

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, JANUARY 14, 2021

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PETITION OF

APPALACHIAN POWER COMPANY

CASE NO. PUR-2020-00258

For approval of a rate adjustment clause,  
the E-RAC, for costs to comply with state  
and federal environmental regulations pursuant  
to § 56-585.1 A 5 e of the Code of Virginia

ORDER FOR NOTICE AND HEARING

On December 23, 2020, pursuant to § 56-585.1 A 5 e of the Code of Virginia ("Code"),  
Appalachian Power Company ("APCo" or "Company") filed with the State Corporation  
Commission ("Commission") a petition ("Petition") for approval of a rate adjustment clause  
("E-RAC") to recover on a timely basis its projected costs to comply with state and federal  
environmental laws and regulations applicable to generation facilities used to serve the  
Company's load obligations.

According to the Petition, APCo seeks cost recovery for certain environmental projects  
("Projects") related to the installation and retrofitting of certain coal ash ponds at the Company's  
Amos and Mountaineer Plants (collectively, "Plants"), as well as actual and forecast operations  
and maintenance costs related to compliance with State Solid Waste regulation, the National  
Pollution Discharge Elimination System, and provisions of the Clean Water Act at the Plants.<sup>1</sup>

APCo states that the Projects are required to comply with the United States  
Environmental Protection Agency's ("EPA") rule to regulate the disposal of coal combustion  
residuals ("CCR Rule") and the EPA's Steam Electric Effluent Limitations Guidelines ("ELG

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<sup>1</sup> Petition at 2.

Rule").<sup>2</sup> APCo states that the CCR Rule regulates the handling and storage of CCR material in an environmentally responsible manner, and the ELG Rule regulates wastewater discharges for the protection of surface water.<sup>3</sup>

According to the Company, these rules require that, absent an extension, unlined CCR storage ponds, such as the bottom ash ponds at the Plants, must cease operations and initiate closure by April 11, 2021, which would cause the Plants to stop operating by that date.<sup>4</sup> APCo states that after analyzing various compliance options and scenarios, it is seeking approval of cost recovery of CCR and ELG retrofits at the Plants, which will allow the Plants to provide capacity and energy value to APCo's customers through 2040.<sup>5</sup> APCo also asserts that its proposed investments are the most cost-effective means of compliance.<sup>6</sup>

In this proceeding, the Company asks the Commission to approve its E-RAC for the rate year October 1, 2021, through September 30, 2022 ("Rate Year").<sup>7</sup> APCo proposes a total revenue requirement of approximately \$31.614 million during the Rate Year.<sup>8</sup> Specifically, the Company indicates that its proposed revenue requirement comprises three elements: (1) a Forecast Revenue Component of \$30.791 million, (2) an Allowance for Funds Used During Construction Revenue Component of \$0.823 million, and (3) a True-up Revenue Component of

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<sup>2</sup> Prefiled Direct Testimony of Gary O. Spitznogle at 3-4.

<sup>3</sup> *Id.*

<sup>4</sup> Prefiled Direct Testimony of Christian T. Beam at 3.

<sup>5</sup> Prefiled Direct Testimony of James F. Martin at 3.

<sup>6</sup> Petition at 5.

<sup>7</sup> *Id.*; Prefiled Direct Testimony of Jennifer B. Sebastian ("Sebastian Direct") at 3.

<sup>8</sup> Petition at 5; Sebastian Direct at 3-4.

\$0.0 million.<sup>9</sup> For purposes of calculating the revenue requirement, APCo states that it used an after-tax rate of return on rate base of 7.072% based on the year ended December 31, 2019 capital structure.<sup>10</sup> The Company further states that this rate of return included the 9.20% return on equity ("ROE") approved by the Commission in Case No. PUR-2020-00015.<sup>11</sup>

APCo states that it seeks to recover the revenue requirement by allocating costs to the Virginia jurisdiction consistent with the Company's methodology in its Dresden G-RAC.<sup>12</sup> If the proposed E-RAC is approved, the impact on customer bills would depend on the customer's rate schedule and usage. According to the Company, implementation of the proposed E-RAC would increase the monthly bill of a residential customer using 1,000 kilowatt-hours per month by \$2.50, or 2.4%, when compared to rates effective November 1, 2020.<sup>13</sup>

