

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, JULY 26, 2022

220730155

COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2022-00045

Ex Parte: In the matter of incorporating language to establish a self-certification process for resources seeking to qualify as low-income projects pursuant to Code § 56-585.5 C, and considering additional GATS-related questions

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ORDER FOR ADDITIONAL COMMENT

During its 2020 Session, the Virginia General Assembly enacted Chapters 1193 (HB 1526) and 1194 (SB 851) of the 2020 Virginia Acts of Assembly. These duplicate Acts of Assembly, known as the Virginia Clean Economy Act ("VCEA"), became effective on July 1, 2020. The VCEA establishes a mandatory renewable energy portfolio standard program ("RPS Program") for investor-owned electric utilities in § 56-585.5 of the Code of Virginia ("Code"). To comply with the RPS Program, utilities must procure and retire renewable energy certificates originating from qualifying sources. Pursuant to Code § 56-585.5 C, Virginia Electric and Power Company ("Dominion") "shall meet one percent of the RPS Program requirements in any given compliance year with solar, wind, or anaerobic digestion resources of one megawatt or less located in the Commonwealth, ... and, to the extent that low-income qualifying projects are available, then no less than 25 percent of such one percent shall be composed of low-income qualifying projects."

On April 14, 2022, the Virginia State Corporation Commission ("Commission") issued an Order for Comment in this proceeding, in which the Commission provided interested persons and Commission Staff ("Staff") the opportunity to comment on language proposed to be added to

the PJM Interconnection, L.L.C.'s Generation Attribute Tracking System, or GATS, business rules to establish a self-certification process for resources seeking to qualify as low-income projects. Comments were filed by: Dominion; Carbon Solutions Group; Secure Futures, LLC; Direct Energy Business, LLC, and Direct Energy Services, LLC; Sol Systems, LLC; and Virginia Distributed Solar Alliance.

NOW THE COMMISSION, upon consideration of the foregoing, is of the opinion and finds that additional comments should be permitted to be filed in this matter.

Accordingly, IT IS ORDERED THAT:

(1) On or before September 22, 2022, Staff shall file with the Clerk of the Commission a report ("Staff Report") concerning the issues described in the April 14, 2022 Order for Comment and any response to the comments previously submitted in this matter.

(2) On or before October 20, 2022, Dominion shall file with the Clerk of the Commission any comments in response to (i) the Staff Report, or (ii) any other comments previously submitted in this matter.

(3) On or before October 20, 2022, any other interested person or entity may submit written comments in response to (i) the Staff Report, or (ii) any other comments previously filed in this matter. Public comments may be submitted electronically by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2022-00045.

(4) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to: Elaine S. Ryan, Esquire, Sarah R. Bennett, Esquire, and Nicole M. Allaband, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219, eryan@mcguirewoods.com, sbennett@mcguirewoods.com, and nallaband@mcguirewoods.com; David J. DePippo, Esquire, and Lisa R. Crabtree, Esquire, Dominion Energy Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219, david.j.depippo@dominionenergy.com, and lisa.r.crabtree@dominionenergy.com; Cliona M. Robb, Esquire, Michael J. Quinan, Esquire, Rachel W. Adams, Esquire, and Sean Breit-Rupe, Esquire, Thompson McMullan, P.C., 100 Shockoe Slip, Third Floor, Richmond, Virginia 23219, crobb@t-mlaw.com, mquinan@t-mlaw.com, radams@t-mlaw.com, and sbreit-rupe@t-mlaw.com; Gregory D. Habeeb, Esquire, Gentry Locke, 919 East Main Street, Suite 1130, Richmond, Virginia 23219, habeeb@gentrylocke.com; Kathleen Robertson, Sol Systems, LLC, 1101 Connecticut Avenue NW, Second Floor, Washington DC, 20036, kathleen.robertson@solsystems.com; and Ann Creasy, Virginia Distributed Solar Alliance, 801 Boush Street, Suite 200, Norfolk, Virginia 23510, ann.creasy@sierraclub.org. The Service Lists are available from the Clerk of the Commission.

