

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

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APPLICATION OF

ROCKY FORD SOLAR ENERGY LLC

CASE NO. PUR-2023-00003

For certificates of public convenience and necessity for a solar generating facility and associated interconnection facilities

ORDER FOR NOTICE AND HEARING

On January 20, 2023, pursuant to Virginia Code ("Code") §§ 56-46.1, 56-265.2, and 56-580 D, and 20 VAC 5-302-10 and 20 VAC 5-302-25 of the Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility, 20 VAC 5-302-10 *et seq.*, Rocky Ford Solar Energy LLC ("Rocky Ford Solar" or "Applicant") filed an application and supporting documents ("Application") for certificates of public convenience and necessity ("CPCNs") with the State Corporation Commission ("Commission").

Through its Application, Rocky Ford Solar seeks to construct, own, and operate in Henry County, Virginia: (i) a solar generating facility and associated facilities, lines, and equipment totaling up to 90 megawatts ("MW") alternating current ("AC") ("Solar Facilities"), together with a substation and other electrical facilities located on the Solar Facilities site by which solar power will be stepped up from 34.5 kilovolts ("kV") to 138 kV ("Collection Substation"); and (ii) a 138 kV overhead generation tie line and associated facilities ("Gen-Tie Line") extending from the Collection Substation to interconnect the Solar Facilities to the transmission grid at a point of interconnection ("POI") with Appalachian Power Company's ("APCo") transmission facilities at APCo's Stockton Substation (collectively, "the Project").¹ Rocky Ford Solar states

¹ Application at 1.

that construction of the Project is expected to commence in the fourth quarter of 2024, with commissioning beginning in November 2025 and commercial operation in the fourth quarter of 2025.² The Project is anticipated to be in-service on or before December 31, 2025.³

The Applicant represents that the Solar Facilities will employ photovoltaic modules mounted on racking systems supported by a pile-driven foundation.⁴ The Applicant further represents that the racking system will support single-axis trackers oriented in north-south trending rows that will track the sun from east to west throughout the day.⁵ Rocky Ford Solar states that an underground 34.5 kV AC electrical collection system totaling approximately three miles will be installed below grade and will route the AC output from each inverter to the Collection Substation.⁶ The Applicant states that the Solar Facilities will be constructed on approximately 301 acres of land on five parcels located in an area that is zoned Agricultural.⁷

The Applicant states that the proposed Collection Substation will be located on approximately 1.72 acres in the southwest corner of the Solar Facilities site.⁸ The Applicant further states that the Collection Substation will step up the solar power from the Solar Facilities from 34.5 kV to 138 kV before delivering it to the POI via the Gen-Tie Line.⁹ Rocky Ford Solar

² Application Appendix 2 (Guidelines for Transmission Line Applications Filed Under Title 56 of the Code of Virginia) at 4.

³ Application at 2.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 2-3.

⁷ *Id.* at 3.

⁸ *Id.*

⁹ *Id.* Rocky Ford Solar states that the Collection Substation pad-mounted generator step up transformer will step up the AC output from 34.5 kV to 138 kV. *Id.*

represents that the Gen-Tie Line will direct the power to the POI at APCo's Stockton Substation, located approximately 3.5 miles to the southwest of the Solar Facilities.¹⁰ Rocky Ford Solar states that the proposed 3.5-mile overhead 138 kV Gen-Tie Line will be strung between various pole structure types spaced approximately 800 feet apart and measuring from approximately 70 to 120 feet in height, with an average height of approximately 90 feet.¹¹

The Applicant represents that the Project encompasses approximately 600 acres in rural southeastern Henry County, Virginia, of which approximately 301 acres will host the Solar Facilities, and approximately 40 acres will host the Gen-Tie Line.¹² The Applicant further represents that the Gen-Tie Line is located entirely within the certificated service territory of APCo.¹³ Rocky Ford Solar states that it has acquired control of the land for the Project site from private property owners through solar lease and easement agreements, transmission easement agreements, and a land option purchase agreement.¹⁴ The Applicant states that, on January 26, 2022, the Henry County Board of Zoning Appeals approved a Special Use Permit for Rocky Ford Solar to develop, construct, install, and operate the Solar Facilities.¹⁵

