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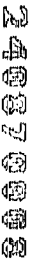
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August 30, 2024

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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:

Please find enclosed for electronic filing in the above-captioned proceeding the *Response of Virginia Electric and Power Company*.

Please do not hesitate to contact me if you have any questions in regard to the enclosed.

Highest regards,

/s/ Joseph K. Reid, III

Joseph K. Reid, III

Enclosures

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Service List

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)

RESPONSE OF
VIRGINIA ELECTRIC AND POWER COMPANY

Pursuant to Ordering Paragraph (2) of the Order issued by the State Corporation Commission (“Commission”) on August 21, 2024, in the above-captioned proceeding, and Rule 100 B of the Commission’s Rules of Practice and Procedure, 5 VAC-20-100 B, Virginia Electric and Power Company (“Dominion Energy Virginia” or the “Company”), by counsel, hereby submits its Response to the Complaint and Petition for Injunctive Relief, for commencement of Staff Investigation, and for Expedited Consideration (“Petition”) filed with the Commission by the Virginia Distributed Solar Alliance (“VA-DSA” or “Petitioner”).

STATEMENT OF THE ACTION

Through its Petition, VA-DSA seeks an injunction, on an expedited basis, to suspend the imposition of the interim net metering interconnection requirements as authorized by the Chief Hearing Examiner’s November 6, 2023 Ruling¹, which, in relevant part, permits the Company “to (A) continue to require either a fiber optic or cellular-based [direct transfer trip] (“DTT”) communication system, at the customer’s election, and (B) require installation of a [Distributed Generation Panel] (“DG Panel”) under certain conditions for midsized net metering (250 kW – 1

¹ *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of revising the Commission’s Regulations Governing Interconnection of Small Electrical Generators and Storage*, Case No. PUR-2023-0069, Chief Hearing Examiner’s Ruling (Nov. 6, 2023) (“November 6, 2023 Ruling”).

MW) projects.² Specifically, VA-DSA asks the Commission to enjoin the imposition of the Interim Requirements and all additional substation and distribution upgrade costs imposed on mid-sized net metering projects following the issuance of the Interim Requirements (collectively, “Interim Requirements”) in their entirety prior to the conclusion of the evidentiary proceeding on the Company’s DTT requirements ordered by the Commission on August 7, 2024 (“DTT Evidentiary Proceeding”). VA-DSA claims that “these constitute an [sic] unauthorized pilot program[s] and violate Virginia law governing interconnection of DER.”^{3,4} In the alternative, if the Commission does not enjoin the Interim Requirements in its entirety, VA-DSA requests that the Commission enjoin the Company from imposing costs or delays by the Interim Requirements on mid-sized net metering projects until conclusion of the DTT Evidentiary Proceeding.

In addition, VA-DSA seeks to have the Commission enjoin the Company from “routinely delaying” implementation of interconnection for net metering projects beyond the 30 days as set forth in the Commission’s Regulations Governing Net Energy Metering (“Net Metering Regulations”)⁵ for residential net metering projects and beyond the 60 days as set forth in the Net Metering Regulations for non-residential net metering projects, by directing that all net metering projects are deemed to have received permission to operate in any instance where the Company has failed to timely submit a waiver request accompanied by an explanation of why the waiver is needed for matters reasonably beyond the Company’s control.⁶ In the alternative, if the Commission does not enjoin the Company for these “delays,” VA-DSA seeks to have the

² November 6, 2023 Ruling at 13.

³ DER refers distributed energy resources.

⁴ Petition at 4.

⁵ 20 VAC 5-315-10 *et seq.*

⁶ Petition at 4-5.

Company appreciates the commitment of the Commission and its Staff to evaluate the interconnection process and appropriate interconnection protocols in an orderly and reasonable way and looks forward to continued participation in the relevant pending proceeding along these lines. It is disappointing that efforts to be collaborative with the third-party developer community have not been more productive, and that valuable resources continue to be diverted to litigating and re-litigating requests for a more expedient and less burdensome result.

For these reasons, the Company respectfully requests that the Commission deny VA-DSA's requested relief and dismiss the Petition in its entirety as the issues raised are barred by collateral estoppel. Should the Commission disagree, the Company respectfully requests that the Commission deny VA-DSA's request for injunctive relief because it does not satisfy the legal standards for granting an injunction.⁹

RESPONDENT

Dominion Energy Virginia is a public service corporation organized under the laws of the Commonwealth of Virginia furnishing electric service to the public within its certificated service territory. The Company also supplies electric service to non-jurisdictional customers in Virginia and to the public in portions of North Carolina. The Company is engaged in the business of generating, transmitting, distributing, and selling electric power and energy to the public for compensation. The Company is a public utility under the Federal Power Act, and certain of its operations are subject to the jurisdiction of the Federal Energy Regulatory Commission. The Company is an operating subsidiary of Dominion Energy, Inc.

The Company's name and post office address are:

Virginia Electric and Power Company
120 Tredegar Street
Richmond, Virginia 23219

⁹ *Id.*

The names, addresses, and telephone numbers of the Company's attorneys are:

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BACKGROUND

In 2020, the Virginia General Assembly expanded and revised its net energy metering programs to incentivize and increase the penetration of Net Metering DERs throughout Virginia, most notably under the Virginia Clean Economy Act ("VCEA") (2020 Va. Acts 1193). Eligible non-residential customers may now construct generation facilities producing up to 3 MW of generation, and up to 150% of the customer's expected annual energy consumption.¹⁰ The VCEA also raised the net metering cap from 1% of each electric distribution Company's adjusted Virginia peak-load forecast for the previous year to 6%.¹¹ Since the enactment of the

¹⁰ Va. Code § 56-594 B.

¹¹ Va. Code § 56-594 E.

VCEA, the Company has expanded its Net Metering DER programs to approximately 400 MW of generation across its service territory.

As a result of these changes, the Company experienced significant increases in customer applications to participate in Net Metering DER programs with a 59% increase in net energy metering (“NEM”) customers between year-end 2021 and year-end 2022. As of August 28, 2024, the Company has 94 midsize net metering projects totaling 48.8 MW awaiting interconnection. The 94 projects are in various stages ranging from Application Received to Awaiting Meter Exchange. To date, the Company has connected 89 midsize net metering projects totaling 41.6 MW. The 41.6 MW were connected between 2015 and 2024. With the enactment of the VCEA, the Company saw significant increase in the volume and size of applications requesting to interconnect to the distribution grid. For example, 64 midsize net metering projects totaling 29.6 MW applied for interconnection between 2015 and 2020 compared to 111 midsize net metering projects totaling 57.5 MW applying for interconnection between 2021 and 2023 – 65 of the 111 were received in 2023 alone. The increase in individual project size as well as the aggregate amount of DER desiring to interconnect to the grid necessitated a change to the review process for net metering projects 250 kW and greater and thus the Net Metering DER Interconnection Parameters were developed. The Company also took steps such as adding personnel and implementing new processes to manage the increased volume of these NEM applications in the Company’s queue.

