

NOTICE TO THE PUBLIC OF A PROPOSED AMENDMENT TO THE STATE CORPORATION COMMISSION'S REGULATIONS GOVERNING NET ENERGY METERING

CASE NO. PUR-2021-00251

The Regulations Governing Net Energy Metering, 20 VAC 5-315-10 *et seq.* ("Net Energy Metering Rules"), adopted by the State Corporation Commission ("Commission") pursuant to § 56-594 of the Code of Virginia ("Code"), establish the requirements for participation by an eligible customer-generator in net energy metering in the Commonwealth. The Net Energy Metering Rules include conditions for interconnection and metering, billing, and contract requirements between net metering customers, electric distribution companies, and energy service providers.

Chapter 266 of the 2021 Acts of Assembly, Special Session I ("Chapter 266"), amended the definition of "[s]mall agricultural generator" in Code § 56-594.2 as follows (with changes noted in *italics*):

"Small agricultural generator" means a customer that:

...

2. Operates a small agricultural generating facility as part of (i) an agricultural business or (ii) *any business granted a manufacturer license pursuant to subdivisions 1 through 6 of § 4.1-206.1*;

....

The added language generally refers to types of manufacturing licensees [sic] issued to businesses by the Virginia Alcoholic Beverage Control Authority pursuant to Code § 4.1-206.1, including distilleries, limited distilleries, breweries, limited breweries, wineries, and farm wineries. The current Net Energy Metering Rules must be revised to reflect this change.

On November 12, 2021, the Commission docketed Case Number PUR-2021-00251 and issued an Order Establishing Proceeding seeking to amend the Net Energy Metering Rules in keeping with the expanded definition of "[s]mall agricultural generator" in Chapter 266. The Commission Staff prepared a proposed amendment to Rule 20 VAC 5-315-20 of the Net Energy Metering Rules ("Proposed Amendment"). The Proposed Amendment is appended to the Order *Nunc Pro Tunc* issued in that docket on November 16, 2021. The Commission subsequently entered an Order Modifying Notice Requirements and Procedural Schedule.

TAKE NOTICE THAT on or before May 27, 2022, any interested person may comment on, propose modifications or supplements to, or request a hearing on the Proposed Amendment following the instructions on the Commission's website: scc.virginia.gov/case-comments/Submit-Public-Comments. Those unable, as a practical matter, to submit such documents 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 such documents shall refer to Case No. PUR-2021-00251. Individuals should be specific in their comments, proposals, or supplements to the Proposed Amendment and should address only those issues pertaining to the amendment of Code § 56-594.2 pursuant to Chapter 266. Issues outside the scope of this amendment will not be considered. Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed in written comments. If a sufficient request for hearing is not received, the Commission may consider the matter and enter an order based upon the comments, documents or other pleadings filed in this proceeding.

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 take additional actions going forward, that could impact the procedures in this proceeding. In accordance therewith, all comments and other documents and pleadings filed 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"), as modified and described in the Order Establishing Proceeding. Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and shall comply with Rule 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. At this time, 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.

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 Establishing Proceeding, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

An electronic copy of the Order Establishing Proceeding, Order *Nunc Pro Tunc*, Order Modifying Notice Requirements and Procedural Schedule, and the Proposed Amendment may be obtained by submitting a written request to counsel for Virginia's Electric Cooperatives, Samuel R. Brumberg, Esquire; 4201 Dominion Boulevard, Suite 101; Glen Allen, Virginia 23060, or via email to sbrumberg@vmdaec.com.

An electronic copy of the Proposed Amendment itself may be obtained by submitting a request to Michael A. Cizenski in the Commission's Division of Public Utility Regulation at the following email address: mike.cizenski@scc.virginia.gov. An electronic copy of the Proposed Amendment can be found at the Division of Public Utility Regulation's website: scc.virginia.gov/pages/Rulemaking.

The Commission's Rules of Practice, the Order Establishing Proceeding, Order *Nunc Pro Tunc* and Proposed Amendment, and the Order Modifying Notice Requirements and Procedural Schedule may be viewed at: scc.virginia.gov/pages/Case-Information.