

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 6, 2018

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APPLICATION OF
NORTHERN NECK ELECTRIC COOPERATIVE

CASE NO. PUR-2018-00022

For approval of a community solar tariff

ORDER FOR NOTICE AND COMMENT

On January 30, 2018, Northern Neck Electric Cooperative ("NNEC" 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 a solar program that would be available, on a completely voluntary basis, to NNEC members that are receiving electric service under a residential rate schedule ("Subscribers").² NNEC's wholesale power supplier, Old Dominion Electric Cooperative, has entered into long-term contracts for the output of two solar generating facilities ("Solar Facilities") located in Virginia, and NNEC plans to make units of energy from the Solar Facilities available to Subscribers in 50 kilowatt-hour blocks ("Solar Blocks"), until all of the available units are fully subscribed.³ A Subscriber may purchase energy by subscribing to one or more Solar Blocks up to a level that is not expected to exceed the Subscriber's metered monthly kilowatt-hour usage.⁴ The Cooperative states that it

¹ Application at 1.

² *Id.* at 2.

³ *Id.* at 3.

⁴ *Id.*

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will work with Subscribers to limit subscriptions to no more than the Subscriber's expected monthly usage.⁵

Under the Community Solar Tariff, each Subscriber would pay a seasonal, fixed monthly rate per Solar Block ("Fixed Block Charges") of \$5.46 per Solar Block per month for non-summer months (October – May) and \$5.95 per Solar Block per month for summer months (June – September).⁶ The Fixed Block Charges are based on the Cooperative's prevailing residential electricity supply service rates, including applicable riders plus a solar adder, and represent a premium to the rate available under the Subscriber's standard tariff rate.⁷ A Subscriber would be responsible for the Fixed Block Charges under the Community Solar Tariff even in months in which actual usage is less than the size of the Solar Block(s) the Subscriber purchased.⁸ Subscribers would also 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.⁹ Subscribers would be able to cancel their subscriptions at any time after giving at least 30 days' notice to the Cooperative.¹⁰

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; NNEC should provide public notice of its Application;

⁵ *Id.* at 5.

⁶ *Id.* at 4. According to the Cooperative, the Fixed Block Charges would remain fixed for the three-year term of the pilot program. *Id.*

⁷ *Id.* at 4, 6.

⁸ *Id.* at 5.

⁹ *Id.*

¹⁰ *Id.* at 6.

interested persons should have an opportunity to file comments on the Application, file a notice 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 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-2018-00022.

(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"),¹¹ 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 the Cooperative's business office 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>.

¹¹ 5 VAC 5-20-10 *et seq.*

(4) On or before May 4, 2018, the Cooperative shall cause a copy of the following notice to be published in Cooperative Living Magazine:

NOTICE TO THE PUBLIC OF AN APPLICATION
BY NORTHERN NECK ELECTRIC COOPERATIVE,
FOR APPROVAL OF A COMMUNITY SOLAR TARIFF
CASE NO. PUR-2018-00022

- Northern Neck Electric Cooperative ("NNEC") has applied for approval of a companion rate schedule for a community solar pilot program that would be available, on a voluntary basis, to NNEC members that are receiving electric service under a residential rate schedule.
- NNEC members that enroll in the pilot program would be able to purchase 50 kilowatt-hour blocks of energy ("Solar Blocks") from two solar facilities located in Virginia.
- Each member that enrolls in the pilot program would pay a seasonal, fixed rate of \$5.46 per Solar Block per month for non-summer months (October – May) and \$5.95 per Solar Block per month for summer months (June – September).
- Further information about this case is available on the State Corporation Commission's website at: <http://www.scc.virginia.gov/case>.

On January 30, 2018, Northern Neck Electric Cooperative ("NNEC" 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 a solar program that would be available, on a completely voluntary basis, to NNEC members that are receiving electric service under a residential rate schedule ("Subscribers"). NNEC's wholesale power supplier, Old Dominion Electric Cooperative, has entered into long-term contracts for the output of two solar generating facilities ("Solar Facilities") located in

Virginia and NNEC plans to make units of energy from the Solar Facilities available to Subscribers in 50 kilowatt-hour blocks ("Solar Blocks"), until all of the available units are fully subscribed. A Subscriber may purchase energy by subscribing to one or more Solar Blocks up to a level that is not expected to exceed the Subscriber's metered monthly kilowatt-hour usage. 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 seasonal, fixed monthly rate per Solar Block ("Fixed Block Charges") of \$5.46 per Solar Block per month for non-summer months (October – May) and \$5.95 per Solar Block per month for summer months (June – September). The Fixed Block Charges are based on the Cooperative's prevailing residential electricity supply service rates, including applicable riders plus a solar adder, and represent a premium to the rate available under the Subscriber's standard tariff rate. A Subscriber would be responsible for the Fixed Block Charges under the Community Solar Tariff even in months in which actual usage is less than the size of the Solar Block(s) the Subscriber purchased. Subscribers would also 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 to the Cooperative.

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 the Cooperative's business office 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 May 25, 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 May 25, 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-2018-00022.

On or before May 25, 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-2018-00022. 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 May 25, 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 shall simultaneously 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-2018-00022.

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

NORTHERN NECK ELECTRIC COOPERATIVE

(5) On or before May 18, 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 May 25, 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 May 25, 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-2018-00022.

(7) On or before May 25, 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 shall simultaneously 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-2018-00022.

(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 May 25, 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-2018-00022.

(10) The Staff shall investigate the Application. On or before June 8, 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 June 22, 2018, NNEC 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) 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.

(13) 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.¹² 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.*

(14) 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 23219-3424. 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.

¹² 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-2018-00022, in the appropriate box.