Rocky Ford Solar asserts that its Application supports a finding that the Project: (i) is designed to minimize any adverse environmental impact and to meet or exceed all environmental requirements of the Virginia Department of Environmental Quality ("DEQ"); (ii) will have a

¹⁰ *Id.*

¹¹ *Id.* at 4.

¹² *Id.*

¹³ *Id.* at 5.

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 5. The Applicant represents that the Solar Facilities received Special Use Permit Case Number S-22-01. *Id.* at 19.

positive impact on the local economy and promote economic development; (iii) will have no material adverse effect upon reliability of electric service provided by any regulated public utility; (iv) is not contrary to the public interest; and (v) is not anticipated to have any significant impact on historically economically disadvantaged communities, fenceline communities, and/or communities of color and is generally consistent with environmental justice directives.¹⁶ The Applicant states that the Project satisfies the criteria reviewed by the Commission under Code §§ 56-580 D, 56-265.2, and 56-46.1.¹⁷

The Applicant further asserts that the Project is expected to provide substantial local and regional benefits from renewable energy electric generation, construction jobs, millions of dollars in private infrastructure investment in Virginia, and an increase to the tax base.¹⁸ Rocky Ford Solar asserts that, while Henry County, the surrounding area, and the Commonwealth will secure substantial benefits, Rocky Ford Solar bears all of the business risk associated with the Project.¹⁹ The Applicant further states that the Project will advance the goals of the Commonwealth by increasing in-state energy production to meet in-state demand with renewable generation sources.²⁰ Rocky Ford Solar represents that the Project is being designed to comply with all local, state, and federal environmental regulations.²¹

¹⁶ *Id.* at 11.

¹⁷ *Id.* at 10.

¹⁸ *Id.* at 17.

¹⁹ *Id.*

²⁰ *Id.* at 19.

²¹ *Id.*

Rocky Ford Solar states that the Solar Facilities "qualify as a 'small renewable energy project' as defined in Code § 10.1-1197.5 because they are 'an electrical generation facility with a rated capacity not exceeding 150 megawatts that generates electricity only from sunlight or wind.'"²² Rocky Ford Solar further states that, as a small renewable energy project, "the Solar Facilities are 'in the public interest and in determining whether to approve such project, the Commission shall liberally construe the provisions of this title.'"²³

Rocky Ford Solar notes that it intends to file with the Federal Energy Regulatory Commission ("FERC") and certify that it is an exempt wholesale generator.²⁴ The Applicant asserts that because it will sell electricity for resale, it will be subject to FERC's jurisdiction as a public utility with market-based rates and be regulated by FERC rather than by the Commission.²⁵

As provided by § 62.1-44.15:21 D 2 of the Code, the Commission and the State Water Control Board consult on wetland impacts prior to the siting of electric utility facilities that require a CPCN. As required by Paragraph 3 of the Department of Environmental Quality - State Corporation Commission Memorandum of Agreement Regarding Wetland Impacts Consultation, the Staff of the Commission ("Staff") has advised DEQ, acting on behalf

²² *Id.* at 16. Pursuant to Code § 56-580 D, "[t]he Commission shall complete any proceeding under [§ 56-580], or under any provision of the Utility Facilities Act (§ 56-265.1 et seq.), involving an application for a certificate, permit, or approval required for the construction or operation by a public utility of a small renewable energy project as defined in § 10.1-1197.5, within nine months following the utility's submission of a complete application therefore."

²³ Application at 16 (Applicant's emphasis omitted).

²⁴ *Id.* at 7.

