

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, APRIL 21, 2022

CLERK'S OFFICE
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2022 APR 21 P 12:00

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PETITION OF

APPALACHIAN POWER COMPANY

CASE NO. PUR-2022-00001

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 March 18, 2022, 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 to recover costs through its existing rate adjustment clause (the "E-RAC"), related to capital investments and operations and maintenance ("O&M") compliance expenses that are necessary to comply with state and federal environmental regulations.¹

In Case No. PUR-2020-00258, the Commission approved the Company's E-RAC, including actual and projected capital investment incurred to comply with the EPA's Coal Combustion Residuals Rule ("CCR Rule") at the Company's Amos and Mountaineer Plants (the "Plants").² The Commission denied, without prejudice, the Company's request to recover through the E-RAC its actual and projected capital investment incurred to comply with the EPA's Steam Electric Effluent Limitation Guidelines ("ELG Rule") at the Plants.

¹ The Company completed its filing on March 31, 2022 by submitting its Schedule 3 - Capital Structure and Cost of Capital Statement. The Commission's final order in this matter is statutorily due eight (8) months from that date,

² *Petition of Appalachian Power Company 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, Case No. PUR-2020-00258, Doc. Con. Cen. No. 210830184, Order Approving Rate Adjustment Clause (Aug. 23, 2021) ("2021 E-RAC Order").*

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In Case No. PUR-2020-00258, the Commission approved the Company's E-RAC, including actual and projected capital investment incurred to comply with the EPA's Coal Combustion Residuals Rule ("CCR Rule") at the Company's Amos and Mountaineer Plants (the "Plants").² The Commission denied, without prejudice, the Company's request to recover through the E-RAC its actual and projected capital investment incurred to comply with the EPA's Steam Electric Effluent Limitation Guidelines ("ELG Rule") at the Plants.

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² *Petition of Appalachian Power Company 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*, Case No. PUR-2020-00258, Doc. Con. Cen. No. 210830184, Order Approving Rate Adjustment Clause (Aug. 23, 2021) ("2021 E-RAC Order").

In its Petition herein, the Company seeks to recover a revenue requirement of \$33.6 million during the rate year of December 1, 2022 through November 30, 2023 ("Rate Year") through the E-RAC.³ This amount includes: (1) actual and projected capital investment to comply with the CCR Rule at the Plants; (2) actual and projected capital investment to comply with the ELG Rule at the Plants, including those incurred up to August 2021; (3) new capital investments related to dissolved oxygen levels at the hydroelectric generating units at the Company's Claytor Hydro Project and the dry sorbent injection system at Amos; (4) actual and projected costs to comply with the regulation that established Virginia as a member of the Regional Greenhouse Gas Initiative associated with the dispatch of the Company's gas-fired Clinch River Plant; and (5) actual and projected O&M compliance costs incurred in complying with environmental regulations at the Company's generation units.⁴

In the 2021 E-RAC Order, the Commission found that the Company had "not met its burden of proving the reasonableness and prudence of the proposed ELG investment costs," but held that the Company should be permitted to provide additional analyses and evidence to support the ELG investment, "should APCo conclude circumstances so warrant."⁵

The Petition explains that on December 23, 2020, APCo filed a petition with the Public Service Commission of West Virginia ("WVPSC") seeking certificates of convenience and necessity authorizing both the CCR and ELG projects at the Plants, as well as a cost recovery mechanism.⁶ The Company states that the WVPSC approved the requests on August 4, 2021

³ Petition at 2.

⁴ *Id.*

⁵ 2021 E-RAC Order at 12.

⁶ Petition at 3.

and on October 12, 2021, the WVPSC issued another order that confirmed its earlier decision, stating that, due to the Commission's 2021 E-RAC Order, "Virginia...jurisdictional customers should receive no capacity or energy from the Plants after 2028."⁷ The Company states that as the Plants will continue to operate past 2028, no matter how the Commission rules on this Petition, circumstances warrant re-filing its request to recover the costs of the ELG Projects.⁸

APCo proposes a total revenue requirement of approximately \$33.6 million during the Rate Year. Specifically, the Company indicates that its proposed revenue requirement comprises four elements: (1) a Forecast Rate Year Component of \$29.6 million; (2) a Forecast Allowance for Funds Used During Construction Revenue Component of \$4.3 million; (3) a True-up Revenue Component of (\$0.5 million); and (4) an Actual Revenue Component of \$0.2 million. For purposes of calculating the revenue requirement, APCo states that it used a rate of return on rate base of 6.817% based on the year ended December 31, 2020 capital structure.⁹ The Company further states that this rate of return included the 9.20% return on equity approved by the Commission in Case No. PUR-2020-00015.¹⁰

APCo states that it seeks to recover the revenue requirement by allocating costs to the Virginia jurisdiction consistent with the Company's methodology approved by the Commission in its previous E-RAC proceeding.¹¹ 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

⁷ *Id.* at 3-4.