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, APRIL 14, 2022

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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2022-00045

Ex Parte: In the matter of incorporating language to establish a self-certification process for resources seeking to qualify as low-income projects pursuant to Code § 56-585.5 C, and considering additional GATS-related questions

ORDER FOR COMMENT

During its 2020 Session, the Virginia General Assembly enacted Chapters 1193 (HB 1526) and 1194 (SB 851) of the 2020 Virginia Acts of Assembly. These duplicate Acts of Assembly, known as the Virginia Clean Economy Act ("VCEA"), became effective on July 1, 2020. The VCEA establishes a mandatory renewable energy portfolio standard program ("RPS Program") for investor-owned electric utilities in § 56-585.5 of the Code of Virginia ("Code"). To comply with the RPS Program, utilities must procure and retire renewable energy certificates ("RECs") originating from qualifying sources. Pursuant to Code § 56-585.5 C, Virginia Electric and Power Company ("Dominion" or "Company") "shall meet one percent of the RPS Program requirements in any given compliance year with solar, wind, or anaerobic digestion resources of one megawatt or less located in the Commonwealth, . . . and, to the extent that low-income qualifying projects are available, then no less than 25 percent of such one percent shall be composed of low-income qualifying projects" ("Low-Income Qualifying Project Requirements").

Low-income qualifying projects are defined under Code § 56-585.5 A as "a project that provides a minimum of 50 percent of the respective electric output to low-income utility

customers as that term is defined in [Code] § 56-576." Code § 56-576 defines a low-income utility customer as any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides, with the median income of the locality being determined by the United States Department of Housing and Urban Development.

Code § 56-585.5 D 4 also requires Dominion to submit annually to the State Corporation Commission ("Commission") a plan for meeting the RPS Program requirements and any requests for approval for the development of new solar and onshore wind generation capacity ("RPS Plan").

In Case No. PUR-2020-00134, Dominion submitted its first RPS Plan to the Commission ("2020 RPS Plan"). On April 30, 2021, the Commission issued its Final Order on the Company's 2020 RPS Plan ("2020 RPS Final Order").¹ As part of its 2020 RPS Final Order, the Commission directed Dominion to use a reasonable stakeholder process to further address the following questions related to low-income projects:²

- (1) How will the utility identify "low-income qualifying projects" that provide a minimum of 50% of the respective electric output to low-income utility customers as that term is defined in Code § 56-576?
- (2) Do these low-income qualifying projects physically deliver electric output to low-income utility customers as behind the meter facilities?

¹ *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Establishing 2020 RPS Proceeding for Virginia Electric and Power Company*, Case No. PUR-2020-00134, Doc. Con. Cen. No. 210440236, Final Order (Apr. 30, 2021).

² The Commission first directed the Company to respond to these four questions, among others, in its July 10, 2020 Order Establishing 2020 RPS Proceedings. Certain parties had raised concerns with Dominion's original responses and requested that the Commission defer making determinations on this topic. We agreed the issue would benefit from further development through a stakeholder process. See 2020 RPS Final Order at 10-11; *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Establishing 2020 RPS Proceeding for Virginia Electric and Power Company*, Case No. PUR-2020-00134, Doc. Con. Cen. No. 200710234, Order Establishing 2020 RPS Proceedings (July 10, 2020).

- (3) If the electric output from low-income qualifying projects is consumed behind the meter by low-income utility customers, does such generation/consumption create RECs and, if so, how is that output metered/measured and can these RECs be registered in PJM Interconnection, L.L.C.'s ("PJM") Generation Attribute Tracking System ("GATS")?³
- (4) If the electric output from potential low-income qualifying projects is injected into the grid, how can the utility determine that the projects provided a minimum of 50% of the respective electric output to low-income utility customers?