²⁵ *Id.*

of the State Water Control Board, that the Applicant filed its Application and that consultation may be required.²⁶

In addition to consultation on wetlands, § 56-46.1 G of the Code directs the Commission and DEQ to coordinate the environmental review of proposed electric generating plants and associated facilities. Moreover, § 56-46.1 A of the Code provides for the Commission to receive and to consider reports on the proposed facilities from state environmental agencies. Accordingly, the Staff has requested DEQ to coordinate an environmental review of the Project by the appropriate agencies and to provide a report on the review.²⁷

The Applicant also requests that the Commission grant it an exemption from the provisions of Chapter 10 of Title 56 of the Code consistent with prior precedent in granting CPCNs under the Utility Facilities Act.^{28 29} Finally, in conjunction with the filing of its Application on January 20, 2023, Rocky Ford Solar filed the Motion for Entry of Protective Ruling and Additional Protective Treatment ("Motion for Protective Ruling") and a proposed protective ruling that establishes procedures governing the use of confidential information in this proceeding.

NOW THE COMMISSION, upon consideration of the Application and applicable law, finds that: this matter should be docketed; the Applicant should give notice of the Application to

²⁶ Letter from Anna A. Dimitri, Esquire, State Corporation Commission, dated February 2, 2023, to David L. Davis, CPWD, PWS, Director, Office of Wetlands & Stream Protection, DEQ, filed in Case No. PUR-2023-00003.

²⁷ Letter from Anna A. Dimitri, Esquire, State Corporation Commission, dated February 2, 2023, to Bettina Rayfield, DEQ, filed in Case No. PUR-2023-00003.

²⁸ Code § 56-265.1 *et seq.*

²⁹ Application at 23.

interested persons and the public; a public hearing should be scheduled for the purpose of receiving testimony and evidence on the Application; interested persons and the public should have an opportunity to file comments on the Application or participate as respondents in this proceeding; and the Staff should be directed to investigate the Application and file testimony and exhibits containing its findings and recommendations thereon. We further find that a Hearing Examiner should be appointed to conduct further proceedings in this matter on behalf of the Commission, including ruling on the Applicant's Motion for Protective Ruling.

To promote administrative efficiency and timely service of filings upon participants, the Commission will, among other things, direct the electronic filing of testimony and pleadings unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUR-2023-00003.
- (2) All pleadings in this matter shall be submitted electronically to the extent authorized by Rule 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"). Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.
- (3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and

the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(4) As provided by § 12.1-31 of the Code and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Rules of Practice, a Hearing Examiner is appointed to conduct further proceedings in this matter on behalf of the Commission, including ruling on the Applicant's Motion for Protective Ruling, and to file a final report. A copy of each filing made with the Commission's Clerk's office in this matter shall also be sent electronically to the Office of the Hearing Examiners.³⁰

(5) The Commission hereby schedules a telephonic hearing for the receipt of testimony from public witnesses on the Application, as follows:

- (a) A hearing for the receipt of testimony from public witnesses on the Application shall be convened telephonically on June 28, 2023, with no witness present in the Commission's courtroom.³¹
- (b) To promote fairness for all public witnesses, each witness will be allotted five minutes to provide testimony.
- (c) On or before June 21, 2023, any person desiring to offer testimony as a public witness shall provide to the Commission (a) your name, and (b) the telephone number that you wish the Commission to call during the hearing to receive your testimony. This information may be provided to the Commission in three ways: (i) by filling out a form on the Commission's website at scc.virginia.gov/pages/Webcasting; (ii) by completing and emailing the PDF version of this form to SCCInfo@scc.virginia.gov; or (iii) by calling (804) 371-9141.

³⁰ Such electronic copies shall be sent to: Wendy.Starkey@scc.virginia.gov, LeaAnn.Robertson@scc.virginia.gov, and Kaitlyn.Mcclure@scc.virginia.gov.

