

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, FEBRUARY 21, 2023

CEO - CLERK'S OFFICE
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PETITION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2023-00005

For revision of rate adjustment clause: Rider E,
for the recovery of costs incurred 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 January 24, 2023, pursuant to § 56-585.1 A 5 e of the Code of Virginia ("Code"), Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or the "Company") filed a petition ("Petition") with the State Corporation Commission ("Commission") for an annual update of its rate adjustment clause, designated Rider E, for the recovery of costs incurred to comply with state and federal environmental regulations at the Company's Chesterfield and Mt. Storm Power Stations.¹

Dominion states that it is filing this annual update to inform the Commission of the status of the environmental projects located at the Mt. Storm Power Station and Chesterfield Power Station, and their projected expenditures.² The Company also proposes a new project at the Mt. Storm Power Station, the Lake Discharge Temperature Control System Project ("Mt. Storm Environmental Project").³ According to the Company, this project is required to comply with

¹ Petition at 1.

² *Id.* at 4. The Company seeks recovery of three general categories of costs incurred to comply with state and federal environmental laws and regulations: (i) asset retirement obligation ("ARO") expenses associated with existing assets that must be closed, (ii) newly constructed assets and associated expenses; and (iii) ARO expenses associated with the newly constructed assets. *Id.* at 4-5.

³ *Id.* at 7.

2023 FEB 21 A 9:14

Mt. Storm's National Pollutant Discharge Elimination System permit and the West Virginia Department of Environmental Protection's Requirements Governing Water Quality Standards, which set water temperature differential limitations implicated by the Company's operations at Mt. Storm and required a temperature control system to be in place and operational by October 31, 2022.⁴ To meet the deadline, the Company states that it rented and installed temporary equipment that was operational by the end of October 2022.⁵ The Petition asserts that the Mt. Storm Environmental Project is intended to be a permanent solution to ensure continued compliance in a cost-effective manner.⁶

The Company states that it plans to complete engineering for the proposed Mt. Storm Environmental Project and issue a request for proposal ("RFP") for system installation during the first half of 2023.⁷ The Company anticipates delivery in the second quarter of 2024, and expects to have completed, commissioned, and placed the system in service by the end of 2024. The Company states that cost estimates for construction and installation are in early stages of development, and the Company will be able to more accurately forecast costs after issuing the RFP in the first half of 2023.⁸ According to the Company, these costs are not included in the instant Petition but will be presented for recovery in a future Rider E update as appropriate. The

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

Company estimates the total capital cost for the Mt. Storm Environmental Project is approximately \$22 million, excluding financing costs.⁹

In this proceeding, Dominion asks the Commission to approve Rider E for the rate year beginning November 1, 2023, and ending October 31, 2024 ("2023 Rate Year").¹⁰ The Company states that the three components of the revenue requirement are the Projected Cost Recovery Factor, the Allowance for Funds Used During Construction ("AFUDC") Cost Recovery Factor, and the Actual Cost True-Up Factor.¹¹ The Company requests a Projected Cost Recovery Factor revenue requirement of \$57,087,000, an AFUDC Cost Recovery Factor of \$691,000, and an Actual Cost True-Up Factor revenue requirement of \$51,293,000.¹² Thus, the Company proposes a total revenue requirement of \$109,070,000 for service rendered during the 2023 Rate Year.¹³

If the revised Rider E for the 2023 Rate Year is approved, the impact on customer bills would depend on the customer's rate schedule and usage. According to Dominion, implementation of its revised Rider E on November 1, 2023, would increase the monthly bill of a residential customer using 1,000 kilowatt hours per month by approximately \$0.08.¹⁴

Dominion also requests a waiver, in part, of Rules 20 VAC 5-204-60 ("Rule 60") and 20 VAC 5-204-90 ("Rule 90") of the Commission's Rules Governing Utility Rate Applications

⁹ *Id.*

¹⁰ *Id.* at 8.

¹¹ *Id.* The Actual Cost True-Up Factor also includes costs related to projects at the Company's Bremono and Clover power stations.

¹² *Id.* at 9.

