

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, SEPTEMBER 19, 2016

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APPLICATION OF

APPALACHIAN POWER COMPANY

CASE NO. PUE-2015-00040

For approval to establish Experimental Rider  
R.G.P. for the purchase of non-dispatchable  
renewable generation

ORDER

On April 17, 2015, Appalachian Power Company ("APCo" or "Company") filed with the State Corporation Commission ("Commission") an Application for approval of an Experimental Rider R.G.P. ("Rider"), which would be part of the Company's Renewable Generation Purchase Program ("RGP Program"). The Application states that the voluntary RGP Program would allow certain non-residential customers in APCo's service territory to purchase non-dispatchable energy generated by certain renewable facilities through an option not currently available to the Company's customers.<sup>1</sup> Under the RGP Program, participating customers would continue to purchase from APCo all of their energy and capacity requirements pursuant to their standard rate schedules.<sup>2</sup> However, participating customers would also receive additional charges and credits associated with their participation in the RGP Program.

On May 6, 2015, the Commission issued an Order for Notice and Hearing that, among other things, docketed this proceeding; directed APCo to provide public notice of its Application; directed the Commission's Staff ("Staff") to investigate and file testimony on the Application; provided opportunities for interested persons to comment, intervene, and participate in this

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<sup>1</sup> Ex. 4 (Application) at 1-2.

<sup>2</sup> *Id.* at 2.

proceeding; scheduled an evidentiary hearing on the Application; and assigned a Hearing Examiner to conduct further proceedings on this matter on behalf of the Commission and to file a report.

Notices of participation were filed in this proceeding by the Office of the Attorney General, Division of Consumer Counsel; Appalachian Voices, the Chesapeake Climate Action Network, and the Virginia Chapter of the Sierra Club; Maryland DC Virginia Solar Energy Industries Association; the VML/VACo APCo Steering Committee; and the Council of Independent Colleges of Virginia ("CICV").<sup>3</sup>

A hearing on the Application was convened, and on August 31, 2016, the Chief Hearing Examiner filed her Report in this proceeding. The Report recommends that the Commission deny the Application based on the Chief Hearing Examiner's analysis of the proposed Rider.<sup>4</sup> The Report also addresses legal arguments made by parties in this proceeding regarding the extent to which customers can legally execute purchase power agreements with third-party renewable generators.<sup>5</sup> The Report establishes September 21, 2016, as the date by which the parties and Staff must file any comments on the Report.<sup>6</sup>

On September 16, 2016, APCo filed a Motion to Withdraw the Application and Request to Hold Comment Period in Abeyance ("Motion to Withdraw"). In its Motion to Withdraw, APCo states, among other things, that (1) the Company no longer supports its request for Commission approval of the Rider,<sup>7</sup> and (2) granting the Motion to Withdraw would not prevent

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<sup>3</sup> CICV subsequently participated through public witness testimony rather than as a respondent. Report at 2, n.6.

<sup>4</sup> *Id.* at 15-20, 25.

<sup>5</sup> *Id.* at 22-25.

<sup>6</sup> *Id.* at 26.

<sup>7</sup> Motion to Withdraw at 1-2.

parties from addressing the identified legal issues regarding renewable purchase power in what the Company asserts are venues more appropriate than the instant case.<sup>8</sup> APCo requests that the Commission permit the Company to withdraw its Application and that the comment period on the Chief Hearing Examiner's Report be held in abeyance while the Motion to Withdraw is under consideration.<sup>9</sup>

NOW THE COMMISSION, upon consideration of this matter, finds that the parties and Staff should have the opportunity to file responses to APCo's Motion to Withdraw and that the Company should have the opportunity to file a reply to any such responses. The Commission further finds that the time for filing comments on the Chief Hearing Examiner's Report should be suspended pending resolution of the Company's Motion to Withdraw.

Accordingly, IT IS ORDERED THAT:

(1) On or before September 26, 2016, the parties and Staff shall file any responses to APCo's Motion to Withdraw.

(2) On or before September 30, 2016, APCo shall file any reply to responses to the Company's Motion to Withdraw.

(3) The period for filing comments on the Chief Hearing Examiner's Report is suspended pending further order of the Commission.

(4) This case is hereby continued.

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<sup>8</sup> *Id.* at 2 (citing two pending Commission proceedings).

<sup>9</sup> *Id.* at 3.

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

Noelle J. Coates, Senior Counsel, American Electric Power Service Corporation, 1051 East Cary Street, Suite 1100, Richmond, Virginia 23219; Hector Garcia, Esquire, and James R. Bacha, Esquire, American Electric Power Service Corporation, 1 Riverside Plaza, Columbus, Ohio 43215; Eric J. Wallace, Esquire, Eric W. Hurlocker, Esquire, Brian R. Greene, Esquire, and William T. Reisinger, Esquire, Greene Hurlocker, PLC, 1807 Libbie Avenue, Suite 102, Richmond, Virginia 23226; Frank Rambo, Esquire, and William C. Cleveland, Esquire, Southern Environmental Law Center, 201 West Main Street, Suite 14, Charlottesville, Virginia; John L. Walker, III, Esquire, and Robert D. Perrow, Esquire, Williams Mullen PC, 200 South 10<sup>th</sup> Street, Suite 1600, Richmond, Virginia 23219; Robert B. Lambeth, Jr., President, Council of Independent Colleges in Virginia, P.O. Box 1005, Bedford, Virginia 24523; Carol C. Wampler, Project Manager, Council of Independent Colleges in Virginia, P.O. Box 3, Oilville, Virginia 23129; and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 North Ninth Street, Richmond, Virginia 23219; and a copy hereof shall be delivered to the Commission's Office of General Counsel and Divisions of Energy Regulation and Utility Accounting and Finance.