

## STATE CORPORATION COMMISSION

AT RICHMOND, JULY 1, 2020

*Document Control Center 07/01/20@8.55 AM*COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2020-00124

*Ex Parte:* In the matter of establishing regulations  
for a multi-family shared solar program pursuant to  
§ 56-585.1:12 of the Code of Virginia

ORDER DIRECTING COMMENT

During its 2020 Session, the Virginia General Assembly enacted Chapters 1188 (HB 572), 1189 (HB 1184), 1239 (HB 1647), and 1187 (SB 710) of the 2020 Virginia Acts of Assembly. These Acts of Assembly amend the Code of Virginia ("Code") by adding a section numbered 56-585.1:12,<sup>1</sup> effective July 1, 2020. Code § 56-585.1:12 ("Statute") requires the Commission to establish by regulation a program affording eligible multi-family customers of Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion") and Kentucky Utilities Company d/b/a Old Dominion Power Company ("ODP") the opportunity to participate in shared solar projects.<sup>2</sup>

Under the Statute, eligible multi-family customers may purchase subscriptions in a shared solar facility, which the Statute defines as a facility that, among other things, generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 3,000 kilowatts ("kW") alternating current ("AC") at any single location or 5,000 kW AC at

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<sup>1</sup> This section was added as § 56-585.1:11 but was renumbered pursuant to the direction of the Virginia Code Commission.

<sup>2</sup> Code § 56-594.3, also effective July 1, requires the Commission to establish by regulation a program that affords Dominion customers the opportunity to participate in other shared solar projects. The Commission has established Case No. PUR-2020-00125 to receive comments from interested persons and entities in that matter.

contiguous locations owned by the same entity or affiliated entities.<sup>3</sup> Each subscriber then receives a bill credit for the proportional output of the shared solar facility attributable to that subscriber.<sup>4</sup>

The Statute requires that by January 1, 2021, the Commission shall establish by regulation this multi-family shared solar program in accordance with the terms of the Statute.<sup>5</sup> Accordingly, the Commission initiates this docket to receive comments from Dominion, ODP, and any other interested persons or entities concerning the multi-family shared solar program and the regulations that will be necessary to establish it.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that it should receive comments on the multi-family shared solar program and associated regulations required by the Statute. To assist the Commission in drafting proposed regulations, we herein direct comments from Dominion and ODP, and we invite comments from any interested persons and entities. Specifically, we direct Dominion and ODP to comment on the following items: (1) program administration, including the provisions of Code § 56-585.1:12 C; (2) any proceedings and filings that will be necessary for the program; (3) program requirements, including those set forth in Code § 56-585.1:12 E; and (4) any other relevant items or issues that Dominion and ODP wish to address. Interested persons and entities also may comment on any of these items or any other relevant issues they wish to address. In addition, commenters may also propose specific regulations.

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<sup>3</sup> See Code § 56-585.1:12 A (2020).

<sup>4</sup> Code § 56-585.1:12 C (2020).

<sup>5</sup> Code § 56-585.1:12 B, E (2020).

We direct that the Clerk of the Commission provide copies of this Order Directing Comment ("Order") to Dominion, ODP, and the Office of the Attorney General's Division of Consumer Counsel. We also direct the Staff of the Commission's Division of Public Utility Regulation ("Staff") to consider other persons or entities that may be interested in this matter and to provide such persons or entities with copies of this Order by electronic transmission. Further, we direct Staff to provide copies of this Order to the Department of Mines, Minerals, and Energy, and the Department of Environmental Quality, and any other agency that Staff determines may be interested in this matter.

The Commission further 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>6</sup> The Commission has taken certain actions, and may take additional actions going forward, that could impact the procedures in this proceeding.<sup>7</sup>

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<sup>6</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>7</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) ("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-2020-00124.
- (2) Within five (5) business days of the date of this Order, Staff shall electronically transmit copies of this Order to those persons and entities identified by Staff as potentially having an interest in this matter. Staff also shall electronically transmit copies of this Order to the Department of Mines, Minerals, and Energy, the Department of Environmental Quality, and any other agency that Staff determines may be interested in this matter.
- (3) On or before July 24, 2020, Dominion and ODP shall file comments addressing the items listed above or any other relevant items or issues they wish to address.
- (4) On or before July 24, 2020, any interested persons or entities may file comments addressing any of the items listed above or any other relevant issues they wish to address. Comments may be filed by following the instructions on the Commission's website: <https://scc.virginia.gov/casecomments/Submit-Public-Comments>. All comments shall refer to Case No. PUR-2020-00124.
- (5) All comments and other documents and pleadings filed 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>8</sup> as modified herein.<sup>9</sup> Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and shall comply with Rule 5 VAC 5-20-170, *Confidential information*. For the duration of the COVID-19 emergency, any person seeking to hand deliver and physically file or submit any

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<sup>8</sup> 5 VAC 5-20-10 *et seq.*

<sup>9</sup> See *supra* note 6.

pleading or document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.<sup>10</sup>

(6) This matter is continued for further orders of the Commission.

A COPY HEREOF shall be sent electronically by the Clerk of the Commission to: Paul E. Pfeffer, Esquire, Virginia Electric & Power Company d/b/a Dominion Energy Services, Inc., Riverside 2, Legal, 120 Tredegar Street, Richmond, Virginia 23219, [paul.e.pfeffer@dominionenergy.com](mailto:paul.e.pfeffer@dominionenergy.com); Allyson K. Sturgeon, Managing Senior Counsel, Regulatory and Transactions, LG&E and KU Energy LLC, 220 West Main Street, Louisville, Kentucky 40202, [allyson.sturgeon@lge-ku.com](mailto:allyson.sturgeon@lge-ku.com); Robert M. Conroy, Vice President, State Regulation and Rates, LG&E and KU Energy LLC, 220 West Main Street, Louisville, Kentucky 40202, [robert.conroy@lge-ku.com](mailto:robert.conroy@lge-ku.com); and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424, [MBrowder@oag.state.va.us](mailto:MBrowder@oag.state.va.us).

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<sup>10</sup> 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 not be processed for an indefinite period of time due to the COVID-19 emergency. See supra note 6.