Around the time of the enactment of the VCEA, the Commission finalized revisions to the rules governing interconnection of distributed resources (Chapter 314 and Chapter 315)¹² for Virginia utilities. In response to the Chapter 315 changes, the Company began diligently

¹² 20 VAC 5-314 and 20 VAC 5-315, respectively.

examining the effect of higher capacity Net Metering DERs that will operate in parallel with the Electric Power System (“EPS”) to ensure the safety, reliability and operability of the Company’s system. During light load conditions, much of the power produced by the Net Metering DERs is injected back on to the Company’s EPS, and the magnitude of these injections is directly proportional with the Net Metering DER solar array sizes.

Prior to the issuance of the Company’s NEM Interconnection Parameters in December 2022, interconnections greater than 250 kW represented a very small portion of the DER interconnected to the distribution system. The majority of NEM interconnections were less than 250 kW. As a result of lower volumes of midsize and above NEM sites, the Company did not employ rigorous engineering evaluations of these sites prior to interconnection. Also, prior to the Interconnection Parameters being issued, the Company did not deploy DTT for any NEM sites. However, these sites did receive mandatory equipment upgrades that were necessary for the site to interconnect. Any site from 250 kW – 500 kW was evaluated for the possible need to install a power quality device and sites between 500 kW – 1 MW were required to install a shunt trip breaker and a power quality device. The Company assessed the way NEM sites were being evaluated after the Non-Residential NEM cap was raised from 1-3 MW in Summer 2020 with the ability to generate 150% of annualized power consumption. Necessary changes in the methods applied to study and interconnect these larger sites were then developed and documented in the Interconnection Parameters manual published for transparency in December 2022.

The Company developed the Interconnection Parameters to document the need for more formal engineering analyses and specify standardized equipment for net metering

interconnections. The Interconnection Parameters were published on December 20, 2022,¹³ after the Company met with Commission Staff (“Staff”) to coordinate their development prior to publication. The Interconnection Parameters are based on industry standards, the North Carolina Utilities Commission (“NCUC”) Interconnection Rules and Procedures associated with Net Metering, and the Commission’s Regulations Governing Interconnection of Net Metering DERs.¹⁴

On June 1, 2023, VA-DSA filed a Complaint and Petition for Injunctive Relief and Request for Expedited Action (“June 1, 2023 Petition”) seeking an injunction from the Commission directing the Company to suspend the Interconnection Parameters, and to suspend the Company’s interconnection practice of requiring net metering customers to sign a Small Generator Interconnection Agreement (“SGIA”).¹⁵

On August 30, 2023, the Commission issued its Final Order on the June 1, 2023 Petition (“Injunction Order”).¹⁶ After review of the issues presented, the Commission issued an injunction, as plead for in the original Petition, “that suspends the imposition of the Parameters on Midsized NEM Projects and suspends the requirement of [Small Generator Interconnection Agreements] SGIA’s 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 definitely on such issues.”¹⁷ The Commission declined to expand its findings further, however, and rejected VA-DSA’s many requests for additional relief.¹⁸ The Commission

¹³ Dominion Energy Virginia / North Carolina Interconnection Parameters for Net Metering Distributed Energy Resources, December 20, 2022 (the “Interconnection Parameters”).

¹⁴ Interconnection Parameters at 6.

¹⁵ *Petition of Virginia Distributed Solar Alliance For injunctive relief against Virginia Electric and Power Company*, Case No. PUR-2023-00097, Final Order at 1 (Aug. 30, 2023) (“Injunction Order”).

¹⁶ Final Order at 1.

¹⁷ *Id.* at 4.

¹⁸ *Id.*

explicitly ordered that the Company “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.”¹⁹

In accordance with the Commission’s Final Order in Case No. PUR-2023-00097 (the “Injunction Order”), the Company filed a motion, in Case No. PUR-2023-00069, for interim authority to establish and implement minimum safety standards for midsized net energy metering interconnections. On November 6, 2023, after receiving oral argument, the Chief Hearing Examiner entered a Ruling that: (i) granted Dominion interim authority to continue to require either a fiber optic or cellular-based DTT communication system, at the customer's election (and require installation of a distributed generation panel (“DG Panel”)) under certain conditions; (ii) directed that Dominion, Staff, and interested parties address and establish engineering requirements necessary to safely and reliably interconnect net metering DERs as part of the proceedings in Case No. PUR-2023-00069; and (iii) found that if Dominion elected to use its interim authority 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. As noted by the Commission in its August 7, 2024 Order in Case No. PUR-2022-00073 directing the DTT Evidentiary Proceeding, “no interconnection customer nor any vendor has, to date, availed itself of the opportunity set forth in the November 6, 2023, Hearing Examiner’s Ruling in Case No. PUR 2023-00069 to petition the Commission for an evidentiary hearing proceeding” if the Company exercised its interim authority.²⁰

¹⁹ *Id.*

²⁰ *Commonwealth of Virginia, ex rel, State Corporation Commission, Ex Parte: In the matter considering utility distributed energy resource interconnection-related issues and questions, Case No. PUR-2022-00073, Order*

Importantly, the Company's system was not originally designed to have large magnitudes of DER interconnected and support the two-way flow of electricity. As a result, the system is lacking the necessary infrastructure to ensure the system can be properly secured during fault conditions to protect the general public, personal property, and enable the Company to continue to provide safe and reliable power across its service territory with the increase of DER interconnections. With the implementation of the authorized Interim Requirements, the Company fully acknowledges the deployment of additional infrastructure that is necessary for the interconnection. If the site is evaluated for DTT, and the need is identified, it may be necessary for reclosers on the circuit to be upgraded as part of the DTT system. Furthermore, if the NEM array size is such that the service transformer and service feeder cabling sizes cannot accommodate the power injections from the array during light load conditions, the respective site's service transformer and/or service feeder may require upgrades. Although the Interim Requirements are alleged to be detrimental to NEM interconnection, the changes and equipment requirements are necessary for the safety and reliability of the system.

Consistent with the Commission's Injunction Order and the November 6, 2023 Ruling, the Company and its various teams and technical experts have been actively engaged as both participants and presenters in all the working group meetings.²¹ In these meetings, the Company has provided detailed information regarding its interconnection processes, technical requirements, and study timelines for both Chapter 314 and Chapter 315 interconnections. Company personnel have answered questions verbally during the various working group

Directing Evidentiary Proceeding, Pilot and Improvements to the Interconnection Process (August 7, 2024) ("DTT Proceeding Order").

²¹ See, e.g., Petition at 14, ¶ 30.

function. This equipment enclosure would be used on the distribution circuits to equip all inline and point of interconnection (“POI”) reclosers with dual carrier cellular DTT functionality. It took the Company until mid-June 2024 to receive estimates for costs associated with constructing this enclosure and to issue purchase orders to the third-party vendor to construct the enclosure. Once the costs were realized for the standardized equipment enclosure, the Company started moving forward with providing cost estimates for twelve (12) of the twenty (20) projects that originally opted in for dual carrier cellular. These projects only required DTT from the interconnection circuits in-line reclosers to the POI. The Company focused on these twelve (12) projects specifically because the integration of the dual carrier cellular system from the in-line reclosers to the POI was less complex.

