

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 10, 2020

APPLICATION OF

VIRGINIA NATURAL GAS, INC.

For approval of its 2020 annual
update to Rate Schedule PT-1

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CASE NO. PUR-2020-00036

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ORDER FOR NOTICE AND COMMENT

On February 28, 2020, pursuant to Ordering Paragraph (6) of the Final Order issued by the State Corporation Commission ("Commission") in Case No. PUR-2019-00039 on May 29, 2019,¹ and in accordance with Rule 80 of the Commission's Rules of Practice and Procedure,² 5 VAC 5-20-80, Virginia Natural Gas, Inc. ("VNG" or "Company"), filed its application ("Application") for approval of its annual adjustment to Rate Schedule PT-1 and requested that the adjusted PT-1 rate be approved effective June 1, 2020.

VNG states that Section III.A of the Company's Tariff permits the Company to adjust the PT-1 rate annually to reflect any changes in the cost of service components going forward and to refund or recover any difference between actual and recovered operations and maintenance ("O&M") expenses.³ According to the Company, for each year the PT-1 rate is in effect, the Company will update the plant in service, accumulated depreciation, and projected O&M expenses, as well as property tax expense and federal and state tax rates.⁴ The Company will also update changes to its depreciation rates and rate of return to reflect the results in each base

¹Application of Virginia Natural Gas For approval of its 2019 annual update to Rate Schedule PT-1, Case No. PUR-2019-00039, Doc. Con. Cen. No. 190560091, Final Order (May 29, 2019).

² 5 VAC 5-20-10 *et seq.* ("Rules of Practice").

³ Application at 7.

⁴ *Id.*

rate case while the PT-1 rate is in effect.⁵ At the end of each 12-month period the PT-1 rate is in effect, VNG will reconcile the difference between the actual O&M expenses and the amounts recovered through the PT-1 rate.⁶ The Company will also include an adjustment to the subsequent year's PT-1 rate to recover or refund the difference in these O&M costs.⁷

In its Application, the Company proposes a revised PT-1 rate of \$0.81640 per dekatherm ("Dth").⁸ According to the Company, the primary drivers for the decrease in the PT-1 rate from \$0.92695 per Dth to \$0.81640 per Dth is the true-up of the over-recovered O&M costs for the period January 1, 2019, through December 31, 2019.⁹ The Company also included an estimated level of total monthly fixed O&M costs of \$94,323, compared to an actual level of \$58,398, resulting in an over-recovery of \$35,924 per month.¹⁰ The Company further states that the monthly projected fixed O&M decreased from \$93,151 in 2019 to \$72,119 in 2020.

NOW THE COMMISSION, upon consideration of VNG's Application, is of the opinion and finds that the Application should be docketed; the proposed update to Rate Schedule PT-1 should be suspended pursuant to § 56-238 of the Code of Virginia ("Code") to and through June 1, 2020, or until further order of the Commission, whichever is earlier; the Company should serve a copy of its Application and this Order on Doswell Limited Partnership, the City of Richmond, Columbia Gas of Virginia, Inc., and Virginia Electric and Power Company (collectively, "Customers"); any interested person or entity affected by the Company's

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 8.

⁹ *Id.*

¹⁰ *Id.*

Application should have an opportunity to file comments or request a hearing on the Company's Application; the Commission Staff ("Staff") should be afforded an opportunity to investigate the Application and file with the Commission a report ("Report") or testimony, as appropriate, setting forth the Staff's findings and recommendations on VNG's Application; and the Company should be given the opportunity to file a response or testimony, as appropriate, in rebuttal to the Staff Report or testimony or any comments or requests for hearing that may be filed herein.

Accordingly, IT IS ORDERED THAT:

(1) The matter is docketed as Case No. PUR-2020-00036.

(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, a Hearing Examiner is appointed to rule on any discovery matters that arise during the course of this proceeding.

(3) The proposed update to the Company's Rate Schedule PT-1 is hereby suspended pursuant to § 56-238 of the Code to and through June 1, 2020, or until further order of the Commission, whichever is earlier.

(4) On or before April 7, 2020, VNG shall serve a copy of its Application and this Order upon its Customers.

(5) On or before April 20, 2020, VNG shall file proof of the service required by Ordering Paragraph (4) with the Clerk of the Commission.

(6) On or before April 23, 2020, any interested person or entity may file written comments on VNG's Application with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Any interested person desiring to file comments electronically may do so on or before April 23, 2020, by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. All comments shall refer to Case No. PUR-2020-00036.

(7) On or before April 23, 2020, any interested person may participate as a respondent in this proceeding by filing a notice of participation in accordance with the Commission's Rules of Practice. 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 (6). Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the 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-2020-00036.

(8) On or before April 23, 2020, any interested person or entity may request that the Commission convene a hearing on the Company's Application by filing an original and fifteen (15) copies of a request for hearing with the Clerk of the Commission at the address set forth in Ordering Paragraph (6), or by filing a request for hearing electronically by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. Requests for hearing must 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. All such filings shall refer to Case No. PUR-2020-00036.

(9) A copy of any requests for hearing and notices of participation simultaneously shall be sent to counsel for the Company, Elaine S. Ryan, Esquire, McGuireWoods, LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219-3916.

(10) On or before May 7, 2020, the Staff may investigate and file a report or pre-filed testimony, as appropriate, on VNG's Application with the Clerk of the Commission and shall send a copy of the same promptly to counsel for VNG and each respondent.

(11) On or before May 14, 2020, VNG may file with the Clerk of the Commission at the address set forth in Ordering Paragraph (6) an original and fifteen (15) copies of any response or testimony the Company expects to introduce in rebuttal to any Staff Report or pre-filed testimony or any such response or rebuttal to any comments or requests for hearing by interested persons. VNG shall serve a copy of any such response or rebuttal testimony upon the Staff and each respondent on or before May 14, 2020.

(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 Company shall respond to written interrogatories or requests for the production of documents within five (5) business days after the receipt of the same. In addition to the service requirements of 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, of the Rules of Practice, 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.¹¹ Except as so modified, discovery shall be in accordance with Part IV of the Commission's Rules of Practice.

(14) This matter is continued.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

Elaine S. Ryan, Esquire, McGuireWoods, LLP, Gateway Plaza, 800 East Canal Street,

¹¹ The assigned Staff attorney is identified on the Commission's website, <http://www.scc.virginia.gov/case>, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2020-00036, in the appropriate box.

Richmond, Virginia 23219-3916; 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; and the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Utility Accounting and Finance.

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