

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 14, 2023

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APPLICATION OF

APPALACHIAN POWER COMPANY

CASE NO. PUR-2023-00002

For a 2023 triennial review of its base rates,
terms and conditions pursuant to § 56-585.1
of the Code of Virginia

ORDER FOR NOTICE AND HEARING

On March 31, 2023, Appalachian Power Company ("APCo" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission"), pursuant to § 56-585.1 A 3 of the Code of Virginia ("Code") and the Commission's Rules Governing Utility Rate Applications and Annual Informational Filings¹ ("Rate Case Rules"), for a triennial review of the Company's rates, terms and conditions for the provision of generation, distribution and transmission services.²

The Application states that this proceeding entails, among other things, determinations regarding: (i) APCo's cost of service during the three successive 12-month periods ending December 31, 2022 ("Earnings Test Period"); (ii) whether prospective changes to APCo's rates for generation and distribution services are necessary; and (iii) the Company's prospective fair rate of return on common equity ("ROE").³

¹ 20 VAC-5-204-10 *et seq.*

² On February 21, 2023, the Company, pursuant to 20 VAC-5-204-10 E of the Commission's Rate Case Rules, filed a Request for Waiver of certain information required by the Rate Case Rules in connection with the Company's Application. The Commission issued an Order Granting Waiver on March 6, 2023, docketing the case; granting the Company's request for waiver of the requirement in 20 VAC 5-204-90 that the Company file, as part of Schedule 33, information about the costs of individual outages, and requiring the Company to file Schedule 33 in accordance with the protocol developed by the Company and Commission Staff ("Staff") in Case No. PUE-2009-00030.

³ Application at 1-2.

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The Application states that, pursuant to Code § 56-585.1 A 8, the Company's earned ROE during the Earnings Test Period is compared to a 140 basis-point band of earnings that ranges from 70 basis points above a previously authorized ROE to 70 basis points below that ROE ("ROE band").⁴ The Application further notes that Code § 56-585.1 A 8 states that if earnings fall below the ROE band during the Earnings Test Period, the Commission shall order increases to APCo's rates necessary to provide the opportunity to fully recover the costs of providing the Company's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary.⁵ Finally, the Application states that Code 56-585.1 A 2 g provides that if APCo's combined earned return is below its authorized return, "whether or not such combined return is within 70 basis points of the return as so determined," the Company may request that the Commission approve "an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section."⁶

APCo states that the ROE band for the analysis of the Earnings Test Period is based on an ROE of 9.20%, which is the return authorized by the Commission in APCo's 2020 Triennial Review.⁷ APCo states that the Company earned a return of 5.39%⁸ on its common equity during

⁴ Application at 6.

⁵ *Id.*

⁶ *Id.* at 7.

⁷ *Id.* at 8. See also, *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, 2020 S.C.C. Ann. Rpt. 421, 433, Final Order (Nov. 24, 2020).

⁸ APCo states that the individual test year Virginia jurisdictional earnings test results were a 6.49% earned ROE for 2020, a 6.77% earned ROE for 2021, and a 3.13% earned ROE for 2022. Application at 8.

the Earnings Test Period, which is the equivalent of over \$124 million in pre-tax earnings below 8.5%, the bottom of APCo's authorized ROE band for the Earnings Test Period.⁹

Based on this analysis, APCo requests approval to implement retail base generation and distribution rates that are designed to implement an overall increase in the Company's revenues of approximately \$212.6 million over revenues from current base rates.¹⁰ APCo states that this is a 14.3% increase to overall revenues.¹¹ The requested increase includes a \$5.4 million increase to the generation function and a \$207.2 million increase to the distribution function.¹²

The requested revenue increase reflects, among other things, APCo's requested authorization of a prospective ROE of 10.6%.¹³ APCo also requests that the Commission approve depreciation rates that will result in an annual increase in depreciation expenses.¹⁴ APCo also requests to increase distribution O&M expenses by \$47.8 million to allow it to improve its vegetation management program.¹⁵ APCo states that its proposal for an increased level of vegetation management funds should improve the reliability of targeted circuits and reflects higher costs of materials and labor.¹⁶ APCo also proposes an adjustment to increase federal tax expense in the cost of service to reflect the Company's expected increased tax

