

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, OCTOBER 24, 2022

SEC - CLERK'S OFFICE
CORPORATION CONTROL CENTER

221040031

APPLICATION OF
KEYDET SOLAR CENTER, LLC

2022 OCT 24 P 2: 21
CASE NO. PUR-2022-00154

For Certificates of Public Convenience and
Necessity for a solar generating facility totaling
up to 145 MW and associated interconnection
facilities to be located in Charles City County, Virginia

ORDER FOR NOTICE AND HEARING

On September 16, 2022, pursuant to Code §§ 56-46.1, 56.265.2, and 56-580 D, and the State Corporation Commission ("Commission") Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility,¹ Keydet Solar Center, LLC ("Applicant" or "Company"), by counsel, filed an application ("Application") and supporting documents for certificates of public convenience and necessity ("CPCNs") with the Commission for the construction and operation of: (1) a solar generating facility totaling up to 145 megawatts ("MW") alternating current in Charles City County (the "Solar Generating Facility"); and (2) the transmission lines and associated facilities necessary to interconnect the Solar Generating Facility to the transmission grid (the "Interconnection Facilities") (together with Solar Generating Facility, the "Project"), which include: (a) 34.5 kilovolt ("kV") medium voltage feeder lines ("Feeder Line") to interconnect the Solar Generating Facility with an existing collector substation ("Skipjack Collector Substation"); and (b) an existing 0.9 mile 230 kV generation-tie line ("Gen-Tie Line") to interconnect the Skipjack Collector Substation to

¹ 20 VAC 5-302-10 *et seq.*

the transmission grid at the existing Virginia Electric and Power Company Chickahominy Substation.²

The Applicant states that on March 5, 2020, the Commission issued an Order Granting Certificates, granting the Applicant's affiliate, Skipjack Solar Center, LLC ("Skipjack"), three CPCNs to construct and operate a 175 MW solar generating facility and associated facilities in Charles City County.³ Per the Applicant, one of the CPCNs granted in that case included the Skipjack Collector Substation and the Gen-Tie Line discussed in the Applicant's Application.⁴ The Company requests a CPCN or revised CPCN for the Skipjack Collector Substation and the Gen-Tie Line, to the extent necessary, for the proposed Project in this case.⁵

Per the Applicant, the Project is anticipated to be in-service on or before December 31, 2024,⁶ and will include photovoltaic modules mounted on racking systems supported by a pile-driven foundation design with a single-axis tracking configuration and north-south trending rows that will track the sun from east to west during the day; and approximately three and a half (3.5) miles of 34.5 kV medium voltage Feeder Line to connect the panels and inverters internally.⁷ The Applicant states that the electricity, capacity, and associated green attributes generated from the Project will be sold pursuant to a long-term power purchase

² Application at 5-6.

³ *Id.* at 9-10. See *Application of Skipjack Solar Center, LLC et al., For certificates of public convenience and necessity for solar generating facilities totaling up to 320 MWac in Charles City County, Virginia*, Case No. PUR-2019-00073, 2020 S.C.C. Ann. Rept. 262, Order Granting Certificates (Mar. 5, 2020).

⁴ Application at 10.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 8-9.

agreement with an off-taker located in the transmission region operated by PJM Interconnection LLC.⁸

The Applicant asserts that the proposed Project is in the public interest because the Project will: (1) have no material adverse effect upon reliability of electric service provided by any regulated public utility; (2) provide economic benefits to Charles City County and the surrounding area; (3) have a minimal adverse effect on the environment during construction and operation; (4) add to the competitive market for wholesale electricity in the region with renewable generation; and (5) be consistent with Virginia's statutory energy policies encouraging renewable energy (and specifically solar) located in Virginia.⁹ Further, the Applicant states that it will assume the business risk associated with constructing, owning, and operating the Project, which will not provide retail electric service in the Commonwealth and will not be included in the rate base of any incumbent electric utility.¹⁰

On September 19, 2022, the Applicant filed a Motion for Protective Ruling Governing Confidential Information and the Treatment of Extraordinarily Sensitive Information ("Motion for Protective Order").

As provided by § 62.1-44.15:21 D 2 of the Code, the Commission and the State Water Control Board must consult on wetland impacts prior to the siting of electric utility facilities that require a CPCN. As required by Section 3 of the Department of Environmental Quality - State Corporation Commission Memorandum of Agreement Regarding Wetland Impacts Consultation, the Staff of the Commission ("Staff") has advised the Department of Environmental Quality

⁸ *Id.* at 10.

