COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, FEBRUARY 25, 2019

PETITION OF

WAL-MART STORES EAST, LP
and
SAM'S EAST, INC.

For permission to aggregate or combine demands of two or more individual nonresidential retail customers of electric energy pursuant to § 56-577 A 4 of the Code of Virginia

CASE NO. PUR-2017-00174

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WAL-MART STORES EAST, LP
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CASE NO. PUR-2017-00173

FINAL ORDER

On December 18, 2017, Wal-Mart Stores East, LP and Sam's East, Inc. (collectively, "Walmart"), filed with the State Corporation Commission ("Commission") a Petition in each of the above-referenced dockets (collectively, "Petitions") seeking permission to aggregate or combine the demands of certain nonresidential customers of electric energy pursuant to Code § 56-577(A)(4).

In Case No. PUR-2017-00173, Walmart requests authority to aggregate the demands of 120 nonresidential retail customers located in the territory where Virginia Electric and Power Company ("Dominion") is certificated to provide retail electric service.

In Case No. PUR-2017-00174, Walmart requests authority to aggregate the demands of 44 nonresidential retail customers located in the territory where Appalachian Power Company ("Appalachian") is certificated to provide retail electric service.

The Commission issued an Order for Notice and Comment in each proceeding (collectively, "Notice Orders"). The Notice Orders, among other things, docketed the Petitions; ordered Walmart to serve the Notice Orders on appropriate persons; directed the Commission's Staff ("Staff") to investigate each Petition and prepare a report in each docket ("Staff Report"); and provided an opportunity for interested persons to comment or request a hearing on the Petitions.

Notices of participation were filed by Direct Energy Services, LLC ("Direct Energy"), MP2 Energy NE LLC ("MP2"), Calpine Energy Solutions LLC ("Calpine"), Appalachian, and Dominion.

In Case No. PUR-2017-00173, Calpine, Direct Energy, MP2, and Dominion filed comments on March 1, 2018, and Staff filed a Staff Report on March 29, 2018. Responses to the Staff Report were filed by Walmart, Dominion, Calpine, MP2, and Direct Energy on April 13, 2018.

In Case No. PUR-2017-00174, Calpine, Direct Energy, MP2, and Appalachian filed comments on March 15, 2018, and Staff filed a Staff Report on April 13, 2018. Responses to the Staff Report were filed by Walmart, Appalachian, Calpine, MP2, and Direct Energy on April 30, 2018.[1]

[1] Comments were also filed by Virginia's Electric Cooperatives in Case No. PUR-2017-00174 on April 30, 2018, and were accepted by Commission Order dated June 15, 2018.

On June 15, 2018, the Commission issued an Order in both dockets scheduling oral argument to address certain legal issues.

On July 10, 2018, the Commission received oral argument as scheduled.

On July 12, 2018, the Commission issued an Order Scheduling Additional Proceedings ("July 12, 2018 Order") in both dockets. In its July 12, 2018 Order, the Commission provided an opportunity for Walmart and the other participants in this case to file testimony; scheduled a public hearing; appointed a Hearing Examiner to conduct the additional proceedings set forth in the July 12, 2018 Order; and directed the Hearing Examiner to file a report that addresses the facts presented in these additional proceedings and provides recommendations on any contested issues of fact ("Report").

Walmart, Appalachian, Dominion, and Staff filed testimony in these matters. Public evidentiary hearings were convened on September 5, 2018, and on October 30, 2018. Counsel for Walmart, Appalachian, Dominion, Direct Energy, Calpine, MP2, and Staff appeared at both hearings.[2]

On January 11, 2019, the Chief Hearing Examiner issued his Report.

On February 1, 2019, Walmart, Appalachian, Dominion, Direct Energy, Calpine, MP2, and Staff filed comments on the Report.

NOW THE COMMISSION, upon consideration of these matters, is of the opinion and finds that the Petitions are denied.

