ACCEPTED FOR PROCESSING - 2019 July 8 10:32 AM - SCPSC - 2019-209-E - Page 1 of 5

SOUTHERN ENVIRONMENTAL LAW CENTER

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July 5, 2019

The Honorable Jocelyn G. Boyd
Chief Clerk/Executive Director
Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, SC 29210

RE: ND-2019-11-E, Inquiry Regarding the Substance of the SC Energy Freedom Act (House Bill 3659)

Procedural Input related to Act 62 Implementation Docket Nos. 2019-176-E; 2019-184-E; 2019-185-E; 2019-186-E; 2019-180-E; 2019-210-E; 2019-211-E; 2019-212-E; 2019-207-E; 2019-208-E; 2019-209-E; 2019-194-E; 2019-195-E; 2019-196-E; 2019-197-E; 2019-182-E;2019-224-E; 2019-225-E; 2019-226-E; 2019-227-E

Dear Ms. Boyd:

The Southern Environmental Law Center ("SELC") submits the following comments in response to the Commission's directive issued at its June 26, 2019 meeting, soliciting input on implementation proceedings following enactment of the Energy Freedom Act (Act 62, H. 3659). SELC anticipates representing conservation groups such as the South Carolina Coastal Conservation League, Southern Alliance for Clean Energy, and Upstate Forever in many of the Act 62 related proceedings. SELC's primary request is that the Commission provide ample opportunity for stakeholder and interested party engagement in the Act 62 implementation proceedings.

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ACCEPTED FOR PROCESSING - 2019 July 8 10:32 AM - SCPSC - 2019-209-E - Page 2 of 5

Standard Offer and Avoided Cost Proceedings: Docket Nos. 2019-176-E; 2019-184-E; 2019-185-E; 2019-186-E

SELC supports the procedural schedule recommended by the South Carolina Solar Business Alliance ("SBA") and Johnson Development Associates ("JDA"). Act 62's six month time limit for setting the investor-owned utilities' next avoided cost rates poses a challenge to scheduling a comprehensive review of the state's overall avoided cost approach and policies, but SBA and JDA have recommended an intermediate approach that will at least allow for some upfront input by interested parties to help guide the implementation of new provisions in Act 62 and set the framework for what will be required in each of the utilities' avoided cost filings.

Community Solar: Docket Nos. 2019-180-E; 2019-210-E; 2019-211-E; 2019-212-E

The Commission has already taken steps to initiate the community solar proceeding schedules as required under Act 62. However, the Commission has not yet set a schedule for intervenor comments or testimony related to any new programs proposed by the utilities. While not urgent, SELC asks that the Commission establish a procedural schedule that allows for intervention and comments or testimony in the community solar proceedings, particularly related to any newly proposed programs. The Commission may also consider whether a hearing is warranted if requested by the parties in the proceeding once any new programs are filed and reviewed.

ACCEPTED FOR PROCESSING - 2019 July 8 10:32 AM - SCPSC - 2019-209-E - Page 3 of 5

Voluntary Renewable Energy Programs: Docket Nos. 2019-207-E; 2019-208-E; 2019-209-E

SELC requests that the Commission establish schedules that allow for intervention, intervenor comments or testimony, and a hearing if requested by the parties.

Interconnection Standards: Docket Nos. 2019-194-E; 2019-195-E; 2019-196-E; 2019-197-E

SELC does not have any comments related to the interconnection proceeding at this time, other than requesting the opportunity for interested parties to participate, as in the other proceedings.

Net Energy Metering and Methodology: Docket No. 2019-182-E

The net energy metering proceeding is not as time-sensitive as some of the other Act 62 proceedings, given that new rates will not go into effect until June 1, 2021. SELC supports an opportunity for stakeholder engagement and collaboration, such as the procedure outlined by Vote Solar in its July 3, 2019 filing in these proceedings. This kind of stakeholder process could be conducted informally by the parties before the initial testimony deadlines. SELC agrees with other interested parties that deadlines for this proceeding may be set in late 2020 and early 2021. An initial, informal stakeholder process may help to inform the Commission's procedural schedule closer to when it is needed.

ACCEPTED FOR PROCESSING - 2019 July 8 10:32 AM - SCPSC - 2019-209-E - Page 4 of 5

Integrated Resource Planning: Docket Nos. 2019-224-E; 2019-225-E; 2019-226-E; 2019-227-E

SELC submitted comments on behalf of South Carolina Coastal Conservation League and Southern Alliance for Clean Energy on June 19, 2019 related to the Integrated Resource Planning process and new provisions in Act 62. Those comments set out relevant history of the IRP process and the Commission's past practice of issuing IRP guidance, and made the following recommendations:

- Designate a docket for the generic consideration of procedures to maximize the transparency and effectiveness of IRP provisions in Act 62;
- At the conclusion of the generic proceeding, require jurisdictional utilities to submit IRP filings that comply with Act 62 and related Commission guidance;
- Ideally establish a schedule that completes the generic docket in the first half of 2020, such that jurisdictional utilities can file IRPs in accordance with their plans and [Dominion merger] settlement requirements by late 2020.

We further note that there should be meaningful opportunity for stakeholder input and feedback on the utilities' IRPs once they are filed and ideally before they are filed. This should include sufficient time for review of the plans, discovery, submission of testimony and a hearing. The IRPs are integrally linked to critical decision-making about electricity resources in the state, ratepayer impacts, and to other proceedings such as avoided costs. For that reason, and to comply with the new heightened requirements of Act 62 and Commission's authority to enforce them, there should be a significant opportunity for interested party input to the utilities and Commission.

Conclusion

We appreciate the opportunity to comment on the Commission's implementation of Act 62 and its related procedural timelines. Please contact me with any questions concerning this filing.

Sincerely,

s/ J. Blanding Holman, IV

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cc: Parties of Record

ACCEPTED FOR PROCESSING - 2019 July 8 10:32 AM - SCPSC - 2019-209-E - Page 5 of 5