The Commission further directed in its 2020 RPS Final Order that Dominion shall report on its progress toward satisfying the Low-Income Qualifying Project Requirements in its next RPS Plan filing ("2021 RPS Plan").⁴

The Company convened stakeholders to address the questions related to low-income projects as directed by the Commission and submitted a report on the stakeholder process in its 2021 RPS Plan ("Report on Stakeholder Process").⁵ In addition to providing responses to the four questions enumerated above, the stakeholders recommended that the Commission revise its GATS business rules ("GATS Business Rules") to add the following language:

For small distributed resources (≤ 1 MW) that also qualify as low-income qualifying projects, GATS will add the suffix "-LIQP" after the appropriate fuel type, e.g., VA-#####-fueltype-D-LIQP. Owners of resources seeking to qualify as low-income qualifying projects must annually self-certify that the facility meets the established eligibility requirements by completing Appendix 3 to these [Business] Rules.

³ PJM GATS is a registry and tracking service for environmental attributes, such as RECs, for every MWh of electricity produced from a generator that participates in GATS.

⁴ 2020 RPS Final Order at 11. The Commission also determined in its 2020 RPS Final Order that it would use GATS to track the RECs produced for RPS Program compliance. *Id.* at 7 n.23.

⁵ Specifically, the Company attached the Report on Stakeholder Process to the rebuttal testimony of Company witness Nathan J. Frost as Rebuttal Schedule I.

In its Final Order on the 2021 RPS Plan ("2021 RPS Final Order"), the Commission noted that a separate proceeding would be initiated to address the recommendations of the stakeholder group.⁶ We further found that additional GATS-related questions may be considered in that separate docket, as appropriate.⁷

Additionally, in Case No. PUR-2021-00064, the Commission established a docket to determine whether its GATS Business Rules needed to be revised to reflect new RPS Program requirements set forth in the VCEA. By Order dated September 30, 2021, the Commission revised the GATS Business Rules ("Order Revising GATS Business Rules").⁸ These revisions included a requirement that electric investor-owned utilities report on REC retirements by April 30 of each year for the prior compliance year ("Business Rule 4"). In a motion dated March 18, 2022 in that docket, Dominion moved for a waiver of this requirement, stating it would not have the information necessary to determine its 2021 compliance obligation by April 30, 2022, because it would not receive information on accelerated renewable energy buyers by that time ("Motion").⁹ Instead, Dominion proposed to report on RPS Program compliance in its forthcoming 2022 RPS Plan.¹⁰ In its Motion, the Company stated that its request was limited to waiver of the upcoming April 30, 2022 deadline, but noted that there may be good cause for a

⁶ *Petition of Virginia Electric and Power Company, For approval of the RPS Development Plan, approval and certification of the proposed CE-2 Solar Projects pursuant to §§ 56-580 D and 56-46.1 of the Code of Virginia, revision of rate adjustment clause, designated Rider CE, under § 56-585.1 A 6 of the Code of Virginia, and a prudence determination to enter into power purchase agreements pursuant to § 56-585.1:4 of the Code of Virginia*, Case No. PUR-2021-00146, Doc. Con. Cen. No. 220320113, Final Order at 12-13 (Mar. 15, 2022).

⁷ *Id.* at 13.

⁸ *See Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of registering and retiring Virginia-eligible renewable energy certificates*, Case No. PUR-2021-00064, Doc. Con. Cen. No. 210950050, Order Revising Business Rules at 14 (Sept. 30, 2021).

⁹ Motion at 1.

¹⁰ *Id.*

revision to the GATS Business Rules to remove the April 30 annual deadline and to consolidate requirements for the Company to demonstrate RPS Program compliance in one place.¹¹ On April 7, 2022, the Commission granted Dominion's Motion.¹²

Similarly, in Case No. PUR-2020-00164, we held that RPS eligible RECs procured and retired by or on behalf of customers who elect to purchase electric supply service from competitive service providers ("CSPs") should be included in calculating the annual percentage of total electric energy sold from RPS eligible sources under Code § 56-585.5 C, which thus reduces the amount of RPS eligible RECs that must be procured and retired by the utility.¹³ We found that this means that, like utilities, CSPs must track and report the RECs procured and retired from RPS eligible sources.¹⁴ Thus, in order to accurately determine its compliance obligations, and to comply with Business Rule 4, a utility must know how many eligible RECs have been procured by CSPs each year.