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.* at 10.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

obligations under the federal Corporate Alternative Minimum Tax.¹⁷ Additionally, APCo requests authority to establish a regulatory liability for the credit that will offset future tax obligations and deferral authority to ensure the Company only collects its actual tax obligations from customers.¹⁸

With this Application, the Company proposes to eliminate the basic service charge for qualifying low-income customers, which for these purposes the Company defines as customers who receive assistance from one (or more) state agency.¹⁹ At the same time, the Company proposes an increase of \$0.54 to the basic service charge from \$7.96 to \$8.50 for all other residential customers, which APCo states is designed to be revenue-neutral for the Company when combined with the estimated level of customers who will be eligible for the basic service charge waiver.²⁰

The overall impact of the Company's proposals would increase the monthly bill of a residential customer using 1,000 kilowatt hours of electricity per month by approximately \$25.03, or 15.9%.²¹ For low-income customers qualifying for the proposed basic service charge waiver, the Company's proposals would increase the monthly bill of a residential customer using 1,000 kilowatt hours of electricity per month by approximately \$16.53 or 10.5%.²²

¹⁷ *Id.* at 11.

¹⁸ *Id.*

¹⁹ *Id.* at 9.

²⁰ *Id.* at 12.

²¹ Prefiled Direct Testimony of Katherine I. Walsh ("Walsh Direct") at 13; Application at Schedule 43, p.1

²² Walsh Direct at 13; Application at Schedule 43, p.1.

APCo states that even if the Commission finds that it should not increase the Company's rates, the Company nevertheless requests that the Commission approve revised rates to reflect the changes in the underlying costs since 2010.²³ APCo states that its proposed rate design reflects updates to both the functional and class allocations to reflect the current costs of serving the Company's customer classes.²⁴ Additionally, APCo proposes to incorporate Schedule MGS (Medium General Service) customers into Schedule GS (General Service) and eliminate Schedule MGS from the Company's standard service tariff.²⁵

Finally, simultaneously with the filing of its Application on March 31, 2023, the Company filed a Motion for Protective Ruling ("Motion for Protective Ruling") along with a proposed protective order requesting that the Commission establish procedures designed to protect from public disclosure the Company's confidential and commercially sensitive information.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the Company should provide public notice of its Application; a hearing should be scheduled for the purpose of receiving testimony and evidence on the Company's Application; a procedural schedule should be established to allow interested persons to file comments on the Company's Application or to participate in this proceeding as a respondent; and the Staff should be directed to investigate the Application and to file testimony and exhibits containing its findings and recommendations on the Company's Application.

²³ Application at 11-12.

²⁴ *Id.* at 11.

²⁵ *Id.* at 12.

Further, we find that a Hearing Examiner should be assigned 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.

We note that, if approved, the Company's proposed Application will result in an increase in customer bills. 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.

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

Accordingly, IT IS ORDERED THAT:

(1) All pleadings in this matter shall 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").²⁶ 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.

²⁶ 5 VAC 5-20-10 *et seq.*

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(2) 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.

(3) 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 Order and filing 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.²⁷

(4) 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 August 23, 2023, with no witness present in the Commission's courtroom.²⁸
- (b) To promote fairness for all public witnesses, each witness will be allotted five minutes to provide testimony.
- (c) On or before August 17, 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

²⁷ Such electronic copies shall be sent to OHEParalegals@scc.virginia.gov.

²⁸ The Hearing Examiner will convene counsel of record in this proceeding to attend the public witness hearing virtually.

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 August 23, 2023, the Hearing Examiner assigned 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.

(5) A public evidentiary hearing on the Application shall be convened at 9:30 a.m. on August 24, 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, respondents, and the Staff on the Application. The evidentiary hearing shall conclude and adjourn no later than August 29, 2023.