⁸ *Id.* at 4.

⁹ Prefiled Direct Testimony of William K. Castle at 7.

¹⁰ *Id.* at 7-8.

¹¹ *Id.* at 9.

Company, the revenue requirement would be an increase of \$6.2 million over the Company's existing E-RAC.¹² APCo estimates that implementing this revenue requirement would increase a residential customer's monthly bill, based on 1,000 kWh usage per month, by \$0.80, or 0.6%, when compared to rates effective December 1, 2021.¹³

APCo requests a waiver of Rules 20 VAC 5-204-60 ("Rule 60") and 20 VAC 5-204-90 ("Rule 90") of the Rules Governing Utility Rate Applications and Annual Informational Filings of Investor-Owned Electric Utilities ("Rate Case Rules")¹⁴ with respect to certain Schedule 46 materials.¹⁵ 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 requests to file one hard copy of these confidential documents and three compact discs containing electronic versions of the documents. APCo also 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.

¹² Petition at 8.

¹³ *Id.*

¹⁴ 20 VAC 5-204-5 *et seq.*

¹⁵ Petition at 13-14.

APCo also requests that the Commission grant a limited and ongoing waiver, for good cause shown, of the requirement to file the documents in future petitions on "any changes in projected costs," and permit the Company instead to file all new or changed contracts supporting E-RAC costs that are worth more than \$75,000.¹⁶ The Company states that it selected \$75,000 as a reasonable cutoff point that would provide Staff the most significant new and changed contracts. The Company proposes that it provide Staff with a list of all contracts under \$75,000 and states that it will provide copies of any that Staff wishes to review in its entirety. The Company states that the Commission granted a similar request in Case No. PUR-2021-00047.

Finally, in conjunction with the filing of its Petition, 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 appoint a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission, including ruling on the Company's Motion and filing a final report containing the Hearing Examiner's findings and recommendations. Finally, for purposes of making the Petition complete and commencing this proceeding, we grant APCo's request to waive the filing of certain Schedule 46 materials in hard copy. We also grant APCo's request to waive the

¹⁶ *Id.* at 14.

requirement to file documents in future petitions on "any changes in projected costs," and instead to file all new or changed contracts supporting E-RAC costs that are worth more than \$75,000.

The Commission takes judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. The Commission has taken certain actions, and may take additional actions going forward, which could impact the procedures in this proceeding.¹⁷ Consistent with these actions, 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.

For clarification, we note that the proposed E-RAC, if approved, would result in an increase to customer bills. We realize that the ongoing COVID-19 public health issues have caused devastating economic effects that impact utility customers. We have responded to this economic emergency by, among other actions, 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.

¹⁷ 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) ("Revised Operating Procedures Order"), *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).

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUR-2022-00001.

(2) All pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the 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.¹⁸

(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 Code § 12.1-31 and 5 VAC 5-20-120, *Procedures before hearing examiners*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"),¹⁹ a Hearing Examiner is appointed to conduct all further proceedings in this matter on behalf of the

¹⁸ As noted in the Revised Operating Procedures Order, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may be subject to delayed processing due to the COVID-19 public health issues.

¹⁹ 5 VAC 5-20-10 *et seq.*

Commission 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.²⁰

(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 at 10 a.m., on September 20, 2022, with no witness present in the Commission's courtroom.²¹
- (b) To promote fairness for all public witnesses, each witness will be allotted five minutes to provide testimony.
- (c) On or before September 15, 2022, 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.
- (d) Beginning at 10 a.m., on September 20, 2022, 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.

(6) A hearing shall be convened on September 21, 2022, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive the testimony and evidence of the Company, any respondents, and the Staff.

²⁰ Such electronic copies shall be sent to: Wendv.Starkey@scc.virginia.gov and LeaAnn.Robertson@scc.virginia.gov.

²¹ The Commission will convene counsel of record in this proceeding to attend the public witness hearing virtually.

(7) An electronic copy of the public version 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. Interested persons also may download unofficial copies of public version of the Company's Petition from the Commission's website: scc.virginia.gov/pages/Case-Information.

(8) On or before May 20, 2022, 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 REVISED RATE ADJUSTMENT CLAUSE, THE E-RAC,
BY APPALACHIAN POWER COMPANY
CASE NO. PUR-2022-00001

- Appalachian Power Company ("APCo") has applied for a revision of its 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 \$33.6 million for its E-RAC for the rate year beginning December 1, 2022, through November 30, 2023. According to APCo, this amount would increase a residential customer's bill using 1,000 kilowatt hours per month by \$0.80.
- The State Corporation Commission will hold a telephonic hearing in this case on September 20, 2022, to receive public witness testimony.
- The Commission will hold an evidentiary hearing in this case on September 21, 2022.
- Further information about this case is available on the SCC website at:
scc.virginia.gov/pages/Case-Information.

