

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, SEPTEMBER 2, 2022

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APPLICATION OF

VIRGINIA NATURAL GAS, INC.

CASE NO. PUR-2022-00052

For a general rate increase and for authority
to revise the terms and conditions applicable
to natural gas service

ORDER FOR NOTICE AND HEARING

On August 1, 2022, Virginia Natural Gas, Inc. ("VNG" or "Company") filed with the State Corporation Commission ("Commission") an application pursuant to Chapter 10 of Title 56 (§ 56-232 *et seq.*) of the Code of Virginia ("Code") and the Commission's Rules Governing Utility Rate Applications and Annual Informational Filings of Investor-owned Gas and Water Utilities,¹ requesting authority to increase its rates and charges² effective for usage beginning January 1, 2023, and to revise other terms and conditions applicable to its gas service ("Application").³ Specifically, VNG states that the proposed rates and charges are designed to increase the Company's annual rate base revenue by approximately \$69.3 million per year.⁴

¹ 20 VAC 5-201-10 *et seq.* ("Rate Case Rules").

² On April 7, 2022, VNG filed in this docket, a Motion for a Waiver of Requirement to File an Annual Informational Filing for 2021, stating the Company's intent to file this rate case on or after August 1, 2022. On April 11, 2022, the Commission docketed this proceeding and granted VNG's motion on the condition that VNG file a rate application as anticipated. *See Application of Virginia Natural Gas, Inc., For an Annual Informational Filing for 2021*, Case No. PUR-2022-00052, Doc. Con. Cen. No. 220410189, Order on Request for Waiver at 2-3 (Apr. 11, 2022).

³ Application at 1, 9-10. VNG states that its proposed tariff and rate schedule revisions to VNG's Terms and Conditions and Schedules for Supplying Gas in Filing Schedule 41, reflect an effective date of January 1, 2023, to account for the expectation that the Commission will suspend rates, charges and terms and conditions proposed in this Application for 150 days under Code § 56-238, and permit the Company to implement them, on an interim basis subject to refund, on January 1, 2023. *Id.* at 7.

⁴ *Id.* at 1.

The Application states the requested increase includes approximately \$15 million of revenues associated with the Company's Steps to Advance Virginia's Energy ("SAVE") plan pursuant to Code § 56-603 *et seq.* ("SAVE Act").⁵ VNG states that it is proposing to include recovery of the costs associated with approximately \$176 million of cumulative SAVE investments as of December 31, 2022, in base rates, as permitted by the SAVE Act.⁶

The Company states that it is not earning sufficient annual revenues to cover its cost of service, including a reasonable return on common equity capital.⁷ VNG indicates that the revenue requirement requested is driven in large part by increases to the Company's rate base since its last rate case in 2020 ("2020 Rate Case")⁸ and those projected to occur during the 12-month period ending December 31, 2023 ("Rate Year"), including capital costs associated with infrastructure projects, and changes in VNG's operating costs as it continues to expand oversight of field operations, implement programs to enhance customer satisfaction, modernize its compliance and recordkeeping systems, and engage in community outreach and safety education initiatives.⁹

According to the Company, its proposed rate increase is based on a return on common equity ("ROE") of 10.35%.¹⁰ Per VNG, its proposed weighted cost of capital for the Rate Year is 7.68% (based on the 10.35% proposed ROE) with a capital structure of 53.2% equity and

⁵ *Id.* at 3; Direct Testimony of Gary Tucker at 2-3, 13. *See also* Code § 56-603 *et seq.*

⁶ Application at 3.

⁷ *Id.* at 4.

⁸ *Application of Virginia Natural Gas, Inc., For a general rate increase and for authority to revise the terms and conditions applicable to natural gas service*, Case No. PUR-2020-00095, 2021 S.C.C. Ann. Rept. 214, Final Order (Sept. 14, 2021).

⁹ Application at 4.

¹⁰ *Id.* at 5, noting that such cost of equity falls within a range of 10.0% to 10.5%.

46.8% total debt.¹¹ VNG further requests recovery of two regulatory assets: (1) for the pipeline safety initiatives costs deferred in 2018 and 2019, totaling \$300,000; and (2) for deferred COVID-related costs and foregone late fees in 2020 and 2021, totaling \$3,582,212 (the COVID deferral includes carrying charges on any deferred balances for 2020 through 2022), pursuant to the Stipulation approved by the Commission in VNG's 2020 Rate Case.¹²

VNG is proposing revisions to the Terms and Conditions of its existing Tariff including: Sections I, III, VI, VII, X and XIX for clarity and uniformity purposes; Section XVIII, to expand its existing Commission-approved practice of providing up to 100 feet of service line from the main to the customer's meter without charge, to also include certain customers installing any two natural gas appliances; and Section XX, to update the System Peak Day Firm Sales Volume, Demand Charge Allocation Factors, and the target margin for the Margin Sharing Adjustment.¹³

The Company also proposes to update Riders B, C, and D to apply the rates and consumption patterns proposed by the Company in this filing to reflect the Weather Normalization Adjustment and the Revenue Normalization Adjustment.¹⁴ The Company further proposes to update Rider E to reflect that existing SAVE Rider related costs are included in the Rate Year revenue requirement and will be recovered in base rates, not Rider rates.¹⁵

¹¹ *Id.* at 5.

