

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 12, 2018

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COMMONWEALTH OF VIRGINIA, *ex rel.*

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STATE CORPORATION COMMISSION

CASE NO. PUR-2017-00051

In re: Virginia Electric and Power Company's
Integrated Resource Plan filing pursuant to
Va. Code § 56-597 *et seq.*

ORDER

On May 1, 2017, Virginia Electric and Power Company ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") the Company's Integrated Resource Plan ("IRP") pursuant to § 56-597 *et seq.* of the Code of Virginia ("Code"). Dominion's 2017 IRP encompasses the planning period from 2018 to 2032.

On May 12, 2017, the Commission issued an Order for Notice and Hearing in this proceeding that, among other things, established a procedural schedule; set an evidentiary hearing date; directed Dominion to provide public notice of its IRP; and provided any interested person an opportunity to file comments on the Company's IRP, or to participate in the case as a respondent by filing a notice of participation. Notices of participation were filed by the Natural Resources Defense Council, Appalachian Voices and the Chesapeake Climate Action Network ("Environmental Respondents"); the Virginia Chapter of the Sierra Club ("Sierra Club"); the Board of Supervisors of Culpeper County, Virginia ("Culpeper County"); the Mid-Atlantic Renewable Energy Coalition ("MAREC"); the Virginia Committee for Fair Utility Rates; and the Virginia Office of the Attorney General, Division of Consumer Counsel.

The Commission's Order for Notice and Hearing also provided for the pre-filing of testimony and exhibits by Dominion, respondents and the Commission's Staff ("Staff"). The

Company, Environmental Respondents, Sierra Club, MAREC, and Staff pre-filed testimony in this proceeding.

On September 8, 2017, Dominion filed a Motion *in Limine*. On September 11, 2017, the Environmental Respondents filed a response and a Cross Motion *in Limine*. On September 12, 2017, the Sierra Club filed a joinder to the Environmental Respondents' filing. On September 28, 2017, the Environmental Respondents and Sierra Club filed responses to the Motion *in Limine* on its merits. On October 13, 2017, Dominion filed its reply.¹

Beginning on September 25, 2017, the Commission convened an evidentiary hearing on the Company's IRP.² During the hearing, the Commission received the testimony of public witnesses.³ The Commission also received testimony and exhibits from Dominion, the respondents, and Staff.⁴ The hearing concluded, after closing arguments, on September 27, 2017.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds as follows.

Legal Sufficiency of Dominion's 2017 IRP

Pursuant to § 56-599 C of the Code, the Commission must, after giving notice and an opportunity to be heard, determine whether Dominion's IRP is reasonable and in the public interest. The Commission finds, based on the record of this proceeding and applicable statutes,

¹ On October 16, 2017, Sierra Club filed a technical correction to its response.

² Staff and all parties except Culpeper County participated in the hearing.

³ Tr. at 14-26. The Commission also considered public comments filed pursuant to the Order for Notice and Hearing.

⁴ At the hearing, the Commission noted that it would rule on the outstanding motions in its Final Order in this proceeding. Tr. at 8.

that the Company's IRP is reasonable and in the public interest for the specific and limited purpose of filing the planning document as mandated by § 56-597 *et seq.* of the Code.⁵

Consistent with prior final orders issued under these provisions of the Code, we reiterate that approval of an IRP does not create a presumption that resource options contained in the approved IRP will be approved in a future certificate of public convenience and necessity, rate adjustment clause, fuel factor, or other type of proceeding governed by different statutes.⁶

Future IRPs

An extensive record was developed in this matter, including robust participation by members of the public and respondents that have intervened and presented substantial evidence in this proceeding. The evidence and arguments addressed specific information and analyses that Dominion should be required to include in its next IRP filing.

The Commission takes judicial notice, however, that the 2018 Regular Session of the General Assembly has passed and the Governor has signed Senate Bill 966,⁷ which impacts subsequent IRPs. The Commission therefore directs that Dominion's future IRPs, beginning with the IRP due to be filed on May 1, 2018, shall include detailed plans to implement the

⁵ We deny any objections we took under advisement and admit all evidence, including the testimony of Environmental Respondents witness Lander (Exs. 23 & 24) and Sierra Club witness Penniman (Ex. 10) regarding the Atlantic Coast Pipeline. We have given this evidence the weight due when making our finding herein. The Motion and Cross Motion *in Limine* are denied.

⁶ See, e.g., *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.*, Case No. PUE-2016-00049, 2016 S.C.C. Ann. Rept. 405, 406, Final Order (Dec. 14, 2016); *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.*, Case No. PUE-2011-00092, 2012 S.C.C. Ann. Rept. 296, 296, Final Order (Oct. 5, 2012); *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Appalachian Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.*, Case No. PUE-2009-00097, 2010 S.C.C. Ann. Rept. 387, 389, Final Order (Aug. 6, 2010); *Commonwealth of Virginia, ex rel., State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.*, Case No. PUE-2009-00096, 2010 S.C.C. Ann. Rept. 385, 387, Final Order (Aug. 6, 2010).

⁷ 2018 Acts ch. 296.

mandates contained in that legislation, as well as plans that comply with all other legal requirements.⁸

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

AN ATTESTED COPY hereof shall be sent 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, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219.

⁸ This includes, for example, the utility's least-cost plan along with plans compliant with proposed federal carbon-control regulations, which are required in accordance with the provisions of both Code § 56-585.1:1 F 1, and Code § 56-599 B 9 (requiring an IRP to include "the most cost effective means of complying with current and pending state and federal environmental regulations, including compliance options to minimize effects on customer rates of such regulations").