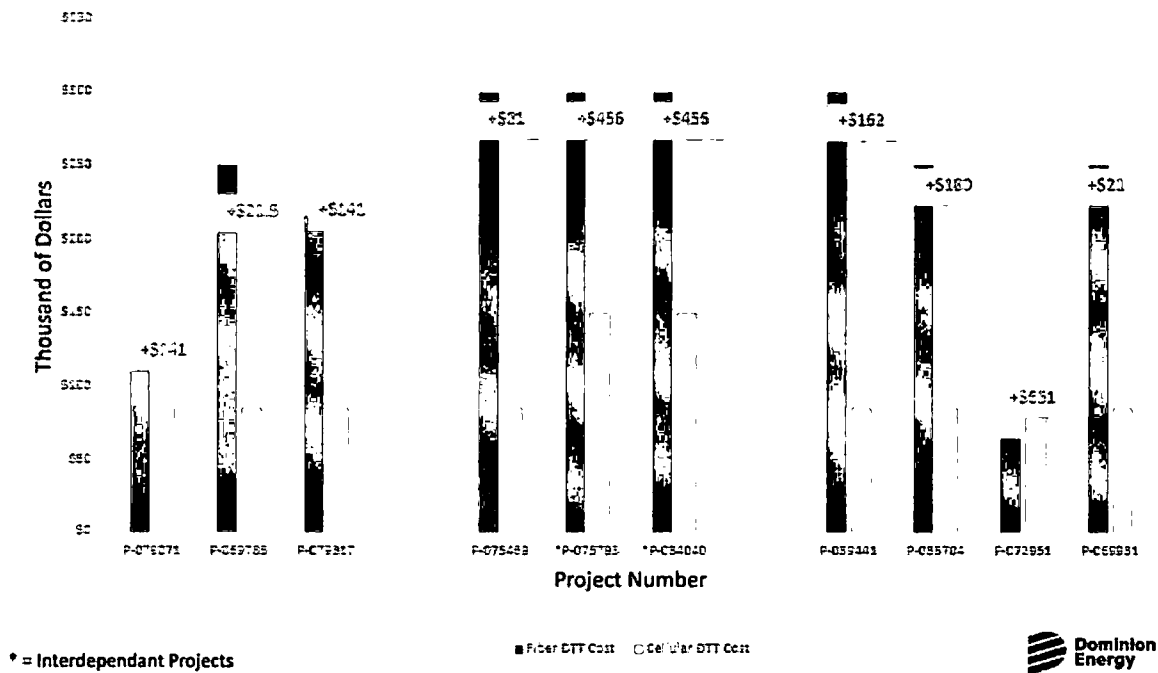
The other eight (8) projects required DTT back to the substation and more work was still required to understand how to integrate this system into the existing control systems internal to the substation. The Company’s engineering staff recognized that a second equipment enclosure would be best to house the electronics and hardware necessary to make the system function to achieve the necessary modularity and standardization needed for utility equipment. The Company then worked with our selected third-party vendor to generate costs estimates to construct the additional enclosure for the substation. As of August 19, 2024, these costs have been developed and the Company can start moving forward on the remaining eight (8) cost estimates.

Although the discussion above specifically focuses on the original 20 projects that selected the dual carrier cellular option after the Company’s initial offering which were delayed due to the additional engineering mentioned, six (6) additional projects have entered the

Company's queue. Thus far, ten (10) project cost estimates have been provided to the developers. The Company anticipates completing the remaining estimates in the coming weeks.

As illustrated in the figure below, the Company's efforts to develop and implement the dual cellular option has resulted in significant DTT cost savings for the ten (10) projects for which the Company has provided cost estimates to the developer. The red figure in the box represents additional upgrade costs for each project. However, two of the projects are interdependent on each other since they co-located on the system. Thus, the additional upgrade costs portrayed will be needed on a one-time basis. If both projects choose to move forward with interconnection, the additional cost will only be 456k for both projects.

Fiber DTT Costs VS Cellular DTT Costs



As previously stated, on August 7, 2024 in Case No. PUR-2022-00073, the Commission issued an order directing, among other things, a separate evidentiary proceeding to be convened

on the Company's requirements surrounding the use of DTT and directing Staff as part of its proposed revisions to the Interconnection Regulations, to consider updating certain schedules and certain procedures regarding study timelines.²³ In that order, the Commission noted its appreciation of the "concerns surrounding the costs of DTT as well as concerns regarding maintaining grid safety and reliability with the addition of significant levels of DER" and explicitly provided that the evidentiary proceeding would "include consideration of the requirements surrounding the use of DTT by Dominion to interconnect generation facilities subject to" Net Metering Regulations.²⁴ Nonetheless, on August 16, 2024, VA-DSA filed its complaint and petition for injunctive relief attempting to relitigate the Company's Interim Requirements and circumvent the established procedure and avenue for relief set forth in the November 6, 2023 Ruling. The Company acknowledges that the process of addressing and resolving these technical issues and cost concerns have taken time and resulted in some delays, but that does not support granting VA-DSA's requested relief, as doing so would compromise the Company's grid and the safety of its customers and employees.

ARGUMENT

VA-DSA argues that the relief sought in its Petition is not precluded by the "safety and reliability" directive in the Injunction Order because (i) the Interim Requirements were approved on a flawed premise; (ii) the Company has not provided actual evidence for its safety and reliability claims; (iii) that nothing prevents the Company from implementing the Interim Requirements at its own cost; and (iv) the Interim Requirements constitute an unauthorized pilot program. Contrary to VA-DSA's assertions, VA-DSA's claims against the Company have been previously litigated and are therefore precluded by the doctrine of collateral estoppel. Should the

²³ August 7, 2024 Order at 5-8, 13.

²⁴ *Id.* at 7.

Commission disagree, these arguments nonetheless lack merit, do not meet the standard for injunctive relief, and should therefore be rejected by the Commission.

At the outset, it is important to note that pursuant to its obligation to provide adequate service,²⁵ the Company has the responsibility to manage, maintain, and operate its grid safely and reliably. By developing and implementing the Interim Requirements as well as the other referenced interconnection practices in the Petition, the Company is fulfilling this responsibility. As previously noted, the Interim Requirements VA-DSA seeks to enjoin were approved by the November 6, 2023 Ruling. Although the Commission exercises regulatory authority over the Company, the Company is ultimately responsible for the safe and reliable operation of its system, and the Commission should be highly skeptical of a request for injunctive relief which would second-guess and overrule the Company's judgment in doing so.²⁶ Adherence to these principles requires denial of VA-DSA's requested relief.

A. VA-DSA's claims are barred by collateral estoppel.

VA-DSA's Petition should be dismissed because the issues raised have been fully addressed by the November 6, 2023 Ruling. VA-DSA should not be permitted to relitigate issues the Commission has already decided.²⁷ "The doctrine of collateral estoppel precludes the same parties to a prior proceeding from litigating in a subsequent proceeding any issue of fact that was actually litigated and essential to a final judgement in the first proceeding."²⁸ The

²⁵ Va. Code § 56-234.