As noted above, this Final Order addresses the two Petitions filed by Walmart under Code § 56-577(A)(4) to aggregate the demand of its retail facilities located in Appalachian's and Dominion's certificated service territories and, thereby, to receive Commission approval to

[2] No public witnesses testified at either hearing. *See* Tr. 121-24 (Sep. 5, 2018); Tr. 136 (Oct. 30, 2018).

switch its supplier of electric power from Appalachian or Dominion to a third-party competitive service provider ("CSP"). The Commission's analysis necessarily begins with the statutory language granting it the authority to act in this matter. Code § 56-577(A)(4) states in full (emphases added):

> 4. After the expiration or termination of capped rates, two or more individual nonresidential retail customers of electric energy within the Commonwealth, whose individual demand during the most recent calendar year did not exceed five megawatts, may petition the Commission for permission to aggregate or combine their demands, for the purpose of meeting the demand limitations of subdivision 3, so as to become qualified to purchase electric energy from any supplier of electric energy licensed to sell retail electric energy within the Commonwealth under the conditions specified in subdivision 3. The Commission *may*, after notice and opportunity for hearing, approve such petition if it finds that:
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> a. Neither such customers' *incumbent electric utility nor retail customers of such utility that do not choose to obtain electric energy from alternate suppliers will be adversely affected in a manner contrary to the public interest by granting such petition.* In making such determination, the Commission shall take into consideration, without limitation, the impact and effect of any and all other previously approved petitions of like type with respect to such incumbent electric utility; and
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> b. *Approval of such petition is consistent with the public interest.*
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> If such petition is approved, all customers whose load has been aggregated or combined shall thereafter be subject in all respects to the provisions of subdivision 3 and shall be treated as a single, individual customer for the purposes of said subdivision. In addition, the Commission shall impose reasonable periodic monitoring and reporting obligations on such customers to demonstrate that they continue, as a group, to meet the demand limitations of subdivision 3. If the Commission finds, after notice and opportunity for hearing, that such group of customers no longer meets the above demand limitations, the Commission may revoke its previous approval of the petition, or take such other actions as may be consistent with the public interest.

In contrast to the above statutory provisions, a related statutory provision, Code § 56-577(A)(3), unambiguously mandates retail choice for large customers having a

demand greater than five megawatts. Such customers have the statutory right – without any notice to, or prior approval from, the Commission – to leave their incumbent utility and buy from a CSP. Thus, it is the public policy of the Commonwealth to allow these large customers to purchase their retail electric supply from the market if they so choose. Code § 56-577(A)(4) does not reflect this same public policy. The General Assembly has decided that for purposes of retail choice under Code § 56-577(A)(4), the public policy of the Commonwealth is for the Commission to make this decision in accordance with the criteria set forth therein.

In that regard, Code § 56-577(A)(4) – which we will call the "aggregated retail choice" provision – states that the Commission "may" permit aggregated retail choice if it makes two independent findings: (a) "[n]either such customers' incumbent electric utility nor retail customers of such utility that do not choose to obtain electric energy from alternate suppliers will be adversely affected in a manner contrary to the public interest by granting such petition"; and (b) "[a]pproval of such petition is consistent with the public interest." The General Assembly, however, did not define the factors for determining what is, or is not, "contrary to" or "consistent with" the public interest. Accordingly, the General Assembly has delegated to the Commission the broad discretion to determine the public interest for purposes of aggregated retail choice under Code § 56-577(A)(4).[3]

In making this determination, a consideration of Virginia's history attendant to retail choice is appropriate. In 1999, the General Assembly passed and the Governor signed legislation to begin a process to restructure Virginia's electric utility regulatory system from its historical

[3] *See, e.g.*, *City of Alexandria v. State Corp. Comm'n*, 296 Va. 79, 100 (2018) ("When a statute delegates such authority to the Commission, we presume that any limitation on the Commission's discretionary authority by the General Assembly will be clearly expressed in the language of the statute.") (internal quotation marks and citation omitted).

model of a state-regulated, vertically-integrated monopoly provider to a system in which the "wires" function (*i.e.*, transmission and distribution) would remain a monopoly but the power supply function would become "deregulated." Under that legislation, every retail customer of the utility, from the largest industrial to the smallest residential, could shop for a different supplier of electrical power.[4]

We will not recount the history of that experiment in retail choice, but in 2007 the General Assembly and the Governor made the policy decision to terminate the experiment and return to the model of a vertically-integrated monopoly provider of both the wires function as well as electricity supply.[5] This legislation, however, permitted the continuation of retail choice in three narrow and specifically identified cases. Two of those are mandatory (*i.e.*, the Commission has no discretion to approve or reject): (i) retail choice for large customers with a demand exceeding five megawatts;[6] and (ii) retail choice for 100% renewable energy if the same is not offered by the customer's utility.[7] The third is subject to the Commission's discretion and is at issue in the instant cases: retail choice for nonresidential customers that aggregate their demand to exceed five megawatts.[8] These provisions of law embody the policy decision the General Assembly and Governor made in 2007, and as we have previously recognized in

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[4] *See, e.g., Appalachian Power Co. v. State Corp. Comm'n,* 284 Va. 695, 699 (2012) ("In 1999, the General Assembly enacted the Virginia Electric Utility Restructuring Act, former Code §§ 56-576 *et seq.*, which was designed to deregulate parts of the electric utility industry and introduce competition among the providers of electric generation.") (citing 1999 Acts ch. 411; *Potomac Edison Co. v. State Corp. Comm'n,* 276 Va. 577, 580 (2008)).