APCo requests a waiver of Rules 20 VAC 5-201-60 ("Rule 60") and 20 VAC 5-201-90 ("Rule 90") of the Rules Governing Utility Rate Applications and Annual Informational Filings ("Rate Case Rules")<sup>14</sup> with respect to Schedule 45. Rule 60 of the Rate Case Rules requires that an application filed pursuant to Code § 56-585.1 A 5 include Schedule 45, "Return on Equity Peer Group Benchmark," with the utility's direct testimony. Rule 90 of the Rate Case Rules

<sup>9</sup> Petition at 5; Sebastian Direct at 3-4. APCo states that no true-up is included in this initial proceeding because the Company does not currently have existing rate factors approved for cost recovery under Code § 56-585.1 A 5 (e). Sebastian Direct at 6. The Company further states that it anticipates that any true-up will be included in a 2021 update filing for implementation during the October 1, 2022–September 30, 2023 rate year. *Id.*

<sup>10</sup> Petition at 5; Sebastian Direct at 5-6.

<sup>11</sup> Petition at 5-6; Sebastian Direct at 5-6. *See Application of Appalachian Power Company, For a 2020 triennial review of its base rates, terms and conditions pursuant to § 56-585.1 of the Code of Virginia, Case No. PUR-2020-00015, Doc. Con. Cen. No. 201140127, Final Order (Nov. 24, 2020).*

<sup>12</sup> Petition at 6; Sebastian Direct at 7.

<sup>13</sup> Petition at 6; Sebastian Direct at 8.

<sup>14</sup> 20 VAC 5-201-10 *et seq.*

states that Schedule 45 must include "documentation supporting the return on equity benchmark proposed pursuant to § 56-585.1 A 2 a and b of the Code . . . ." In support of its request for waiver of Schedule 45, APCo indicates that the ROE used to calculate the revenue requirement was recently determined by the Commission in Case No. PUR-2020-00015, and the Company's revenue requirement in this Petition reflects that ROE of 9.2%.

APCo also requests a waiver of Rule 90 with respect to certain Schedule 46 materials. Rule 60 requires that an application filed pursuant to Code § 56-585.1 A 6 include Schedule 46, "Projected Rate Adjustment Clause Pursuant to § 56-585.1 A 4, A 5 b, c and d or A 6 of the Code of Virginia," with the utility's direct testimony. Rule 90 states that the Company must "provide all documents, contracts, studies, investigations or correspondence that support projected costs proposed to be recovered via a rate adjustment clause." According to APCo, the supporting documentation responsive to this request is voluminous, and much of this documentation has been designated confidential by the Company. In lieu of physical production, the Company states that it has made available electronic copies of these documents to the Staff of the Commission ("Staff") and will make them available to respondents via an electronic data room established for this proceeding.

Finally, in conjunction with the filing of its Petition on December 23, 2020, the Company also filed a Motion for Protective Ruling ("Motion") and a proposed protective ruling that establishes procedures governing the use of confidential information in this proceeding.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; APCo should provide public notice of its Petition; a public hearing should be scheduled for the purpose of receiving testimony and evidence on the Petition; interested persons should have an opportunity to file comments on the Petition or to participate

as respondents in this proceeding; and the Staff should be directed to investigate the Petition and file testimony and exhibits containing its findings and recommendations thereon. We also find that a Hearing Examiner should be assigned to rule on the Company's Motion and to rule on any discovery matters that may arise in this proceeding. Finally, for purposes of making the Petition complete and commencing this proceeding, we grant APCo's request to waive the filing of Schedule 45 and to waive the filing of certain Schedule 46 materials in hard copy.

The Commission takes judicial notice of the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, and the declarations of emergency issued at both the state and federal levels.<sup>15</sup> The Commission has taken certain actions, and may take additional actions going forward, which could impact the procedures in this proceeding.<sup>16</sup> Consistent with these actions, in regard to the terms of the procedural framework established below, 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.

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<sup>15</sup> See, e.g., Executive Order No. 51, Declaration of a State of Emergency Due to Novel Coronavirus, COVID-19, issued March 12, 2020, by Gov. Ralph S. Northam. See also Executive Order No. 53, Temporary Restrictions on Restaurants, Recreational, Entertainment, Gatherings, Non-Essential Retail Businesses, and Closure of K-12 Schools Due to Novel Coronavirus (COVID-19), issued March 23, 2020, by Governor Ralph S. Northam, and Executive Order No. 55, Temporary Stay At Home Order Due to Novel Coronavirus (COVID-19), issued March 30, 2020, by Governor Ralph S. Northam. These and subsequent Executive Orders related to COVID-19 may be found at: <https://www.governor.virginia.gov/executive-actions/>.