²⁶ *Norfolk v. Chesapeake & Potomac Tel. Co.*, 192 Va. 292, 312 (1951) ("A commission is not empowered to substitute its judgment for that of the owners, who are responsible for the rendition of service, unless the owners have abused their discretion."); *Lake of Woods Util. Co. v. State Corp. Com.*, 223 Va. 100, 110, 286 S.E.2d 201, 206 (1982) ("an administrative agency may not assume the duties or usurp the powers of utility management").

²⁷ *Application of Lake Monticello Service Company; For correction of assessments and refund of taxes*, Case No. PST840002, 1986 Va. PUC LEXIS 166, at *2-3 (July 25, 1986).

²⁸ *Lane v. Bayview Loan Servicing, LLC*, 297 Va. 645, 654 -55, 831 S.E.2d 709, 714 (2019) (quoting *Glasco v. Ballard*, 249 Va. 61, 64, 452 S.E.2d 854, 855 (1995) (internal citations omitted)).

doctrine applies even when the subsequent proceeding involves a different claim for relief.²⁹ In order for collateral estoppel to apply, the following requirements must be met:

(1) the parties to the two proceedings must be the same, (2) the issue of fact sought to be litigated must have been actually litigated in the prior proceeding, (3) the issue of fact must have been essential to the prior judgment, and (4) the prior proceeding must have resulted in a valid, final judgment against the party against whom the doctrine is sought to be applied.³⁰

In the present case, all four of these requirements have been met. First, the parties in this action are the same as the parties in Case No. PUR-2023-00069 on the Company's Motion for Interim Authority. Second, the factual issues pertaining to the circumstances of VA-DSA's Petition were actually litigated in the prior proceeding; and third, the issues of fact were essential to the prior ruling regarding the Company's interim authority. In Case No. PUR-2023-00069, VA-DSA opposed the Company's Motion for Interim Authority and Request for Expedited Treatment ("Motion"). At issue was what interim requirements the Company could impose on mid-sized net metering projects. Through its Motion, the Company sought approval to establish and implement Minimum Standards for Mid-sized NEM Interconnections. The Company specifically requested authority to: (1) continue to require either a fiber optic or cellular-based communication system, at the customer's election, when one of two criteria are met; and (2) require installation of a DG Panel under certain conditions. Following a hearing in which VA-DSA participated, the Interim Requirements were subsequently approved by the November 6, 2023 Ruling. While this ruling applied to an interim period, it was a final ruling on the Company's interim authority.

²⁹ *Pickeral v. Federal Land Bank*, 177 Va. 743, 750, 15 S.E.2d 82, 85 (1941). !!

³⁰ *Glasco*, 249 Va. 61, 64, 452 S.E.2d 854, 855 (1995) (internal citations omitted).

The Company's Interim Requirements are the crux of VA-DSA's Petition in this proceeding, a fact VA-DSA explicitly admits.³¹ Specifically, VA-DSA's Petition alleges similar arguments raised in its response to the Company's Motion.³² For example, VA-DSA argued that the Company did not provide credible support that the Interim Requirements are necessary for grid safety and reliability.³³ Through the November 6, 2023 Ruling, the Chief Hearing Examiner rejected that argument. Here, VA-DSA again argues that the Interim Requirements should not be imposed on mid-sized net metering projects because the Company "has provided no actual evidence for its safety and reliability claims."³⁴ In addition, VA-DSA previously cited in its Response the Interstate Renewable Energy Council's ("IREC") Letter Memorandum Regarding Unintentional Islanding Safety and Reliability Practices dated June 28, 2023³⁵ in an attempt to undercut the Company's claim that DTT comports with industry standards and has done so again here.³⁶

In its Response to the Company's Motion, VA-DSA also argued that imposition of the Interim Requirements would harm mid-sized net metering projects, including making certain projects "economically unfeasible."³⁷ In the instant proceeding, VA-DSA seeks to enjoin the Interim Requirements in their entirety due to alleged harm to non-residential net-metering customers in the form of resulting delays and potential elimination of projects.³⁸ Through the

³¹ Petition at 13, ¶ 25 ("The November 6, 2023 Ruling granted the authority for the Interim Parameters [referred to herein as the Interim Requirements] which are the subject of this VA-DSA Petition....").

³² *Commonwealth of Virginia, Ex. Rel. State Corporation Commission Ex Parte: In the matter of revising the Commission's Regulations Governing Interconnection of Small Electrical Generators and Storage*, Case No. PUR-2023-00069, Response of Virginia Distributed Solar Alliance in Opposition to Motion for Interim Authority and Request for Expedited Treatment at 6 (Sept. 28, 2023) ("Response").

³³ Response at 6.

³⁴ Petition at 23, ¶ 42.

³⁵ Response at 10.

³⁶ Petition at 19.

³⁷ Response at 11.

³⁸ Petition at 2.

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November 6, 2023 Ruling, the Chief Hearing Examiner considered this harm and balanced it against the safety and reliability concerns raised by the Company.

Based on the safety and reliability concerns, and the number of mid-sized NEM projects in the Company's queue awaiting interconnection, I find that Dominion Energy's proposed Minimum Standards [or Interim Requirements] should be adopted on an interim basis for only where: (i) the project fails to meet the 3:1 light load to generation ratio screening, where the load to generation ratio is less than 3:1; or (ii) when the net metering DER is requesting connection to a substation bus with greater than 1 MW of aggregate generation.³⁹

The facts in this case also satisfy the last requirement of collateral estoppel. Indeed, the prior proceeding resulted in a final judgment against VA-DSA regarding imposition of the Interim Requirements, whereby the Chief Hearing Examiner granted the Company's request to impose the Interim Requirements. As such, the Company respectfully requests the Commission find that the issues raised in VA-DSA's Petition are barred by collateral estoppel.

The common law doctrines barring a party from relitigating issues previously decided, *res judicata* and the related doctrines of merger, bar, and collateral estoppel, are based upon sound policy. The uncertainty, the expense, and the harassment arising from the relitigation of issues previously decided should be avoided. ...The common law doctrines of *res judicata* and collateral estoppel cannot completely transfer, in all aspects, from the common law courts to Commission proceedings. We believe, however, that the policy furthered by these doctrines, avoiding relitigation of issues, should be followed by the Commission where appropriate. The instant case is clearly one situation where the doctrine of collateral estoppel should operate to preclude relitigation of issues already considered and decided by the Commission.⁴⁰

In the alternative, the Company respectfully requests that the Commission deny VA-DSA's requests for injunctive relief on the ground that its claims do not meet applicable standards for injunctive relief.

³⁹ November 6, 2023 Ruling at 12.

⁴⁰ *Application of Lake Monticello Service Company; For correction of assessments and refund of taxes*, Case No. PST840002, 1986 Va. PUC LEXIS 166, at *2-3 (July 25, 1986).

B. VA-DSA's requests for injunctive relief should be denied because they do not satisfy the legal standards for granting an injunction.

