

**Virginia State Corporation Commission
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Case Number (if already assigned) PUE-2015-00040

Case Name (if known) Appalachian Power Company - Application for approval of an experimental rider for the purchase of non-dispatchable renewable energy.

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September 16, 2016

BY ELECTRONIC FILING

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Hon. Joel H. Peck, Clerk
State Corporation Commission
Document Control Center
Tyler Building, First Floor
1300 E. Main Street
Richmond, VA 23219

**Re: Appalachian Power Company - Application for approval of an
experimental rider for the purchase of non-dispatchable renewable
energy**

Case No. PUE-2015-00040

Dear Mr. Peck:

Enclosed for filing in the above-referenced case please find Appalachian Power
Company's Motion to Withdraw.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Noelle J. Coates', is written over a printed name.

Noelle J. Coates

cc: Hon. Deborah V. Ellenberg
James R. Bacha, Esq.
Service List

**COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION**

**Application of
Appalachian Power Company
For approval to establish Experimental Rider R.G.P.
for the purchase of non-dispatchable renewable generation**

Case No. PUE-2015-00040

**MOTION TO WITHDRAW APPLICATION AND REQUEST TO HOLD COMMENT
PERIOD IN ABEYANCE**

On April 17, 2015, Appalachian Power Company (“Appalachian” or the “Company”) filed an application for the approval of the State Corporation Commission (“Commission”) of a voluntary experimental rider to enable its customers to choose to purchase renewable generation in a manner that would not be subsidized by the Company’s other customers (“Rider RGP”). In the seventeen months since the Company initiated this proceeding, circumstances have changed and the Company has decided that it will no longer pursue Commission approval of Rider RGP.

As in the past, the Commission should grant this Motion and allow the Company to withdraw the Petition because the Company no longer supports its request for Commission approval of Rider RGP.¹ Rider RGP, which was voluntary and was not mandated by any law or regulation, was designed to accommodate sales from third party owners and operators of renewable generation to Appalachian’s customers. In the year and a half since the Company initiated this proceeding, the Company has sharpened its focus on the provision of renewable energy directly to its customers, and, on April 28, 2016, Appalachian requested approval of a rider pursuant to which it will offer 100% renewable energy to its customers.²

¹ See, e.g., Order Granting Withdrawal, *Application of PATH Allegheny Virginia Transmission Corporation for Certificates of public convenience and necessity to construct facilities: 765 kV Transmission Line through Loudoun, Frederick, and Clarke Counties* at 4, Case No. PUE-2009-00043 (Jan. 27, 2010).

² *Petition of Appalachian Power Company for approval of a 100% renewable energy rider*, Case No. PUE-2016-00052.

In addition, during the pendency of the proceeding on Rider RGP, the Company has also taken further steps to diversify its generation portfolio. It issued a Request for Proposals in early 2016 for energy generated by wind and has started to pursue these economic opportunities, which are in line with the Company's Integrated Resource Plan.³ Accordingly, the Company is no longer seeking approval of Rider RGP.

Parties, such as Office of the Attorney General ("OAG") and the Maryland-DC-Virginia Solar Energy Industries Association ("MDV-SEIA"), have sought to convert the Rider RGP proceeding into a referendum on Virginia law. Granting the Company's Motion will not prevent these parties from addressing these issues in other more appropriate venues. For instance, both the OAG and MDV-SEIA are active participants in the Company's Rider REO proceeding, in which issues of Virginia law regarding renewables are more directly relevant. Such parties could also intervene in the proceeding considering the Petition for a Declaratory Judgment filed by Direct Energy Services, LLC, which directly relates to the ability of a third party to sell energy directly to retail customers in the Commonwealth.⁴ Both proceedings are vastly more appropriate venues to consider interpretations of Virginia law given their subject matters and, importantly, given the actual or likely participation of Dominion Virginia Power ("DVP") in each. DVP was not a party to the Rider RGP proceeding, but it has a significant interest in the interpretations of law advanced by certain parties. Addressing those interpretations in an appropriate forum, where sufficient notice has been given to all interested and potentially impacted parties that the interpretations will be debated, will ensure that due process has been met and that the Commission has a robust and accurate record upon which to base its decisions.

³ *In re Appalachian Power Company's Integrated Resource Plan pursuant to Virginia Code § 56-597 et seq.*, Case No. PUE-2016-00050.

⁴ *Petition of Direct Energy Services, LLC for a Declaratory Judgment*, Case No. PUE-2016-00094.

process has been met and that the Commission has a robust and accurate record upon which to base its decisions.

The Company also requests that the Chief Hearing Examiner hold the comment period on her August 31, 2016 Report in abeyance as she considers and rules on this Motion. This will allow Appalachian the opportunity to comment on the Report if the Motion is denied.

WHEREFORE Appalachian Power Company respectfully requests that the State Corporation Commission permit it to withdraw its Application for approval to establish an experimental rider for the purchase of non-dispatchable renewable generation and that the comment period on the Chief Hearing Examiner's Report is held in abeyance while this Motion is under consideration.

Respectfully submitted,

APPALACHIAN POWER COMPANY

By:

September 16, 2016

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CERTIFICATE OF SERVICE

I certify that on this 16th day of September 2016, a true copy of the Motion to Withdraw was delivered by hand, electronically mailed, or mailed, first-class, postage prepaid, to the following:

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A handwritten signature in black ink, appearing to read "R. Perrow", is written over a horizontal line.