

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, DECEMBER 27, 2017

SCC-CLERK'S OFFICE
DOCUMENT CONTROL CENTER

2017 DEC 27 P 3:01

APPLICATION OF
CENTRAL VIRGINIA ELECTRIC COOPERATIVE

CASE NO. PUR-2017-00165

For approval of a community solar tariff

ORDER FOR NOTICE AND COMMENT

On December 6, 2017, Central Virginia Electric Cooperative ("CVEC" or "Cooperative") filed an application ("Application") with the State Corporation Commission ("Commission") pursuant to § 56-585.1:3 (C) of the Code of Virginia ("Code") for approval of a companion rate schedule for a community solar pilot program ("Community Solar Tariff").¹

The Community Solar Tariff is a three-year pilot program for the development of community solar projects. The Community Solar Tariff would be available, on a completely voluntary basis, to CVEC members that are receiving electric service under a residential rate schedule ("Subscribers").² CVEC has entered into long-term contracts for the output of two recently constructed solar generating facilities ("Solar Facilities") located in its service territory and plans to make units of energy from the Solar Facilities available to Subscribers in 50 kilowatt-hour blocks ("Solar Blocks"). CVEC states in its Application that it anticipates limiting enrollment to no more than five Solar Blocks, or 250 kilowatt-hours, per member until January 1, 2019. Subject to this limit, a Subscriber could subscribe to one or more Solar Blocks up to a

¹ Application at 1. CVEC also requested streamlined consideration and expedited approval of its Application, stating that "CVEC desires to begin implementing the Community Solar Tariff during the first quarter of 2018." *Id.* at 5-6. The Commission will review the Application as expeditiously as possible; however, we will also take the time necessary to examine the Application fully and provide an opportunity for interested persons to participate in the proceeding.

² *Id.* at 2.

level that is not expected to exceed the Subscriber's metered monthly kilowatt-hour usage. After January 1, 2019, the Cooperative states that it will work with Subscribers to limit subscriptions to no more than the Subscriber's expected monthly usage.³

Under the Community Solar Tariff, each Subscriber would pay a flat and fixed monthly rate per Solar Block ("Fixed Block Charge") of \$4.50.⁴ The Fixed Block Charge represents a premium to the rate available under the Subscriber's standard tariff rate.⁵ Subscribers would be responsible for the fixed monthly charge under the Community Solar Tariff even in months in which their actual usage is less than the size of the Solar Block(s) the member purchased.⁶ Subscribers also would remain subject to the terms and conditions of the applicable standard tariff, except as modified by the Community Solar Tariff, and would remain subject to the other basic terms, conditions, and membership agreements of the Cooperative.⁷

Subscribers would be able to cancel their subscriptions at any time after giving at least 30 days' notice. All cancellations would be effective at the end of the billing period and the Fixed Block Charge would not be prorated.⁸

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; CVEC should provide public notice of its Application; interested persons should have an opportunity to file comments on the Application, file a notice

³ *Id.* at 3.

⁴ *Id.* at 3-4. According to the Cooperative, the Fixed Block Charge would remain fixed for the three-year term of the pilot program. *Id.* at 3.

⁵ *Id.* at 5.

⁶ *Id.* at 4.

⁷ *Id.*

⁸ *Id.* at 4-5.

of participation as a respondent, or request that a hearing be convened; the Commission's Staff ("Staff") should be directed to investigate the Application and present its findings and recommendations in a report; and that a Hearing Examiner should be assigned to rule on any discovery matters that arise during the course of this proceeding.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUR-2017-00165.

(2) As provided by § 12.1-31 of the Code and Rule 5 VAC 5-20-120, *Procedure before Hearing Examiners*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"),⁹ a Hearing Examiner is appointed to rule on any discovery matters that arise during the course of this proceeding.

(3) The Cooperative shall make copies 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 Cooperative's business offices in the Commonwealth of Virginia. Copies also may be obtained by submitting a written request to counsel for the Cooperative, Timothy E. Biller, Esquire, Hunton & Williams LLP, 951 East Byrd Street, Richmond, Virginia 23219. If acceptable to the requesting party, the Cooperative 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>.

⁹ 5 VAC 5-20-10 *et seq.*

(4) On or before February 15, 2018, the Cooperative shall cause a copy of the following notice to be published in its regular member publication, *Current Communicator*:

NOTICE TO THE PUBLIC OF AN APPLICATION
BY CENTRAL VIRGINIA ELECTRIC COOPERATIVE,
FOR APPROVAL OF A COMMUNITY SOLAR TARIFF
CASE NO. PUR-2017-00165

- **Central Virginia Electric Cooperative ("CVEC") has applied for approval of a companion rate schedule for a community solar pilot program that would be available, on a voluntary basis, to CVEC members that are receiving electric service under a residential rate schedule.**
- **CVEC members that enroll in the pilot program would be able to purchase up to five, 50 kilowatt-hour blocks of energy ("Solar Blocks") from two solar facilities located in CVEC's service territory.**
- **Each enrolled member would pay a flat and fixed monthly rate per Solar Block of \$4.50.**
- **Further information about this case is available on the SCC website at:
<http://www.scc.virginia.gov/case>.**

On December 6, 2017, Central Virginia Electric Cooperative ("CVEC" or "Cooperative") filed an application ("Application") with the State Corporation Commission ("Commission") pursuant to § 56-585.1:3 (C) of the Code of Virginia for approval of a companion rate schedule for a community solar pilot program ("Community Solar Tariff").

