

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MAY 7, 2018

SCC-CLERK'S OFFICE
DOCUMENT CONTROL CENTER

APPLICATION OF

2018 MAY - 7 A 9: 41

ROANOKE GAS COMPANY

CASE NO. PUE-2015-00033

For a certificate of public convenience and
necessity pursuant to § 56-265.3 of the Code of Virginia

ORDER FOR NOTICE AND COMMENT

On March 25, 2015, Roanoke Gas Company ("Roanoke Gas" or "Company") filed an application ("Application") pursuant to § 56-265.3 of the Code of Virginia with the State Corporation Commission ("Commission") requesting approval of a certificate of public convenience and necessity ("Certificate"). Roanoke Gas stated that it is a Virginia public service corporation engaged in the business of providing natural gas service to approximately 60,000 residential, commercial, and industrial customers located in and around Roanoke, Virginia. In its Application, Roanoke Gas requested a Certificate to provide natural gas distribution service in a portion of Franklin County, Virginia, which currently is not certificated for natural gas service.

Roanoke Gas stated that the expansion of its territory to include all of Franklin County would promote the public interest and would be supported by existing facilities, in order to serve new customers in the proposed service territory. The Company also stated that economic development would be encouraged in the proposed service territory and the surrounding area by the availability of natural gas at regulated rates. Roanoke Gas further stated that it would offer natural gas service to customers under a single tariff, with published terms and conditions of service, and with operating procedures and safety plans subject to regulation by the Commission.

The Commission issued an Order for Notice and Comment on April 8, 2015, which, among other things, provided an opportunity for interested persons to participate in the proceeding. On June 9, 2015, the Town of Rocky Mount, Virginia ("Rocky Mount") filed a

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notice of participation and request for hearing. Rocky Mount filed comments on June 10, 2015. On June 23, 2015, the Company filed a response to Rocky Mount's request for hearing. On July 1, 2015, Rocky Mount filed a reply to the Company's response.

On July 16, 2015, upon motion by the Company requesting that the Commission extend certain filing deadlines and refrain from ruling on Rocky Mount's request for hearing pending further discussions between the Company and Rocky Mount, the Commission entered an Order Granting Extension.

On July 30, 2015, Roanoke Gas filed a Motion to Stay Proceeding ("Motion to Stay") requesting that the Commission stay the proceeding pending further progress in the review process for the Mountain Valley Pipeline by the Federal Energy Regulatory Commission ("FERC") and pending a request by the Company to resume the Commission's consideration of the Application. On July 31, 2015, the Commission issued an Order Granting Motion to Stay ("Order"), suspending all filing deadlines in this proceeding and continuing the case generally until Roanoke Gas filed a request for the Commission to resume its consideration of the Application, at which time the Commission would issue a new procedural order. The Commission's Order further directed Roanoke Gas to simultaneously provide notice to Rocky Mount of the Company's intent to proceed with the Application.

On April 6, 2018, Roanoke Gas filed a Motion to Resume Proceeding ("Motion") requesting the Commission to resume its consideration of the Company's Application. Roanoke Gas represented in its Motion that FERC issued a certificate for the Mountain Valley Pipeline in October 2017. The Company further stated that FERC has issued construction notices to proceed on multiple phases of the project and construction activities have begun. The Company

stated in its Motion that it served a copy of the Motion on Rocky Mount in compliance with the Commission's Order.¹

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that Roanoke Gas should provide public notice of its Application; interested persons should have an opportunity to file comments on the Application and request a hearing; and the Commission's Staff ("Staff") should be directed to investigate the Application and file a report containing the Staff's findings and recommendations ("Staff Report").

Accordingly, IT IS ORDERED THAT:

(1) The Company shall make copies of the public version of its Application, as well as a copy of this Order for Notice and Comment, available for public inspection during regular business hours at each of the Company's business offices in the Commonwealth of Virginia. Copies also may be obtained by submitting a written request to counsel for the Company, Timothy E. Biller, Esquire, Hunton Andrews Kurth LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219. If acceptable to the requesting party, the Company may provide the documents by electronic means. Copies of the public version of all documents also shall be available for interested persons to review in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons also may download unofficial copies from the Commission's website:

<http://www.scc.virginia.gov/case>.

(2) On or before June 7, 2018, Roanoke Gas shall publish the following notice as display advertising (not classified) on one occasion in newspapers of general circulation in Franklin County:

¹ Rocky Mount did not file a response to the Motion.

NOTICE TO THE PUBLIC OF AN
APPLICATION OF ROANOKE GAS COMPANY FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY PURSUANT TO VIRGINIA CODE § 56-265.3
CASE NO. PUE-2015-00033

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The Commission issued an Order for Notice and Comment on April 8, 2015, which, among other things, provided an opportunity for interested persons to participate in the proceeding. On July 30, 2015, Roanoke Gas filed a Motion to Stay Proceeding ("Motion to Stay") requesting that the Commission stay this proceeding pending further progress in the review process for the Mountain Valley Pipeline by the Federal Energy Regulatory Commission ("FERC") and pending a request by the Company to resume the Commission's consideration of the Application. On July 31, 2015, the Commission issued an Order Granting Motion to Stay, which continued the case and suspended all filing deadlines in this proceeding.

