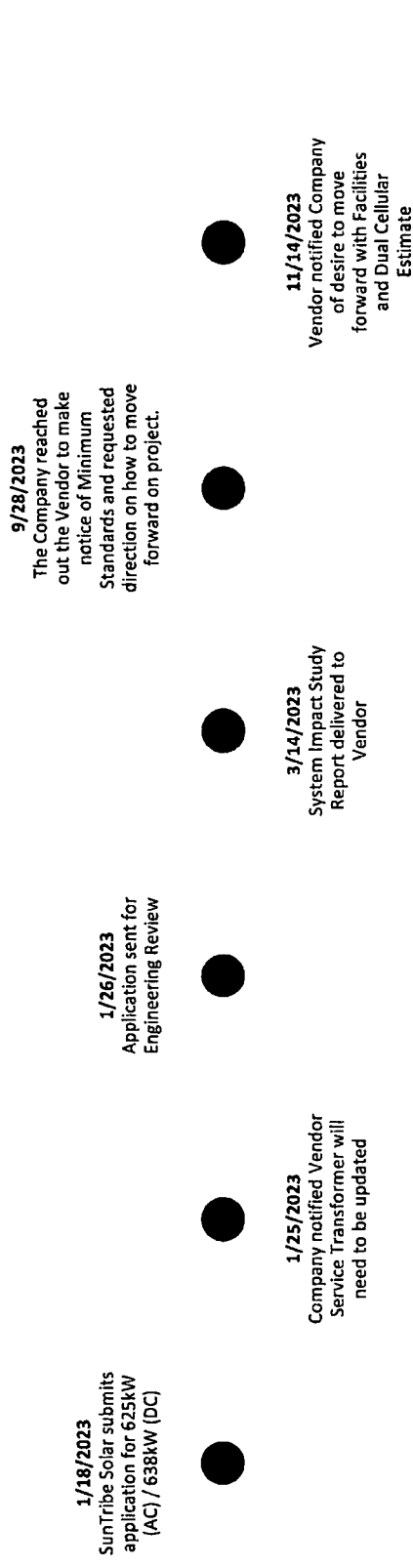
- ✓ Substation Upgrades
- ✓ Replace 486 R87 with DTT
- ✓ Replace 486 R100 with DTT
- ✓ Shunt Trip Breaker with PQ & Communication Equipment

Utility Device	Minimum Ratio
486R87	1.51
486R100	2.31
CB 48622	2.24
Transformer #1	4.70

Table 1 - Light Load to Cumulative Generation Ratio



James River Juvenile Detention Center

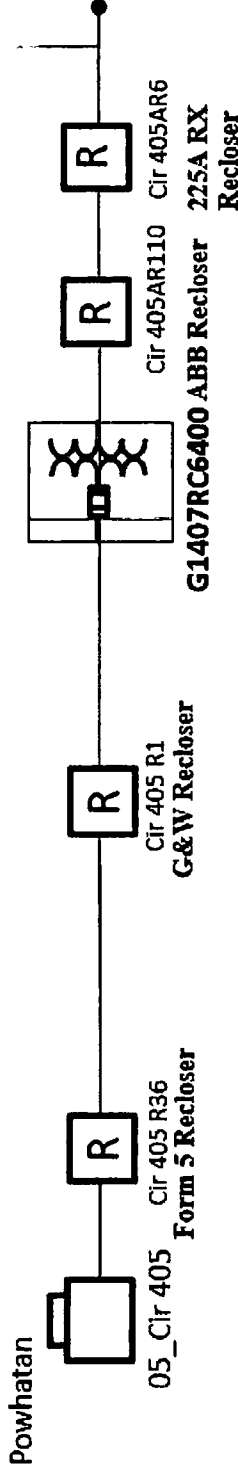
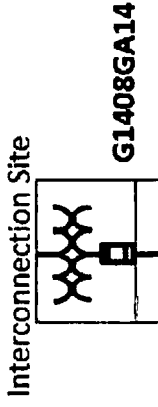


The requirement for DTT was communicated in the System Impact Study Report delivered on March 14, 2023. Based on conversations with the Vendor, Company operated under assumption that the Vendor did not want to move forward with a Facilities Study. The Company reached out to Vendor in September 2023 seeking guidance on how to proceed and received request to advance to Facilities in November 2023.