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

(7) On or before May 12, 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 AN APPLICATION BY
 APPALACHIAN POWER COMPANY
 FOR A 2023 TRIENNIAL REVIEW OF ITS
 BASE RATES, TERMS AND CONDITIONS
 PURSUANT TO § 56-585.1 OF THE CODE OF VIRGINIA
CASE NO. PUR-2023-00002

- **Appalachian Power Company ("APCo") has filed its 2023 triennial review of its base rates, terms and conditions pursuant to § 56-585.1 of the Code of Virginia.**
- **Among other things, APCo requests a revenue increase in the amount of approximately \$212.6 million. The overall impact of the Company's proposals would increase the monthly bill of a residential customer using 1,000 kilowatt hours of electricity per month by approximately \$25.03, or 15.9%. For low-income customers qualifying for the proposed basic service charge waiver, the Company's proposals would increase the monthly bill of a residential customer using 1,000 kilowatt hours of electricity per month by approximately \$16.53 or 10.5%.**
- **A Hearing Examiner appointed by the State Corporation Commission will hold a telephonic hearing in this case on August 23, 2023, at 10 a.m., for the receipt of public witness testimony.**
- **An evidentiary hearing will be held on August 24, 2023, at 9:30 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 SCC website at: scc.virginia.gov/Case-Information.**

On March 31, 2023, Appalachian Power Company ("APCo" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission"), pursuant to § 56-585.1 A 3 of the Code of Virginia ("Code") and the Commission's Rules Governing Utility Rate Applications and Annual Informational Filings ("Rate Case Rules"), for a triennial review of the Company's rates, terms and conditions for the provision of generation, distribution and transmission services.

The Application states that this proceeding entails, among other things, determinations regarding: (i) APCo's cost of service during the three successive 12-month periods ending December 31, 2022 ("Earnings Test Period"); (ii) whether prospective changes to APCo's rates for generation and distribution services are necessary; and (iii) the Company's prospective fair rate of return on common equity ("ROE").

The Application states that, pursuant to Code § 56-585.1 A 8, the Company's earned ROE during the Earnings Test Period is compared to a 140 basis-point band of earnings that ranges from 70 basis points above a previously authorized ROE to 70 basis points below that ROE ("ROE band"). The Application further notes that Code § 56-585.1 A 8 states that if earnings fall below the ROE band during the Earnings Test Period, the Commission shall order increases to APCo's rates necessary to provide the opportunity to fully recover the costs of providing the Company's services and to earn not less than such fair combined rate of return, using the most recently ended 12-month test period as the basis for determining the amount of the rate increase necessary. Finally, the Application states that Code 56-585.1 A 2 g provides that if APCo's combined earned return is below its authorized return, "whether or not such combined return is within 70 basis points of the return as so determined," the Company may request that the Commission approve "an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section."

APCo states that the ROE band for the analysis of the Earnings Test Period is based on an ROE of 9.20%, which is the return authorized by the Commission in APCo's 2020 Triennial Review. APCo states that the Company earned a return of 5.39% on its common equity during the Earnings Test Period, which is the equivalent of over \$124 million in pre-tax earnings below 8.5%, the bottom of APCo's authorized ROE band for the Earnings Test Period.

Based on this analysis, APCo requests approval to implement retail base generation and distribution rates that are designed to implement an overall increase in the Company's revenues of approximately \$212.6 million over revenues from current base rates. APCo states that this is a 14.3% increase to overall revenues. The requested increase includes a \$5.4 million

increase to the generation function and a \$207.2 million increase to the distribution function.

The requested revenue increase reflects, among other things, APCo's requested authorization of a prospective ROE of 10.6%. APCo also requests that the Commission approve depreciation rates that will result in an annual increase in depreciation expenses. APCo also requests to increase distribution O&M expenses by \$47.8 million to allow it to improve its vegetation management program. APCo states that its proposal for an increased level of vegetation management funds should improve the reliability of targeted circuits and reflects higher costs of materials and labor. APCo also proposes an adjustment to increase federal tax expense in the cost of service to reflect the Company's expected increased tax obligations under the federal Corporate Alternative Minimum Tax. Additionally, APCo requests authority to establish a regulatory liability for the credit that will offset future tax obligations and deferral authority to ensure the Company only collects its actual tax obligations from customers.

With this Application, the Company proposes to eliminate the basic service charge for qualifying low-income customers, which for these purposes the Company defines as customers who receive assistance from one (or more) state agency. At the same time, the Company proposes an increase of \$0.54 to the basic service charge from \$7.96 to \$8.50 for all other residential customers, which APCo states is designed to be revenue-neutral for the Company when combined with the estimated level of customers who will be eligible for the basic service charge waiver.

