

## STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 6, 2020

*Document Control Center 04/06/20@3.46 PM*COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

CASE NO. PUR-2020-00035

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

ORDER ESTABLISHING SCHEDULE FOR PROCEEDINGS

Pursuant to Code § 56-599, Virginia Electric and Power Company ("Dominion" or "Company") is required to file with the State Corporation Commission ("Commission") the Company's Integrated Resource Plan ("IRP") by May 1, 2020. By Order issued on March 9, 2020, the Commission docketed this proceeding and directed Dominion to include certain additional information in its 2020 IRP related to recent legislation. The Commission also issued an Order Granting Motion on March 26, 2020, which granted the Company's request to be relieved from certain filing requirements imposed by prior Commission orders.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that a procedural schedule shall be adopted for the consideration of the Company's 2020 IRP.

The Commission further takes judicial notice of the ongoing public health emergency related to the spread of the coronavirus, or COVID-19, and the declarations of emergency issued at both the state and federal levels.<sup>1</sup> The Commission has taken certain actions, and may take

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<sup>1</sup> *See, e.g.*, Executive Order No. 51, Declaration of a State of Emergency Due to Novel Coronavirus, COVID-19, issued March 12, 2020, by Gov. Ralph S. Northam. See also Executive Order No. 53, Temporary Restrictions on Restaurants, Recreational, Entertainment, Gatherings, Non-Essential Retail Businesses, and Closure of K-12 Schools Due to Novel Coronavirus (COVID-19), issued March 23, 2020, by Governor Ralph S. Northam, and Executive Order No. 55, Temporary Stay At Home Order Due to Novel Coronavirus (COVID-19), issued March 30, 2020, by Governor Ralph S. Northam.

additional actions going forward, which could impact the procedures in this proceeding.<sup>2</sup>

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 testimony and pleadings unless it contains confidential information, and require electronic service of pleadings on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

(1) All pleadings in this matter should 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 ("Rules of Practice").<sup>3</sup> Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with Rule 5 VAC 5-20-170, *Confidential information*. For the duration of the COVID-19 emergency, 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.

(2) Pursuant to 5 VAC 5-20-140, *Filing and Service*, of the Commission's Rules of Practice, the Commission directs that service on parties and the Commission Staff ("Staff") in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon

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<sup>2</sup> See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, Doc. Con. Cen. No. 200330035, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, Doc. Con. Cen. No. 200410009, Order Requiring Electronic Service (Apr. 1, 2020).

<sup>3</sup> 5 VAC 5-20-10 *et seq.*

one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(3) As provided by § 12.1-31 of the Code and 5 VAC 5-20-120, *Procedure before Hearing Examiners*, of the Commission's Rules of Practice, a Hearing Examiner is appointed to rule on any discovery matters that may arise during the course of this proceeding, including any motion for protective order.

(4) A public hearing on the IRP shall be convened at 9:30 a.m. on October 27, 2020, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive opening statements, testimony, and evidence offered by the Company, respondents, and the Staff on the Company's IRP.

(5) An electronic copy of the public version of Dominion's IRP may be obtained by submitting a written request to counsel for the Company, Jennifer D. Valaika, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219, or [jvalaika@mcguirewoods.com](mailto:jvalaika@mcguirewoods.com). Interested persons also may download unofficial copies of the public version of the IRP and other documents filed in this case from the Commission's website: <http://www.scc.virginia.gov/case>.

(6) On or before June 1, 2020, Dominion shall file an original and fifteen (15) copies of any testimony and exhibits in support of its IRP; each witness's testimony shall include a summary not to exceed two pages and shall specify those portions of the IRP that the witness will sponsor at the hearing. In lieu of prefiled testimony and exhibits, the Company may file, on or before June 1, 2020, a document in which the Company: (a) identifies witnesses who will appear and offer testimony in support of the Company's IRP at the hearing; (b) specifies those

portions of the IRP that such witnesses will adopt and support as their testimony at the hearing; and (c) includes a summary not to exceed two pages of each such witness's testimony. The Company shall serve copies thereof on counsel for all respondents and the Staff.

(7) On or before October 20, 2020, any interested person may file comments on the IRP by following the instructions found on the Commission's website:

<http://www.scc.virginia.gov/case>. All comments shall refer to Case No. PUR-2020-00035. In light of the ongoing public health emergency related to the spread of COVID-19, the Commission will subsequently schedule, if practicable, oral public comment in this matter; if scheduled, such which will be noticed via Commission order and accompanying news release.

(8) On or before August 4, 2020, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation. Such notice of participation shall include the email addresses of such parties or their counsel. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice, 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. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2020-00035.

(9) Within five (5) business days of receipt of a notice of participation as a respondent, the Company shall serve a copy of the public version of its IRP on the respondent.

(10) On or before September 15, 2020, each respondent may file with the Clerk of the Commission and serve on the Staff, the Company, and all other respondents, any testimony and

exhibits by which the respondent expects to establish its case, and each witness's testimony shall include a summary not to exceed two pages. In all filings, respondents shall comply with the Commission's Rules of Practice, including, but not limited to: 5 VAC 5-20-140, *Filing and service*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2020-00035.

(11) On or before September 29, 2020, the Staff shall investigate the IRP and shall file with the Clerk of the Commission an original and fifteen (15) copies of its testimony and exhibits concerning the IRP, and each Staff witness's testimony shall include a summary not to exceed two pages. The Staff shall serve a copy thereof on counsel to Dominion and all respondents.

(12) On or before October 13, 2020, Dominion shall file with the Clerk of the Commission any rebuttal testimony and exhibits that it expects to offer, and each rebuttal witness's testimony shall include a summary not to exceed two pages. The Company shall serve a copy of its rebuttal testimony and exhibits on the Staff and all respondents.

(13) Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(14) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories to parties or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically, or by facsimile, on the party to whom the interrogatory or request for production is

directed or the assigned Staff attorney, if the interrogatory or request for production is directed to the Staff.<sup>4</sup> Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(15) This matter is continued.

A COPY hereof shall be sent electronically 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 Commission.

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<sup>4</sup> The assigned Staff attorney is identified on the Commission's website, <http://www.scc.virginia.gov/case>, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2020-00035 in the appropriate box.