

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JULY 26, 2024

SEC. CLERK'S OFFICE
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COMMONWEALTH OF VIRGINIA, *ex rel.*

STATE CORPORATION COMMISSION

2024 JUL 26 P 4: 00
CASE NO. PUR-2024-00134

Ex Parte: In the matter of establishing energy efficiency savings targets for Appalachian Power Company pursuant to Code § 56-596.2 B 3

ORDER ESTABLISHING PROCEDURAL SCHEDULE

On January 5, 2024, the State Corporation Commission ("Commission") entered an Order Establishing Proceeding wherein it docketed Case No. PUR-2023-00227 for the purpose of establishing annual energy efficiency savings targets pursuant to Code §§ 56-596.2 and 56-596.2:2. Among other things, the Order Establishing Proceeding required Virginia Electric and Power Company ("Dominion") and Appalachian Power Company ("APCo") to each file their proposed savings targets; invited interested persons and entities to file comments on those proposals; required the Staff of the Commission ("Staff") to investigate Dominion's and APCo's proposals, together with the comments thereto, and file its findings and recommendations in a report ("Staff Report"); and required Dominion and APCo to file any response to comments and the Staff Report.

On February 2, 2024, Dominion filed a Motion to Modify Procedural Schedule and For Expedited Consideration ("Dominion's Motion"). On February 14, 2024, the Commission issued an Order Granting Motion, which granted Dominion's request to modify the procedural schedule set forth in the Order Establishing Proceeding and established a new procedural schedule consistent with the schedule proposed in Dominion's Motion.

On June 12, 2024, APCo filed its proposed energy efficiency savings targets reports ("Prefiled Report").

On July 2, 2024, Appalachian Voices filed a motion requesting the Commission conduct a hearing on the matter and modify the procedure in the case to allow interested parties to formally participate in the proceeding and conduct discovery ("Motion"). On July 11, 2024, APCo filed a Response in Opposition to the Motion ("Response"). On July 19, 2024, Appalachian Voices filed its Reply to APCo's Response.

In its Order Granting Motion and Bifurcating Case entered in both the present docket and Case No. PUR-2023-00227, the Commission granted Appalachian Voices' request for hearing, bifurcated Case No. PUR-2023-00227 so that Dominion's and APCo's respective energy efficiency savings targets could be considered in separate proceedings, and docketed Case No. PUR-2024-00134 for consideration of APCo's energy efficiency savings targets. The Commission further granted Appalachian Voices' request to modify the procedural schedule, suspended the procedural schedule provided for in the Commission's February 14, 2024, Order Granting Motion, and provided that the modified procedural schedules would be established in a subsequent order in each docket.

NOW THE COMMISSION, upon consideration of the foregoing, is of the opinion and finds that a procedural schedule should be established as set forth herein. Further, we find that a Hearing Examiner should be appointed to conduct further proceedings in this matter on behalf of the Commission.

To promote administrative efficiency and timely service of filings upon participants, 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) All pleadings, briefs, or other documents required to be served 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 ("Rules of Practice").¹ 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.

(2) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission directs that service on parties and Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, all 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, *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 filing a final report containing the Hearing Examiner's findings and recommendations. A copy of each filing made

¹ 5 VAC 5-20-10 *et seq.*

with the Commission's Clerk's office in this matter shall also be sent electronically to the Office of the Hearing Examiners.²

(4) The Commission hereby schedules a telephonic portion of the hearing in this proceeding for the receipt of testimony from public witnesses, as follows:

- (a) The portion of the hearing for the receipt of testimony from public witnesses shall be convened telephonically at 10 a.m., on November 4, 2024.
- (b) To promote fairness for all public witnesses, each witness will be allotted five minutes to provide testimony.
- (c) On or before October 28, 2024, 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 November 4, 2024, the Hearing Examiner appointed to this case will telephone sequentially each person who has signed up to testify, if any, as provided above.
- (e) This public witness portion of the hearing will be webcast at scc.virginia.gov/pages/Webcasting.

(5) The evidentiary portion of the hearing shall be convened at 10 a.m. on November 4, 2024, or at the conclusion of the public witness portion of the hearing, whichever is later, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive the testimony and evidence of APCo, any respondents, and Staff.

² Such electronic copies shall be sent to: OHEParalegals@scc.virginia.gov.

(6) APCo shall provide a copy of this Order to participants in its stakeholder process required by Code § 56-596.2 C. Proof of such notice shall be filed with the Clerk of the Commission on or before August 9, 2024.

(7) On or before August 23, 2024, APCo shall file with the Clerk of the Commission any testimony and exhibits in support of its Prefiled Report that it plans to offer at the hearing and shall serve copies thereof on counsel for all the parties and Staff. In lieu of prefiled testimony and exhibits, APCo may file with the Clerk of the Commission by August 23, 2024, a document in which it identifies witnesses who will appear and offer testimony at the hearing in support of the Prefiled Report and that, in addition, specifies those portions of the Prefiled Report such witnesses will adopt and support as their testimony at the hearing.

(8) On or before October 28, 2024, any interested person may submit comments in this proceeding by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to file 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-2024-00134.

(9) On or before August 30, 2024, 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 (8). 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 APCo. 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-2024-00134.

(10) On or before September 30, 2024, 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 (8). Each witness's testimony shall include a summary not to exceed one page. All testimony and exhibits shall be served on Staff, APCo, and all other respondents simultaneous with its filing. 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-2024-00134.

(11) Staff shall investigate the Prefiled Report and any supporting testimony subsequently filed by APCo. On or before October 7, 2024, Staff shall file with the Clerk of the Commission its testimony and exhibits concerning the Prefiled Report. In addition, the Staff testimony shall address the feasibility of the proposed targets under Code § 56-596.2 for APCo. Each Staff witness's testimony shall include a summary not to exceed one page. A copy of the Staff testimony shall be served on counsel to APCo and all respondents.

(12) On or before October 21, 2024, APCo 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. APCo shall each serve a copy of its rebuttal testimony and exhibits on Staff and all other parties.

(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, except as modified herein, 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 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 five (5) 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 Staff.³ 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.*

(15) This matter is continued.

³ 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-2024-00134 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.