¹³ *Id.*

¹⁴ *Id.*

and Annual Informational Filings of Investor-Owned Electric Utilities ("Rate Case Rules")¹⁵ with respect to Schedule 46.¹⁶ Rule 60 states that an application for a rate adjustment clause filed pursuant to Chapter 23 of Title 56 of the Code shall include Schedule 46, "Rate Adjustment Clauses and Prudency Determinations Pursuant to Chapter 23 (§ 56-576 *et. seq.*) of the Code of Virginia." Schedule 46 requires an applicant to provide certain information, including key documents supporting the projected and actual costs recovered through the rate adjustment clause, such as economic analyses, contracts, studies, investigations, results from requests for proposals, and cost/benefit analyses.¹⁷ According to Dominion, the supporting documentation responsive to this requirement is voluminous, and therefore the Company seeks waiver of the requirement to file 12 hard copies of the information. Instead, the Company proposes to:

(i) provide the Commission with one hard copy and three electronic copies on compact discs, which were included with the filing, and (ii) provide the documentation to Commission Staff ("Staff") and any future case participants in electronic format.¹⁸

Finally, in conjunction with the filing of its Petition on January 24, 2023, the Company filed the Motion of Virginia Electric and Power Company for Entry of a Protective Order and Additional Protective Treatment ("Motion for Protective Ruling") and a proposed protective order that establishes procedures governing the use of confidential and extraordinarily sensitive information in this proceeding.

¹⁵ 20 VAC 5-204-5 *et seq.*

¹⁶ Petition at 13.

¹⁷ Rate Case Rule 90, Schedule 46 instructions, § (c) (1) (iii).

¹⁸ Petition at 13.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; Dominion should provide public notice of its Petition; hearings should be scheduled for the purpose of receiving testimony from public witnesses and evidence on the Petition; interested persons should have an opportunity to file comments on the Petition and to participate as respondents in this proceeding; and 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 for Protective Ruling and filing a final report containing the Hearing Examiner's findings and recommendations. Further, for purposes of making the Petition complete and commencing this proceeding, we grant Dominion's request to waive in part the requirements under Rule 60 and Rule 90 of the Rate Case Rules with respect to the filing of certain Schedule 46 materials.

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.

We note that the proposed Rider E, if approved, would result in an increase to customer bills for the 2023 Rate Year. In doing so, the Commission notes its awareness of the ongoing rise in gas prices, inflation, and other economic pressures that are impacting all utility customers. 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-2023-00005.

(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").¹⁹ 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 all further proceedings in this matter on behalf of the Commission, including ruling on the Company's Motion for Protective Ruling, and to file a final report. A copy of each filing made

¹⁹ 5 VAC 5-10-20 *et seq.*

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 Petition, as follows:

- (a) A hearing for the receipt of testimony from public witnesses on the Petition shall be convened telephonically at 10 a.m., on July 11, 2023, with no public 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 July 6, 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.
- (d) Beginning at 10 a.m., on July 11, 2023, 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 public evidentiary hearing on the Petition shall be convened at 10 a.m. on July 12, 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 Company, any respondents, and the Staff on the Petition.

²⁰ Such electronic copies shall be sent to: Wendy.Starkey@scc.virginia.gov, LeaAnn.Robertson@scc.virginia.gov, and Kaitlyn.Mcclure@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, Elaine S. Ryan, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219, or eryan@mcguirewoods.com. Interested persons also may download unofficial copies from the Commission's website: scc.virginia.gov/pages/Case-Information.

(8) On or before March 28, 2023, 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 BY
VIRGINIA ELECTRIC AND POWER COMPANY
FOR REVISION OF A RATE ADJUSTMENT CLAUSE,
DESIGNATED RIDER E, FOR THE RATE YEAR
COMMENCING NOVEMBER 1, 2023
CASE NO. PUR-2023-00005

- Virginia Electric and Power Company ("Dominion") has filed a Petition with the State Corporation Commission ("Commission") for revision of a rate adjustment clause, designated Rider E, for recovery of costs incurred to comply with state and federal environmental regulations.
- Dominion requests approval for recovery in Rider E of a total revenue requirement of \$109,070,000. According to Dominion, this amount would increase the bill of a typical residential customer using 1,000 kilowatt hours of electricity per month by \$0.08.
- A Hearing Examiner appointed by the Commission will hold a telephonic hearing in this case on July 11, 2023, at 10 a.m., for the receipt of public witness testimony.
- An evidentiary hearing will be held on July 12, 2023, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219.
- Further information about this case is available on the Commission website at: scc.virginia.gov/pages/Case-Information.

On January 24, 2023, pursuant to § 56-585.1 A 5 e of the Code of Virginia ("Code"), Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or "Company") filed a petition ("Petition") with the State Corporation Commission ("Commission") for an annual update of its rate adjustment clause, designated Rider E, for the recovery of costs incurred to comply with state and federal environmental regulations at the Company's Chesterfield and Mt. Storm Power Stations.