Further, in its Order Revising GATS Business Rules in Case No. PUR-2021-00064, the Commission found that it "is understood and expected that all generators will utilize a revenue-quality meter that meets the ANSI C-12 standard to measure and report associated

¹¹ *Id.* at 6.

¹² As part of the Order on Motion for Limited Waiver of Business Rules, we found, "While the Company also suggests that there may be good cause to remove the April 30th annual deadline in [Business] Rule 4 and to consolidate the demonstration of RPS Program compliance in the annual [RPS Plan] proceeding, that relief is not sought in this Motion." *See Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of registering and retiring Virginia-eligible renewable energy certificates*, Case No. PUR-2021-00064, Doc. Con. Cen. No. 220410128, Order on Motion for Limited Waiver of Business Rules at 4 (Apr. 7, 2022).

¹³ *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Allocating RPS costs to certain customers of Virginia Electric and Power Company*, Case No. PUR-2020-00164, Doc. Con. Cen. No. 210940146, Final Order at 8 (Sept. 23, 2021).

¹⁴ *Id.*

generation and corresponding REC values" ("Business Rule 5").¹⁵ During Dominion's 2021 RPS Plan proceeding, certain parties raised the issue of whether a revenue grade meter should be required for smaller-sized systems. The Commission did not make a determination on this issue in the 2021 RPS Final Order, but found that such questions may appropriately be considered in a separate docket.¹⁶

NOW THE COMMISSION, upon consideration of the foregoing, is of the opinion and finds that interested persons should be provided an opportunity to comment on the recommendations of the stakeholder group to incorporate language into the GATS Business Rules to establish a self-certification process for resources seeking to qualify as low-income projects. A copy of the Report on Stakeholder Process is attached hereto as Attachment A. We will also direct that a copy of this Order shall be sent by the Clerk of the Commission to all parties on the official Service Lists in Case Nos. PUR-2021-00146, PUR-2021-00064, and PUR-2020-00164.

As part of any comments, interested parties may wish to address the following:

- Any concerns or suggested edits to the stakeholders' recommended language related to low-income qualifying projects:

For small distributed resources (≤ 1 MW) that also qualify as low-income qualifying projects, GATS will add the suffix "-LIQP" after the appropriate fuel type, e.g., VA-#####-fueltype-D-LIQP. Owners of resources seeking to qualify as low-income qualifying projects must annually self-certify that the facility meets the established eligibility requirements by completing Appendix 3 to these [Business] Rules.

- Whether the owners of resources seeking to qualify as low-income qualifying projects should self-certify using a process similar to the process in place for owners of resources seeking to qualify as small distributed resources, as described in Business Rule 2. To

¹⁵ See Order Revising GATS Business Rules at Attachment A, p. A-3.

¹⁶ See 2021 RPS Final Order at 13.

accomplish this, does any additional information need to be added to the stakeholders' recommended language, or are any changes to Appendix 3 needed?

- Whether owners of resources seeking to qualify as low-income qualifying projects must annually self-certify, and, if so, explain why annual certification is necessary.

We further find that the following GATS-related issues should also be considered in this docket:

- Whether the date of the annual report required in Business Rule 4 should be amended or removed, and whether electric investor-owned utilities should demonstrate RPS Program compliance in the annual report to the Commission's Division of Public Utility Regulation required in Business Rule 4, in the utility's RPS Plan, or in a different proceeding.
- Whether utilities are receiving and incorporating the CSP REC procurement and retirement information necessary to comply with Business Rule 4, and whether such information should be examined in the report provided to the Commission's Division of Public Utility Regulation required in Business Rule 4, in the utility's RPS Plan, or in a different proceeding.
- Whether a revenue grade meter should be required for all systems, including smaller-sized systems. If not, what should the appropriate capacity threshold be for requiring a revenue grade meter?
- Whether there are any additional concerns related to the GATS Business Rules that the Commission should consider at this time.¹⁷

