

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 19, 2016

REGISTRATION OFFICE
REGISTRATION CONTROL CENTER

2016 OCT 19 P 4:02

161020331

JOINT PETITION OF

VIRGINIA ELECTRIC AND POWER COMPANY
d/b/a DOMINION VIRGINIA POWER,
APPALACHIAN POWER COMPANY,
KENTUCKY UTILITIES COMPANY
d/b/a OLD DOMINION POWER COMPANY,
A&N ELECTRIC COOPERATIVE,
BARC ELECTRIC COOPERATIVE,
CENTRAL VIRGINIA ELECTRIC COOPERATIVE,
COMMUNITY ELECTRIC COOPERATIVE,
CRAIG-BOTETOURT ELECTRIC COOPERATIVE,
MECKLENBURG ELECTRIC COOPERATIVE,
NORTHERN NECK ELECTRIC COOPERATIVE,
NORTHERN VIRGINIA ELECTRIC COOPERATIVE,
PRINCE GEORGE ELECTRIC COOPERATIVE,
RAPPAHANNOCK ELECTRIC COOPERATIVE,
SHENANDOAH VALLEY ELECTRIC COOPERATIVE,
SOUTHSIDE ELECTRIC COOPERATIVE, and
VIRGINIA, MARYLAND & DELAWARE
ASSOCIATION OF ELECTRIC COOPERATIVES

CASE NO. PUE-2016-00110

For Rulemaking for the Limited Purpose of
Modifying the Serious Medical Condition
Certification Form pursuant to Rule 20 VAC 5-330-30

ORDER FOR NOTICE AND COMMENT

On September 23, 2016, Virginia Electric and Power Company d/b/a Dominion Virginia Power, Appalachian Power Company, Kentucky Utilities Company d/b/a Old Dominion Power Company, A&N Electric Cooperative, BARC Electric Cooperative, Central Virginia Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Northern Virginia Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, Southside Electric Cooperative, and Virginia,

Maryland & Delaware Association of Electric Cooperatives (collectively, "Petitioners"), filed a Joint Petition for Rulemaking ("Joint Petition") with the State Corporation Commission ("Commission").¹ The Petitioners request that the Commission initiate a rulemaking for the limited purpose of modifying the Serious Medical Condition Certification Form ("Form SMCC"), which was included in the adoption of 20 VAC 5-330-30 B of the Commission's regulations titled "Limitations on Disconnection of Electric and Water Service"² ("Rules") in 2011.³

Form SMCC enables the Petitioners to be aware of residential customers who have a serious medical condition(s) or who reside with a family member with a serious medical condition(s), as defined by Rule 20 VAC 5-330-20, particularly with regard to emergencies and the termination or disconnection of electric service for such customers. Form SMCC requires certification by a licensed physician that the medical condition meets the definition of a "serious medical condition" in Rule 20 VAC 5-330-20. The Petitioners utilize the Form SMCC provided on the Commission's website but request in the Joint Petition that the Commission approve certain non-substantive modifications to Form SMCC to "make the form more user-friendly for utility customers and their physician(s) and provide more useful information to a utility carrying out its service to the public including customers with serious medical conditions."⁴ Specifically, the Petitioners propose the following modifications: (1) add a separate description box specific

¹ On October 5, 2016, the Petitioners filed a revised Attachment B and Paragraph 30 of the Joint Petition to clarify the proposed modifications to Form SMCC.

² 20 VAC 5-330-10 through 20 VAC 5-330-50.

³ *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In re: Establishing rules providing limitations on disconnection of electric and water service for persons with serious medical conditions*, Case No. PUE-2011-00060, 2011 S.C.C. Ann. Rept. 511, Order Adopting Regulations (Oct. 18, 2011).

⁴ Joint Petition at 11.

to the "Required Treatment for Condition" section of Form SMCC; (2) add a checklist to the description box for equipment prescribed for the serious medical condition, and change that description box to state "Equipment prescribed and/or equipment required for treatment of condition (If any): (Check all that apply)"; and (3) delete the "Additional Comments" box on the bottom of Form SMCC.⁵ The Petitioners assert that the proposed modifications to Form SMCC ("Proposed Form SMCC") are "consistent with and continue[] to meet the requirements of the [Rules]."⁶

NOW UPON CONSIDERATION of the Joint Petition, the Commission is of the opinion and finds that the Joint Petition should be docketed; that the Petitioners should give notice to the public of the Joint Petition's proposed modifications to Form SMCC; and that interested persons should have an opportunity to comment and/or request a hearing on the Joint Petition's proposed modifications to Form SMCC. We further find that it is not necessary to initiate a rulemaking for the limited purpose of modifying Form SMCC since the Petitioners have not proposed changes to the underlying regulations, but we will direct that a copy of this Order and the Proposed Form SMCC, attached to this Order as Attachment A, be sent to the Registrar of Regulations for publication in the *Virginia Register*.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUE-2016-00110.