[5] 2007 Va. Acts chs. 888, 933 ("Regulation Act"). *See, e.g., Old Dominion Comm. for Fair Util. Rates v. State Corp. Comm'n,* 294 Va. 168, 172 (2017) ("In 2007, the General Assembly ended the deregulation program effective December 2008, and ... established a new regulatory regime.") (citations omitted).

[6] Code § 56-577(A)(3).

[7] Code § 56-577(A)(5).

[8] Code § 56-577(A)(4).

implementing other statutory provisions, the Commission's job is not to create public policy but to carry out the statutes as they are written.[9] The General Assembly, of course, may amend this statute any time it chooses.

Applying the Commission's discretion granted under Code § 56-577(A)(4), we find that approval of either of Walmart's Petitions is *not* consistent with the public interest. Initially in this regard, we disagree with Walmart's claim that "[b]ecause Walmart seeks to do precisely what [Code § 56-577(A)(4)] authorizes it to do," its Petitions must be consistent with the public interest.[10] We likewise disagree with Walmart's additional assertion that if the Commission denies the Petitions, we "would render [Code § 56-577(A)(4)] meaningless."[11] These assertions by Walmart inject public policy determinations into the statute that the General Assembly simply did not include. Under the plain language of Code § 56-577(A)(4), the General Assembly created the possibility of aggregated retail choice, recognized that it may "adversely affect[]" the utility or non-shopping customers, and – unambiguously – granted the Commission the broad discretion to determine "public interest" for purposes of this statute. As directed, the Commission has fulfilled such obligation herein.

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[9] *See, e.g., Application of Virginia Electric and Power Co., For revision of rate adjustment clause: Rider U, new underground distribution facilities, for the rate year commencing February 1, 2019*, Case No. PUR-2018-00042, Doc. Con. Cen. No. 181220181, Final Order (Dec. 19, 2018); *Petition of the Old Dominion Comm. for Fair Util. Rates v. Appalachian Power Co., For a declaratory judgment and an order requiring biennial review filings*, Case No. PUE-2016-00010, 2016 S.C.C. Ann. Rept. 357, Final Order (July 1, 2016). *See also Old Dominion Comm. for Fair Util. Rates*, 294 Va. at 181 ("the legislature, not the judiciary, is the sole author of public policy") (internal quotation marks and citations omitted).

[10] Walmart's Comments on Report at 7 ("Because Walmart seeks to do precisely what [Code § 56-577(A)(4)] authorizes it to do, and because it is one of the first to seek the right to aggregate, its Petitions are consistent with the public interest that is inherent in [Code § 56-577(A)(4)]."). All citations to the record herein refer to both Case Nos. PUR-2017-00173 and PUR-2017-00174 unless otherwise noted.

[11] *Id.* at 8-9 ("Under these circumstances, were the Commission to deny the first Petition filed in [Appalachian's] territory and only the second Petition filed in Dominion's territory, it would render [Code § 56-577(A)(4)] meaningless.").

In analyzing whether remaining customers "will be adversely affected in a manner contrary to the public interest," the Commission will first consider whether such customers would be held harmless if the aggregated retail choice request is granted. The record establishes that remaining customers would *not* be held harmless if either of the Petitions is granted. For example, approval of aggregated retail choice for Walmart in Appalachian's service territory could shift approximately $4 million of costs to remaining customers over the next ten years.[12] For Dominion, aggregated retail choice for Walmart could shift up to $65 million of costs to remaining customers over that period.[13] As to bill impacts, granting the Petitions is estimated to increase residential customers' monthly bills by $0.05 and $0.13 for Appalachian and Dominion, respectively.[14]

Staff testified how the loss of Walmart's load would, for remaining customers, cause a net increase in rate adjustment clause ("RAC") rates and cause base rates to be higher than otherwise necessary.[15] Staff also explained how the loss of Walmart's load could result in lower earned returns for the utility, which would also be detrimental to non-shopping customers by decreasing the funds available for customer refunds or credits.[16] We also find that the potential for load growth does not alter our public interest determinations herein; the reallocation of costs among

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[12] *See, e.g.*, Walmart's Comments on Report at 3; Ex. 10 (Vaughan) at 10.