⁹ *Id.* at 12.

¹⁰ *Id.*

("DEQ"), acting on behalf of the State Water Control Board, that the Applicant filed its Application and that consultation may be required.¹¹

In addition to consultation on wetlands, § 56-46.1 G of the Code directs the Commission and DEQ to coordinate the environmental review of proposed electric facilities. Moreover, § 56-46.1 A of the Code provides for the Commission to receive and to consider reports on the proposed facilities from state environmental agencies. Accordingly, the Staff has requested DEQ to coordinate an environmental review of the Project by the appropriate agencies and to provide a report on the review.¹²

On October 11, 2022, Skipjack filed a Notice of Participation stating that it supports the Application and the relief requested therein.¹³

NOW THE COMMISSION, upon consideration of the Application and applicable statutes, finds that this matter should be docketed; that the Applicant should provide public notice of the Application; a public hearing should be scheduled for the purpose of receiving testimony and evidence on the Application; that any interested parties should be afforded an opportunity to file comments on the Application or participate as respondents in this proceeding; and the Staff should be directed to investigate the Application and file testimony and exhibits containing its findings and recommendations; and a Hearing Examiner should be appointed to conduct further proceedings in this matter on behalf of the Commission, including ruling on the

¹¹ Letter from Kelli Cole, Esquire, State Corporation Commission, dated September 23, 2022, to David L. Davis, CPWD, PWS, Director, Office of Wetlands & Stream Protection, DEQ, filed in Case No. PUR-2022-00154.

¹² Letter from Kelli Cole, Esquire, State Corporation Commission, dated September 23, 2022, to Bettina Rayfield, DEQ, filed in Case No. PUR-2022-00154.

¹³ Skipjack Notice of Participation at 3.

Applicant's Motion for Protective Order and filing a final report containing the Hearing Examiner's findings and recommendations.

The Commission takes judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. The Commission has taken certain actions, and may take additional actions going forward, which could impact the procedures in this proceeding.¹⁴ Consistent with these actions, regarding the terms of the procedural framework established below, the Commission will, among other things, direct the electronic filing of testimony and pleadings unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUR-2022-00154.
- (2) 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 Rules of Practice. 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

¹⁴ 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 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).

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.¹⁵

(3) 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 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 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.

(4) As provided by Code § 12.1-31 and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Rules of Practice, a Hearing Examiner is appointed to conduct all further proceedings in this matter on behalf of the Commission including ruling on the Company's Motion for Protective Order and filing a final report containing the Hearing Examiner's findings and recommendations. A copy of each filing made with the Commission's Clerk's office in this matter shall also be sent electronically to the Office of the Hearing Examiners.¹⁶

(5) The Commission hereby schedules a telephonic hearing for the receipt of testimony from public witnesses on the Application, as follows:

- (a) A hearing for the receipt of testimony from public witnesses on the Application shall be convened telephonically at 10 a.m., on March 31, 2023, with no public witness present in the Commission's courtroom.¹⁷

¹⁵ As noted in the 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.

¹⁶ Such electronic copies shall be sent to: Wendy.Starkey@scc.virginia.gov, LeaAnn.Robertson@scc.virginia.gov and Kaitlyn.McClure@scc.virginia.gov.

¹⁷ The Commission will convene counsel of record in this proceeding to attend the public witness hearing virtually.

- (b) To promote fairness for all public witnesses, each witness will be allotted five minutes to provide testimony.
- (c) On or before March 27, 2023, any person desiring to offer testimony as a public witness shall provide to the Commission (a) your name, and (b) the telephone number that you wish the Commission to call during the hearing to receive your testimony. This information may be provided to the Commission in three ways: (i) by filling out a form on the Commission's website at scc.virginia.gov/pages/Webcasting; (ii) by completing and emailing the PDF version of this form to SCCInfo@scc.virginia.gov; or (iii) by calling (804) 371-9141.
- (d) Beginning at 10 a.m., on March 31, 2023, the Commission will telephone sequentially each person who has signed up to testify as provided above. This hearing will not be convened, and the parties will be notified of such, if no person signs up to testify as a public witness.
- (e) This public witness hearing will be webcast at scc.virginia.gov/pages/Webcasting.