(2) The Commission's Division of Information Resources shall forward a copy of this Order for Notice and Comment, including a copy of Proposed Form SMCC, to the Registrar of Regulations for publication in the *Virginia Register*.

⁵ *Id.* at 11-12 and Attachment B (revised October 5, 2016).

⁶ *Id.* at 11.

(3) The Petitioners shall promptly make a copy of the Joint Petition and Proposed Form SMCC available to the public, who may obtain a copy of the Joint Petition and Proposed Form SMCC at no charge by requesting a copy of the same in writing from the coordinating counsel for the Petitioners: Anne Hampton Andrews, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219. Customers of the Petitioners may also request a copy from their individual electric utility. The Joint Petition and related documents shall also be available for interested persons to review in the Commission's Document Control Center, Tyler Building, First Floor, 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 may also download unofficial copies from the Commission's website:

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

(4) On or before November 9, 2016, the Petitioners shall cause the following notice to be published as display advertising (not classified) on one (1) occasion in newspapers of general circulation throughout the Commonwealth of Virginia:

NOTICE TO THE PUBLIC OF A JOINT PETITION TO
ESTABLISH A RULEMAKING FOR THE LIMITED PURPOSE
OF MODIFYING THE SERIOUS MEDICAL CONDITION
CERTIFICATION FORM PURSUANT TO
RULE 20 VAC 5-330-30 OF THE RULES OF
THE STATE CORPORATION COMMISSION OF VIRGINIA
CASE NO. PUE-2016-00110

On September 23, 2016, Virginia Electric and Power Company d/b/a Dominion Virginia Power, Appalachian Power Company, Kentucky Utilities Company d/b/a Old Dominion Power Company, A&N Electric Cooperative, BARC Electric Cooperative, Central Virginia Electric Cooperative, Community Electric Cooperative, Craig-Botetourt Electric Cooperative, Mecklenburg Electric Cooperative, Northern Neck Electric Cooperative, Northern Virginia Electric Cooperative, Prince George Electric Cooperative, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative, Southside Electric

Cooperative, and Virginia, Maryland & Delaware Association of Electric Cooperatives (collectively, "Petitioners"), filed a Joint Petition for Rulemaking ("Joint Petition") with the State Corporation Commission ("Commission"). The Petitioners request that the Commission initiate a rulemaking for the limited purpose of modifying the Serious Medical Condition Certification Form ("Form SMCC"), which was included in the adoption of 20 VAC 5-330-30 B of the Commission's regulations titled "Limitations on Disconnection of Electric and Water Service" ("Rules"), 20 VAC 5-330-10 *et seq.* in 2011.

Form SMCC enables the Petitioners to be aware of residential customers who have a serious medical condition(s) or who reside with a family member with a serious medical condition(s), as defined by Rule 20 VAC 5-330-20, particularly with regard to emergencies and the termination or disconnection of electric service for such customers. Form SMCC requires certification by a licensed physician that the medical condition meets the definition of a "serious medical condition" in Rule 20 VAC 5-330-20. The Petitioners utilize the Form SMCC provided on the Commission's website but request in the Joint Petition that the Commission approve certain non-substantive modifications to Form SMCC to "make the form more user-friendly for utility customers and their physician(s) and provide more useful information to a utility carrying out its service to the public including customers with serious medical conditions." Specifically, the Petitioners propose the following modifications: (1) add a separate description box specific to the "Required Treatment for Condition" section of Form SMCC; (2) add a checklist to the description box for equipment prescribed for the serious medical condition, and change that description box to state "Equipment prescribed and/or equipment required for treatment of condition (If any): (Check all that apply)"; and (3) delete the "Additional Comments" box on the bottom of Form SMCC. The Petitioners assert that the proposed modifications to Form SMCC ("Proposed Form SMCC") are "consistent with and continue[] to meet the requirements of the [Rules]."

The Commission entered an Order for Notice and Comment that, among other things, docketed the Joint Petition, directed the Petitioners to provide notice to the public and provided interested persons an opportunity to comment and/or request a hearing on the Joint Petition and Proposed Form SMCC.