¹² *Id.*

¹³ *Id.* at 7.

¹⁴ *Id.*

¹⁵ *Id.*

VNG requests that implementation of the rate and tariff modifications proposed in its Application be authorized on an interim basis, subject to refund, effective January 1, 2023.¹⁶ The Company asserts the requested base rate increase would increase the average residential monthly bill by \$12.88 based on an annual consumption of 599 cubic feet of natural gas.¹⁷

Pursuant to 20 VAC 5-201-10 E of the Commission's Rate Case Rules, the Company requests the Commission waive, in part, the requirements of 20 VAC 5-201-20 and 20 VAC 5-201-90 with respect to Schedule 6, which requires applicants to provide copies of the most recent public financial reports.¹⁸ According to VNG, in 2020, the Commission revised Schedule 6 as it relates to electric utilities to permit "a link to where such copies can be found on the Internet" in lieu of the submission of hard copies of these voluminous reports.¹⁹ Consistent with this Commission-approved revision to Schedule 6, and due to the voluminous nature of its public financial reports, VNG requests that the Commission waive the requirement to submit hard copies of its public financial reports, and instead permit the Company to provide a link to where those reports can be found on the Internet.²⁰

The Company also filed a motion for entry of a protective order ("Motion for Protective Order") in accordance with 5 VAC 5-20-170 of the Commission's Rules of Practice and

¹⁶ *Id.* at 1, 7, 10.

¹⁷ *Id.* at 7.

¹⁸ *Id.* at 9-10.

¹⁹ *Id.* at 10; citing 20 VAC 5-204-90 and *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of adopting new rules of the State Corporation Commission governing utility rate application by investor-owned electric utilities*, Case No. PUR-2020-00022, 2020 S.C.C. Ann. Rept. 439, Order Adopting Regulations (Nov. 23, 2020).

²⁰ Application at 9-10.

Procedure ("Rules of Practice"),²¹ which included a proposed Protective Order to establish procedures governing the use of confidential information in this proceeding.

NOW THE COMMISSION, having considered this matter, is of the opinion and finds that VNG should provide notice of its Application; public hearings should be scheduled for the purpose of receiving testimony and evidence on the Company's Application; interested persons should have an opportunity to file comments on the Company's Application or to participate in this proceeding as a respondent; and the Commission's Staff ("Staff") should be directed to investigate the Application and file testimony and exhibits containing its findings and recommendations thereon. We also find that a Hearing Examiner should be appointed to conduct all further proceedings in this matter on behalf of the Commission, including VNG's Motion for Protective Order, and to file a final report containing the Hearing Examiner's findings and recommendations. Further, for purposes of making the Application complete, we grant VNG's request to waive, in part, the requirements of 20 VAC 5-201-20 and 20 VAC 5-201-90 of the Rate Case Rules, with respect to Schedule 6 filing requirements. We also find the proposed rates, charges, and terms and conditions should be suspended pursuant to Code § 56-238, and the Company may, but is not obligated to, implement the proposed rates, charges, and terms and conditions on an interim basis, subject to refund with interest, for service rendered on and after January 1, 2023.

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

²¹ 5 VAC 5-20-10 *et seq.*

take additional actions going forward, which could impact the procedures in this proceeding.²² 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 they contain confidential information, and require electronic service on parties to this proceeding.

We note that the Application, if approved, would result in an increase to customer bills. The Commission notes its awareness of the ongoing rise in gas prices, inflation, and other economic pressures that are impacting all utility customers. We are sensitive to the effects of rate increases, especially in times such as these. The Commission, however, must and will follow the laws applicable to this case, as well as the findings of fact supported by evidence in the record.

Accordingly, IT IS ORDERED THAT:

(1) All pleadings in this matter should be submitted electronically to the extent authorized by 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 seeking to

²² 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).

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.²³

(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 Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, the parties and 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 Staff is impeded from preparing its case.

(3) As provided by § 12.1-31 of the Code and 5 VAC 5-20-120, *Procedures before Hearing Examiners*, of the Commission's 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 to file a final report. 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.²⁴

(4) 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 June 12, 2023, with no public witness present in the Commission's courtroom.²⁵

²³ 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.

