

## STATE CORPORATION COMMISSION

AT RICHMOND, MAY 29, 2020

*Document Control Center 05/29/20@4.39 PM*COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUE-2013-00045

Concerning the establishment of a renewable energy  
pilot program for third party power purchase agreements

ORDER UPDATING GUIDELINES

On March 14, 2013, the Virginia General Assembly enacted Chapter 382 of the 2013 Virginia Acts of Assembly ("2013 Legislation") requiring the State Corporation Commission ("Commission") to conduct a renewable energy pilot program for third party power purchase agreements ("Pilot Program") within the service territory of Virginia Electric and Power Company and to establish certain guidelines regarding implementation of this Pilot Program. Pursuant to the 2013 Legislation, on November 14, 2013, the Commission established the Pilot Program and developed Guidelines Regarding Notice Information for a Third Party Renewable Power Purchase Agreement ("Guidelines").

On April 5, 2017, the Virginia General Assembly approved Chapter 803 of the 2017 Virginia Acts of Assembly ("2017 Amendments"), which, among other things, re-enacted the 2013 Legislation with amendments requiring that the Pilot Program be conducted within the certificated service territory of each investor-owned electric utility in Virginia, excepting any utility described in § 56-580 G of the Code of Virginia. As a result, updates to the *Applicability* and *Program Cap Management* sections of the Guidelines were made by the Commission on June 29, 2017, in this docket.

During its 2020 Session, the Virginia General Assembly enacted Chapters 1193 (HB 1526) and 1194 (SB 851) of the 2020 Virginia Acts of Assembly which, *inter alia*, amended the

Pilot Program ("2020 Amendments").<sup>1</sup> The 2020 Amendments require that the Pilot Program be conducted within the certificated service territory of each investor-owned electric utility in Virginia, now including Kentucky Utilities Company d/b/a Old Dominion Power Company in addition to Virginia Electric and Power Company and Appalachian Power Company. The 2020 Amendments also: (i) increase the renewable generation capacities available for this program, (ii) increase the size of the renewable generation facilities eligible for inclusion in the program, and (iii) increase the overall caps of this program in the investor-owned utilities' service territories, based upon the utilities' peak load forecasts. As a result, updates to the *Applicability, Contents of Filing and Program Cap Management* sections of the Guidelines are necessary to reflect these legislative changes.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the Guidelines should be updated as set forth in Attachment A to this Order to reflect the 2020 Amendments.<sup>2</sup>

Accordingly, IT IS ORDERED THAT:

(1) The instant case is moved from "closed" to "active" status in the records maintained by the Clerk of the Commission and is restored to the Commission's docket for the purpose of updating the Commission's Guidelines.

(2) The Guidelines, which were established pursuant to the 2013 Legislation and previously updated to reflect changes to the Pilot Program resulting from the 2017 Amendments,

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<sup>1</sup>These Acts of Assembly are duplicate enactments known as the "Virginia Clean Economy Act." The 2020 Amendments to the Pilot Program are also included in Chapters 1178 (HB 572), 1187 (SB 710), 1189 (HB 1184), and 1239 (HB 1647) of the 2020 Acts of Assembly.

<sup>2</sup> A copy of the Guidelines that highlights the updates included in Attachment A also is attached to this Order as Attachment B. A copy of the Guidelines set forth in Attachment A and Attachment B also may be viewed at <https://scc.virginia.gov/pages/Renewable-Energy-Pilot-Program>.

hereby are further updated as set forth in Attachment A to this Order to reflect the changes to the Pilot Program resulting from the 2020 Amendments.

(3) On and after the effective dates of these updates, any renewable third-party power purchase agreement established pursuant to the Pilot Program shall be established in accordance with these Guidelines and shall comply with the attendant statutory requirements.

(4) The updates to these Guidelines shall become effective on July 1, 2020.

(5) The Commission's Division of Public Utility Regulation shall provide copies of this Order by electronic transmission, or when electronic transmission is not possible, by mail, to: (i) all current Pilot Program participants; and (ii) individuals, organizations, and companies who (a) previously participated in the Commission's dockets establishing and updating the Pilot Program Guidelines, or (b) have otherwise been identified by the Commission Staff as interested in the development of solar and wind powered generation in the Commonwealth. This Order shall also be posted on the Commission's website.

(6) This case is dismissed.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

Paul E. Pfeffer, Esquire, Dominion Resources Services, Inc., 120 Tredegar Street, Riverside 2, Richmond, Virginia 23219, [paul.e.pfeffer@dominionenergy.com](mailto:paul.e.pfeffer@dominionenergy.com); Noelle J. Coates, Esquire, American Electric Power Service Corporation, 1051 E. Cary Street, 3 James Center, Suite 1100, Richmond, Virginia 23219, [njcoates@aep.com](mailto:njcoates@aep.com); Allyson K. Sturgeon, Esquire LG&E and KU Energy LLC, 220 West Main Street, Louisville, Kentucky 40202, [allyson.sturgeon@lge-ku.com](mailto:allyson.sturgeon@lge-ku.com); C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, Floor 8, Richmond, Virginia 23219, [mbrowder@oag.state.va.us](mailto:mbrowder@oag.state.va.us); and a copy shall be delivered to the Commission's

Office of General Counsel and Divisions of Public Utility Regulation and Utility Accounting and Finance.