APCo states that even if the Commission finds that it should not increase the Company's rates, the Company nevertheless requests that the Commission approve revised rates to reflect the changes in the underlying costs since 2010. APCo states that its proposed rate design reflects updates to both the functional and class allocations to reflect the current costs of serving the Company's customer classes. Additionally, APCo proposes to incorporate Schedule MGS (Medium General Service) customers into Schedule GS (General Service) and eliminate Schedule MGS from the Company's standard service tariff.

The foregoing is not an exhaustive list of all the proposals contained in the Company's Application. Interested persons are encouraged to review APCo's Application 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 Application and supporting documents and thus may adopt rates that differ from those appearing in the Company's Application 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 Application. On August 23, 2023, at 10 a.m., the Hearing Examiner assigned to this case 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 August 17, 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 by calling (804) 371-9141. This public witness hearing will be webcast at scc.virginia.gov/pages/Webcasting.

On August 24, 2023, at 9:30 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, the Hearing Examiner will convene a hearing to receive testimony and evidence related to the Application from the Company, any respondents, and the Commission's Staff.

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

An electronic copy of the public version of the Company's Application may be obtained by submitting a written request to counsel for the Company: Noelle J. Coates, Esquire, American Electric Power Service Corporation, 1051 East Cary Street, Suite 1100, Richmond, Virginia 23219, or njcoates@aep.com. Interested persons also may download unofficial copies of the public version of the Application and other documents filed in this

case from the Commission's website:
scc.virginia.gov/Case-Information.

On or before August 17, 2023, any interested person may submit comments on the Application by following the instructions found on the Commission's website:
scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All such comments shall refer to Case No. PUR-2023-00002.

On or before June 23, 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 at the address listed above. 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 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00002. For additional information about participation as a respondent, any person or entity should obtain a copy of the Commission's Order for Notice and Hearing.

On or before July 14, 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 listed above. Each witness's testimony shall include a summary not to exceed one page. All testimony and exhibits shall be served on the Staff, the Company, and all other respondents simultaneous with its filing. In all filings, respondents shall comply with the Rules of Practice, as modified herein, including, but not limited to: 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240,

Prepared testimony and exhibits. All filings shall refer to Case No. PUR-2023-00002.

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 Rules of Practice.

The public version of the Company's Application, the Commission's Rules of Practice, the Commission's Order for Notice and Hearing, and other documents filed in the case may be viewed at: scc.virginia.gov/pages/Case-Information.

APPALACHIAN POWER COMPANY

(8) 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.

(9) On or before June 2, 2023, the Company shall file proof of the notice and service required by Ordering Paragraphs (7) and (8), including the name, title, address, and electronic mail address (if applicable) of each official served, with the Clerk of the Commission at scc.virginia.gov/clk/efiling.

(10) On or before August 17, 2023, any interested person may submit comments on the Application by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2023-00002.

(11) On or before June 23, 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 in Ordering Paragraph (10). 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 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-2023-00002.

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

(13) On or before July 14, 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 listed in Ordering Paragraph (10). Each witness's testimony shall include a summary not to exceed one page. A copy of all testimony and exhibits shall be served on the Staff, the Company, and all other respondents. In all filings, respondents shall comply with the Rules of Practice, as modified herein, including, but not limited to: 5 VAC 5 20 140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2023-00002.

(14) The Staff shall investigate the Application. On or before July 28, 2023, the Staff shall file with the Clerk of the Commission its testimony and exhibits, and each Staff witness's testimony shall include a summary not to exceed one page. The Staff shall serve a copy thereof on counsel to the Company and all respondents.

(15) On or before August 11, 2023, 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.

(16) Post-hearing briefs will be due no later than September 19, 2023.

(17) On or before October 16, 2023, the Hearing Examiner will file the final report containing the Hearing Examiner's findings and recommendations with the Clerk of the Commission.

(18) Comments to the Hearing Examiner's Report will be due no later than October 31, 2023.

(19) Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified by Ordering Paragraph (1), all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(20) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories to parties 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.²⁹ 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.*

(21) This matter is continued.

Commissioner Patricia L. West participated in this matter.

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

²⁹ The assigned Staff attorney is identified on the Commission's website, scc.virginia.gov/pages/Case-Information, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2023-00002, in the appropriate box.