VA-DSA requests that the Commission direct the Company to suspend its Interim Requirements in their entirety prior to resolution of the evidentiary process set forth in the August 7, 2024 Order in Case No. PUR-2022-00073 ("DTT Proceeding Order"). If the Commission disagrees with VA-DSA's request to enjoin the Company's Interim Requirements in their entirety prior to resolution of the evidentiary process set forth in the that order, then VA-DSA requests that the Commission enjoin the Company from imposing any costs or delays associated with the Company's Interim Requirements on mid-sized net metering projects prior to resolution of the evidentiary process set forth in the order. VA-DSA also requests the Commission to enjoin the Company from "routinely" delaying implementation of interconnection for net metering projects beyond the 30-day and 60-day timeframes by directing that all net metering projects be deemed to have received permission to operate in any instance where the Company has failed to timely submit a waiver request accompanied by an explanation of why the waiver is needed for matters reasonably beyond the Company's control.⁴¹

1. The Company's implementation of the Interim Requirements is consistent with the November 6, 2023 Ruling and applicable regulations.

In its requests for injunctive relief, VA-DSA relies on Va. Code § 56-6,⁴² which authorizes the Commission to enjoin a public service corporation from actions or omissions in violation of any provisions or chapters under Title 56 of the Code of Virginia. The Company's actions complained of by VA-DSA are in compliance with and required by applicable law and Commission regulations. Therefore, VA-DSA's request for injunctive relief fails as a matter of

⁴¹ Petition at 40.

⁴² Petition at 8-9.

law and should be denied. VA-DSA further relies on Va. Code § 56-247, which provides in relevant part that:

If upon investigation it shall be found that any regulation, measurement, practice, act or service of any public utility complained of is 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, the Commission may substitute therefor such other regulations, measurements, practices, service or acts and make such order respecting, and such changes in, such regulations, measurements, practices, service or acts as shall be just and reasonable.

Va. Code § 56-247 is likewise inapplicable here. The Company's actions in implementing the Interim Requirements that authorize the Company to continue to require either a fiber optic or cellular-based DTT communication system, at the customer's election; and require installation of a DG Panel under certain conditions are necessary to maintain the safety and reliability of the Company's grid, in compliance with applicable law and regulations, and the November 6, 2023 Ruling, are consistent with Good Utility Practice, and are therefore reasonable.

VA-DSA alleges that the Company is imposing greater equipment requirements and costs than approved by the ruling and that the Commission should enjoin the Company from imposing any costs or delays associated with the Company's Interim Requirements on mid-sized net metering projects prior to resolution of the evidentiary process set forth in the DTT.⁴³ This allegation lacks merit, and the requested relief is contrary to applicable regulations. Specifically, VA-DSA complains that the Company is requiring substation equipment beyond the DG Panel such as shunt trip breakers and reclosers.⁴⁴ VA-DSA further complains that the Company is

⁴³ Petition at 4, ¶ 3.

⁴⁴ Shunt trip breakers are located at the net metering site and reclosers are on the distribution circuit.

requiring dual carrier cellular DTT and requiring AT&T and Verizon as carriers.⁴⁵ Both are consistent with the November 6, 2023 Ruling and applicable regulations. First, Section 40⁴⁶ of the Commission’s Net Metering Regulations authorizes the Company to impose equipment costs where such requirements are necessary to maintain the safety and reliability of the grid.

Consistent with this regulation, the Company has required equipment such as shunt breakers and power quality packages since 2019 for NEM projects greater than 250 kW in array size, which at that time, the Company had connected less than 30 projects, and imposed the corresponding interconnection costs. Second, reclosers are a part of the DTT system specifically authorized by the November 6, 2023 Ruling. Likewise, the requirement of dual cellular and specific providers is consistent with the November 6, 2023 Ruling permitting the Company to require a fiber optic or cellular-based DTT communication system at the customer’s election.

For the same reason, the Interim Requirements are not an impermissible pilot—the use of a dual cellular-based DTT communication system is within the scope of the authorization of the November 6, 2023 Ruling. The Company’s use of the word “pilot” to describe its implementation of the dual cellular option is just to reflect that it is an option that has not been fully evaluated and tested throughout the Company’s grid and therefore may not be a permanent solution. In other words, the use of the word “pilot” to describe use of dual cellular is not referring to a pilot program subject to Commission approval under Va. Code § 56-234 B which contemplates pilots relating to the provision of retail electric service at a “voluntary rate” or under “rate design tests or experiments, or other experiments involving the use of special rates....”⁴⁷

⁴⁵ Petition at 27, ¶ 45.

⁴⁶ 20 VAC 5-315-40 7 a.

⁴⁷ See Va. Code § 56-234 B.

Furthermore, the Company is requiring dual cellular at this time for reliability reasons and the benefit of the customer. Notably, on multiple occasions, the Company has shared its operating experience with implementing direct transfer trip with a single cellular carrier. In short, the system did not perform as expected and resulted in multiple trips of the sites per day. As the Company has previously explained, DTT is a permission to operate signal. If the signal is lost by a momentary interruption from the cellular signal, the site will trip offline. This happens on multiple occasions during a given day for fractions of seconds resulting in lost generation and revenue. Having a second cellular channel enables the second carrier to continue to deliver the permission to operate signal continuously without inappropriately tripping the site offline during a non-fault condition. Use of AT&T and Verizon as the specific carriers is because they are the established carriers in the areas of the current sites electing the cellular-based DTT communication option. Other carriers may be utilized in the future.⁴⁸

Finally, VA-DSA “stresses that it is not seeking to litigate in this VA-DSA Petition delays generally associated with Dominion interconnection studies, which are being addressed in the DTT Proceedings Order via Staff’s proposed revisions in the Interconnection Rulemaking Docket. 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.”⁴⁹ Nonetheless, VA-DSA requests that the Commission direct that all net metering projects be deemed to have received permission to operate in any instance where the Company has failed to timely submit a waiver request accompanied by an explanation of why the waiver is needed for matters reasonably beyond the Company’s control.

⁴⁸ Following the elimination of Small Generator Interconnection Agreements under the Injunction Order, customers no longer pay the ongoing O&M costs associated with dual cellular service.

⁴⁹ Petition at 15-16, ¶ 30.

Since 1999, the caps for non-residential Net Metering interconnections allowed by amendments to Va. Code § 56-594 and Chapter 315 Net Metering Regulations have increased 12,000%. Furthermore, these sites are now allowed to inject power up to 150% of their annualized consumption onto the system. This results in significant quantities of power being injected back onto the system when the load at the net metering site does not consume the generated power. This power erodes equipment margins and circuit capacity, impacts circuit voltage profiles, and affects substation transformer interdependency. Connecting these sites without evaluation would be extremely dangerous and goes against all logic associated with power system engineering.

In the alternative, VA-DSA seeks to have the Commission resolve this alleged issue via a Staff investigation concluded no later than September 30, 2024. Such relief is unnecessary by VA-DSA’s own admission that any issues regarding delays associated with study requirements will be addressed by Staff’s proposed revisions in the Interconnection Rulemaking Docket. In the interim, there is no need for a Staff investigation as the existing Net Metering Regulations address the timelines for the approval process and waivers for net metering projects.⁵³

2. The November 6, 2023 Ruling authorizing the Interim Requirements is a valid exercise of Commission authority.

VA-DSA further argues that enjoining the Interim Requirements is appropriate because they “run afoul of the Injunctive Order” and that “Commission rules, regulations, and approved tariffs must be adopted by Commission order, and the Dominion Interim Requirements have not been adopted by Commission order.”⁵⁴ This argument, too, should be rejected by the Commission for two primary reasons. First, VA-DSA ignores the fact that the Injunction Order

⁵³ See 20 VAC 5-315-30.