The Commission takes judicial notice of the ongoing public health issues related to the spread of the virus that causes COVID-19. The Commission has taken certain actions, and may take additional actions going forward, that could impact the procedures in this proceeding.¹⁸

¹⁷ The inclusion of any additional concerns or recommendations by an interested person does not guarantee the Commission will consider such concerns in this docket or accept such recommendations at this time, should the Commission determine such issues are not appropriate for review as part of this proceeding.

¹⁸ See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, 2020 S.C.C. Ann. Rept. 76, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020), *extended by* 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, 2020 S.C.C. Ann. Rept. 77, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020) ("Revised Operating Procedures Order"), *extended by* 2020 S.C.C. Ann. Rept. 78, Order Regarding the State Corporation

Consistent with these actions, in regard to the terms of the procedural framework established below, the Commission will, among other things, direct the electronic filing of comments.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed as Case No. PUR-2022-00045.

(2) All comments in this matter shall be submitted electronically to the extent authorized by Rule 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure.¹⁹ Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.²⁰

(3) On or before June 8, 2022, any interested person may submit written comments on the Petition by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2022-00045.

Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, 2020 S.C.C. Ann. Rept. 79, Order Requiring Electronic Service (Apr. 1, 2020).

¹⁹ 5 VAC 5-20-10 *et seq.*

²⁰ As noted in the Commission's Revised Operating Procedures Order, submissions to the Commission's Clerk's Office via U.S. mail or commercial mail equivalents may be subject to delayed processing due to the COVID-19 public health issues.

(4) On or before June 29, 2022, the Staff may file with the Clerk of the Commission a report on or a response to any comments submitted to the Commission concerning the issues described herein.

(5) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service Lists for Case Nos. PUR-2021-00146, PUR-2021-00064, and PUR-2020-00164. The Service Lists are available from the Clerk of the Commission.

Low-Income Qualifying Projects – Report on Stakeholder Process

The State Corporation Commission of Virginia (the “Commission”) directed Virginia Electric and Power Company (the “Company”) to utilize a reasonable stakeholder process to address questions related to “low-income qualifying projects” as defined by Va. Code § 56-585.5, and any related issues as needed, in its April 30, 2021 Final Order in Case No. PUR-2020-00134 (the “2020 Final Order”). The report that follows provides an overview of the stakeholder process; the relevant legal authority; responses to four questions posed by the Commission on the issue; and the recommendation for the Commission.

I. Stakeholder Process Overview

The Company generated a list of potential stakeholders based on the testimony filed in Case No. PUR-2020-00134 on the issue, as well as the Company’s experience with other stakeholder processes focused on low-income customers, and circulated a survey for feedback on a preferred time and date to meet.

The Company convened the initial meeting of stakeholders on August 27, 2021. Participants included representatives from the Company, Commission Staff, the Virginia Department of Energy,¹ the Virginia Poverty Law Center, Gentry Locke, ReisingerGooch, PLC, and the Southern Environmental Law Center. After a productive discussion, the stakeholders agreed that the Company would draft language memorializing the conversation and that the stakeholders would then reconvene for further discussion.

The Company convened a second meeting of stakeholders on September 24, 2021.² Participants included representatives from the Company, Commission Staff, the Virginia Department of Energy, ReisingerGooch, PLC, the Southern Environmental Law Center, and Sun Tribe Solar. After a productive discussion, the stakeholders agreed that the Company would draft a report of the discussion and circulate for stakeholder review.

The Company distributed a draft report on October 26, 2021, soliciting feedback by November 10, 2021. The Company received positive feedback on the report from a number of stakeholders; the Company did not receive any substantive edits.

¹ Formerly the Department of Mines, Minerals and Energy.

² Prior to this meeting, the Company reached out to Commission Staff to ensure it had identified appropriate stakeholders to participate.