²⁴ Such electronic copies shall be sent to: Wendy.Starkey@scc.virginia.gov, LeaAnn.Robertson@scc.virginia.gov, and Kaitlyn.Mcclure@scc.virginia.gov.

²⁵ 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 June 5, 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 June 12, 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.

(5) A hearing will be convened on June 13, 2023, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive testimony and evidence from the Company, any respondents, and the Commission's Staff.

(6) An electronic copy of the Company's Application may be obtained by submitting a written request to counsel for the Company: Elaine S. Ryan, Esquire; Timothy D. Patterson, Esquire; or Benjamin A. Shute, Esquire; McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219; eryan@mcguirewoods.com, tpatterson@mcguirewoods.com, or bshute@mcguirewoods.com. Interested persons also may download unofficial copies from the Commission's website: scc.virginia.gov/pages/Case-Information.

(7) On or before September 26, 2022, VNG shall cause the following notice to be published as display advertising (not classified) on one (1) occasion in newspapers of general circulation throughout the Company's Virginia service territory:

NOTICE TO THE PUBLIC OF
VIRGINIA NATURAL GAS COMPANY, INC.'S
APPLICATION FOR A GENERAL RATE INCREASE AND
FOR AUTHORITY TO REVISE THE TERMS AND
CONDITIONS APPLICABLE TO NATURAL GAS SERVICE
CASE NO. PUR-2022-00052

- **Virginia Natural Gas Company, Inc. ("VNG") has applied for approval of a general increase in rates.**
- **VNG requests an increase to its total annual revenue requirement of \$69.3 million.**
- **A Hearing Examiner appointed by the Commission will hold a telephonic hearing in this case on June 12, 2023, at 10 a.m., for the receipt of public witness testimony.**
- **The Hearing Examiner will hold an evidentiary hearing in this case on June 13, 2023, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219.**
- **Further information about this case is available on the State Corporation Commission's website at: scc.virginia.gov/case.**

On August 1, 2022, Virginia Natural Gas, Inc. ("VNG" or "Company") filed with the State Corporation Commission ("Commission") an application pursuant to Chapter 10 of Title 56 (§ 56-232 *et seq.*) of the Code of Virginia ("Code") and the Commission's Rules Governing Utility Rate Applications and Annual Informational Filings of Investor-owned Gas and Water Utilities, requesting authority to increase its rates and charges effective for usage beginning January 1, 2023, and to revise other terms and conditions applicable to its gas service ("Application"). Specifically, VNG states that the proposed rates and charges are designed to increase the Company's annual rate base revenue by approximately \$69.3 million per year. The Application states the requested increase includes approximately \$15 million of revenues associated with the Company's Steps to Advance Virginia's Energy ("SAVE")

plan pursuant to Code § 56-603 *et seq.* ("SAVE Act"). VNG states that it is proposing to include recovery of the costs associated with approximately \$176 million of cumulative SAVE investments as of December 31, 2022, in base rates, as permitted by the SAVE Act.

The Company states that it is not earning sufficient annual revenues to cover its cost of service, including a reasonable return on common equity capital. VNG indicates that the revenue requirement requested is driven in large part by increases to the Company's rate base since its last rate case in 2020 ("2020 Rate Case") and those projected to occur during the 12-month period ending December 31, 2023 ("Rate Year"), including capital costs associated with infrastructure projects, and changes in VNG's operating costs as it continues to expand oversight of field operations, implement programs to enhance customer satisfaction, modernize its compliance and recordkeeping systems, and engage in community outreach and safety education initiatives.

According to the Company, its proposed rate increase is based on a return on common equity ("ROE") of 10.35%. Per VNG, its proposed weighted cost of capital for the Rate Year is 7.68% (based on the 10.35% proposed ROE) with a capital structure of 53.2% equity and 46.8% total debt. VNG further requests recovery of two regulatory assets: (1) for the pipeline safety initiatives costs deferred in 2018 and 2019, totaling \$300,000; and (2) for deferred COVID-related costs and foregone late fees in 2020 and 2021, totaling \$3,582,212 (the COVID deferral includes carrying charges on any deferred balances for 2020 through 2022), pursuant to the Stipulation approved by the Commission in VNG's 2020 Rate Case.

VNG is proposing revisions to the Terms and Conditions of its existing Tariff including: Sections I, III, VI, VII, X and XIX for clarity and uniformity purposes; Section XVIII, to expand its existing Commission-approved practice of providing up to 100 feet of service line from the main to the customer's meter without charge, to also include certain customers installing any two natural gas appliances; and Section XX, to update the System Peak Day Firm Sales Volume, Demand Charge Allocation Factors, and the target margin for the Margin Sharing Adjustment.