James River Juvenile Detention Center Engineering Requirements

Moving forward with Facilities and DCC DTT Study



Utility Device	Minimum Ratio
405R36	<3:1
405R1	<3:1
405AR110	<3:1
405AR6	<3:1
CB 40552	1.68
Transformer #1	1.57
Transmission Line 2027	4.94

Table 1 - Light Load to Cumulative Generation Ratio

Upgrades:

- ✓ Substation Upgrades
- ✓ Replace 405 R36 with DTT
- ✓ Replace 405AR110 with DTT
- ✓ Replace 405AR6 with DTT
- ✓ Upsize Service Transformer
- ✓ Shunt Trip Breaker with
- ✓ PQ & Communication Equipment

MEI Project Status

Site Name	KW AC	Date Received	Date Received All Paperwork	Date Sent for Engineering Study	System Impact Sent Date	Date Facilities Study Requested	Facilities Study Sent Date	Contingent Approval Sent	Current Status
Kaechele ES	240.00	10/28/2022	1/4/2023	N/A	-	-	-	1/4/2023	Contingent Approval Granted
Colonial Trail ES	240.00	10/28/2022	11/17/2022	N/A	-	-	-	11/17/2022	Contingent Approval Granted
Mason Crest Elementary School	320.00	1/13/2023		1/23/2023	3/21/2023	3/11/2024			In Facilities Study
James River Juvenile Detention Center	625.00	1/18/2023		1/26/2023	3/14/2023	11/15/2023			In Facilities Study
Chatham MS	440.00	2/3/2023	2/9/2023	2/9/2023	5/23/2023	2/28/2023			In Facilities Study
Glen Forest ES	400.00	3/13/2023	3/20/2023	3/20/2023	-	-	-	10/4/2023	Contingent Approval Granted
Luther Jackson MS	520.00	3/13/2023	3/22/2023	3/22/2023	-	-	-	10/4/2023	Contingent Approval Granted
Annandale Terrace ES	240.00	3/13/2023	3/20/2023	N/A	-	-	-	3/20/2023	Contingent Approval Granted
Cleanview ES	440.00	3/13/2023	3/20/2023	3/20/2023		4/2/2024			In Facilities Study
Island Creek ES	600.00	3/13/2023	3/20/2023	3/20/2023		4/20/2023			In Facilities Study
Langley HS	640.00	3/13/2023	3/20/2023	3/20/2023	10/6/2023	4/25/2024			In Facilities Study
Rocky Run MS	640.00	3/13/2023	3/20/2023	3/23/2023	10/6/2023				System Impact Study Delivered
Woodley Elementary School	360.00	3/13/2023		5/11/2023	8/29/2023				System Impact Study Delivered
Chantilly HS	960.00	3/13/2023							Waiting on Customer to Confirm Application
West Springfield HS	920.00	3/27/2023	3/28/2023	3/28/2023	6/2/2023	4/18/2023			In Facilities Study



MEI Project Status

Site Name	KW AC	Date Received	Date Received All Paperwork	Date Sent for Engineering Study	System Impact Sent Date	Date Facilities Study Requested	Facilities Study Sent Date	Contingent Approval Sent	Current Status
Fairfax Police Operations Bureau	320.00	4/25/2023		5/2/2023	7/26/2023	3/11/2024			In Facilities Study
Manhattan Construction 1	360.00	4/25/2023	10/26/2023	10/26/2023	2/5/2024	3/21/2024			In Facilities Study
Manhattan Construction 2 & 6	360.00	4/25/2023	10/2/2023	10/26/2023	2/5/2024	3/21/2024			In Facilities Study
South Morrison Education Center	320.00	6/6/2023		6/29/2023	8/21/2023	3/7/2024			In Facilities Study
Child Nutrition Center	520.00	6/6/2023		6/29/2023	10/30/2023	3/7/2024			In Facilities Study
Discovery STEM Academy	360.00	6/6/2023	7/5/2023	7/5/2023	4/4/2024	4/4/2024			In Facilities Study
Williamsburg MS	360.00	6/8/2023	7/5/2023	7/5/2023	10/31/2023	3/11/2024			In Facilities Study
Swift Creek Middle School	880.00	6/9/2023		6/29/2023	10/30/2023	1/10/2024			In Facilities Study
Evergreen ES	560.00	6/9/2023	7/5/2023	7/5/2023	10/30/2023	3/11/2024			In Facilities Study
Meadowbrook HS	960.00	6/9/2023	7/5/2023	7/5/2023	1/29/2024	3/11/2024			In Facilities Study
Eastern Rec Center	240.00	6/23/2023	6/28/2023	N/A	-	-		9/19/2023	Contingent Approval Granted
Hermitage ACE Center	240.00	6/26/2023	6/28/2023	N/A	-	-		6/28/2023	Contingent Approval Granted
County of Fairfax FMD (Police)	300.00	6/29/2023	7/3/2023	7/3/2023	10/31/2023	3/21/2024			Contingent Approval Granted
Plant Services Building	320.00	7/5/2023	7/26/2023	7/26/2023	10/30/2023	3/8/2024	5/13/2024		Facilities Study Delivered
Kingstowne Consolid. Facility	320.00	8/4/2023	10/26/2023	10/26/2023	-	-			In Facilities Study
VO-Tech Main Bldg	240.00	8/10/2023	8/17/2023	N/A	-	-		8/29/2023	Contingent Approval Granted
Chatham ES	200.00	8/24/2023	8/29/2023	N/A	-	-		8/29/2023	Contingent Approval Granted