II. Relevant Legal Authority

Va. Code § 56-585.5 C establishes the mandatory renewable energy portfolio standard program (“RPS Program”) in Virginia under which the Company must meet annual requirements for the sale of renewable energy based on a percentage of non-nuclear electric energy sold to retail customers in the Company’s service territory. Va. Code § 56-585.5 C requires that one percent of the required percentage of renewable energy certificates (“RECs”) in each compliance year be from certain distributed energy resources (“DERs”) located in the Commonwealth with a nameplate capacity of one megawatt or less (the “1% Carve Out”). If available, no less than 25% of that 1% shall come from RECs produced by “low-income qualifying projects.”

Va. Code § 56-585.5 A defines “low-income qualifying project[.]” as “a project that provides a minimum of 50 percent of the respective electric output to low-income utility customers as that term is defined in § 56-576.” Va. Code § 56-576 in turn defines “low-income utility customer” as “any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.”

III. Responses to Questions

The Commission listed four questions related to “low-income qualifying project” in its July 10, 2020 Order Establishing 2020 RPS Proceedings in Case No. PUR-2020-00134. The Company provided its initial responses as part of its 2020 RPS Development Plan filed in that matter and provided a status update on the stakeholder process as part of its 2021 RPS Development Plan filed in Case No. PUR-2021-00146. The responses below summarize the consensus of the stakeholders that participated in this process. Commission Staff participated in the process but Staff does not take any position on the consensus reached by the group.

- (1) How will the utility identify “low-income qualifying projects” that provide a minimum of 50% of the respective electric output to low-income utility customers as that term is defined in § 56-576?

Stakeholders interpreted this question as asking generally what types of facilities should be identified as “low-income qualifying projects.”

Stakeholders agreed that facilities must first meet the requirements for the 1% Carve Out—“solar, wind, or anaerobic digestion resources of one megawatt or less located in the Commonwealth, with not more than 3,000 kilowatts at any single location or at contiguous locations owned by the same entity or affiliated entities.” Va. Code § 56-585.5 C. Stakeholders then agreed on two categories of facilities that should qualify for the “low-income qualifying projects” designation:

- Behind-the-meter facilities that supply their output directly to low-income customers. These facilities could be behind the meter of an individual who meets the definition of

“low-income utility customer” or behind a master meter of a residential complex whose residents meet the definition of “low-income utility customer.”

- Front-of-the-meter facilities that supply their output to low-income customers through the established Dominion Energy Virginia community solar,³ shared solar,⁴ or multi-family shared solar⁵ programs. Stakeholders agreed that these facilities can qualify as “low-income qualifying projects” if they supply a minimum of 50% of their output to “low-income utility customers” who have subscribed to the facilities.

From an administrative perspective, stakeholders agreed that the Commission should establish a process requiring the owner of the facility, or a designee of the owner, to self-certify with PJM-Environmental Information Services, Inc. Generation Attribute Tracking System (“GATS”)—the system used in the Commonwealth for measuring RPS Program compliance—that the facility meets the Commission-established certification requirements, subject to audit by Commission Staff. Stakeholders agreed that this process should include completion of a certification form at the time of initial registration with GATS, and then a re-certification annually. RECs generated by certified facilities will have an identification in GATS that will clearly designate them as eligible for compliance with the “low-income qualifying project” requirement of the RPS Program. Stakeholders agreed that the utility (*i.e.*, the Company) could rely upon this GATS designation of facilities as “low-income qualifying projects.”

- (2) Do these low-income qualifying projects physically deliver electric output to low-income utility customers as behind the meter facilities?

Stakeholders agreed that both “behind the meter” and “front of the meter” solar projects should be eligible to qualify as “low-income qualifying projects.” Behind-the-meter facilities would directly deliver output to low-income customers. Front-of-the-meter facilities would deliver electric output to low-income customers through customer programs. See the response to Question (1).