[13] *See, e.g.*, Ex. 27 (Pratt) at 7.

[14] *See, e.g.*, Report at 1, 30-31. These bill impacts are based on a residential customer using 1,000 kilowatt-hours ("kWh") per month. *Id.*

[15] *See, e.g.*, Ex. 23 (Carr) at 2-5.

[16] *Id.* at 3-5. Both Appalachian and Dominion explained how their utility would be adversely affected by granting the Petitions. *See, e.g.*, Appalachian's Comments on Report (Case No. PUR-2017-00174) at 3; Dominion's Comments on Report (Case No. PUR-2017-00173) at 19-21. As a result of the other findings herein, we need not decide whether such effects are contrary to the public interest.

remaining customers occurs independent of whether load growth exists.[17] Moreover, as testified to herein, "[e]nvironmental compliance costs arising on pre-existing power plants, the possibility of plant write-downs, or write-offs due to changing regulations, legislative mandates for renewable development and continuing regulation of carbon at the federal and state level, among other items, have [the] ability to drive the need for cost recovery without regard to whether or not load growth exists."[18]

Next, having found that remaining customers would be adversely affected in this manner, the Commission must decide if such is contrary to the public interest. For this purpose, we have also considered and weighed the arguments and evidence presented in these proceedings in support of Walmart's requests. The Commission does not question the veracity of Walmart's assertions and respects the economic and business goals reflected in Walmart's requests herein. The Commission finds, however, that the harm to customers who do not (or cannot) switch to a CSP is contrary to the public interest.[19] Accordingly, in exercising the Commission's statutory discretion for purposes of aggregated retail choice, we find that granting either of the Petitions (a) will adversely affect, in a manner contrary to the public interest, customers not purchasing from alternate suppliers, and (b) is not consistent with the public interest.

In addition, the statute governing aggregated retail choice has existed since 2007. Walmart "believes that aggregation will enable it to procure energy at potentially lower costs"[20]

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[17] *See, e.g.*, Dominion's Comments on Report (Case No. PUR-2017-00173) at 24. Appalachian's load is forecasted to decline; Dominion estimates its load growth at 1.4% annually. *See, e.g.*, Hearing Examiner's Report at 28.

[18] Ex. 13 (Morgan) at 13.

[19] As noted above, the vast majority of customers of both utilities have no ability to shop for solely lower prices, because the Code only provides large customers with demands exceeding five megawatts with such right. Code § 56-577(A)(3).

[20] Ex. 1 (Petition in Case No. PUR-2017-00173) at 5; Ex. 2 (Petition in Case No. PUR-2017-00174) at 5.

and asserts that it "has provided ample evidence to establish that granting its Petitions creates the potential for cost savings."[21] In this regard, the Commission has indeed considered that since the passage of Code § 56-577(A)(4) over ten years ago, captive retail customers – including Walmart – have experienced a continued upward pressure on rates. As permitted by statute, Appalachian and Dominion have sought and received a series of rate increases over this period attributable to base rates, fuel rates, and new statutorily-created RACs.[22] For example, the Commission reported that since the enactment of Code § 56-577(A)(4) in 2007, residential customers of Appalachian and Dominion had seen *monthly* bill increases of approximately $48 (a 73% increase) and $26 (a 29% increase), respectively.[23]

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[21] Walmart's Comments on Report at 10. Walmart would also use aggregated retail choice to pursue renewable energy options, but only if those options "are cost effective." *Id.* at 12. The Commission emphasizes that its decision herein in no manner precludes Walmart from pursuing renewable energy alternatives permitted by other statutes and approved tariffs. Moreover, our decision herein does not limit the development of distributed energy resources, such as rooftop solar, as permitted by Virginia law.