³¹ The Hearing Examiner will convene counsel of record in this proceeding to attend the public witness hearing virtually.

(d) Beginning at 10 a.m. on June 28, 2023, the Hearing Examiner will telephone sequentially each person who has signed up to testify as provided above. This hearing will not be convened, and the parties will be notified of such, if no person signs up to testify as a public witness.

(e) This public witness hearing will be webcast at scc.virginia.gov/pages/Webcasting.

(6) A public evidentiary hearing shall be convened at 10 a.m. on June 29, 2023, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive testimony and evidence offered by the Applicant, respondents, and the Staff on the Application.

(7) An electronic copy of the public version of the Application may be obtained by submitting a written request to counsel for the Applicant, Bradley J. Nowak, Esquire, Williams Mullen, 8350 Broad Street, Suite 1600, Tysons, Virginia 22102, or bnowak@williamsmullen.com. Interested persons also may download unofficial copies from the Commission's website: scc.virginia.gov/pages/Case-Information.

(8) On or before April 4, 2023, the Applicant shall cause to be sent by first class mail a copy of the notice and sketch map prescribed in Ordering Paragraph (9) to all owners, as of the date of this Order, of: (1) property contiguous to the Project site for which a CPCN has been requested, and (2) property within the route of the proposed interconnection facilities, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance, treasurer, or other officer of the county or municipality designated as provided by § 58.1-3100 *et seq.* of the Code.

(9) On or before April 4, 2023, the Applicant shall publish on one (1) occasion, the sketch map of the proposed Project, as provided in Attachment V.A to the Application Appendix

2, and the following notice as display advertising (not classified) in a newspaper or newspapers of general circulation in Henry County, Virginia:

NOTICE TO THE PUBLIC OF THE APPLICATION OF
ROCKY FORD SOLAR ENERGY LLC FOR CERTIFICATES
OF PUBLIC CONVENIENCE AND NECESSITY FOR A
SOLAR GENERATING FACILITY AND ASSOCIATED
INTERCONNECTION FACILITIES IN HENRY COUNTY,
VIRGINIA
CASE NO. PUR-2023-00003

On January 20, 2023, pursuant to Virginia Code ("Code") §§ 56-46.1, 56-265.2, and 56-580 D, and 20 VAC 5-302-10 and 20 VAC 5-302-25 of the Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility, 20 VAC 5-302-10 *et seq.*, Rocky Ford Solar Energy LLC ("Rocky Ford Solar" or "Applicant") filed an application and supporting documents ("Application") for certificates of public convenience and necessity ("CPCNs") with the State Corporation Commission ("Commission").

Through its Application, Rocky Ford Solar seeks to construct, own, and operate in Henry County, Virginia: (i) a solar generating facility and associated facilities, lines, and equipment totaling up to 90 megawatts ("MW") alternating current ("AC") ("Solar Facilities"), together with a substation and other electrical facilities located on the Solar Facilities site by which solar power will be stepped up from 34.5 kilovolts ("kV") to 138 kV ("Collection Substation"); and (ii) a 138 kV overhead generation tie line and associated facilities ("Gen-Tie Line") extending from the Collection Substation to interconnect the Solar Facilities to the transmission grid at a point of interconnection ("POI") with Appalachian Power Company's ("APCo") transmission facilities at APCo's Stockton Substation (collectively, "the Project"). Rocky Ford Solar states that construction of the Project is expected to commence in the fourth quarter of 2024, with commissioning beginning in November 2025 and commercial operation in the fourth quarter of 2025. The Project is anticipated to be in-service on or before December 31, 2025.

The Applicant represents that the Solar Facilities will employ photovoltaic modules mounted on racking systems supported by a pile-driven foundation. The Applicant further represents that the racking system will support single-axis trackers oriented in north-south trending rows that will track the sun from

east to west throughout the day. Rocky Ford Solar states that an underground 34.5 kV AC electrical collection system totaling approximately three miles will be installed below grade and will route the AC output from each inverter to the Collection Substation. The Applicant states that the Solar Facilities will be constructed on approximately 301 acres of land on five parcels located in an area that is zoned Agricultural.