- (3) If the electric output from low-income qualifying projects is consumed behind the meter by low-income utility customers, does such generation/consumption create RECs and, if so, how is that output metered/measured and can these RECs be registered in PJM GATS?

Any qualifying renewable energy facility may be capable of creating RECs, regardless of its location in relation to the customer meter. Stakeholders agreed that generation data entered in GATS should be based on meter readings taken from a separately-installed, revenue-quality meter at the AC output of the inverter(s).

³ Case No. PUR-2018-00009.

⁴ Case No. PUR-2020-00125.

⁵ Case No. PUR-2020-00124.

- (4) If the electric output from potential low-income qualifying projects is injected into the grid, how can the utility determine that the projects provided a minimum of 50% of the respective electric output to low-income utility customers?

For front-of-the-meter facilities, stakeholders agreed that the determinations that the project provided a minimum of 50% of electric output to “low-income utility customers” will be made based on subscriptions to established Dominion Energy Virginia community solar, shared solar, or multi-family shared solar programs. As discussed in the response to Question (1), stakeholders agreed that the owner of the facility should be required to self-certify (annually) that 50% of the electric output of the facility went to subscribers that meet the definition of “low-income utility customer.”

IV. Recommendation

In the 2020 Final Order, the Commission determined that it would use GATS to track RPS Program compliance. On September 30, 2021, in Case No. PUR-2021-00064, the Commission issued an order revising its GATS business rules. The revised business rules state that “[l]ow-income qualifying projects as defined in § 56-585.5 A and addressed in § 56-585.5 C are not separately designated in GATS at this time,” but allow recommendations for changes in future proceedings.

Based on the discussions of this stakeholder group, stakeholders recommend that the Commission revise its GATS business rules to add the following language:

For small distributed resources (≤ 1 MW) that also qualify as low-income qualifying projects, GATS will add the suffix “-LIQP” after the appropriate fuel type, e.g., VA-#####-fueltype-D-LIQP. Owners of resources seeking to qualify as low-income qualifying projects must annually self-certify that the facility meets the established eligibility requirements by completing Appendix 3 to these Business Rules.

Appendix 3 aligns with the consensus position of the stakeholders as outlined above. The format of the language above and Appendix 3 is consistent with the GATS business rules as revised by the Commission on September 30, 2021 in Case No. PUR-2021-00064.

To the extent the Commission accepts this recommendation, the Company respectfully requests that the Commission relieve the Company of the requirements to address the four questions related to “low-income qualifying projects” in future RPS Development Plan proceedings.

Appendix 3**Low Income Qualifying Project Annual Self Certification**

I (officer name and title) of (applicant name) certify on this (date), that the information provided below is true and complete and that the low-income qualifying project called (facility name) located in Virginia hereby meets the eligibility requirements established by the Commission to provide renewable energy certificates to help satisfy Virginia RPS Program compliance with the low income qualifying project requirement for an electric investor-owned utility.

Signature

Date of self-certification _____

Low-Income Qualifying Project Requirements:

1. Physically located at _____
2. Is the facility a behind-the-meter facility that supplies its output directly to low-income customers?

Yes

No

a. If yes:

i. Does the facility sell its output directly to an individual who meets the definition of "low-income utility customer" in Va. Code § 56-576?

Yes

No

Or,

ii. Does the facility sell its output to a residential complex whose residents meet the definition of "low-income utility customer" in Va. Code § 56-576?

Yes

No

3. Is the facility a front-of-the-meter facility whose project output is provided to low-income customers through an established Dominion Energy Virginia community solar, shared solar, or multi-family shared solar program?

Yes

No

a. If yes, indicate which program.

Community Solar

Shared Solar

Multi-Family Shared Solar

b. If yes, please affirm that 50% of the electric output of the facility went to subscribers that meet the definition of “low-income utility customer” in Va. Code § 56-576.

- Affirmed**
- Not Affirmed**

4. Does the facility have a separately installed, revenue grade meter that measures the output of the system at the inverter(s)?

- Yes**
- No**