<sup>16</sup> See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, Doc. Con. Cen. No. 200330035, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020), *extended by* Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020), *extended by* Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, Doc. Con. Cen. No. 200410009, Order Requiring Electronic Service (Apr. 1, 2020).

For clarification, we note that the proposed E-RAC, if approved, would result in an increase to customer bills. We realize that the current COVID-19 public health crisis has caused devastating economic effects that impact all utility customers. We have responded to this economic emergency by, among other actions, suspending for approximately six months customer disconnections from utility service and directing Virginia utilities to offer extended payment plans, without late fees for those who are current on such plans, to protect customers from service disconnection. We are sensitive to the effects of rate increases, especially in times such as these. The Commission, however, must and will follow the laws applicable to this case, as well as the findings of fact supported by evidence in the record.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUR-2020-00258.
- (2) All pleadings in this matter should 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").<sup>17</sup> 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. For the duration of the COVID-19 emergency, 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.<sup>18</sup>

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<sup>17</sup> 5 VAC 5-20-10 *et seq.*

<sup>18</sup> As noted in the Commission's March 19, 2020 Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency in Case No. CLK-2020-00005, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may not be processed for an indefinite period of time due to the COVID-19 emergency. *See supra* n.17.

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's 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 Rule 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice, a Hearing Examiner is appointed to rule on any discovery matters that may arise during the course of this proceeding, including the Company's Motion.

(5) Due to the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, the Commission hereby schedules a telephonic hearing for the receipt of testimony from public witnesses on the Company's Petition, as follows:

- (a) A hearing for the receipt of testimony from public witnesses on the Company's Petition shall be convened telephonically at 10 a.m. on June 22, 2021, with no witness present in the Commission's courtroom.<sup>19</sup>
- (b) To promote fairness for all public witnesses, each witness will be allotted five minutes to provide testimony.
- (c) On or before June 17, 2021, 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](http://scc.virginia.gov/pages/Webcasting); (ii) by completing and emailing the PDF version of this form to [SCCInfo@scc.virginia.gov](mailto:SCCInfo@scc.virginia.gov); or (iii) by calling (804) 371-9141.

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<sup>19</sup> The Commission will convene counsel of record in this proceeding to attend the public witness hearing virtually.

(d) Beginning at 10 a.m. on June 22, 2021, the Commission 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](http://scc.virginia.gov/pages/Webcasting).

(6) A public evidentiary hearing shall be convened at 10 a.m. on June 23, 2021, either in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or by electronic means, to receive testimony and evidence offered by the Company, respondents, and the Staff on the Petition. Further details on this hearing will be provided by subsequent Commission Order or Hearing Examiner's Ruling.

(7) An electronic copy of the Company's Petition may be obtained by submitting a written request to counsel for the Company, Noelle J. Coates, Esquire, American Electric Power Service Corporation, 3 James Center, 1051 East Cary Street, Suite 1100, Richmond, Virginia 23219, or [njcoates@aep.com](mailto:njcoates@aep.com). Interested persons also may download unofficial copies from the Commission's website: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

(8) On or before February 12, 2021, the Company shall cause the following notice to be published as display advertising (not classified) on one (1) occasion in newspapers of general circulation throughout the Company's service territory within Virginia:



NOTICE TO THE PUBLIC OF PETITION FOR APPROVAL  
OF A RATE ADJUSTMENT CLAUSE, THE E-RAC,  
BY APPALACHIAN POWER COMPANY  
CASE NO. PUR-2020-00258

- Appalachian Power Company ("APCo") has applied for approval of a rate adjustment clause, the E-RAC, for recovery of costs incurred to comply with state and federal environmental laws and regulations.
- APCo requests approval of a revenue requirement of \$31.614 million for its E-RAC for the rate year beginning October 1, 2021, through September 30, 2022. According to APCo, this amount would increase a residential customer's bill using 1,000 kilowatt hours per month by \$2.50.
- Due to the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, the State Corporation Commission will hold a telephonic hearing in this case on June 22, 2021, to receive public witness testimony.
- The Commission will hold an evidentiary hearing in this case on June 23, 2021.
- Further information about this case is available on the SCC website at: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

On December 23, 2020, pursuant to § 56 585.1 A 5 e of the Code of Virginia, Appalachian Power Company ("APCo" or "Company") filed with the State Corporation Commission ("Commission") a petition ("Petition") for approval of a rate adjustment clause ("E-RAC") to recover on a timely basis its projected costs to comply with state and federal environmental laws and regulations applicable to generation facilities used to serve the Company's load obligations.