Dominion states that it is filing this annual update to inform the Commission of the status of the environmental projects located at the Mt. Storm Power Station and the Chesterfield Power Station, and their projected expenditures. The Company also proposes a new project at the Mt. Storm Power Station, the Lake Discharge Temperature Control System Project ("Mt. Storm Environmental

Project"). According to the Company, this project is required to comply with Mt. Storm's National Pollutant Discharge Elimination System permit and the West Virginia Department of Environmental Protection's Requirements Governing Water Quality Standards, which set water temperature differential limitations implicated by the Company's operations at Mt. Storm and required a temperature control system to be in place and operational by October 31, 2022. To meet the deadline, the Company states that it rented and installed temporary equipment that was operational by the end of October 2022. The Petition asserts that the Mt. Storm Environmental Project is intended to be a permanent solution to ensure continued compliance in a cost-effective manner.

The Company states that it plans to complete engineering for the proposed Mt. Storm Environmental Project and issue a request for proposal ("RFP") for system installation during the first half of 2023. The Company anticipates delivery in the second quarter of 2024, and expects to have completed, commissioned, and placed the system in service by the end of 2024. The Company states that cost estimates for construction and installation are in early stages of development, and the Company will be able to more accurately forecast costs after issuing the RFP in the first half of 2023. According to the Company, these costs are not included in the instant Petition but will be presented for recovery in a future Rider E update as appropriate. The Company estimates the total capital cost for the Mt. Storm Environmental Project is approximately \$22 million, excluding financing costs.

In this proceeding, Dominion asks the Commission to approve Rider E for the rate year beginning November 1, 2023, and ending October 31, 2024 ("2023 Rate Year"). The Company states that the three components of the revenue requirement are the Projected Cost Recovery Factor, the Allowance for Funds Used During Construction ("AFUDC") Cost Recovery Factor, and the Actual Cost True-Up Factor. The Company requests a Projected Cost Recovery Factor revenue requirement of \$57,087,000, an AFUDC Cost Recovery Factor of \$691,000, and an Actual Cost True Up Factor revenue requirement of \$51,293,000. Thus, the Company proposes a total revenue requirement of \$109,070,000 for service rendered during the 2023 Rate Year.

If the revised Rider E for the 2023 Rate Year is approved, the impact on customer bills would depend on the customer's rate schedule and usage. According to Dominion, implementation of its revised Rider E on November 1, 2023, would increase the

monthly bill of a residential customer using 1,000 kilowatt hours per month by approximately \$0.08.

Interested persons are encouraged to review Dominion's Petition and supporting documents in full for details about 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 that, among other things, scheduled public hearings on Dominion's Petition. On July 11, 2023, at 10 a.m., the Hearing Examiner assigned 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 July 6, 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. This public witness hearing will be webcast at scc.virginia.gov/pages/Webcasting.

Beginning at 10 a.m. on July 11, 2023, the Hearing Examiner will telephone sequentially each person who has signed up to testify as provided above.

On July 12, 2023, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, a Hearing Examiner appointed by the Commission will convene a hearing to receive testimony and evidence offered by the Company, respondents, and the Staff on the Petition.

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 required electronic service on parties to this proceeding.

Electronic copies of the public version of the Petition may be obtained by submitting a written request to counsel for the Company, Elaine S. Ryan, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219, or eryan@mcguirewoods.com.

On or before July 5, 2023, any interested person may submit comments on the Petition 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-2023-00005.

On or before April 25, 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. Such notice of participation shall include the email addresses of such parties or their counsel, if available. A copy of the notice of participation as a respondent also must be sent to counsel for 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-2023-00005.

On or before May 23, 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-2023-00005.

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 Petition and other documents filed in this case may be viewed on the Commission's website at:
scc.virginia.gov/pages/Case-Information.

VIRGINIA ELECTRIC AND 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 April 11, 2023, the Company shall file proof of the notice and service required by Ordering Paragraphs (8) and (9), 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 July 5, 2023, any interested person may submit written 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-2023-00005.

(12) On or before April 25, 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 (11). Such notice of participation shall include the email addresses of such parties or their counsel, if available. 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 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00005.

(13) Within five (5) 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 on the respondent, unless it has already have been provided to the respondent.

(14) On or before May 23, 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 (11). 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, the respondent 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-2023-00005.

(15) On or before June 6, 2023, the Staff shall investigate the 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 June 20, 2023, Dominion 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 the 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, except as modified herein, 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 above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(19) Dominion's request to waive in part the requirements under Rule 60 and Rule 90 of the Rate Case Rules with respect to the filing of certain Schedule 46 materials is granted as described herein.

(20) 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.

²² The assigned Staff attorney is identified on the Commission's website: scc.virginia.gov/Case-Information, by clicking "Docket Search," and clicking "Search by Case Information," and entering the case number, PUR-2023-00005, in the appropriate box.