Whitt Law Firm, LLC

ATTORNEYS AND COUNSELORS AT LAW

"A VETERAN OWNED LAW FIRM"

OF COUNSEL:

RICHARD L. WHITT

JEFFERSON D. GRIFFITH, III

401 WESTERN LANE, SUITE E,
IRMO, SOUTH CAROLINA 29063
MAILING ADDRESS: POST OFFICE BOX 362
IRMO, SOUTH CAROLINA 29063
TELEPHONE: (803) 995-7719

April 13, 2020

VIA, ELECTRONIC FILING
The Honorable Jocelyn Boyd
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

Re:
- **Docket 2019-184-E**
- **SCSBA's Response in compliance with David Butler's Email from April 3, 2020, requiring a response from parties in this Docket by April 13, 2020**

Ms. Boyd:

The South Carolina Solar Business Alliance ("SCSBA") writes relevant to the email referenced hereinabove, and the April 3, 2020, request by Dominion Energy South Carolina ("DESC") for an extension of time until June 1, 2020, to file proposed mitigation protocols that may reduce the Variable Integration Charge and Energy Integration Charge incurred by certain solar projects on DESC's system. SCSBA does not oppose DESC's request for an extension. However, SCSBA submits that as a matter of fairness this Commission should clarify that DESC may not collect the VIC from solar projects for the duration of the extension, until a final VIC mitigation protocol is approved.

In its March 24, 2020, Order Granting In Part And Denying In Part Motions For Rehearing And Reconsideration ("Order No. 2020-244"), this Commission found that solar projects which agree to operate in a manner that materially reduces or eliminates the need for additional ancillary service requirements incurred by the utility should be afforded a reduction or waiver of the VIC/EIC. This Commission further stated that it "agrees with the Petitioners' argument that the opportunity for solar facilities to mitigate the VIC/EIC <u>before it is imposed</u> represents good public policy for the implementation of a novel and complex new concept and charge." Order No. 2020-244 at 7. Despite this ruling, DESC is currently imposing integration charges on new and existing solar projects. Until DESC proposes (and this Commission approves) a VIC mitigation protocol, solar projects will not have the opportunity to mitigate those integration charges. If DESC is permitted to continue imposing the VIC/EIC prior to implementing a mitigation protocol, the requested extension will further delay solar projects' opportunity to mitigate those charges. This would not only be unfair to solar projects, but would also contravene this Commission's directive in Order No. 2020-244 that solar projects be given the opportunity to mitigate the VIC <u>before</u> it is imposed.

ELECTRONICALLY FILED - 2020 April 13 7:44 PM - SCPSC - Docket # 2019-184-E - Page 1 of 2

Accordingly, SCSBA requests that if this Commission grants the requested extension, it should also clarify that DESC is not permitted to impose the VIC or EIC on new or existing solar projects until a reasonable period of time after this Commission approves a mitigation protocol.[1]

In considering whether to impose conditions on the requested extension, this Commission should also take account of the fact that its January 3, 2020 Directive Order clearly stated that DESC would be required to file proposed mitigation protocols for the VIC "within 30 days," subject to any extension. So even before this Commission issued its Order on Reconsideration on March 24, the utility knew for almost three months that it would be required to formulate a VIC mitigation protocol. SCSBA understands and appreciates that formulating a technically sound mitigation protocol is a complex task made more difficult by the social-distancing requirements resulting from the COVID-19 epidemic. However, if DESC can continue collecting the VIC/EIC from solar projects in the meantime, the utility has little economic incentive to devote the resources necessary to coming up with a protocol.

Respectfully submitted this 13th day of April, 2020.

WHITT LAW FIRM, LLC

/**s**/Richard L. Whitt
Richard L. Whitt,
As Counsel for the South Carolina Solar
Business Alliance, Inc.

RLW/cas

cc: All parties of Record in Docket 2019-184-E, *via electronic mail*

[1] To be clear, SCSBA submits that DESC should also be prevented from retroactively collecting the VIC/EIC from solar projects for periods prior to the approval of a mitigation protocol during which solar projects had no opportunity to mitigate the VIC.

ELECTRONICALLY FILED - 2020 April 13 7:44 PM - SCPSC - Docket # 2019-184-E - Page 2 of 2