[22] Citations to (and discussion of) orders approving such requests as required by law and their cumulative impacts on customers are included in the Commission's official 2017 Report to the Governor and General Assembly on incumbent electric utilities, which was mandated to be prepared every five years as part of the Regulation Act. *See Commonwealth of Virginia, State Corporation Commission, Report to the Governor and Members of the Virginia General Assembly Assessing the Rates and Terms and Conditions of Incumbent Electric Utilities in the Commonwealth Pursuant to the Seventh Enactment Clause of Chapter 933 (SB 1416) of the 2007 Acts of Assembly* (Nov. 1, 2017) ("2017 Commission Report") (www.scc.virginia.gov/comm/reports/utilreports.aspx). In addition, as required by Code § 56-596 B, the Commission prepares separate annual reports for the Governor and General Assembly on the implementation of the Regulation Act, which are also published at the above website. *See, e.g., Commonwealth of Virginia, State Corporation Commission, Reports to the Governor of the Commonwealth of Virginia, the Chairman of the Senate Committee on Commerce and Labor, the Chairman of the House Committee on Commerce and Labor, and the Commission on Electric Utility Regulation of the Virginia General Assembly, Combined Reports Including Status Report: Implementation of the Virginia Electric Utility Regulation Act Pursuant to § 56-596 B of the Code of Virginia* (Aug. 29, 2018) (www.scc.virginia.gov/comm/reports/utilreports.aspx); *Commonwealth of Virginia, State Corporation Commission, Reports to the Governor of the Commonwealth of Virginia, the Chairman of the Senate Committee on Commerce and Labor, the Chairman of the House Committee on Commerce and Labor, and the Commission on Electric Utility Regulation of the Virginia General Assembly, Combined Reports Including Status Report: Implementation of the Virginia Electric Utility Regulation Act Pursuant to § 56-596 B of the Code of Virginia* (Sept. 1, 2017) (www.scc.virginia.gov/comm/reports/utilreports.aspx).

[23] 2017 Commission Report at Appendix 1. These bill impacts are based on a residential customer using 1,000 kWh per month. *Id.*

Further, additional bill increases are expected as utilities incur new costs under the mandates of Senate Bill 966 ("SB 966") regarding, among other things, renewable generation, grid transformation, underground distribution, and energy efficiency spending.[24] Since its enactment less than a year ago, SB 966 is already leading to the first round of new utility expenditures that will be recovered from captive retail customers.[25] Senate Bill 966 is also expected to increase the upward pressure on Dominion's rates for residential and small business customers as a result of the cost shifting mandated therein. Specifically, SB 966 mandates a 2% rate discount for Dominion's large manufacturing and commercial customers who enter into a minimum three-year contract,[26] which could reduce Dominion's annual revenues by up to $10 million; however, recovery of such costs will be shifted to other customers who are not eligible for the 2% rate cut, including all residential and many small business customers.[27]

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[24] 2018 Va. Acts ch. 296. SB 966 was signed into law by the Governor on March 9, 2018.

[25] *See, e.g., Petition of Virginia Electric and Power Company, For a prudency determination with respect to the Coastal Virginia Offshore Wind Project pursuant to Virginia Code § 56-585.1:4 F*, Case No. PUR-2018-00121, Doc. Con. Cen No. 181110153, Final Order (Nov. 2, 2018) (renewable generation); *Petition of Virginia Electric and Power Company, For a prudency determination with respect to the Water Strider Solar Power Purchase Agreement pursuant to § 56-585.1:4 F of the Code of Virginia*, Case No. PUR-2018-00135, Doc. Con. Cen. No. 181110152, Final Order (Nov. 2, 2018) (renewable generation); *Application of Virginia Electric and Power Company, For revision of rate adjustment clause: Rider U, new underground distribution facilities, for the rate year commencing February 1, 2019*, Case No. PUR-2018-00042, Doc. Con. Cen. No. 181220181, Final Order (Dec. 19, 2018) (underground distribution); *Petition of Virginia Electric and Power Company, For approval of a plan for electric distribution grid transformation projects pursuant to § 56-585.1 A 6 of the Code of Virginia*, Case No. PUR-2018-00100, Doc Con. Cen. No. 190130074, Final Order (Jan. 17, 2019) (grid transformation); *Petition of Appalachian Power Company, For approval of a plan for electric distribution grid transformation projects pursuant to § 56-585.1 A 6 of the Code of Virginia,* Case No. PUR-2018-00198, Doc. Con. Cen. No. 1811230199, Petition (Dec. 14, 2018) (grid transformation).

[26] Enactment Clause 11 of 2018 Va. Acts ch. 296 ("Enactment Clause 11").