The Applicant states that the proposed Collection Substation will be located on approximately 1.72 acres in the southwest corner of the Solar Facilities site. The Applicant further states that the Collection Substation will step up the solar power from the Solar Facilities from 34.5 kV to 138 kV before delivering it to the POI via the Gen-Tie Line. Rocky Ford Solar represents that the Gen-Tie Line will direct the power to the POI at APCo's Stockton Substation, located approximately 3.5 miles to the southwest of the Solar Facilities. Rocky Ford Solar states that the proposed 3.5-mile overhead 138 kV Gen-Tie Line will be strung between various pole structure types spaced approximately 800 feet apart and measuring from approximately 70 to 120 feet in height, with an average height of approximately 90 feet.

The Applicant represents that the Project encompasses approximately 600 acres in rural southeastern Henry County, Virginia, of which approximately 301 acres will host the Solar Facilities, and approximately 40 acres will host the Gen-Tie Line. The Applicant further represents that the Gen-Tie Line is located entirely within the certificated service territory of APCo. Rocky Ford Solar states that it has acquired control of the land for the Project site from private property owners through solar lease and easement agreements, transmission easement agreements, and a land option purchase agreement. The Applicant states that, on January 26, 2022, the Henry County Board of Zoning Appeals approved a Special Use Permit for Rocky Ford Solar to develop, construct, install, and operate the Solar Facilities.

Rocky Ford Solar asserts that its Application supports a finding that the Project: (i) is designed to minimize any adverse environmental impact and to meet or exceed all environmental requirements of the Virginia Department of Environmental Quality; (ii) will have a positive impact on the local economy and promote economic development; (iii) will have no material adverse effect upon reliability of electric service provided by any regulated public utility; (iv) is not contrary to the public interest; and (v) is not anticipated to have any significant impact on historically economically disadvantaged communities, fenceline communities,

and/or communities of color and is generally consistent with environmental justice directives. The Applicant states that the Project satisfies the criteria reviewed by the Commission under Code §§ 56-580 D, 56-265.2, and 56-46.1.

The Applicant further asserts that the Project is expected to provide substantial local and regional benefits from renewable energy electric generation, construction jobs, millions of dollars in private infrastructure investment in Virginia, and an increase to the tax base. Rocky Ford Solar asserts that, while Henry County, the surrounding area, and the Commonwealth will secure substantial benefits, Rocky Ford Solar bears all of the business risk associated with the Project. The Applicant further states that the Project will advance the goals of the Commonwealth by increasing in-state energy production to meet in-state demand with renewable generation sources. Rocky Ford Solar represents that the Project is being designed to comply with all local, state, and federal environmental regulations.

Rocky Ford Solar states that the Solar Facilities "qualify as a 'small renewable energy project' as defined in Code § 10.1-1197.5 because they are 'an electrical generation facility with a rated capacity not exceeding 150 megawatts that generates electricity only from sunlight or wind.'" Rocky Ford Solar further states that, as a small renewable energy project, "the Solar Facilities are 'in the public interest and in determining whether to approve such project, the Commission shall liberally construe the provisions of this title.'"

Rocky Ford Solar notes that it intends to file with the Federal Energy Regulatory Commission ("FERC") and certify that it is an exempt wholesale generator. The Applicant asserts that because it will sell electricity for resale, it will be subject to FERC's jurisdiction as a public utility with market-based rates and be regulated by FERC rather than by the Commission.

Description of the Proposed Project

In connection with a proposed 90-megawatt solar generating facility in Henry County, Virginia ("Solar Facilities"), Rocky Ford Solar, LLC proposes to construct a collection substation and an approximately 3.5-mile 138 kilovolt overhead generation tie line ("Gen-Tie Line") which is necessary to interconnect the Solar Facilities with the grid at the existing Appalachian Power Company Stockton Substation, to which the Project will interconnect to the regional electric grid.

