

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, OCTOBER 4, 2019

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APPLICATION OF

EARLY BIRD POWER, LLC

CASE NO. PUR-2019-00116

For a license to do business as an
electricity and natural gas aggregator

ORDER FOR NOTICE AND COMMENT

On September 10, 2019, Early Bird Power, LLC ("Early Bird" or "Company") completed the filing of an application with the State Corporation Commission ("Commission") for a license to do business as an electricity and natural gas aggregator in the Commonwealth of Virginia ("Application").¹ The Company seeks authority to market electricity and natural gas aggregation services to eligible commercial, industrial, and governmental customers in the service territories in Virginia that are open to retail choice competition.² Early Bird attested that it would abide by all applicable regulations of the Commission as required by 20 VAC 5-312-40 B of the Commission's Rules Governing Retail Access to Competitive Energy Services.³

NOW THE COMMISSION, upon consideration of the Application, is of the opinion and finds that it should docket Early Bird's Application; Early Bird should serve this Order upon

¹ The Company filed its Application on July 15, 2019. The Commission's Staff ("Staff") deemed the Application incomplete on July 23, 2019. The Company provided additional information on September 10, 2019, completing its Application.

² Pursuant to plans as required by § 56-235.8 A of the Code of Virginia ("Code"), retail choice for natural gas service exists only in the service territories of Washington Gas Light Company and Columbia Gas of Virginia, Inc. Access to large commercial and industrial gas customers in all gas distribution service territories has existed under Federal Energy Regulatory Commission authority since the mid-1980s. Moreover, pursuant to Code § 56-577, retail choice for electricity is only permitted pursuant to the customer classes, load parameter, and renewable energy sources set forth therein. Retail choice thereunder, exists only in the service territories of Virginia Electric and Power Company d/b/a Dominion Energy Virginia, Appalachian Power Company, and the electric cooperatives.

³ 20 VAC 5-312-10 *et seq.*

appropriate persons; the Staff should conduct an investigation of the Application and present its findings in a report ("Staff Report"); and interested persons should have an opportunity to comment on the Application. We further find that a Hearing Examiner should be appointed to rule on all 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-2019-00116.
- (2) As provided by Code § 12.1-31 and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"), a Hearing Examiner is appointed to rule on any discovery issues that may arise during the course of this proceeding.
- (3) A copy of the Application and supporting documents shall be made available for public inspection 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. A copy of the Application also may be downloaded from the Commission's website: <http://www.scc.virginia.gov/case>.
- (4) On or before October 11, 2019, Early Bird shall serve a copy of this Order upon the utilities listed on Attachment A to this Order.
- (5) On or before October 18, 2019, the Company shall file proof of service as ordered herein with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.
- (6) Any interested person may request a public copy of the Application, accompanying materials, and this Order by directing a request in writing to Shaun Pandit, CEO, Early Bird Power, LLC, 1 Adams Street, Milton, Massachusetts 02186. The Company shall, within three

(3) days of receipt of such request, serve the requested documents upon the person making such request.

(7) Written comments on the Application may be filed on or before October 23, 2019, by either of the following methods. An original and fifteen (15) copies of any comments may be filed with the Clerk of the Commission at the address set forth in Ordering Paragraph (5). In the alternative, comments may be submitted electronically by following the instructions available at the Commission's website: <http://www.scc.virginia.gov/case>. A hard copy of such comments, whether submitted in writing or electronically, shall be served upon the Company at the address set forth in Ordering Paragraph (6). All comments shall refer to Case No. PUR-2019-00116.

(8) The Staff shall analyze Early Bird's Application and shall present its findings in a Staff Report to be filed on or before October 30, 2019.

(9) On or before November 6, 2019, the Company and any party who filed comments on the Application may file with the Clerk of the Commission an original and fifteen (15) copies of any response to the Staff Report.

(10) 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.

(11) The Company shall respond to written interrogatories or data requests within five (5) calendar days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via facsimile or electronic mail as well as by first class mail. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice.

(12) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:
Shaun Pandit, CEO, Early Bird Power, LLC, 1 Adams Street, Milton, Massachusetts 02186;
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;
Craig G. Goodman, President, National Energy Marketers Association, 3333 K Street, NW, Suite
110, Washington, D.C. 20007; and Irene Leech, Virginia Citizens Consumer Council, 4220
North Fork Road, Elliston, Virginia 24087. A copy also shall be delivered to the Commission's
Office of General Counsel and Divisions of Utility Accounting and Finance and Public Utility
Regulation.

Appalachian Power Company
Mr. William A. Castle
Director Regulatory Services
3 James Center
1051 East Cary Street, Suite 702
Richmond, Virginia 23219

Dominion Energy Services, Inc.
Paul E. Pfeffer, Esquire
P. O. Box 26532
Richmond, Virginia 23261

A&N Electric Cooperative
Mr. Butch Williamson
President & CEO
P.O. Box 290
Tasley, Virginia 23441-0290

B-A-R-C Electric Cooperative
Mr. Michael J. Keyser
CEO/General Manager
P.O. Box 264
Millboro, Virginia 24460-0264

Central Virginia Electric Cooperative
Mr. Gary E. Wood
President & CEO
P.O. Box 247
Lovingston, Virginia 22949

Community Electric Cooperative
Mr. Steven A. Harmon
President
P.O. Box 267
Windsor, Virginia 23487-0267

Craig-Botetourt Electric Cooperative
Mr. Shawn C. Hildebrand
General Manager
P.O. Box 265
New Castle, Virginia 24127-0265

Kentucky Utilities Company
d/b/a Old Dominion Power Company
Robert M. Conroy, VP
State Regulation & Rates
LG&E and KU Energy LLC
220 W. Main Street
Louisville, KY 40202

Mecklenburg Electric Cooperative
Mr. John C. Lee
President & CEO
P.O. Box 2451
Chase City, Virginia 23924-2451

Northern Neck Electric Cooperative
Mr. Greg White
President & CEO
P.O. Box 288
Warsaw, Virginia 22572-0288

Northern Virginia Electric Cooperative
Mr. Stanley C. Feuerberg
President & CEO
P.O. Box 2710
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Prince George Electric Cooperative
Mr. Michael Malandro, President & CEO
P.O. Box 168
Waverly, Virginia 23890-0168

Rappahannock Electric Cooperative
Mr. Kent Farmer
President & CEO
P.O. Box 7388
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Shenandoah Valley Electric Cooperative
Mr. Michael W. Hastings
President & CEO
P.O. Box 236
Mt. Crawford, Virginia 22841-0236

Southside Electric Cooperative
Mr. Jeffrey S. Edwards
President & CEO
P.O. Box 7
Crewe, Virginia 23930-0007

Columbia Gas of Virginia, Inc.
T. Borden Ellis, Esquire
1809 Coyote Drive
Chester, Virginia 23836

Roanoke Gas Company
Mr. John S. D'Orazio, President
P.O. Box 13007
Roanoke, Virginia 24011

Southwestern Virginia Gas Company
Mr. Lance Heater, CEO
208 Lester Street
Martinsville, Virginia 24112

Atmos Energy Corporation
Mr. Kevin Dobbs, President
810 Crescent Centre Drive, Suite 600
Franklin, Tennessee 37067-6226

Appalachian Natural Gas Distribution
Company
Mr. John Ebert, President
220 West Valley Street
Abingdon, Virginia 24210

Virginia Natural Gas, Inc.
Mr. Jim Kibler, President
544 S. Independence Blvd.
Virginia Beach, Virginia 23452

Washington Gas Light Company
Mr. Adrian Chapman, President and COO
1000 Maine Avenue, SW
Washington, D.C. 20024