[27] *Application of Virginia Electric and Power Company, For approval to establish voluntary rate, designated Rider CRC, pursuant to § 56-234 B of the Code of Virginia,* Case No. PUR-2018-00133, Doc. Con. Cen. No. 190210259, Final Order (Feb. 8, 2019). Unlike the provisions of Code § 56-577(A)(4), Enactment Clause 11 does not delegate to the Commission the discretion to evaluate the public interest attendant to such rate discounts and the concomitant cost shifting. *See id.* at 12.

Thus, in support of its requests for aggregated retail choice at this time, Walmart states that its "budgetary needs and costs are not aligned with the regulatory cadence of [Appalachian's and Dominion's] retail rates."[28] Walmart claims that denying its Petitions – and its ability to get lower rates by obtaining its power supply elsewhere – "is contrary to the legislative intent in favor of retail choice that is reflected in [Code § 56-577(A)(4)]."[29] Conversely, Appalachian and Dominion point to the General Assembly's intent, through the Regulation Act, to terminate the full retail choice model and retain retail choice in only specifically limited circumstances.[30] By so doing, the General Assembly and Governor have adopted a policy that maintains the vertically-integrated monopoly utility model for the vast majority of retail customers.

For purposes of implementing the instant statute, however, the legislative intent can be found in the actual words of Code § 56-577(A)(4).[31] Those words are not ambiguous, and the aggregated retail choice provisions therein are part of a "consistent and harmonious whole."[32] That is, as discussed above, unlike the other remaining retail choice options, the legislative intent of Code § 56-577(A)(4) is to delegate to the Commission the broad discretion to determine "public interest" for purposes of aggregated retail choice. If and when such requests are

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[28] Ex. 2 (Petition in Case No. PUR-2017-00174) at 5 n.11; Ex. 1 (Petition in Case No. PUR-2017-00173) at 5 n.13.

[29] Walmart's Comments on Report at 9.

[30] *See, e.g.* Appalachian's Comments on Report (Case No. PUR-2017-00174) at 9; Dominion's Comments on Report (Case No. PUR-2017-00173) at 8.

[31] *See, e.g., Palmer v. Atlantic Coast Pipeline, LLC*, 293 Va. 573, 577-78 (2017) ("In analyzing a statute, the Court's primary objective is to ascertain and give effect to legislative intent. ... That intention is initially found in the words of the statute itself, and if those words are clear and unambiguous, we do not rely on rules of statutory construction.") (internal quotation marks and citations omitted).

[32] *See, e.g., Chaffins v. Atlantic Coast Pipeline, LLC*, 293 Va. 564, 568 (2017) ("However, consideration of the entire statute ... to place its terms in context to ascertain their plain meaning does not offend this rule because it is our duty to interpret the several parts of a statute as a consistent and harmonious whole so as to effectuate the legislative goal.") (internal quotation marks and citations omitted).

received, the Commission must exercise that discretion based on the circumstances existing at such time. That is what we have done here.[33]

If Walmart believes that the current statutory structure for setting vertically-integrated electric utility rates results in unreasonable or unnecessarily high rates, or that the public policy of Virginia should be to institute retail choice on a far more extensive scale than required under current law, its potential for recourse may be found through the legislative process.

In conclusion, given the context of a decade of rising rates and the likelihood of even higher rates in the future, we do not find it consistent with the public interest for captive customers who do not have the legal ability to obtain lower rates – predominantly residential and small business – to suffer from the cost-shifting identified herein by enabling a large-demand customer to seek its power supply elsewhere through aggregation.

Accordingly, IT IS SO ORDERED, and these matters are dismissed.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the State Corporation Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219. A copy shall also be sent to the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Utility Accounting and Finance.

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[33] We further note that our findings herein do not conflict with the Commission's approval of limited aggregated retail choice in Case No. PUR-2017-00109. *Petition of Reynolds Group Holdings Inc., For permission to aggregate or combine demands of two or more individual nonresidential retail customers of electric energy pursuant to § 56-577 A 4 of the Code of Virginia*, Case No. PUR-2017-00109, Doc. Con. Cen. No. 180230162, Final Order (Feb. 21, 2018). In that case, the Commission emphasized "that the result of this initial review is strictly limited to the instant case and does not establish specific rules for, or the eventual scope of, [aggregated retail choice]." *Petition of Reynolds Group Holdings Inc., For permission to aggregate or combine demands of two or more individual nonresidential retail customers of electric energy pursuant to § 56-577 A 4 of the Code of Virginia*, Case No. PUR-2017-00109, Doc. Con. Cen. No. 180540055, Opinion at 5-6 (May 16, 2018).