MEI Project Status

Site Name	kW AC	Date Received	Date Received All Paperwork	Date Sent for Engineering Study	System Impact Sent Date	Date Facilities Study Requested	Facilities Study Sent Date	Contingent Approval Sent	Current Status
Virginia Randolph Academy	320.00	9/1/2023	9/5/2023	10/26/2023	11/1/2023				System Impact Study Delivered
Pamunkey Regional Jail	875.00	10/20/2023	10/23/2023	10/23/2023	3/11/2024	3/21/2024			In Facilities Study
Moncure ES	320.00	11/28/2023	11/29/2023	11/29/2023	2/9/2024	3/11/2024			In Facilities Study
Falling Creek MS	440.00	3/14/2024	3/22/2024	3/22/2024		6/3/2024			In Facilities Study
Burley Middle School	280.00	5/16/2024		5/30/2024					In System Impact Study
Brownsville Elementary School	320.00	5/16/2024		5/30/2024					In System Impact Study
Albemarle High School	440.00	5/16/2024		5/30/2024					In System Impact Study
Walton Middle School	440.00	5/16/2024		5/30/2024					In System Impact Study
Western Albemarle High School	600.00	5/16/2024		5/30/2024					In System Impact Study
Stone-Robinson ES	200.00	5/16/2024		N/A					Waiting on Customer to Confirm Application
Ivy ES	320.00	5/16/2024							Waiting on Customer to Confirm Application
Henley MS	560.00	5/16/2024							Waiting on Customer to Confirm Application
Mary Carr Greer ES	280.00	5/29/2024	6/4/2024						Awaiting Application Signature
Journey MS	480.00	5/29/2024	6/4/2024	6/4/2024					In System Impact Study



Questions?

Exhibit C

**VA-DSA Notes from June 17, 2024 Meeting
of SCC Working Group NEM Engineering
Requirements**



SCC Interconnection Workgroup Meeting Notes 6/17/24

Prepared July 1, 2024

KEY Takeaways

- **SCC Process:** The SCC intended to meet and review with 4 different Installers/developers the specifics of interconnecting their projects; Dominion was not prepared to discuss Norfolk Academy so that meeting is TBD; Dominion was also not prepared to discuss the completed projects of MEI, nor did they have time to review their data for the incomplete studies of MEI; hopefully all of that will be covered at the next meeting; (all of Dominion's slides are attached below, as are Shay Banton's IREC notes) Staff states that they will follow-up with a report of recommendations after the meetings
- **Dominion Delays:** Dominion admitted that for some time over the past year they were NOT filing waivers for projects that exceeded 60 days for study; staff asked for clarity; Dominion stated there was some confusion
- **Shunt trip breaker.** Dominion now allows customers to own this, rather than requiring Dominion to own this; when asked if projects should reapply to receive this treatment, there was no clear answer; Dominion has not communicated this new rule to developers
- **DG Panel:** Dominion stated that as of 1/16/24 they are NOT requiring a DG panel when DTT is not required for any projects under 1 MW. MEI stated that this is contrary to the study results they have received
- **Interim Parameters as Pilot Program:** Interim parameters are treated as a pilot program. When 3:1 ratio is triggered/failed, Dominion is pricing projects for both fiber and dual cellular communications("DCC") per Dominion.
 - Pilot participants are Midsized projects (250 kW to 1 MW)
 - According to Dominion, the delays are not caused by the studies. The delays are caused by cost estimates—Dominion is having to work with third party vendors to create specs and costs for new equipment; Dominion stated that they have finally worked that out and cost estimates will be coming soon- developers stated that that is what they have been told for 7 months now; when asked for a ballpark Dominion stated \$35,000 PER cradle point; failure at the recloser is a 2 cradle point install; and so on; Dominion also stated that they still don't know what they don't know about DCC and it may not be feasible overall- will know better next year, after it is hopefully deployed to the 20 projects they expect it to be deployed to and have a check back with the cell carriers, as well as performance data- had no formal plan to discuss this with the SCC or anyone else
 - Dominion seemed to say that DCC required the presence of both ATT & Verizon
- **Risk Issues:** When risk was addressed again, Dominion stated that "they were not saying that DER increases risk, they said they are treating it the same as all other generation"