(6) A public evidentiary hearing on the Application shall be convened at 10 a.m. on April 4, 2023, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or by electronic means, to receive testimony and evidence offered by the Company, any respondents, and the Commission's Staff on the Application.

(7) An electronic copy of the public version of the Application may be obtained by submitting a written request to counsel for the Applicant, Brian R. Greene, Esquire, Eric W. Hurlocker, Esquire and Victoria L. Howell, Esquire, GreeneHurlocker, PLC, 4908 Monument Ave., Suite 200, Richmond, Virginia 23230, or BGreene@GreeneHurlocker.com, EHurlocker@GreeneHurlocker.com; or VHowell@GreeneHurlocker.com. Interested persons also may download unofficial copies from the Commission's website: scc.virginia.gov/pages/Case-Information.

(8) On or before November 22, 2022, the Applicant shall cause to be sent by first class mail, a copy of the notice and sketch map prescribed in Ordering Paragraph (9) to all owners, as of the date of this Order, of: (1) property contiguous to the site for which a CPCN has been requested, and (2) property within the route of the proposed Interconnection Facilities, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance, treasurer, or other officer of the county or municipality designated as provided by § 58.1-3100 *et seq.* of the Code.

(9) On or before November 22, 2022, the Applicant shall publish on one (1) occasion, the sketch map of the proposed Project, as filed on October 14, 2022, as Supplemental Exhibit R to the Application, and the following notice as display advertising (not classified) in newspapers of general circulation in Charles City County, Virginia:

NOTICE TO THE PUBLIC OF THE APPLICATION OF
KEYDET SOLAR CENTER, LLC, FOR CERTIFICATES OF
PUBLIC CONVENIENCE AND NECESSITY FOR A SOLAR
GENERATING FACILITY TOTALING UP TO 145 MW AND
ASSOCIATED INTERCONNECTION FACILITIES TO BE
LOCATED IN CHARLES CITY COUNTY, VIRGINIA
CASE NO. PUR-2022-00154

On September 16, 2022, pursuant to Code §§ 56-46.1, 56.265.2, and 56-580 D, and the State Corporation Commission ("Commission") Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility, Keydet Solar Center, LLC ("Applicant" or "Company"), by counsel, filed an application ("Application") and supporting documents for certificates of public convenience and necessity ("CPCNs") with the Commission for the construction and operation of: (1) a solar generating facility totaling up to 145 megawatts ("MW") alternating current in Charles City County (the "Solar Generating Facility"); and (2) the transmission lines and associated facilities necessary to interconnect the Solar Generating Facility to the transmission grid (the "Interconnection Facilities") (together with Solar Generating Facility, the "Project"),

which include: (a) 34.5 kilovolt ("kV") medium voltage feeder lines ("Feeder Line") to interconnect the Solar Generating Facility with a collector substation ("Skipjack Collector Substation"); and (b) an existing 0.9 mile 230 kV generation-tie line ("Gen-Tie Line") to interconnect the Skipjack Collector Substation to the transmission gride at the existing Virginia Electric and Power Company Chickahominy Substation.

The Applicant states that on March 5, 2020, the Commission issued an Order Granting Certificates, granting the Applicant's affiliate, Skipjack Solar Center, LLC, three CPCNs to construct and operate a 175 MW solar generating facility and associated facilities in Charles City County. Per the Applicant, one of the CPCNs granted in that case included the Skipjack Collector Substation and the Gen-Tie Line discussed in the Applicant's Application. The Company requests a CPCN or revised CPCN for the Skipjack Collector Substation and the Gen-Tie Line, to the extent necessary, for the proposed Project in this case.

Per the Applicant, the Project is anticipated to be in-service on or before December 31, 2024, and will include photovoltaic modules mounted on racking systems supported by a pile-driven foundation design with a single-axis tracking configuration and north-south trending rows tracking the sun from east to west; and approximately three and a half (3.5) miles of 34.5 kV medium voltage Feeder Line to connect the panels and inverters internally.

Further, the Applicant states that the electricity, capacity, and associated green attributes generated from the Project will be sold pursuant to a long-term power purchase agreement with an off-taker located in the transmission region operated by PJM Interconnection LLC.