⁵⁴ Petition at 29 - 30, ¶¶ 47 - 49.

issued by the Commission ordered that the Company “to 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.”⁵⁵ In accordance with this Commission Order, the Company filed its Motion for Interim Authority on September 15, 2023. On September 21, 2024, the Commission issued an order assigning a hearing examiner to conduct proceedings on behalf of the Commission and assigning the hearing examiner to rule on the Company’s Motion and any additional matters that may arise therein, until Staff files the report directed by the Commission’s May 2, 2023 Order.⁵⁶ Second, 5 VAC5-20-120 provides in relevant part that in the discharge of his duties, “the hearing examiner shall exercise all the adjudicatory powers possessed by the commission including, inter alia, ... rule on motions, matters of law, and procedural questions. As such, the November 6, 2023 Ruling is valid and enforceable as to mid-sized net metering projects. Accordingly, on this basis, VA-DSA’s request for injunctive relief should be denied as well.

3. VA-DSA also fails to meet the common law standard for injunctive relief.

Finally, VA-DSA’s request for injunctive relief should be denied because it also fails to meet the common law standard for injunctive relief. “Under well[-]established principles . . . the granting of an injunction is an extraordinary remedy and rests on sound judicial discretion to be exercised upon consideration of the nature and circumstances of a particular case.”⁵⁷ A temporary injunction as requested by VA-DSA is to preserve the *status quo* while litigation is ongoing.⁵⁸ To the contrary, VA-DSA seeks to upend the *status quo*—imposition of the Interim

⁵⁵ *Id.*

⁵⁶ *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of revising the Commission’s Regulations Governing Interconnection of Small Electrical Generators and Storage*, Case No. PUR-2023-0069, Order Assigning Hearing Examiner (Sept. 21, 2023).

⁵⁷ *Levisa Coal Co. v. Consolidation Coal Co.*, 276 Va. 44, 60, 662 S.E.2d 44 (2008).

⁵⁸ *May v. R. A. Yancey Lumber Corp.*, 297 Va. 1, 18-19, 822 S.E.2d 358 (2019).

Requirements. Generally, injunctive relief should not be granted unless a party has shown that it would suffer irreparable harm without the injunction and that the party has no adequate remedy at law.⁵⁹ Here, VA-DSA has alleged that its members would be and have been harmed by the delays and the imposition of the Interim Requirements. However, VA-DSA has not established that such harm is irreparable. Even if it had, VA-DSA and its members have an adequate remedy at law that that they have failed to pursue. VA-DSA's issues or concerns would be more appropriately addressed according to the November 6, 2023 Ruling:

When Dominion Energy elects to use its interim authority to require DTT and/or a DG Panel, the vendor or customer shall have the right to appeal the Company's requirement of DTT and/or a DG Panel by petitioning the Commission for an evidentiary proceeding in which Dominion Energy shall bear the burden of providing the necessity and reasonableness of such requirement(s).⁶⁰

Because VA-DSA has not availed itself of this avenue for relief, its request for injunctive relief fails as a matter of law.

In summary, the Company's Interim Requirements fit squarely within applicable law and regulations and are necessary for the Company to fulfill its duty to provide safe and reliable electric service to the public. Moreover, VA-DSA also has an adequate remedy at law which it has made no efforts to pursue, and otherwise fails to meet the standards for granting injunctive relief.

⁵⁹ *Id.*

⁶⁰ November 6, 2023 Ruling at 13.

RESPONSE TO PETITIONER'S ALLEGATIONS

The Company responds as follows to the VA-DSA's allegations made in support of its complaint and petition for injunctive relief, for commencement of Staff investigation, and for expedited consideration, and denies any allegations not expressly admitted:

1. The Company admits the allegations in Paragraph 1, but states that it is without sufficient information to admit or deny VA-DSA reasoning for filing the Petition, and therefore denies the same.
2. The Company admits the allegations in Paragraph 2.
3. To the extent the allegations in Paragraph 3 rely on the November 6, 2023 Ruling cited in Paragraph 3, the Company states that the ruling speaks for itself and denies allegations that vary from or contradict the ruling. The remaining allegations in Paragraph 3 describe the relief sought by VA-DSA, which require no response. To the extent a response is required regarding VA-DSA's requested relief, the Company denies that VA-DSA is entitled to the relief requested in Paragraph 3. The Company denies that the Interim Requirements are an unauthorized pilot program and that they violate Virginia law governing interconnection of DER. The Company denies the remaining allegations in Paragraph 3.
4. The allegations in Paragraph 4 describe relief sought by the VA-DSA, which require no response. To the extent a response is required, the Company denies that VA-DSA is entitled to the relief requested in Paragraph 4. To the extent that footnote 8 to Paragraph 4 cites 20 VAC 5-315-30 of the Net Metering Regulations, the Company states that the regulation speaks for itself and denies any allegations that vary from or contradict the regulation. Footnote 9 to Paragraph 4 states legal conclusions to which no response is required.

5. To the extent the allegations in Paragraph 5 rely on the Commission order cited in Paragraph 5, the Company states that the order speaks for itself, and denies any allegations that vary from or contradict the order. The allegations in Paragraph 5 describing the relief sought by the VA-DSA require no response. To the extent a response is required, the Company denies that VA-DSA is entitled to the relief requested in Paragraph 5. The Company denies the remaining allegations in Paragraph 5. The Company further states that Exhibit L speaks for itself but denies allegations that vary from or contradict from the referenced documents. The Company further states that it is without sufficient information to admit or deny certain allegations contained in Exhibit L, and therefore denies the same. Finally, the Company specifically denies any allegations that it has not complied with applicable laws and regulations.

6. The Company admits to the allegations in Paragraph 6.

7. To the extent that the allegations in Paragraph 7 rely on the statutory provisions cited in Paragraph 7, the Company states that the statutes speak for themselves and denies the allegations that vary from or contradict the statute. The allegations in Paragraph 7 describing relief sought by the VA-DSA require no response. To the extent a response is required, the Company denies that VA-DSA is entitled to the relief requested in Paragraph 7. The Company denies the remaining allegations in Paragraph 7. The Company further states that Exhibit L speaks for itself but denies allegations that vary from or contradict from the referenced documents. The Company further states that it is without sufficient information to admit or deny certain allegations contained in Exhibit L, and therefore denies the same. Finally, the Company specifically denies any allegations that it has not complied with applicable laws and regulations.

8. To the extent the allegations in Paragraph 8 rely on the Commission order cited in Paragraph 8, the Company states that the order speaks for itself and denies any allegations that

13. The Company states that it is up to the Commission to determine if it has jurisdiction over the alleged controversies asserted in the Petition and denies that VA-DSA is entitled to the relief it seeks in Paragraph 13 or elsewhere in its Petition.

14. To the extent that the allegations in Paragraph 14 rely on the statutory provisions cited in Paragraph 14, the Company states that the statutes speak for themselves and denies allegations that vary from or contradict the statutes.