SCC Interconnection Workgroup Meeting Notes 6/17/24

- **O&M Charges:** Dominion is collecting O&M charges, via a monthly fee; When questioned they stated that they were not collecting them via SGAs because SGAs are enjoined by the Commission; then how are you justifying it? No response; these monthly fees can exceed full equipment replacement cost across the life of the array; Dominion stated they will replace equipment at NO cost; when asked how those funds are stored, preserved etc., for O&M of that equipment, no answer
 - Even if requiring DTT is appropriate, Dominion's allocation of DTT costs is not
 - Dominion treats what it claims are required facilities as "excess" facilities, requiring customers to bear ongoing O&M costs calculated based on the excess facilities provisions in its tariff. Dominion seemed to say that this O&M approach was permitted under its North Carolina tariff.
 - Dominion requires the facility that is first in line to bear 100% of the costs of facilities that can benefit multiple facilities (see VEPGA tariff for an example of Dominion using a "shared cost" approach)
- **DTT Requirement as Outlier:** Dominion acknowledges that the basis for its DTT requirement is an outlier
 - Dominion stated that 3:1 is on the "conservative" side but in no way is isolated
 - Dominion claims that it has been using 3:1 for 40 years, but that is not true for NEM prior to December 2022.
- **NEM vs FOM Projects:** Dominion ignores the distinction between NEM and front of the meter (FOM) projects
 - Dominion implies that it is appropriate to apply Chapter 314 parameters such as 45 business days to Chapter 315 NEM projects
- **Reclosers:** Staff pointed out that nearly every project implements new reclosers, and won't that ensure a failure of the 3:1. The more reclosers, the more likely the failure. Dominion seemed to disagree. Dominion referred to their SAIDI/SAIFI scores- but as we found out in the PBM workgroup, they aren't using all of the measuring points of the SAIDI/SAIFI scoring system.
- **DOMINION SLIDE DECK: Dominion Energy Virginia NEM Engineering Requirements NEM Workshop 06172024.pdf**
- Notes from Shay Banton / IREC for SCC meeting of June 17 on **Rationale for DTT in Various Territories**
- **Staff questions**
 1. **Equipment costs.** How does the amount Dominion charges for equipment compare with what other utilities charge for equipment? (David Essah)
 2. **Specific engineering analysis.** Is there a specific engineering analysis that supports the 3:1? (David Essah). Dominion could only point to the EPRI article.
 3. **O&M charges.** Why is O&M charged if these are required facilities, not excess facilities? (Mike Cizenski)

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4. NEM vs. FOM. Does Dominion recognize a difference between NEM facilities and front of the meter facilities?(Neil Joshipura)
5. SCC Waivers. Has Dominion been filing SCC waivers? (David Essah)
6. O&M charges. Are the O&M charges based on actual O&M expenses? (David Essah).
7. Other states. Are there examples of how other states treat 1 MW projects? (Mike Cizenski)
8. Putting costs together. Is there a different way to put costs together? (Mike Cizenski)
9. NEM facility at the end of the line. How is an NEM facility treated if it is at the end of the line? (Mike Cizenski)