The Applicant asserts that the proposed Project is in the public interest because the Project will: (1) have no material adverse effect upon reliability of electric service provided by any regulated public utility; (2) provide economic benefits to Charles City County and the surrounding area; (3) have a minimal adverse effect on the environment during construction and operation; (4) add to the competitive market for wholesale electricity in the region with renewable generation; and (5) be consistent with Virginia's statutory energy policies encouraging renewable energy (and specifically solar) located in Virginia. Further, the Applicant states that they will assume the business risk associated with constructing, owning, and operating the Project, which will not

provide retail electric service in the Commonwealth and will not be included in the rate base of any incumbent electric utility.

Description of the Proposed Project

The Project area encompasses approximately 2,263 acres. However, the total developed construction area is approximately 674 acres on a compilation of parcels consisting of agricultural land, forest land, and timber land (the "Project Site"). The Project Site is traversed by several state routes. Access to the southern portion of the Project is available from State Routes 106 (Roxbury Road) onto Two Mile Trail, and State Route 607 (Wayside Road) where it meets 609 (Barnetts Road), and State Route 620 (Lewis Tyler Lane). Access to the northern portion of the Project Site is available from Roxbury Road and State Route 655 (Salem Run Road). The Skipjack Collector Substation is accessed by State Route 603 (Old Union Rd).

The Project will include approximately 3.5 miles of 34.5 kV medium voltage feeder line easements that will join at the Skipjack Collector Substation, which has already been constructed. The Skipjack Collector Substation connects to the transmission system at the Chickahominy Substation.

The proposed route for the Feeder Line runs from the parcels on both of Lewis Tyler Lane (Route 620) to the west where it crosses Barnetts Road (Route 609) just north of the intersection with Salem Run Trail, where it meets the feeder line coming from the southwest parcel. The route then runs approximately 2 miles to the north, roughly parallel to Salem Run Trail and Salem Run Road (Route 655). Along this run north, the Feeder line from the parcel north of Cattail Rd (Route 650) joins. The parcel to the West of Roxbury Rd (Route 106) runs east until it meets the other 34.5 kV lines and is routed north. The project parcel that is located south of Old Union Rd (Route 603) and west of Barnetts Road (Route 609) has some preliminary options in consideration at this time. One option is to go directly west to the Skipjack project territory. An easement will need to be achieved to do this. The other option is to run the Feeder Line south and then directly west along Applicant property lines. These lines will be run underground. The Feeder Line then lands at the Skipjack Collector Substation. The minimum structure height for the 34.5 kV feeder line route is 45 feet. The maximum structure height is 70 feet. The average structure height is 55 feet.

All distances and directions are approximate. A sketch map of the proposed Project accompanies this notice. A more detailed map of the proposed routes may be viewed on the Commission's website: scc.virginia.gov/pur/elec/transline.aspx

The Commission may consider Project site(s) and/or generation-tie line(s) and transmission route(s) not significantly different from the Project site and/or generation-tie line(s) and transmission route(s) described in this notice without additional notice to the public.

The Commission entered an Order for Notice and Hearing in this proceeding that, among other things, scheduled public hearings on the Application. On March 31, 2023, at 10 a.m., the Hearing Examiner appointed by the Commission will hold a telephonic hearing, with no witness present in the Commission's courtroom, for the purpose of receiving testimony of public witnesses. On or before March 27, 2023, any person desiring to offer testimony as a public witness shall provide to the Commission (a) your name, and (b) the telephone number that you wish the Commission to call during the hearing to receive your testimony. This information may be provided to the Commission in three ways: (i) by filling out a form on the Commission's website at scc.virginia.gov/pages/Webcasting; (ii) by completing and emailing the PDF version of this form to SCCInfo@scc.virginia.gov; or (iii) by calling (804) 371-9141. This public witness hearing will be webcast at scc.virginia.gov/pages/Webcasting.

On April 4, 2022, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, a Hearing Examiner appointed by the Commission will convene a hearing to receive testimony and evidence offered by the Company, any respondents, and the Commission's Staff on the Company's Application.

The Commission has taken judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. In accordance therewith, all pleadings, briefs, or other documents required to be served in this matter should be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice. 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.

Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Commission's Rules of Practice, the Commission has directed that service on parties and the Commission's Staff in this matter shall be accomplished by electronic means. Please refer to the Commission's Order for Notice and Hearing for further instructions concerning Confidential or Extraordinarily Sensitive Information.

