

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, AUGUST 21, 2024

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PETITION OF

VIRGINIA DISTRIBUTED SOLAR ALLIANCE

CASE NO. PUR-2024-00150

For injunctive relief against Virginia Electric and Power Company, for commencement of Staff investigation, and for expedited consideration

ORDER

On August 16, 2024, pursuant to Rule 100 of the Rules of Practice and Procedure of the State Corporation Commission ("Commission"),<sup>1</sup> Virginia Distributed Solar Alliance ("VDSA") filed a petition for injunctive relief against Virginia Electric and Power Company ("Dominion"), and commencement of an investigation by the Commission Staff ("Petition").<sup>2</sup> VDSA seeks expedited consideration of its Petition.<sup>3</sup>

Previously, in Case No. PUR-2023-00097, VDSA filed a Complaint and Petition for Injunctive Relief and Request for Expedited Action, seeking: (i) an injunction from the Commission to immediately suspend imposition of Dominion's Interconnection Parameters for Net Metering Distributed Energy Resources ("Interconnection Parameters") on mid-sized nonresidential net energy metering projects ("Mid-sized NEM Projects"), and (ii) an injunction to prohibit Dominion from requiring eligible nonresidential customer-generators to sign a Small Generator Interconnection Agreement ("SGIA") for Mid-sized NEM Projects.<sup>4</sup> The Commission

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<sup>1</sup> 5 VAC 5-20-10 *et seq.*

<sup>2</sup> Petition at 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Petition of Virginia Distributed Solar Alliance, For injunctive relief against Virginia Electric and Power Company*, Case No. PUR-2023-00097, Doc. Con. Cen. No. 230840172, Final Order at 1-2 (Aug. 30, 2023).

issued an injunction in that case suspending the imposition of the Interconnection Parameters on Midsized NEM Projects and suspending the requirement of SGAs for Midsized NEM Projects until the Commission completed the investigations and rulemaking that had been established in Case Nos. PUR-2022-00073 and PUR-2023-00069.<sup>5</sup> However, in granting the injunctions, the Commission found that "Dominion should continue to take the actions necessary to maintain the immediate safety and reliability of its system; this may include, but need not be limited to, seeking specific authority from this Commission in one or more formal proceedings."<sup>6</sup>

Thereafter, in Case No. PUR-2023-00069, Dominion filed a motion to, in part, grant it interim authority to establish and implement minimum safety standards for Midsized NEM Projects, which Dominion asserted was needed to responsibly manage, maintain, and operate its grid safely and reliably. In a Hearing Examiner's Ruling dated November 6, 2023, the Chief Hearing Examiner granted Dominion interim authority to: (i) continue to require either a fiber optic or cellular-based direct transfer trip ("DTT") communication system, at the customer's election ("Interim Parameters"), and (ii) require the installation of a distributed generation panel, under certain conditions.<sup>7</sup>

<sup>5</sup> *Id.* at 4. See also *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of revising the Commission's Regulations Governing Interconnection of Small Electrical Generators and Storage*, Case No. PUR-2023-00069, Doc. Con. Cen. No. 230510089, Order Initiating Rulemaking Proceeding (May 2, 2023); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter considering utility distributed energy resource interconnection-related issues and questions*, Case No. PUR-2022-00073, Doc. Con. Cen. No. 220530158, Order for Comment (May 24, 2022).

<sup>6</sup> *Petition of Virginia Distributed Solar Alliance, For injunctive relief against Virginia Electric and Power Company*, Case No. PUR-2023-00097, Doc. Con. Cen. No. 230840172, Final Order at 5 (Aug. 30, 2023).

<sup>7</sup> *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of revising the Commission's Regulations Governing Interconnection of Small Electrical Generators and Storage*, Case No. PUR-2023-00069, Doc. Con. Cen. No. 231110133, Hearing Examiner's Ruling (Nov. 6, 2023). On November 16, 2023, VDSA filed a motion to certify the November 6, 2023 Hearing Examiner's Ruling to the Commission. On November 27, 2023, the Chief Hearing Examiner declined to certify the November 6, 2023, Ruling to the Commission.

In its Petition in the instant case, VDSA seeks to have the Commission issue an injunction suspending the imposition of the Interim Parameters and all additional substation and distribution upgrade costs imposed on Midsized NEM Projects following the issuance of the Interim Parameters (collectively, "Interim Requirements").<sup>8</sup> VDSA states that, if the Commission will not immediately enjoin the Interim Requirements in their entirety, VDSA seeks in the alternative to have the Commission immediately enjoin Dominion from imposing any costs or delays caused by the Interim Requirements on Midsized NEM Projects.<sup>9</sup>

Additionally, through its Petition, VDSA seeks to have the Commission enjoin Dominion from interconnecting net metering projects beyond the 30-day timeline for residential net metering projects and the 60-day timeline for nonresidential net metering projects (collectively, "30 and 60 Day Timeframes") that are set forth in the Commission's Regulations Governing Net Energy Metering ("Net Metering Regulations").<sup>10</sup> Instead, VDSA requests that the Commission direct that all net metering projects are deemed to have received permission to operate ("PTO") in any instance where Dominion has failed to meet the 30 and 60 Day Timeframes and failed to timely submit a waiver request accompanied by an explanation of why the waiver is needed for matters reasonably beyond the utility's control.<sup>11</sup> VDSA further states that, if the Commission will not immediately enjoin Dominion from delaying interconnections beyond the 30 and 60 Day Timeframes, VDSA seeks, in the alternative,

to have the Commission resolve this issue via a Staff investigation concluded no later than September 30, 2024 that addresses if it is

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<sup>8</sup> Petition at 3-4. VDSA asserts these requirements constitute an unauthorized pilot program and violate Virginia law governing interconnection of utility distribution energy resources. *Id.* at 4.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> *Id.*; 20 VAC 5-315-10 *et seq.*

<sup>11</sup> Petition at 4-5.

consistent with Virginia law for Dominion to routinely delay implementation of interconnection for net metering projects beyond the 30 and 60 Day Timeframes, including whether (a) the burden imposed by such delays should be borne entirely by net metering projects or should instead be borne at least in part by Dominion and (b) whether all net metering projects are deemed to have received PTO in any instance where Dominion has failed to timely submit a waiver request accompanied by an explanation of why the waiver is needed for matters reasonably beyond the utility's control.<sup>12</sup>

VDSA seeks the requested injunctions pending the outcome of an evidentiary hearing on Dominion's DTT requirements, which will be held in a separate docket, as directed by the Commission as part of its August 7, 2024 Order Directing Evidentiary Proceeding, Pilot and Improvements to the Interconnection Process in Case No. PUR-2022-00073.<sup>13</sup>

NOW THE COMMISSION, having considered the Petition, hereby establishes dates for Dominion to file a response to the Petition and for VDSA to file a reply.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUR-2024-00150.
- (2) Dominion shall file a response to the Petition on or before August 30, 2024.
- (3) VDSA shall file a reply on or before September 6, 2024.
- (4) 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.

<sup>12</sup> *Id.* at 5.

<sup>13</sup> *Id.*; *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter considering utility distributed energy resource interconnection-related issues and questions*, Case No. PUR-2022-00073, Doc. Con. Cen. No. 240820139, Order Directing Evidentiary Proceeding, Pilot and Improvements to the Interconnection Process (Aug. 7, 2024).