On March 18, 2022, 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 to recover costs through its existing rate adjustment clause (the "E-RAC"), related to capital investments and operations and maintenance ("O&M") compliance expenses that are necessary to comply with state and federal environmental regulations.

In Case No. PUR-2020-00258, the Commission approved the Company's E-RAC, including actual and projected capital investment incurred to comply with the EPA's Coal Combustion Residuals Rule ("CCR Rule") at the Company's Amos and Mountaineer Plants (the "Plants"). The Commission denied, without prejudice, the Company's request to recover through the E-RAC its actual and projected capital investment incurred to

comply with the EPA's Steam Electric Effluent Limitation Guidelines ("ELG Rule") at the Plants.

In its Petition herein, the Company seeks to recover a revenue requirement of \$33.6 million during the rate year of December 1, 2022 through November 30, 2023 ("Rate Year") through the E-RAC. This amount includes: (1) actual and projected capital investment to comply with the CCR Rule at the Plants; (2) actual and projected capital investment to comply with the ELG Rule at the Plants, including those incurred up to August 2021; (3) new capital investments related to dissolved oxygen levels at the hydroelectric generating units at the Company's Claytor Hydro Project and the dry sorbent injection system at Amos; (4) actual and projected costs to comply with the regulation that established Virginia as a member of the Regional Greenhouse Gas Initiative associated with the dispatch of the Company's gas-fired Clinch River Plant; and (5) actual and projected O&M compliance costs incurred in complying with environmental regulations at the Company's generation units.

In the 2021 E-RAC Order, the Commission found that the Company had "not met its burden of proving the reasonableness and prudence of the proposed ELG investment costs," but held that the Company should be permitted to provide additional analyses and evidence to support the ELG investment, "should APCo conclude circumstances so warrant."

The Petition explains that on December 23, 2020, APCo filed a petition with the Public Service Commission of West Virginia ("WVPSC") seeking certificates of convenience and necessity authorizing both the CCR and ELG projects at the Plants, as well as a cost recovery mechanism. The Company states that the WVPSC approved the requests on August 4, 2021. On October 12, 2021, the WVPSC issued another order that confirmed its earlier decision, stating that, due to the Commission's 2021 E-RAC Order, "Virginia...jurisdictional customers should receive no capacity or energy from the Plants after 2028." The Company states that as the Plants will continue to operate past 2028, no matter how the Commission rules on this Petition, circumstances warrant re-filing its request to recover the costs of the ELG Projects.

APCo proposes a total revenue requirement of approximately \$33.6 million during the Rate Year. Specifically, the Company indicates that its proposed revenue requirement comprises four elements: (1) a Forecast Rate Year Component of

\$29.6 million; (2) a Forecast Allowance for Funds Used During Construction Revenue Component of \$4.3 million; (3) a True-up Revenue Component of (\$0.5 million); and (4) an Actual Revenue Component of \$0.2 million. For purposes of calculating the revenue requirement, APCo states that it used an after tax rate of return on rate base of 6.817% based on the year ended December 31, 2020 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 approved by the Commission in its previous E-RAC proceeding. 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, the revenue requirement would be an increase of \$6.2 million over the Company's existing E-RAC. APCo estimates that implementing this revenue requirement would increase a residential customer's monthly bill, based on 1,000 kWh usage per month, by \$0.80, or 0.6%, when compared to rates effective December 1, 2021.

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 September 20, 2022, 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 September 15, 2022, 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. This public witness hearing will be webcast at scc.virginia.gov/pages/Webcasting.

On September 21, 2022, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, 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.

The Commission takes judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. 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. 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 public version 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.

On or before September 14, 2022, 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. All comments shall refer to Case No. PUR-2022-00001.

On or before June 17, 2022, 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/. 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-2022-00001.

On or before July 29, 2022, each respondent may file with the Clerk of the Commission at the address above or electronically at 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-2022-00001.

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 public version of the Company's Petition, the Commission's Rules of Practice and the Commission's Order for Notice and Hearing may be viewed on the Commission's website at: scc.virginia.gov/pages/Case-Information.

APPALACHIAN POWER COMPANY

(9) The Company shall serve each official listed in 20 VAC 5-204-10 J 1 as provided by 20 VAC 5-204-10 J 2.

(10) On or before June 17, 2022, 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, by filing electronically at scc.virginia.gov/clk/efiling/.

(11) On or before September 14, 2022, 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. 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-2022-00001.

(12) On or before June 17, 2022, 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 (11). 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-2022-00001.

(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 July 29, 2022, 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 (11). 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-2022-00001.

(15) On or before August 23, 2022, 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 September 6, 2022, 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.²² 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) The Company's request for waiver of the requirements of Rate Case Rules 60 and 90 is granted as set forth in this Order.

(20) This matter is continued.

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.

²² 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-2022-00001, in the appropriate box.