Copies of the Application and other supporting materials also may be inspected during regular business hours at the following locations:

Charles City County Government Center
10900 Courthouse Road
Charles City, VA 23030

An electronic copy of the public version of the Application may also be obtained by submitting a written request to counsel for the Applicant, Brian R. Greene, Esquire, Eric W. Hurlocker, Esquire and Victoria L. Howell, Esquire, GreeneHurlocker, PLC, 4908 Monument Ave., Suite 200, Richmond, Virginia 23230, or BGreene@GreeneHurlocker.com; EHurlocker@GreeneHurlocker.com; or VHowell@GreeneHurlocker.com.

On or before March 24, 2023, any interested person may submit comments on the Application 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-2022-00154.

On or before December 29, 2022, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at: scc.virginia.gov/clk/efiling/. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed above. 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 Rule 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2022-00154.

On or before January 20, 2023, each respondent may file with the Clerk of the Commission, at scc.virginia.gov/clk/efiling, any testimony and exhibits by which the respondent expects to establish its case. Any respondent unable, as a practical matter, to file testimony and exhibits electronically may file such by U.S. mail to the Clerk of the Commission at the address listed above. Each witness's testimony shall include a summary not to exceed one page. All testimony and exhibits shall be served on the Company, Staff, and all other respondents. In all filings, respondents shall comply with the Commission's Rules of Practice, as modified herein, 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-2022-00154.

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, except as modified by the Commission's Order for Notice and Hearing, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

The Company's Application, the Commission's Rules of Practice and the Commission's Order for Notice and Hearing may be viewed at: scc.virginia.gov/pages/Case-Information.

KEYDET SOLAR CENTER, LLC

(10) On or before November 22, 2022, the Applicant shall serve a copy of this Order for Notice and Hearing on the following official, to the extent the position exists in Charles City County: the chairman of the board of supervisors. Service shall be made by either personal delivery or first-class mail to the customary place of business or residence of the person served.

(11) On or before December 20, 2022, the Applicant shall file proof of the notice and service required by Ordering Paragraphs (8), (9), and (10), including the name, title, and address of each official served with the Clerk of the Commission at scc.virginia.gov/clk/efiling/.

(12) On or before March 24, 2023, any interested person may submit written comments on the Application 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-2022-00154.

(13) On or before December 29, 2022, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation at scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed in Ordering Paragraph (12). Such notice of participation shall include the email addresses of such parties or their counsel, if available. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to 5 VAC 5 20 80 B, *Participation as a respondent*, of the 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-2022-00154.

(14) Within three (3) business days of receipt of a notice of participation as a respondent, the Applicant shall serve a copy of the public version of its Application on the respondent unless it has already been provided to the respondent.

(15) On or before January 20, 2023, each respondent may file with the Clerk of the Commission, at scc.virginia.gov/clk/efiling, any testimony and exhibits by which the respondent expects to establish its case. Any respondent unable, as a practical matter, to file testimony and exhibits electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed in Ordering Paragraph (12). Each witness's testimony shall include a summary not to exceed one page. All testimony and exhibits shall be served on the Commission's Staff, the Company, and all other respondents simultaneous with its filing. In all filings, respondents shall comply with the Rules of Practice, as modified herein, 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-2022-00154.

(16) On or before February 16, 2023, the Staff shall investigate the Application and file with the Clerk of the Commission its testimony and exhibits concerning the Application, and each Staff witness' testimony shall include a summary not to exceed one page. A copy thereof shall be served on counsel to the Company and all respondents.

(17) On or before March 14, 2023, the Applicant shall file with the Clerk of the Commission any rebuttal testimony and exhibits that it expects to offer, and each rebuttal witness' testimony shall include a summary not to exceed one page. The Company shall serve a copy of its rebuttal testimony and exhibits on Staff and all respondents.

(18) All documents filed in 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.

(19) 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 Rule of Practice 5 VAC 5-20-260, 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 Staff.¹⁸ Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(20) 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.

¹⁸ The assigned Staff attorney is identified on the Commission's website, scc.virginia.gov/case, by clicking "Docket Search," and clicking "Search Cases," and entering the Case No. PUR-2022-00154, in the appropriate box.