A copy of the Company's Joint Petition and Proposed Form SMCC may be obtained at no charge by requesting a copy of the

same from the coordinating counsel for the Petitioners: Anne Hampton Andrews, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219. Customers of the Petitioners may also request a copy from their individual electric utility. The Joint Petition and related documents shall also be available for review in the Commission's Document Control Center, Tyler Building, First Floor, 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 may also download unofficial copies from the Commission's website: <http://www.scc.virginia.gov/case>.

On or before November 30, 2016, interested persons may file comments concerning whether the Commission should modify Form SMCC as requested in the Joint Petition. Such comments shall be filed with Joel H. Peck, Clerk, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218, or may be submitted electronically by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. Compact disks or any other form of electronic storage medium may not be filed with the comments. All such comments shall refer to Case No. PUE-2016-00110.

On or before November 30, 2016, interested persons may request that the Commission convene a hearing on the Joint Petition's proposed modifications to Form SMCC. Such request for hearing shall be filed with the Clerk of the Commission. 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 above. Requests for hearing must refer to Case No. PUE-2016-00110 and include: (i) a precise statement of the filing party's interest in the proceeding; (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 this matter.

A copy of any written comments and requests for hearing shall simultaneously be sent to the coordinating counsel for the Petitioners at the address set forth above.

VIRGINIA ELECTRIC AND POWER COMPANY
 d/b/a DOMINION VIRGINIA POWER,
 APPALACHIAN POWER COMPANY,
 KENTUCKY UTILITIES COMPANY
 d/b/a OLD DOMINION POWER COMPANY,
 A&N ELECTRIC COOPERATIVE,

BARC ELECTRIC COOPERATIVE,
 CENTRAL VIRGINIA ELECTRIC COOPERATIVE,
 COMMUNITY ELECTRIC COOPERATIVE,
 CRAIG-BOTETOURT ELECTRIC COOPERATIVE,
 MECKLENBURG ELECTRIC COOPERATIVE,
 NORTHERN NECK ELECTRIC COOPERATIVE,
 NORTHERN VIRGINIA ELECTRIC COOPERATIVE,
 PRINCE GEORGE ELECTRIC COOPERATIVE,
 RAPPAHANNOCK ELECTRIC COOPERATIVE,
 SHENANDOAH VALLEY ELECTRIC COOPERATIVE,
 SOUTHSIDE ELECTRIC COOPERATIVE, and
 VIRGINIA, MARYLAND & DELAWARE
ASSOCIATION OF ELECTRIC COOPERATIVES

(5) On or before November 9, 2016, the Petitioners shall serve a copy of this Order and Proposed Form SMCC upon the individuals and entities listed in Attachment B hereto.

(6) On or before November 30, 2016, the Petitioners shall provide the Commission with the proof of notice and service required by Ordering Paragraphs (4) and (5).

(7) On or before November 30, 2016, interested persons may file comments concerning whether the Commission should modify Form SMCC as requested in the Joint Petition. Such comments shall be filed with Joel H. Peck, Clerk, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218, or may be submitted electronically by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. Compact disks or any other form of electronic storage medium may not be filed with the comments. Comments shall refer to Case No. PUE-2016-00110.

(8) On or before November 30, 2016, interested persons may request that the Commission convene a hearing on the Joint Petition's proposed modifications to Form SMCC. Such request for hearing shall be filed with the Clerk of the Commission. 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 in Ordering Paragraph (7). Requests for

hearing must refer to Case No. PUE-2016-00110 and include: (i) a precise statement of the filing party's interest in the proceeding; (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 this matter.

(9) A copy of any written comments and requests for hearing shall simultaneously be sent to the coordinating counsel for the Petitioners at the address set forth in Ordering Paragraph (3).

(10) On or before December 14, 2016, the Staff shall file with the Clerk of the Commission a statement of position regarding the proposed modifications to Form SMCC.

(11) On or before January 6, 2017, the Petitioners may file with the Clerk of the Commission any response in rebuttal to the Staff statement of position, requests for hearing, and any comments filed by interested persons in this proceeding.