Notes prepared by Alden Cleanthes,

Exhibit D

**Developer data showing impacts of Dominion
Interim Requirements**

EXHIBIT D: Chart showing the detrimental impact of Dominion requiring DTT

Developer / Installer	Customer	Project or Facility	Date NEM application filed	Date Initial Feasibility Report Received	Size KW (AC)	Current Status (Delayed and/or Cancelled)	Notes on Excessive Costs	Estimated Interconnection Cost	Estimated Monthly Payment	Interconnection Costs as a % of Project Costs	Notes on Excessive Delays	Domination Waiver Filled? Y/N	Other Notes on Interim Parameter Detrimental Impact
Secure Futures	Prince William County Public Schools	Freedom High School	5-Feb-23	23-May-23	987.5	Delayed and Cancelled	Requirement for DTT and fiber interconnection to substation 2.9 miles away, not including obtaining ROW for underground connections	\$1,228,000 plus SGIA fees of \$771/mo	\$150.00	41%	107 days	N	Under the Interim Parameters, interconnection would be at least \$350,000, or 12% of project costs, enough to cancel the project. Impact is that no projects are being planned for PWCS in Dominion territory that exceed 250 KW AC; SGIA also requires a \$770.64/month payment; across 20 yr minimum life of the array is additional \$184,953.60
MEI	Pittsylvania County Schools	Pittsylvania Gretha Elementary School	5/30/23	8/21/23	350	Downsized to 240KWac	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$491,000.00	\$150.00	53%	83	Y	Dec 2022 parameters applied
MEI	Hanover County	Pamunkey Regional Jail	10/20/23	3/11/24	875	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$2,159,500.00	\$150.00	91%	143	N	Injunction period; studied after interim parameters applied; still subjected to Dec 2022 parameters
MEI	Cheslerfield Public Schools	Cheslerfield Evergreen Elementary	6/9/23	10/30/23	560	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$1,747,000.00	\$150.00	240%	143	Y	Dec 2022 parameters applied; studied during injunction period; Dec 2022 parameters still applied
MEI	Stafford County Schools	Stafford Moncure Elementary School	11/28/23	2/9/24	320	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$1,891,000.00	\$150.00	173%	73	N	Interim parameters should apply; Dec 2022 parameters were applied
MEI	Henrico County	James River Juvenile Detention Center	1/18/23	3/14/23	625	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$2,706,145.00	\$150.00	186%	55	N	December 2022 parameters applied
MEI	Newport News Public Schools	NN South Morrison Education Center	6/6/23	8/21/23	320	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$601,000.00	\$150.00	84%	76	Y	
MEI	Fairfax Public Schools	Colvin Run ES	3/13/23	6/28/23	360	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$837,700.00	\$150.00	101%	107	Y	
MEI	Fairfax County	Fairfax Police Operations Bureau (OSS)	4/25/23	7/26/23	320	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$646,000.00	\$150.00	88%	92	Y	
MEI	Fairfax County	Fairfax Stormwater Wastewater Consolidation Facility Building 1	4/25/23	2/5/24	360	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$472,375.00	\$150.00	62%	286	N	
MEI	Fairfax County	Fairfax Stormwater Wastewater Consolidation Facility Building 2 and 6	4/25/23	2/5/24	360	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$472,375.00	\$150.00	62%	286	N	
MEI	Fairfax Public Schools	Langley HS	3/20/23	10/6/23	640	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$626,000.00	\$150.00	44%	200	Y	

MEI	Fairfax Public Schools	Mason Crest ES	1/13/23	3/22/23	320	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$201,000.00	\$150.00	29%	68	N	
MEI	Fairfax Public Schools	Rocky Run MS	3/13/23	10/6/23	640	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$533,500.00	\$150.00	35%	207	Y	
MEI	Fairfax Public Schools	West Springfield HS	3/10/23	6/22/23	920	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$771,000.00	\$150.00	41%	84	N	
MEI	Fairfax Public Schools	Woodley Hills ES	3/13/23	8/29/23	360	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$361,500.00	\$150.00	44%	169	Y	
MEI	Stafford Public Schools	Anne E Moncre	11/28/23	2/9/24	320	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$1,628,500.00	\$150.00	22%	79	N	
MEI	Stafford Public Schools	Rodney Thompson MS	5/6/23	10/30/23	480	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$608,500.00	\$150.00	56%	175	N	
MEI	Stafford Public Schools	Stafford Senior HS	5/9/23	10/9/23	760	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$338,500.00	\$150.00	20%	154	Y	
MEI	Chesterfield Public Schools	Falling Creek MS	3/14/24	6/24/24	440	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$703,500.00	\$150.00	68%	102	Y	
MEI	Chesterfield Public Schools	Swift Creek MS	6/9/23	10/30/23	880	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$521,000.00	\$150.00	26%	143	Y	
MEI	Arlington Public Schools	Williamsburg MS	6/8/23	10/30/23	360	Awaiting results; high probability of no longer feasible to build	Facilities Study also requires a \$150/month payment; across 25 yr minimum life of array is additional \$45000	\$1,022,000.00	\$150.00	120%	144	Y	
MEI	Pittsylvania County Schools	Chatham MS	2/3/23	5/23/23	440	Downsized to 240kWac		\$172,940.00	\$117.98	17%	109	N	
Tiger Solar	Red River Foods	Red River Foods	9/19/2022	4/3/2023	710	Project reduced to 250KW	Facilities Study also requires a \$385.32/month payment; across 20 yr minimum life of array is additional \$92,476.80	min \$680,000 plus \$385.32/mo		55%	196	?	Application was 3 months prior to Dec 2022 parameters, should not apply; substation not geographically closest; multiple reclosers replaced; under interim parameters, price may not change significantly due to multiple upgrade points