15. To the extent that the allegations in Paragraph 15 relies on the statutory provision cited in Paragraph 15, the Company states that the statutory provision speaks for itself and denies allegations that vary from or contradict the statute.

16. To the extent that the allegations in Paragraph 16 relies on the statutory provision cited in Paragraph 16, the Company states that the statutory provision speaks for itself and denies allegations that vary from or contradict the statute.

17. To the extent that the allegations in Paragraph 17 relies on the statutory provision cited in Paragraph 17, the Company states that the statutory provision speaks for itself and denies allegations that vary from or contradict the statute.

18. The Company admits the allegations in Paragraph 18.

19. To the extent the allegations in Paragraph 19 rely on the Commission order cited in Paragraph 19, the Company states that the cited order speaks for itself and denies any allegations that vary from or contradict the order.

20. The Company admits the allegations in Paragraph but clarifies that the “Original Parameters Petition” sought an injunction from the Commission directing the Company to suspend the application of the Interconnection Parameters to mid-sized net metering projects.

21. The Company admits the allegations in Paragraph 21.

22. To the extent the allegations in Paragraph 22 rely on the Commission order cited in Paragraph 22, the Company states that the cited order speaks for itself and denies any allegations that vary from or contradict the order.

23. To the extent the allegations in Paragraph 23 rely on the Company's motion cited in paragraph 23, the Company states that the cited motion speaks for itself and denies allegations that vary from or contradict the motion.

24. To the extent the allegations in Paragraph 24 rely on the Company's motion cited in paragraph 24, the Company states that the cited motion speaks for itself and denies allegations that vary from or contradict the motion. The Company further states as follows: Previously, a DG Panel was required when the aggregate generation on a substation bus exceeded 1 MW. Currently, an SEL-735 relay (costing approximately 10 – 15 percent of the cost of a DG Panel) is required when this threshold is exceeded, in lieu of a DG panel. In addition, a DG Panel will not be needed for dual carrier cellular DTT if the DTT is only needed to the circuit breaker in the substation. The DG Panel is only required when DTT is needed from the transformer that is upstream of the circuit breaker in the substation for dual cellular and any substation device for fiber.

25. To the extent the allegations in Paragraph 25 rely on the Chief Hearing Examiner's Ruling cited in Paragraph 25, the Company states that the cited ruling speaks for itself and denies any allegations that vary from or contradict the ruling.

26. To the extent the allegations in Paragraph 26 rely on the November 6, 2023 Ruling cited in Paragraph 26, the Company states that the cited ruling speaks for itself and denies any allegations that vary from or contradict the ruling. The Company further states as follows: As of August 28, 2024, the Company has 94 midsize net metering projects totaling 48.8MW

awaiting interconnection. The 94 projects are in various stages ranging from Application Received to Awaiting Meter Exchange. To date, the Company has connected 89 midsize net metering projects totaling 41.6MW. The 41.6MW were connected between 2015 and 2024. With the enactment of the VCEA, the Company saw significant increase in the volume and size of applications requesting to interconnect to the distribution grid. For example, 64 midsize net metering projects totaling 29.6MW applied for interconnection between 2015 and 2020 compared to 111 midsize net metering projects totaling 57.5MW applying for interconnection between 2021 and 2023 – 65 of the 111 were received in 2023 alone.

27. To the extent the allegations in Paragraph 27 rely on the Chief Hearing Examiner's ruling cited in Paragraph 27, the Company states that the cited ruling speaks for itself and denies any allegations that vary from or contradict the ruling.

28. To the extent the allegations in Paragraph 28 rely on the VA-DSA's motion and the Chief Hearing Examiner's rulings cited in Paragraph 28, the Company states that the cited motion and rulings speak for themselves and denies any allegations that vary from or contradict the motion and ruling.

29. The Company admits the allegations in Paragraph 29.

30. The Company admits that on June 17, 2024, the Company presented the slides attached as Exhibit B to VA-DSA's Petition during a working group meeting. To the extent the allegations in Paragraph 30 rely on the Company's presentation slides, the Company states that the referenced presentation slides speak for themselves and denies any allegations that vary from or contradict the presentation slides. The Company denies the remaining allegations and allegations inconsistent with the verbal statements made by Company personnel during the June 17, 2024, and August 8, 2024 working group meetings. The allegations in Paragraph 30

describing the relief sought by the VA-DSA require no response. To the extent a response is required, the Company denies that VA-DSA is entitled to the relief requested in Paragraph 30. The Company is without sufficient information to admit or deny the allegations in footnote 45 to Paragraph 30 and therefore denies the same. The Company also states that Exhibit H speaks for itself and denies any allegations that vary from or contradict the information discussed and presented at the August 8, 2024 Meeting of the SCC Working Groups on NEM Engineering Requirements. The Company further states that Exhibit A presents a different story than Dominion Energy Virginia interconnection data supports. Namely, the vendor calculates time elapsed between study is based on the initial date the application was submitted to the Company for review. As discussed in the working group meeting on June 17th and August 8th, the Company routinely receives applications that are incomplete, and review cannot start until all necessary documents and customer information are provided. The Company also takes issue with several of the project statuses and calls attention to Westmoreland High School for which the vendor states they are Awaiting Facilities Study. However, the Company received an email from the customer stating they were unaware of an application having been submitted on their behalf and had contracted with a different vendor. This project has been granted Contingent Approval and to the Company's knowledge is under construction. In addition, the Company responds as follows: VA-DSA's ultimate request is to have midsize net metering projects interconnect to the system without study in the interim. The Company reiterates this request should be rejected by the Commission due to the harm that could be caused without having the appropriate infrastructure and system protection equipment in place to support the power injections to the system. Connecting these sites without evaluation would be extremely dangerous and goes against all logic associated with power system engineering.

31. The Company states that Exhibit C speaks for itself and denies any allegations that vary from or contradict the information discussed and presented at the June 17, 2024 working group meeting. The Company denies the remaining allegations in Paragraph 31.

32. The Company states that Exhibit D is inaccurate for many of the reasons Exhibit A is inaccurate including timelines and project owner. Exhibit D goes further to describe excessive costs for the interconnection, but the costs stated focus on monthly payments, which under the injunction granted on August 30, 2023, are no longer applicable. The Company has removed any and all references to ongoing operation and maintenance (“O&M”) charges related to upgrades since the Injunction Order. The Company communicated directly with the Secure Futures team following the August 30th ruling informing them that the SGIA would no longer be required in addition to the monthly charges; the Company also extended the offer for dual cellular but did not receive a response. The Company is without sufficient information to admit or deny the allegations in Exhibit E because it is an extrapolation of data provided on a Commission website and therefore denies the same. The Company further states that Exhibit F speaks for itself and denies any allegations that vary from or contradict the article, or the information provided therein. Moreover, the number of midsized net metering projects requiring upgrades cited in that article was as of the time the quote was provided in May 2023 and included all midsize net metering projects received since December 2022. Additionally, the Company states that consistent with Section 40 of the Net Metering Regulations, the Company has required equipment such as shunt breakers and power quality packages since 2019 for NEM projects greater than 250 kW in array size and imposed the corresponding interconnection costs. The Company further states that reclosers are a part of the DTT communications system

review by the Company. Sizes and required upgrades vary greatly but the Company has worked with the customer and vendor to communicate required upgrades and cost estimates as early as possible in the review process. Episcopal High School applied for a 600 kW(ac) site on November 27, 2023, and received revised System Impact Study Results on March 12, 2024, indicating no distribution or substation upgrades required. This was a change from a prior study result that included the need for DTT and DER Relay Panel. The Company denies the remaining allegations in Paragraph 33 and denies that the referenced localities and schools are entitled to the relief requested in Paragraph 33.