(12) This matter is continued generally pending further order of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Horace P. Payne, Jr., Esquire, Dominion Resources Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219; Vishwa B. Link, Esquire, and Anne Hampton Andrews, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219-3916; Noelle J. Coates, Esquire, American Electric Power Service Corporation, 3 James Center, 1051 East Cary Street, Suite 1100, Richmond, Virginia 23219; Kendrick R. Riggs, Esquire, Stoll Keenon Ogden PLLC, 2000 PNC Plaza, 500 West Jefferson Street, Louisville, Kentucky 40202-2828; Allyson K. Sturgeon, Esquire, Senior Corporate Attorney, LG&E and KU Energy Corp., 220 West Main Street, Louisville, Kentucky 40202; Samuel R. Brumberg, Esquire, Association Counsel, Virginia, Maryland & Delaware Association of Electric Cooperatives, 4201 Dominion

Boulevard, Suite 101, Glen Allen, Virginia 23060; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 North Ninth Street, Richmond, Virginia 23219; and a copy shall be delivered to the Commission's Office of General Counsel and Divisions of Energy Regulation and Utility Accounting and Finance.

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ATTACHMENT A

Attachment B (Revised October 5, 2016)

Serious Medical Condition Certification Form

1390900331

Form SMCC (approved date 10/2011)

To Be Completed by the Customer:			
Customer Name:		Electric Account Number:	
Customer Address:		Water Account Number:	
		Contact Telephone Number:	
City:	State:	Zip Code:	Alternate Telephone Number:
<i>I certify that the information provided above is accurate and the patient is the customer or a family member of the customer residing at this residence.</i>			
Customer Signature:			Date:
To Be Completed by the Patient/ Legal Guardian/ Power of Attorney:			
Patient Name:		Patient Relationship to Customer:	
Contact Telephone Number:		Alternate Telephone Number:	
<i>I hereby authorize my physician to release the following information about the above-named patient to the utility's representatives and/or the State Corporation Commission and to answer related questions to help determine if the identified medical condition(s) meets the definition of a serious medical condition which is defined below. I certify that the patient lives at the address listed above and that all information provided is accurate.</i>			
Patient/ Legal Guardian/ Power of Attorney Signature:			Date:
To Be Completed by the Physician (M.D. or D.O.):			
Physician Name:		Contact Telephone Number:	
Physician Office Address:		Alternate Telephone Number:	
City:	State:	Zip Code:	Fax Number:
Current License Number:		Licensing State:	
Patient's Diagnosis/ Serious Medical Condition:			
<u>Required Treatment for Condition:</u>			
<u>Equipment prescribed and/or equipment required for treatment for of condition (If any): (Check all that apply)</u>			
<u>Mechanical Ventilator</u>	<u>CPAP Machine</u>	<u>Ventricular Assist Device</u>	
<u>Feeding Pump</u>	<u>Nebulizer</u>	<u>Other:</u>	
<u>Infant Apnea Monitor</u>	<u>Hospital Bed</u>		
<u>Continuous Oxygen</u>	<u>Refrigeration</u>		
<u>Home Dialysis</u>	<u>HVAC</u>		
<u>Expected Duration of Condition; Additional Comments:</u>			
<i>I certify that the above patient has a serious medical condition which is defined as a physical or psychiatric condition that requires medical intervention to prevent further disability, loss of function, or death. Such conditions are characterized by a need for ongoing medical supervision or the consultation of a physician. A serious medical condition carries with it a risk to health beyond that experienced by the majority of children and adults in their day-to-day minor illnesses and injuries. Individuals with a serious medical condition may require administration of specialized treatments and may be dependent on medical technology such as ventilators, dialysis machines, enteral or parenteral nutrition support, or continuous oxygen. Medical interventions may include medications with special storage requirements, use of powered equipment, or access to water. I certify that the preceding information is correct.</i>			
Physician's Signature:			Date:

This form was developed pursuant to: 20VAC 5-330 "Limitations on Disconnection of Electric and Water Service"

ATTACHMENT B

161020331

Randall W. Meyers
General Manager & CEO
Powell Valley Electric Coop.
325 Straight Creek Road
P.O. Box 1528
New Tazewell, TN 37825

Shannon Becker, President
Aqua Virginia, Inc.
2414 Granite Ridge Road
Rockville, VA 23145

David G. Petrus
Petrus Environmental Service
P.O. Box 21173
Roanoke, VA 24018

Larry E. Lamb
T-L Water Company & York Public Utilities Corp.
P.O. Box 277
Standardsville, VA 22973

Elvie Whealton, President
Trail's End Utility Company, Inc.
P.O. Box 268
Horntown, VA 23395

Ralph Preston, Chairman
Waterloo Property Owners Assoc. Water System
P.O. Box 1187
Warrenton, VA 20188

David G. Petrus
Deer Creek Water Company, Inc.
P.O. Box 20887
Roanoke, VA 24018

Donald Liscomb, President
Aquarius Water Systems, Inc.
1039 Gander Drive
Luray, VA 22835