On April 6, 2018, Roanoke Gas filed a Motion to Resume Proceeding ("Motion") requesting the Commission to resume its consideration of the Company's Application. Roanoke Gas represented in its Motion that FERC issued a certificate for the

Mountain Valley Pipeline in October 2017. The Company further stated that FERC has issued construction notices to proceed on multiple phases of the project and construction activities have begun.

The Commission entered an Order for Notice and Comment that, among other things, directed the Company to provide notice to the public and provided interested persons an opportunity to comment on and request a hearing on the Company's Application.

The public version of the Company's Application, as well as the Commission's Order for Notice and Comment, are available for public inspection during regular business hours at each of the Company's business offices in the Commonwealth of Virginia. Copies also may be obtained by submitting a written request to counsel for the Company, Timothy E. Biller, Esquire, Hunton Andrews Kurth LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219. If acceptable to the requesting party, the Company may provide the documents by electronic means.

Copies of the public version of the Application and other documents filed in this case are also available for interested persons to review in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons also may download unofficial copies from the Commission's website: <http://www.scc.virginia.gov/case>.

On or before June 28, 2018, any interested person wishing to comment on the Company's Application shall file written comments on the Application with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Any interested person desiring to file comments electronically may do so on or before June 28, 2018, by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. Compact discs or any other form of electronic storage medium may not be filed with the comments. All such comments shall refer to Case No. PUE-2015-00033.

On or before June 28, 2018, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be submitted to the Clerk of the Commission at the address above. A copy of

the notice of participation as a respondent also must be sent to counsel for the Company at the address set forth above. Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice and Procedure ("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. All filings shall refer to Case No. PUE-2015-00033. For additional information about participation as a respondent, any person or entity should obtain a copy of the Commission's Order for Notice and Comment.

On or before June 28, 2018, any person may request a hearing on the Company's Application. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address set forth below. Requests shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. Persons filing a request for hearing shall serve a copy of their request upon Roanoke Gas at the address set forth above.

All documents filed 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.

The Commission's Rules of Practice may be viewed at <http://www.scc.virginia.gov/case>. A printed copy of the Commission's Rules of Practice and an official copy of the Commission's Order for Notice and Comment may be obtained from the Clerk of the Commission at the address above.

ROANOKE GAS COMPANY

(3) On or before June 7, 2018, the Company shall serve a copy of this Order for Notice and Comment on the following officials, to the extent the position exists, in Franklin County: the chairman of the board of supervisors; the mayor or manager (or equivalent official) of every city and town; and the county, city, or town attorney. Service shall be made by first class mail or personal delivery to the customary place of business or residence of the person served.

(4) On or before June 21, 2018, the Company shall file with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, proof of the notice and service required by Ordering Paragraphs (2) and (3), including the name, title, and address of each official served.

(5) On or before June 28, 2018, any interested person may file written comments on the Application with the Clerk of the Commission at the address shown in Ordering Paragraph (4). Any interested person desiring to submit comments electronically may do so on or before June 28, 2018, by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. Compact discs or any other form of electronic storage medium may not be filed with the comments. All comments shall refer to Case No. PUE-2015-00033.

(6) On or before June 28, 2018, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation. If not filed electronically, an original and fifteen (15) copies of such notice of participation shall be submitted to the Clerk of the Commission at the address set forth in Ordering Paragraph (4). The respondent shall serve a copy of the notice of participation on counsel to the Company at the address set forth in Ordering Paragraph (1). Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice and Procedure ("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. All filings shall refer to Case No. PUE-2015-00033.

(7) 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 this Order for Notice and Comment, a copy of the public version of the Application, and a copy of the public version of all materials

filed by the Company with the Commission, unless these materials already have been provided to the respondent.

(8) On or before June 28, 2018, any person may request a hearing on the Company's Application. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be submitted to the Clerk of the Commission at the address in Ordering Paragraph (4). Written requests for hearing shall refer to Case No. PUE-2015-00033 and shall include:

(i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter. A copy also shall be served on Roanoke Gas at the address in Ordering Paragraph (1).

(9) The Staff shall investigate the Application. On or before July 31, 2018, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of a Staff Report containing its findings and recommendations and shall promptly serve a copy of the same on counsel to the Company and all respondents.

(10) On or before August 21, 2018, Roanoke Gas may file with the Clerk of the Commission any response in rebuttal to the Staff Report and any comments filed by interested persons in this proceeding.

(11) All documents filed 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.

(12) 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, 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, or by facsimile, 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 Staff.² 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.*

(13) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Timothy E. Biller, Esquire, Hunton Andrews Kurth LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219; Robert D. Perrow, Esquire, Williams Mullen, 200 South 10th Street, Suite 1600, Richmond, Virginia 23218; 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. A copy also shall be delivered to the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Utility Accounting and Finance.

² The assigned Staff attorney is identified on the Commission's website: <http://www.scc.virginia.gov/case>, by clicking "Docket Search," and clicking "Search Cases," and entering the case number, PUE-2015-00033, in the appropriate box.