The Company also proposes to update Riders B, C, and D to apply the rates and consumption patterns proposed by the Company in this filing to reflect the Weather Normalization Adjustment and the Revenue Normalization Adjustment. The Company further proposes to update Rider E to reflect that existing SAVE Rider related costs are included in the Rate Year revenue requirement and will be recovered in base rates, not Rider rates.

VNG requests that implementation of the rate and tariff modifications proposed in its Application be authorized on an interim basis, subject to refund, effective January 1, 2023. The Company asserts the requested base rate increase would increase the average residential monthly bill by \$12.88 based on an annual consumption of 599 cubic feet of natural gas.

Interested persons are encouraged to review the Application and supporting documents for the details of these and other proposals.

TAKE NOTICE that the Commission may apportion revenues among customer classes and/or design rates in a manner differing from that shown in the Application and supporting documents and thus may adopt rates that differ from those appearing in the Company's Application and supporting documents.

The Commission entered an Order for Notice and Hearing that, among other things, permits the Company to place its proposed rates into effect on an interim basis, subject to refund, effective January 1, 2023.

Additionally, the Order for Notice and Hearing sets the public hearing on VNG's Application. On June 12, 2023, at 10 a.m., the Commission will hold a telephonic hearing, with no witness present in the Commission's courtroom, for the purpose of receiving the testimony of public witnesses. On or before June 5, 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.

A hearing will be convened on June 13, 2023, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive testimony and evidence from the Company, any respondents, and the Commission's Staff.

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 and Procedure ("Rules of Practice"), 5 VAC 5-20-10 *et seq.* 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.

An electronic copy of the Company's Application may be obtained by submitting a written request to counsel for the Company: Elaine S. Ryan, Esquire; Timothy D. Patterson, Esquire; or Benjamin A. Shute, Esquire; McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219; eryan@mcguirewoods.com, tpatterson@mcguirewoods.com, or bshute@mcguirewoods.com. Interested persons also may

download unofficial copies from the Commission's website: scc.virginia.gov/pages/Case-Information.

On or before June 6, 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-2022-00052.

On or before November 22, 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 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-2022-00052.

On or before March 24, 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-2022-00052.

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 public version of 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.

VIRGINIA NATURAL GAS COMPANY, INC.

(8) On or before September 26, 2022, the Company shall serve a copy of this Order for Notice and Hearing on the following officials, to the extent the position exists, in each county, city, and town in which the Company provides service in the Commonwealth of Virginia: the chairman of the board of supervisors of each county; the mayor or manager (or equivalent official) of every city and town; and the county, city, or town attorney. Service shall be made electronically where possible; if electronic service is not possible, service shall be made by either personal delivery or first-class mail to the customary place of business or residence of the person served.

(9) On or before October 14, 2022, the Company shall file proof of the notice and service required by Ordering Paragraphs (7) and (8), including the name, title, address, and electronic mail address (if applicable) of each official served, with the Clerk of the Commission at scc.virginia.gov/clk/efiling.

(10) On or before June 6, 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-2022-00052.

(11) On or before November 22, 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 (10). 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-2022-00052.

(12) Within three (3) business days of receipt of a notice of participation as a respondent, the Company shall serve a copy of the public version of its Application on the respondent.

(13) On or before March 24, 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 in Ordering Paragraph (10). 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-2022-00052.

(14) On or before April 28, 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.

(15) On or before May 19, 2023, the Company 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 one page. The Company shall serve a copy of its rebuttal testimony and exhibits on the Staff and all respondents.

(16) 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 herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice.

(17) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories 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 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.²⁶ Except as modified herein, discovery shall be in accordance with Part IV of the Rules of Practice, 5 VAC 5-20-240 *et seq.*

(18) The Company may, but is not obligated to, implement the proposed rates, charges, and terms and conditions on an interim basis, subject to refund with interest, for service rendered on and after January 1, 2023.

(19) On or before September 15, 2022, VNG shall file a bond with the Commission in the amount of \$69.3 million, payable to the Commission and conditioned to ensure the prompt refund by the Company, to those entitled thereto, of all amounts the Company shall collect in excess of such rates and charges as the Commission may finally fix and determine.

(20) Pursuant to 20 VAC 5-201-10 E of the Commission's Rate Case Rules, the Company's request that the Commission waive, in part, the requirements of 20 VAC 5-201-20 and 20 VAC 5-201-90 of the Rate Case Rules with respect to Schedule 6, is granted. Consistent with this Commission's revision to Schedule 6, and due to the voluminous nature of its public financial reports, VNG may provide a link to where such public financial reports can be found on the Internet.

(21) This matter is continued.

²⁶ The assigned Staff attorney is identified on the Commission's website, scc.virginia.gov/pages/Case-Information, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2022-00052, in the appropriate box.

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.