J. Michael Griffin, Vice President
Brookfield Water Company, Inc.
& Sommersby Water Company
P.O. Box 7
Daleville, VA 24083

F. Joseph Copenhaver, Jr.
Administrator
Thomas Bridge Water Corporation
586 Thomas Bridge Road
Marion, VA 24354

William Walsh, President
Virginia American Water Company
2223 Duke Street
Alexandria, VA 22314

William B. Chandler, President
Woodhaven Water Company
7242 A Lakeshore Drive
Quinton, VA 23141-1153

Wayne Morgan, President
Bluefield Valley Water Works Company
P.O. Box 425 A
Bluefield, WV 24701

Curtis B. Brown, President
Blue Ridge Water Agency, Inc.
81 Hobson Way
Blue Ridge, VA 24064

ATTACHMENT B

161020331

Stephen C. Rossi, President
S.C. Rossi & Company, Inc.
1410 16th Street SE
Roanoke, VA 24014

Robert W. Jebson, Jr.
Commonwealth Utilities, Inc.
218 N Main Street
Culpeper, VA 22701

Russell T. Aaronson, III, President
Founders Bridge Utility Company, Inc.
5004 Monument Avenue, Suite 200
Richmond, VA 23230

Keith Arnett, President
High Knob Utilities, Inc.
17 Windy Way
Front Royal, VA 22630

Lawrence Lipscomb, III, President
Manquin Water Company
6410 Horsepen Road
Richmond, VA 23226

Carl Ray Kellogg, President
Central Water Systems, Inc.
P.O. Box 119
Smithfield, VA 23430

Bernard A. Nash
Fox Run Water Company
1312 Robinson Ferry Road
Ebony, VA 23845

Bruce S. Clodfelter
Groundhog Mountain Water & Sewer Company, Inc.
2812 Brennen Lane
High Point, NC 27262

Kimberly A. Pinchbeck, President
Lundie Utilities, Inc.
6932 Forest Hill Avenue
Richmond, VA 23225

John A. White, President
Mariners Landing Water & Sewer Company, Inc.
1011 Mariners Village Drive
Huddleston, VA 24104

Lisa Sparrow
Massanutten Public Service Corporation
2335 Sanders Road
Northbrook, IL 60062

Kevin L. Gouldman, President
Northern Neck Water, Inc.
4542 Horners Mill Road
Montross, VA 22520

Matthew E. Raynor
Po River Water & Sewer Company
10006 Hammock Band
Chapel Hill, NC 27517

Marissa Levine, MD, MPH, FAAFP
State Health Commissioner
VA Department of Health
P.O. Box 2448
Richmond, VA 23218-2448

ATTACHMENT B

161020331

William E. Freeland
Cascade Mountain Water Company, Inc.
P.O. Box 353
Fancy Gap, VA 24328

James W. Speer, Esquire
Executive Director
Virginia Poverty Law Center
919 E. Main Street, Suite 610
Richmond, VA 23219

Cathy Pemberton, Director
Virginia League of Social Services Executives
3908 Old Buckingham Road
Suite 2
Powhatan, VA 23139

Bob Karnes, President
Montvale Water, Inc.
P.O. Box 155
Montvale, VA 24122

Cynthia Schnaitman, Manager
Peacock Hill Service Company
P.O. Box 284
Ivy, VA 22945

Margaret Ross Schultze, Commissioner
VA Department of Social Services
801 E. Main Street
Richmond, VA 23219-2901

Sherril Ellis
National MS Society
4200 Innslake Drive, Suite 301
Glen Allen, VA 23060

Avi Dey
3023 Sugar Lane
Vienna, VA 22181

Sallee Ebbett
Blue Ridge Independent Living
1502 B Williamson Road NE
Roanoke, VA 24012

Mary S. Martin
1276 Cameron Road
Martinsville, VA 24112

Jean Duggan
Bay Aging
P.O. Box 610
5306 Old Virginia Street
Urbanna, VA 23175

Prescott Barbash
Consumer Affairs Branch
Dept. of Cable & Consumer Services
12000 Government Center Parkway
Suite 433
Fairfax, VA 22035-0047

David M. DeBiasi
AARP Virginia
707 E. Main Street, Suite 910
Richmond, VA 23219

Bobbie Henley
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Belle Haven, VA 23306

Gwendolyn D. Cook
501 12th Street, Suite A
Lynchburg, VA 24504

ATTACHMENT B

161020331