

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 16, 2020

SCC-CLERK'S OFFICE
DOCUMENT CONTROL CENTER

2020 MAR 16 P 2: 19

APPLICATION OF

SUNWAVE USA HOLDINGS, INC.

CASE NO. PUR-2020-00026

For a license to conduct business as a
competitive service provider of electricity
supply

and

APPLICATION OF

SUNWAVE USA HOLDINGS, INC.

CASE NO. PUR-2020-00027

For a license to conduct business as a
competitive service provider of natural
gas supply

ORDER FOR NOTICE AND COMMENT

On March 5, 2020, Sunwave USA Holdings, Inc. ("Sunwave" or "Company") completed an application with the Commission for a license to conduct business as competitive service provider of electricity supply in the Commonwealth of Virginia, which was assigned Case No. PUR-2020-00026 ("Electricity Application"). The Company seeks authority to market electricity supply services to eligible commercial, industrial, governmental, and residential customers throughout the Commonwealth of Virginia.¹

On March 5, 2020, Sunwave also completed an application with the Commission for a license to conduct business as competitive service provider of natural gas supply in the

¹ 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.

200320191

Commonwealth of Virginia, which was assigned Case No. PUR-2020-00027 ("Natural Gas Application"). The Company seeks authority to market natural gas supply services to eligible commercial, industrial, governmental, and residential customers throughout the Commonwealth of Virginia.²

In its Electricity Application and Natural Gas Application, Sunwave 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 Electricity Application and the Natural Gas Application, is of the opinion and finds that the Electricity Application and the Natural Gas Application should be treated as one (hereinafter collectively "Application") and should proceed as such under Case No. PUR-2020-00027; Docket No. PUR-2020-00026 should be closed; Sunwave should serve this Order upon 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 may arise during the course of this proceeding.

² Retail choice for natural gas service presently 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.

³ 20 VAC 5-312-10 *et seq.*

Accordingly, IT IS ORDERED THAT:

(1) This matter shall proceed as an application for licenses to conduct business as a competitive service provider of electricity and natural gas supply services under Case No. PUR-2020-00027, and Docket No. PUR-2020-00026 hereby is closed.

(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 March 20, 2020, Sunwave shall serve a copy of this Order upon the utilities listed on Attachment A to this Order.

(5) On or before March 27, 2020, 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 Laura Jurasek, Regulatory Compliance, Sunwave USA Holdings, Inc., 100 Cambridge Street, 14th Floor, Boston, Massachusetts 02114. 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 March 30, 2020, 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-2020-00027.

(8) The Staff shall analyze Sunwave's Application and shall present its findings in a Staff Report to be filed on or before April 6, 2020.

(9) On or before April 13, 2020, 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.

200320191

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:
Brian R. Greene, Esquire, GreeneHurlocker, PLC, 1807 Libbie Avenue, Suite 102, Richmond,
Virginia 23226; Laura Jurasek, Regulatory Compliance, Sunwave USA Holdings, Inc., 100
Cambridge Street, 14th Floor, Boston, Massachusetts 02114; 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 Utility Accounting and Finance
and Public Utility Regulation.

Appalachian Power Company
d/b/a American Electric Power Company
Mr. William A. Castle
Director, Regulatory Services, VA/TN
1051 East Cary Street, Suite 1100
Richmond, Virginia 23219

Virginia Electric & Power Company
d/b/a Dominion Energy Services, Inc.
Paul E. Pfeffer, Esquire
Riverside 2, Legal
120 Tredegar Street
Richmond, Virginia 23219

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
Lovingsston, 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
Allyson K. Sturgeon
Sr. Counsel, Reg & Trans
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
Manassas, Virginia 20108-0875

Powell Valley Electric Cooperative
Mr. Roger Ball
President
P.O. Box 1528
New Tazewell, Tennessee 37824

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
Fredericksburg, Virginia 22404-7388

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

**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**

200320191

**Columbia Gas of Virginia, Inc.
Brentley K. Archer, President
1809 Coyote Drive
Chester, Virginia 23836-2400**

**Roanoke Gas Company
Paul W. Nester, President
P.O. Box 13007
Roanoke, Virginia 24011**

**Southwestern Virginia Gas Company
James E. McClain, II, President and CEO
208 Lester Street
Martinsville, Virginia 24112**

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

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

**Virginia Natural Gas, Inc.
James R. Kibler, President
544 S. Independence Blvd.
Virginia Beach, Virginia 23452**

**Washington Gas Light Company
Adrian P. Chapman, President and CEO
1000 Maine Avenue, SW, Suite 700
Washington, D.C. 20024**