

## STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 17, 2024

APPLICATION OF

*Document Control Center 4/17/24 @ 9:10 A.M.*RAPPAHANNOCK ELECTRIC  
COOPERATIVE,

HYPERSCALE ENERGY SERVICES, LLC,

CASE NO. PUR-2024-00016

and

HYPERSCALE ENERGY 1, LLC

For approval of an affiliate agreement  
pursuant to Chapter 4 of Title 56 of the  
Code of VirginiaORDER GRANTING MOTION

On January 23, 2024, Rappahannock Electric Cooperative, Hyperscale Energy Services, LLC, and Hyperscale Energy 1, LLC (collectively, "Applicants") filed with the State Corporation Commission ("Commission") an application for approval of an affiliate agreement ("Affiliate Application") in the instant docket and a Petition for Declaratory Judgment in Case No. PUR-2024-00015 ("Petition for Declaratory Judgment"). On February 28, 2024, the Commission issued an Order extending the time for review of the Affiliate Application by an additional thirty days, through April 22, 2024.

On April 3, 2024, Applicants filed a Motion to Voluntarily Withdraw Affiliate Application ("Motion") wherein they requested permission to voluntarily withdraw the Affiliate Application pending a final order on the Petition for Declaratory Judgment.<sup>1</sup> In support of their Motion, Applicants state that, on March 22, 2024, Commission Staff ("Staff") filed its comments on the Petition for Declaratory Judgment ("Comments") in which Staff stated that the

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<sup>1</sup> Motion at 3.

arrangement proposed in the Petition for Declaratory Judgment appears to lack sufficient support under the Virginia Code.<sup>2</sup> Applicants further state that they are in the process of preparing a response to Staff's Comments and have requested additional time to do so.<sup>3</sup> Additionally, Applicants note the important legal issues for which they seek Commission guidance in the Petition for Declaratory Judgment and the importance such guidance will have on the Affiliate Application.<sup>4</sup> In light of those considerations, and the April 22, 2024 deadline for Commission action on the Affiliate Application, Applicants request that the Commission grant them leave to voluntarily withdraw the Affiliate Application.<sup>5</sup> Applicants state that they "will refile the affiliate application after the Commission issues an order on the Petition for Declaratory Judgment."<sup>6</sup> They further state that granting the requested relief will not prejudice any parties.<sup>7</sup>

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that Applicants' Motion should be granted, and the Affiliate Application should be withdrawn.

Accordingly, IT IS SO ORDERED, and this matter is DISMISSED.

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

<sup>3</sup> *Id.* On April 5, 2024, the Commission granted the Company's request for an extension of time to file a response to Staff's Comments on the Petition for Declaratory Judgment. See *Petition of Rappahannock Electric Cooperative, Hyperscale Energy Services, LLC and Hyperscale Energy 1, LLC, For a declaratory judgment and, if necessary, a partial waiver of the requirements of 20 VAC 5-312- 20 E*, Case No. PUR-2024-00015, Order Granting Motion (Apr. 5, 2024).

<sup>4</sup> Motion at 2.

<sup>5</sup> *Id.*

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

<sup>7</sup> *Id.* at 4.