34. The Company is without sufficient information to admit or deny the percentage of electric generation in Virginia that is comprised of solar cited in Paragraph 34. In footnote 65 to Paragraph 34, VA-DSA includes a link to a webpage of the Solar Energy Industries Association as the source for this data, but the Company has no way to independently verify this data. As such, the Company denies allegations in Paragraph 34.

35. To the extent the allegations in Paragraph 35 rely on the Company's Grid Transformation Plan Annual Report cited in Paragraph 35, the Company states that the cited report speaks for itself and denies any allegations that vary from or contradict the report. The Company denies the remaining allegations in Paragraph 35 and further states that the decline in net metering interconnections in 2023 was a result of the Customer Core rollout where meter exchanges were paused across the Company for approximately 2 months; additional issues related to the over the air ("OTA") process further delayed net metering interconnections.

36. Because the Company disputes a number of the claims made in Exhibit G, the Company denies the allegations in Paragraph 36 based on that exhibit. For example, Section 2 of Exhibit G (*Concerns of Protection Miscoordination with Fast Reclosing*) is factually incorrect.

Parameters. The customer was required to reimburse the Company for any work noted to be done in Exhibit J consistent with Section 40 referenced above.

45. To the extent the allegations in Paragraph 45 rely on November 6, 2023 ruling cited in Paragraph 45 and Exhibit B cited in footnotes 89, 91 to Paragraph 45, the Company states that the cited ruling and exhibit speak for themselves and denies any allegations that vary from or contradict the ruling and exhibit.⁶² The Company further states that Exhibits C, H, and M cited in footnotes 90, 92 – 95 to Paragraph 45 speak for themselves and denies any allegations that vary from or contradict the information discussed and presented at the referenced meetings. In response to the allegations in Paragraph 45, the Company incorporates by reference pages 10 - 13 of this Response. The Company also states that The Company further states as follows: The Company’s use of the word “pilot” to describe its implementation of the dual cellular option is just to reflect that it is an option that has not been fully evaluated and tested throughout the Company’s grid and therefore may not be a permanent solution. In other words, the use of the word “pilot” to describe use of dual cellular is not referring to a pilot program subject to Commission approval under Va. Code § 56-234 B which contemplates pilots relating to the provision of retail electric service at a “voluntary rate” or under “rate design tests or experiments, or other experiments involving the use of special rates....”⁶³ The Company admits the requirements related to the cellular DTT communication system. The Company further states that to date, it has released ten (10) of the twenty (20) cost estimates for projects initially electing dual cellular DTT. The Company further states that since August 30, 2023, the Company has issued contingent approval for 18 midsize net metering projects amounting to 8MW of behind

⁶² The Company further notes that the word “continue” referred to the fiber based DTT as the Company was not offering a cellular-based DTT option at the time of the November 6, 2023 Ruling.

⁶³ See Va. Code § 56-234 B.

Requirements is authorized by Injunction Order, the November 6, 2023 Ruling and Chapter 315 Net Metering Regulations. The Company denies the remaining allegations in Paragraph 51.

52. To the extent the allegations in Paragraph 52 rely on the Commission order cited in Paragraph 52, the Company states that the cited order speaks for itself and denies any allegations that vary from or contradict the order. The Company further states that its implementation of the Interim Requirements is authorized by the Injunction Order, the November 6, 2023 Ruling and Chapter 315 Net Metering Regulations. The Company denies the remaining allegations in Paragraph 52.

53. The allegations in Paragraph 53 describe the relief sought by VA-DSA, which requires no response. To the extent a response is required, the Company denies that VA-DSA is entitled to the relief requested in Paragraph 53. To the extent the allegations in Paragraph 53 rely on the Commission orders cited in Paragraph 53, the Company states that the cited orders speak for themselves and denies any allegations that vary from or contradict the orders. The Company denies the remaining allegations in Paragraph 53.

54. The allegations in Paragraph 54 describing the relief sought by VA-DSA require no response. To the extent a response is required, the Company denies that VA-DSA is entitled to the relief requested in Paragraph 54. To the extent the allegations in Paragraph 54 rely on the statute and the Commission order cited in Paragraph 53, the Company states that the cited statute and order speak for themselves and denies any allegations that vary from or contradict the statute, parameters, and order. The Company further states that Exhibit L speaks for itself but denies allegations that vary from or contradict from the referenced documents. The Company further states that it is without sufficient information to admit or deny certain allegations contained in Exhibit L, and therefore denies the same. In response to the allegations in

the review of an application. The Company did not consistently submit waivers between July 2023 and March 2024. The Company met with Commission Staff in March 2024 to clarify its understanding of and practice for implementing both 20VAC5-315-30 and 20VAC5-315-80. Following the meeting, the Company resumed submitting the waivers and has consistently done so where it was determined that the Company would not be able to meet the 30 /60-day timeline. Based on the information provided in Exhibit K, the Company is without sufficient information to admit or deny certain allegations contained therein, and therefore denies allegations not expressly admitted herein. To the extent that the allegations in Paragraph 56 rely on the cited Chapter 314 Regulations, the Company states that the regulations speak for themselves and denies any allegations that vary from or contradict the regulations.⁶⁵ The Company denies the remaining allegations in Paragraph 56.

57. The allegations in Paragraph 57 describing the relief sought by VA-DSA require no response. To the extent a response is required, the Company denies that VA-DSA is entitled to the relief requested in Paragraph 57. The Company denies the remaining allegations in Paragraph 57.

58. In response to the allegations in Paragraph 58, the Company states as follows: The Company acknowledges that the process of addressing and resolving these technical issues and cost concerns have taken time and resulted in some delays, but that does not support granting VA-DSA's requested relief, as doing so would compromise the Company's grid and the safety of its customers and employees. The Company denies the remaining allegations in Paragraph 58.

⁶⁵ The Company states that Exhibit L speaks for itself but denies allegations that vary from or contradict from the referenced documents. The Company further states that it is without sufficient information to admit or deny certain allegations contained in Exhibit L, and therefore denies the same. Finally, the Company specifically denies any allegations that it has not complied with applicable laws and regulations.

CONCLUSION

WHEREFORE, Dominion Energy Virginia respectfully requests that the Commission deny the Petition and dismiss it in its entirety and provide any further relief as the Commission may deem appropriate.

Respectfully submitted,

Virginia Electric and Power Company

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Counsel for Virginia Electric and Power Company

August 30, 2024

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August 2024, a true and accurate copy of the foregoing filed in Case No. PUR-2024-00150 was hand delivered, electronically mailed, and/or mailed first class postage pre-paid to the following:

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