The Gen-Tie Line originates at the Rocky Ford Collection Substation and runs southwest for approximately 3.5 miles and will be built to accommodate interconnection with the existing APCo Stockton Substation.

The Solar Facilities are bordered by Mountain Valley Road to the west and Dee's Road to the south. Summerset Drive and Rufus Road bisect the Solar Generating Facilities. The Gen-Tie Line extends from the intersection of Dee's Road and Mountain Valley Road to Appalachian Power Company's Stockton Substation, located off Jones Ridge Road.

The proposed Gen-Tie Line may utilize various pole structure types, including a tangent braced wood post monopole, a tangent wood h-frame, a guyed dead-end wood monopole, and a guyed dead-end three pole structure that will average approximately 90 feet in height. The minimum structure height is approximately 70 feet and structures will not exceed 120 feet in height.

All distances and directions are approximate. A sketch map of the proposed Project accompanies this notice. A more detailed map of the proposed routes may be viewed on the Commission's website: scc.virginia.gov/pages/Transmission-Line-Projects. A more complete description of the proposed Project may be found in the Application.

The Commission may consider Project site(s) and/or generation-tie line(s) and transmission route(s) not significantly different from the Project site and/or generation-tie line(s) and transmission route(s) described in this notice without additional notice to the public.

The Commission entered an Order for Notice and Hearing in this proceeding that, among other things, scheduled public hearings on Rocky Ford Solar's Application. On June 28, 2023, at 10 a.m., the Hearing Examiner will hold a telephonic hearing, with no witness present in the Commission's courtroom, for the purpose of receiving the testimony of public witnesses. On or before June 21, 2023, any person desiring to offer testimony as a public witness shall provide to the Commission (a) your name, and (b) the telephone number that you wish the Hearing Examiner to call during the hearing to receive your testimony. This information may be provided to the Commission in three ways: (i) by filling out a form on the Commission's website at

scc.virginia.gov/pages/Webcasting; (ii) by completing and emailing the PDF version of this form to SCCInfo@scc.virginia.gov; or (iii) by calling (804) 371-9141. This public witness hearing will be webcast at scc.virginia.gov/pages/Webcasting.

On June 29, 2023, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, the Hearing Examiner will convene a hearing to receive testimony and evidence related to the Application from Rocky Ford Solar, any respondents, and the Commission's Staff.

To promote administrative efficiency and timely service of filings upon participants, the Commission has directed the electronic filing of testimony and pleadings, unless they contain confidential information, and has required electronic service on parties to this proceeding.

Copies of the public version of the Application and other supporting materials may be inspected during regular business hours at the following location:

Williams Mullen
200 South 10th Street
Suite 1600
Richmond, Virginia 23219
Attention: Robert F. Riley

An electronic copy of the public version of the Application also may be obtained by submitting a written request to counsel for the Applicant, Bradley J. Nowak, Esquire, Williams Mullen, 8350 Broad Street, Suite 1600, Tysons, Virginia 22102. Interested persons also may download unofficial copies from the Commission's website: scc.virginia.gov/pages/Case-Information.

On or before June 23, 2023, any interested person may submit comments on the Application electronically by following the instructions on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2023-00003.

On or before April 21, 2023, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at: scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed above. Notices of participation shall include the email address of the party or its counsel. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Applicant. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"), any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00003.

On or before May 17, 2023, each respondent may file electronically with the Clerk of the Commission at scc.virginia.gov/clk/efiling any testimony and exhibits by which the respondent expects to establish its case, and each witness's testimony shall include a summary not to exceed one page. Any respondent unable, as a practical matter, to file testimony and exhibits electronically may file such by U.S. mail to the Clerk of the Commission at the address listed above. All testimony and exhibits shall be served on the Commission's Staff, the Company, and all other respondents simultaneous with its filing. In all filings, respondents shall comply with the Commission's Rules of Practice, as modified by the Commission's Order for Notice and Hearing, including, but not limited to: 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2023-00003.

Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified by the Commission's Order for Notice and Hearing, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

The Commission's Rules of Practice, the Commission's Order for Notice and Hearing, and the public version of the Application and other documents filed in this case may be viewed

on the Commission's website at:
scc.virginia.gov/pages/Case-Information.

ROCKY FORD SOLAR ENERGY LLC

(10) On or before April 4, 2023, the Applicant shall serve a copy of this Order for Notice and Hearing on the following officials, to the extent the position exists in Henry County: the chairman of the board of supervisors of the county; the mayor or manager (or equivalent official) of every city and town; and the county attorney. Service shall be made electronically where possible; if electronic service is not possible, service shall be made by either personal delivery or first class mail to the customary place of business or residence of the person served.

(11) On or before April 18, 2023, the Applicant shall file proof of the notice and service required by Ordering Paragraphs (9) and (10), including the name, title, and address of each official served, with the Clerk of the Commission by filing electronically at scc.virginia.gov/clk/efiling/

(12) On or before April 18, 2023, the Applicant shall file with the Clerk of the Commission, electronically at scc.virginia.gov/clk/efiling, a certificate of mailing of the notice to owners of property prescribed by Ordering Paragraph (8). The certificate shall not include the names and addresses of the owners of property served, but the Applicant shall maintain a record of this information.

(13) On or before June 23, 2023, any interested person may file comments on the Application by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2023-00003.

(14) On or before April 21, 2023, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation at scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed in Ordering Paragraph (13). Such notice of participation shall include the email addresses of such parties or their counsel. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Applicant. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00003.

(15) Within five (5) business days of receipt of a notice of participation as a respondent, the Applicant shall serve upon the respondent a copy of the public version of the Application and supporting materials, unless these materials already have been provided to the respondent.

(16) On or before May 17, 2023, each respondent may file, with the Clerk of the Commission at scc.virginia.gov/clk/efiling, any testimony and exhibits by which the respondent expects to establish its case. Any respondent unable, as a practical matter, to file testimony and exhibits electronically may file such by U.S. mail to the Clerk of the Commission at the address in Ordering Paragraph (13). Each witness's testimony shall include a summary not to exceed one page. All testimony and exhibits shall be served on the Staff, the Company and all other respondents simultaneous with its filing. In all filings, respondents shall comply with the Rules

of Practice, as modified herein, including, but not limited to: 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2023-00003.

(17) The Staff shall investigate the Application. On or before May 31, 2023, the Staff shall file with the Clerk of the Commission its testimony and exhibits, and each Staff witness's testimony shall include a summary not to exceed one page. The Staff shall serve a copy thereof on counsel to the Applicant and all respondents.

(18) On or before June 14, 2023, Rocky Ford Solar shall file with the Clerk of the Commission any rebuttal testimony and exhibits that it expects to offer, and each rebuttal witness's testimony shall include a summary not to exceed one page. The Applicant shall serve a copy of its rebuttal testimony and exhibits on the Staff and all respondents. Additionally, the Applicant shall serve a copy of its rebuttal testimony and exhibits on DEQ by email to bettina.rayfield@deq.virginia.gov.

(19) Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice.

(20) The Rules of Practice 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically

on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to the Staff.³² Except as modified herein, discovery shall be in accordance with Part IV of the Rules of Practice, 5 VAC 5-20-240 *et seq.*

(21) This matter is continued.

Commissioner Patricia L. West participated in this matter.

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

³² The assigned Staff attorney is identified on the Commission's website, scc.virginia.gov/pages/Case-Information, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2023-00003, in the appropriate box.