According to the Petition, APCo seeks cost recovery for certain environmental projects ("Projects") related to the installation and retrofitting of certain coal ash ponds at the Company's Amos and Mountaineer Plants (collectively, "Plants"), as well as actual and forecast operations and maintenance costs

related to compliance with State Solid Waste regulation, the National Pollution Discharge Elimination System, and provisions of the Clean Water Act at the Plants.

APCo states that the Projects are required to comply with the United States Environmental Protection Agency's ("EPA") rule to regulate the disposal of coal combustion residuals ("CCR Rule") and the EPA's Steam Electric Effluent Limitations Guidelines ("ELG Rule"). APCo states that the CCR Rule regulates the handling and storage of CCR material in an environmentally responsible manner, and the ELG Rule regulates wastewater discharges for the protection of surface water.

According to the Company, these rules require that, absent an extension, unlined CCR storage ponds, such as the bottom ash ponds at the Plants, must cease operations and initiate closure by April 11, 2021, which would cause the Plants to stop operating by that date. APCo states that after analyzing various compliance options and scenarios, it is seeking approval of cost recovery of CCR and ELG retrofits at the Plants, which will allow the Plants to continue to provide capacity and energy value to APCo's customers through 2040. APCo also asserts that its proposed investments are the most cost-effective means of compliance.

In this proceeding, the Company asks the Commission to approve its E-RAC for the rate year October 1, 2021, through September 30, 2022 ("Rate Year"). APCo proposes a total revenue requirement of approximately \$31.614 million during the Rate Year. Specifically, the Company indicates that its proposed revenue requirement comprises three elements: (1) a Forecast Revenue Component of \$30.791 million, (2) an Allowance for Funds Used During Construction Revenue Component of \$0.823 million, and (3) a True-up Revenue Component of \$0.0 million. For purposes of calculating the revenue requirement, APCo states that it used an after-tax rate of return on rate base of 7.072% based on the year ended December 31, 2019 capital structure. The Company further states that this rate of return included the 9.20% return on equity approved by the Commission in Case No. PUR-2020-00015.

APCo states that it seeks to recover the revenue requirement by allocating costs to the Virginia jurisdiction consistent with the Company's methodology in its Dresden G-RAC. If the proposed E-RAC is approved, the impact on customer bills would depend on the customer's rate schedule and usage. According to the Company, implementation of the

proposed E-RAC would increase the monthly bill of a residential customer using 1,000 kilowatt-hours per month by \$2.50, or 2.4%, when compared to rates effective November 1, 2020.

Interested persons are encouraged to review the Petition and supporting documents for the details of these and other proposals.

TAKE NOTICE that the Commission may apportion revenues among customer classes and/or design rates in a manner differing from that shown in the Petition and supporting documents and thus may adopt rates that differ from those appearing in the Company's Petition and supporting documents.

The Commission entered an Order for Notice and Hearing in this proceeding that, among other things, scheduled public hearings on APCo's Petition. On June 22, 2021, at 10 a.m., the Commission 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 17, 2021, 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](http://scc.virginia.gov/pages/Webcasting); (ii) by completing and emailing the PDF version of this form to [SCCInfo@scc.virginia.gov](mailto:SCCInfo@scc.virginia.gov); or (iii) by calling (804) 371-9141. This public witness hearing will be webcast at [scc.virginia.gov/pages/Webcasting](http://scc.virginia.gov/pages/Webcasting).

On June 23, 2021, at 10 a.m., either in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or by electronic means, the Commission will convene a hearing to receive testimony and evidence related to the Petition from the Company, any respondents, and the Commission's Staff. Further details on this hearing will be provided by subsequent Commission Order or Hearing Examiner's Ruling.

The Commission has taken judicial notice of the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, and the declarations of emergency issued at both the state and federal levels. In accordance therewith, all pleadings, briefs, or other documents required to be served in this matter

should be submitted electronically to the extent authorized by 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. For the duration of the COVID-19 emergency, 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.

Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission has directed that service on parties and the Commission's Staff in this matter shall be accomplished by electronic means. Please refer to the Commission's Order for Notice and Hearing for further instructions concerning Confidential or Extraordinarily Sensitive Information.

An electronic copy of the Company's Petition may be obtained by submitting a written request to counsel for the Company, Noelle J. Coates, Esquire, 3 James Center, American Electric Power Service Corporation, 1051 East Cary Street, Suite 1100, Richmond, Virginia 23219, or [njcoates@aep.com](mailto:njcoates@aep.com).