The Community Solar Tariff is a three-year pilot program for the development of community solar projects. The Community Solar Tariff would be available, on a completely voluntary basis, to CVEC members that are receiving electric service under a residential rate schedule ("Subscribers"). CVEC has entered into long-term contracts for the output of two recently constructed solar

generating facilities ("Solar Facilities") located in its service territory and plans to make units of energy from the Solar Facilities available to Subscribers in 50 kilowatt-hour blocks ("Solar Blocks"). CVEC states in its Application that it anticipates limiting enrollment to no more than five Solar Blocks, or 250 kilowatt-hours, per member until January 1, 2019. Subject to this limit, a Subscriber could subscribe to one or more Solar Blocks up to a level that is not expected to exceed the Subscriber's metered monthly kilowatt-hour usage. After January 1, 2019, the Cooperative states that it will work with Subscribers to limit subscriptions to no more than the Subscriber's expected monthly usage.

Under the Community Solar Tariff, each Subscriber would pay a flat and fixed monthly rate per Solar Block ("Fixed Block Charge") of \$4.50. The Fixed Block Charge represents a premium to the rate available under the Subscriber's standard tariff rate. Subscribers would be responsible for the fixed monthly charge under the Community Solar Tariff even in months in which their actual usage is less than the size of the Solar Block(s) the member purchased. Subscribers also would remain subject to the terms and conditions of the applicable standard tariff, except as modified by the Community Solar Tariff, and would remain subject to the other basic terms, conditions, and membership agreements of the Cooperative.

Subscribers would be able to cancel their subscriptions at any time after giving at least 30 days' notice. All cancellations would be effective at the end of the billing period and the Fixed Block Charge would not be prorated.

Interested persons are encouraged to review the Application and supporting documents for further details of the Cooperative's proposals.

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

Copies of the Application and the public version of all documents filed in this case also are 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 March 15, 2018, any interested person wishing to comment on the Cooperative'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 March 15, 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. PUR-2017-00165.

On or before March 15, 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 Cooperative 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. PUR-2017-00165. 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 March 15, 2018, any interested person may file a written request for a hearing. If not filed electronically, an original and fifteen (15) copies of the hearing request shall be submitted to the Clerk of the Commission at the address above, and the interested person simultaneously shall serve a copy of the hearing request on counsel to the Cooperative at the address set forth above. All requests for a hearing shall refer to Case No. PUR-2017-00165.

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 in this proceeding may be obtained from the Clerk of the Commission at the address above.

CENTRAL VIRGINIA ELECTRIC COOPERATIVE

(5) On or before March 1, 2018, the Cooperative 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 required by Ordering Paragraph (4).

(6) On or before March 15, 2018, any interested person may file written comments on the Application with the Clerk of the Commission at the address shown in Ordering Paragraph (5). Any interested person desiring to submit comments electronically may do so on or before March 15, 2018, by following the instructions found 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. PUR-2017-00165.

(7) On or before March 15, 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 set forth in Ordering Paragraph (5). The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Cooperative at the address in Ordering Paragraph (3). Pursuant to Rule 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-2017-00165.

(8) Within five (5) business days of receipt of a notice of participation as a respondent, the Cooperative shall serve upon each respondent a copy of this Order for Notice and Comment, a copy of the Application, and all materials filed by the Cooperative with the Commission, unless these materials have already been provided to the respondent.

(9) On or before March 15, 2018, any interested person may file a written request for a hearing. If not filed electronically, an original and fifteen (15) copies of the hearing request shall be submitted to the Clerk of the Commission at the address set forth in Ordering Paragraph (5), and the interested person simultaneously shall serve a copy of the hearing request on counsel to the Cooperative at the address in Ordering Paragraph (3). All requests for a hearing shall refer to Case No. PUR-2017-00165.

(10) The Staff shall investigate the Application. On or before March 30, 2018, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of its report and exhibits regarding its investigation of the Application.

(11) On or before April 13, 2018, CVEC may file with the Clerk of the Commission any comments on the Staff's report, comments from interested persons, and requests for hearing that were filed with the Commission. If not filed electronically, an original and fifteen (15) copies of such comments shall be filed with the Clerk of the Commission.

(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 five (5) 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 the Staff.¹⁰ 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 generally.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Timothy E. Biller, Esquire, Hunton & Williams LLP, 951 East Byrd Street, Richmond, Virginia 23219; 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. 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.

¹⁰ 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, PUR-2017-00165, in the appropriate box.