

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 6, 2012

CLERK'S OFFICE

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

DOCUMENT CONTROL
CASE NO. PUE-2011-00100

In re: Appalachian Power Company's
Integrated Resource Plan filing pursuant
to Va. Code § 56-597 *et seq.*

ORDER SCHEDULING HEARING

On September 1, 2011, Appalachian Power Company ("APCo" or "Company") filed its Integrated Resource Plan ("IRP") with the State Corporation Commission ("Commission") as required by § 56-599 C of the Code of Virginia ("Code"). Pursuant to § 56-599 E of the Code, the Commission must, after giving notice and an opportunity to be heard, determine whether APCo's IRP is reasonable and is in the public interest.

On September 26, 2011, the Commission issued an Order for Notice and Comment in this proceeding which, among other things, directed APCo to provide public notice of its IRP and afforded interested persons an opportunity to file comments or request a hearing on APCo's IRP.

Comments concerning APCo's IRP were received from the Office of the Attorney General's Division of Consumer Counsel on November 22, 2011. Comments and a request for hearing were filed on November 22, 2011, by the Chesapeake Climate Action Network, Appalachian Voices, and the Virginia Chapter of the Sierra Club (collectively, "Environmental Respondents").¹

In their comments and request for hearing, the Environmental Respondents asserted that the Company's IRP filing has failed to address in a significant way issues related to demand side

¹ Approximately 100 public comments related to the Company's IRP were also received.

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management and environmental control standards and that, therefore, close scrutiny of APCo's IRP is essential. They also asserted that the IRP submitted by APCo is not reasonable and in the public interest as required by statute. Accordingly, the Environmental Respondents request that the Commission withhold approval of the IRP at this time and convene an evidentiary hearing to more carefully review the Company's filing.

On December 6, 2011, APCo filed a response addressing the comments filed in this proceeding. Further, APCo asked the Commission to deny the request for a hearing made by the Environmental Respondents, asserting that a hearing is not necessary and that the Commission has before it sufficient information to determine that the Company's IRP is reasonable and is in the public interest.

NOW THE COMMISSION, upon consideration of the comments and request for hearing received herein, and of the applicable law, is of the opinion that a hearing should be held on the IRP filed by APCo in this proceeding and that a procedural schedule should be adopted to provide for the prefiling of testimony and exhibits by APCo, respondents, and the Staff of the Commission ("Staff").

Accordingly, IT IS ORDERED THAT:

(1) A public hearing shall be convened on April 24, 2012, at 10 a.m., in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive the testimony of any public witnesses, the Company, any respondents, and the Staff related to APCo's IRP. Any person desiring to testify as a public witness at the public hearing concerning APCo's IRP need only appear in the Commission's Courtroom by 9:45 a.m. on the day of the hearing and identify himself or herself to the Commission's Bailiff.

(2) APCo shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony and exhibits in support of its IRP on or before February 1, 2012, and shall serve copies thereof on counsel for all the respondents and the Staff. In lieu of prefiled testimony and exhibits, the Company may file with the Clerk of the Commission by such date a document in which it identifies witnesses who will appear and offer testimony in support of the Company's IRP at the hearing and, in addition, specifies those portions of the IRP that such witnesses will adopt and support as their testimony at the hearing.

(3) Any interested person may participate as a respondent in this proceeding by filing, on or before February 24, 2012, a notice of participation. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be submitted to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, and the respondent shall simultaneously serve a copy of the notice of participation on APCo's counsel, Anthony Gambardella, Esquire, Woods Rogers PLC, Riverfront Plaza, West Tower, 901 East Byrd Street, Suite 1550, Richmond, Virginia 23219. Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice and Procedure, 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. Interested persons shall refer in all of their filed papers to Case No. PUE-2011-00100.

(4) On or before February 24, 2012, each respondent may file with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, an original and fifteen (15) copies of any testimony and exhibits that it expects to offer at the hearing and shall serve copies thereof on counsel for the Company, all

other respondents, and the Staff. In lieu of prefiled testimony and exhibits, a respondent may file with the Clerk of the Commission by such date a document in which it adopts comments previously filed in this docket as its prefiled testimony. To do so, a respondent shall identify witnesses who will appear and offer testimony in support of the respondent at the hearing and, in addition, specify those portions of the respondent's comments that such witnesses will adopt and support as their testimony at the hearing.

(5) The Staff shall investigate APCo's IRP. On or before March 9, 2012, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of the Staff's testimony and exhibits concerning the IRP filed herein and shall serve copies thereof on counsel for the Company and all respondents.

(6) On or before April 6, 2012, APCo shall file with the Clerk of the Commission an original and fifteen (15) copies of any rebuttal testimony and exhibits that the Company expects to offer in rebuttal to the testimony and exhibits of the respondents and the Staff and shall serve copies thereof on counsel for all respondents and the Staff.

(7) Any interested person wishing to comment on APCo's IRP may do so on or before April 17, 2012, by filing comments with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Comments also may be submitted electronically on or before April 17, 2012, by following the instructions on the Commission's website: <http://www.scc.virginia.gov/case>. All comments shall refer to Case No. PUE-2011-00100.

(8) The Company and each respondent shall respond to interrogatories, requests for production of documents, and other data requests within seven (7) business days after receipt of

the same. Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice and Procedure.

(9) A Hearing Examiner, having been assigned previously to this proceeding pursuant to the Commission's September 26, 2011 Order for Notice and Comment, shall be retained to rule on any discovery matter that may arise in this proceeding.

(10) This case is continued for further orders of the Commission.

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

Anthony Gambardella, Esquire, Woods Rogers PLC, Riverfront Plaza, West Tower, 901 East Byrd Street, Suite 1550, Richmond, Virginia 23219; Louis R. Monacell, Esquire, and Cliona M. Robb, Esquire, Christian & Barton, L.L.P., 909 East Main Street, Suite 1200, Richmond, Virginia 23219; and C. Meade Browder, Jr., Esquire, Senior Assistant Attorney General, and Kiva Bland Pierce, Esquire, Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219; and a copy shall be delivered to the Commission's Office of General Counsel and Divisions of Energy Regulation and Utility Accounting and Finance.