On or before June 15, 2021, any interested person may file comments on the Petition by following the instructions found on the Commission's website: [scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments). All comments shall refer to Case No. PUR-2020-00258.

On or before March 12, 2021, 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 State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, or by filing electronically at [scc.virginia.gov/clk/efiling/](http://scc.virginia.gov/clk/efiling/). 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 Company. Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's 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 Rule 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2020-00258.

On or before April 9, 2021, each respondent may file with the Clerk of the Commission at the address above or electronically at [scc.virginia.gov/clk/efiling/](http://scc.virginia.gov/clk/efiling/), and serve on the Commission's Staff, the Company, and all other respondents, 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. In all filings, respondents shall comply with the Commission's Rules of Practice, including 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-2020-00258.

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 Company's Petition, the Commission's Rules of Practice and the Commission's Order for Notice and Hearing may be viewed at: [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information).

#### APPALACHIAN POWER COMPANY

(9) On or before February 12, 2021, the Company shall serve a copy of this Order for Notice and Hearing on the following local officials, to the extent the position exists, in each county, city, and town in which the Company provides service in the Commonwealth of Virginia: the chairman of the board of supervisors of each county; the mayor or manager (or equivalent official) of every city and town; and the county, city, or town 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.<sup>20</sup>

<sup>20</sup> See the Commission's April 1, 2020 Order in Case No. CLK-2020-00007. See *supra* n.17.

(10) On or before March 5, 2021, the Company shall file proof of the notice and service required by Ordering Paragraphs (8) and (9) above, including the name, title, address, and electronic mail address (if applicable) of each official served, with the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, or by filing electronically at [scc.virginia.gov/clk/efiling/](http://scc.virginia.gov/clk/efiling/).

(11) On or before June 15, 2021, any interested person may file comments on the Petition by following the instructions found on the Commission's website: [scc.virginia.gov/casecomments/Submit-Public-Comments](http://scc.virginia.gov/casecomments/Submit-Public-Comments). All comments shall refer to Case No. PUR-2020-00258.

(12) On or before March 12, 2021, 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 the address in Ordering Paragraph (10) or [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling). 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 Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's 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-2020-00258.

(13) Within three (3) business days of receipt of a notice of participation as a respondent, the Company shall serve a copy of the public version of the Petition and supporting materials on the respondent, unless these already have been provided to the respondent.

(14) On or before April 9, 2021, each respondent may file with the Clerk of the Commission at the address in Ordering Paragraph (10) or [scc.virginia.gov/clk/efiling](http://scc.virginia.gov/clk/efiling), and serve on the Staff, the Company, and all other respondents, 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. In all filings, respondents shall comply with the Commission's 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-2020-00258.

(15) On or before May 7, 2021, the Staff shall investigate APCo's Petition and file with the Clerk of the Commission its testimony and exhibits concerning the Petition, and each Staff witness's testimony shall include a summary not to exceed one page. A copy thereof shall be served on counsel to the Company and all respondents.

(16) On or before May 21, 2021, APCo 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 Company shall serve a copy of its rebuttal testimony and exhibits on the Staff and all respondents.

(17) 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, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(18) The Commission's Rule 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.<sup>21</sup> Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(19) This matter is continued.

A COPY hereof shall be sent by the Clerk of the Commission to: Noelle J. Coates, Esquire, American Electric Power Service Corporation, 3 James Center, 1051 East Cary Street, Suite 1100, Richmond, Virginia 23219, [njcoates@aep.com](mailto:njcoates@aep.com); James R. Bacha, Esquire, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, Ohio 43215, [jrbacha@aep.com](mailto:jrbacha@aep.com); Daniel Summerlin, Esquire, and Charles J. Dickenson, Esquire, Woods Rogers PLC, 10 South Jefferson Street, Suite 1800, Roanoke, Virginia 23011, [summerlin@woodsrogers.com](mailto:summerlin@woodsrogers.com), [dickenson@woodsrogers.com](mailto:dickenson@woodsrogers.com); and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219, [MBrowder@oag.state.va.us](mailto:MBrowder@oag.state.va.us).

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<sup>21</sup> The assigned Staff attorney is identified on the Commission's website, [scc.virginia.gov/pages/Case-Information](http://scc.virginia.gov/pages/Case-Information), by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2020-00258, in the appropriate box.