

TITLE 20. PUBLIC UTILITIES AND TELECOMMUNICATIONS

STATE CORPORATION COMMISSION

Final Regulation

REGISTRAR'S NOTICE: The State Corporation Commission is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 2 of the Code of Virginia, which exempts courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

Title of Regulation: **20VAC5-340. Rules Governing Shared Solar Program (adding 20VAC5-340-10 through 20VAC5-340-110).**

Statutory Authority: §§ 12.1-13 and 56-594.3 of the Code of Virginia.

Effective Date: January 1, 2021.

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Summary

The action implements the provisions of Chapters 1238 and 1264 of the 2020 Acts of Assembly and establishes Rules Governing Shared Solar Program (20VAC5-340), a program that affords customers of a Phase II Utility the opportunity to participate in shared solar projects. The new regulation governs the development of shared solar facilities and participation in the shared solar program and contains requirements for licensing, registration, marketing and enrollment, billing and payment, annual proceeding, disputes, and recordkeeping and reporting. Changes to the proposed regulation provide an exemption process for the licensing of certain subscriber organizations and clarify certain provisions regarding the commission's establishing the minimum bill for the shared solar program.

AT RICHMOND, DECEMBER 23, 2020

COMMONWEALTH OF VIRGINIA, ex rel:

STATE CORPORATION COMMISSION

CASE NO. PUR-2020-00125

Ex Parte: In the matter of establishing regulations
for a shared solar program pursuant to
§ 56-594.3 of the Code of Virginia

ORDER ADOPTING RULES

During its 2020 Session, the Virginia General Assembly enacted Chapters 1238 (HB 1634) and 1264 (SB 629) of the 2020 Virginia Acts of Assembly. These Acts of

Assembly amend the Code of Virginia ("Code") by adding a section numbered 56-594.3, effective July 1, 2020. Code § 56-594.3 requires that by January 1, 2021, the State Corporation Commission ("Commission") establish by regulation a program affording customers of Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion") the opportunity to participate in shared solar projects. Code § 56-594.3 B 7 states: "All environmental attributes associated with a shared solar facility, including renewable energy certificates, shall be considered property of the subscriber organization. At the subscriber organization's discretion, such environmental attributes may be distributed to the subscribers, sold to load-serving entities with compliance obligations or other buyers, accumulated, or retired."

On July 1, 2020, the Commission entered an Order Directing Comment in this proceeding that sought comments on the shared solar program and associated regulations. The Commission's Order Directing Comment directed Dominion, and invited interested persons or entities, to file comments. The Order Directing Comment also permitted commenters to propose specific regulations.

The following parties filed comments: the Coalition for Community Solar Access and the Maryland-DC-Delaware-Virginia Solar Energy Industries Association (collectively, "CCSA/MDV-SEIA"); the Virginia Department of Mines, Minerals and Energy ("DMME"); Health E Community Enterprises of Virginia, Inc.; the Virginia Clean Energy Advisory Board ("VCEA Board"); the Sierra Club; the Southern Environmental Law Center and Appalachian Voices (collectively, "Environmental Advocates"); Dominion; GRID Alternatives Mid-Atlantic; Vote Solar and Solar United Neighbors; Arcadia; Senator Scott A. Surovell; Virginia Advanced Energy Economy; and SynerGen Solar. Dominion and CCSA/MDV-SEIA filed proposed regulations.

On September 21, 2020, the Commission entered an Order for Notice and Comment ("Procedural Order") in this docket that included proposed rules ("Proposed Rules") to be considered for adoption, which had been prepared by the Commission's Staff ("Staff"). The Commission's Procedural Order provided an opportunity for interested persons to file comments on the Proposed Rules, along with hearing requests and proposals. The Commission's Procedural Order also directed Staff to file a report ("Staff Report" or "Report") on, or a response to, any comments, proposals, or requests for hearing submitted to the Commission on the Proposed Rules. The Procedural Order further directed that a copy of the Proposed Rules be sent to the Registrar of Regulations for publication in the Virginia Register of Regulations.¹

In response to the Commission's Procedural Order, comments were received from the following entities: VCEA Board; Sierra Club; Environmental Advocates; CCSA/MDV-SEIA; DMME; and Dominion. Comments were also received jointly from the following members of the Virginia General Assembly: Senator Jennifer McClellan, Senator Scott Surovell, Delegate Rip Sullivan, Delegate Jay Jones, Delegate Mark Keam, and Delegate Alfonso Lopez ("GA Members"). Additionally, 38 public comments were submitted via the Commission's website. Four requests for hearing were received by the due date.²

On November 12, 2020, Staff filed a Motion for One-week Extension to File Staff Report, for Waiver of Rule 230, and for Expedited Treatment ("Motion"). Through its Motion, Staff requested that the Commission extend the deadline for filing the Staff

Report by one week. Staff indicated that numerous stakeholders had requested a meeting with Staff prior to the filing of the Staff Report. On November 13, 2020, the Commission issued its Order Granting Motion accepting the Staff's request.

On November 16, 2020, with the assistance of DMME, Staff conducted a virtual stakeholder meeting that invited all those providing comments and all stakeholders who had indicated interest in such a meeting with Staff. Staff represented that this virtual meeting included 62 participants.

Staff filed its Report on November 23, 2020, which included certain revisions to the Proposed Rules based on Staff's review of both written and oral comments provided through filings and the virtual stakeholder meeting.

NOW THE COMMISSION, upon consideration of this matter, finds that we should adopt the rules ("Rules") appended hereto as Attachment A effective January 1, 2021. As an initial matter, the Commission expresses appreciation to those who have submitted written comments for our consideration and have otherwise participated in this proceeding. We have carefully reviewed and considered all comments filed in this matter. The Rules adopted today are intended to support the objectives of Code § 56-594.3, while also protecting the electric system and Virginia consumers. As experience is gained and lessons are learned, the Commission anticipates that these Rules may be updated and revised accordingly. In this regard, we further note that the Rules, as adopted herein, permit requests for waiver.³

The Rules we adopt herein contain modifications to those that were first proposed by Staff and published in the Virginia Register of Regulations on October 12, 2020. These modifications follow our consideration of further proposed changes made by the Staff in its Staff Report and the comments filed in this proceeding. Although we will not comment on each modification in detail, there are several issues that we will address further herein.

20 VAC 5-340-10

Various commenters expressed concerns that under the Proposed Rules, subscriber organization licensing and project registration may not begin until the program is implemented in 2023.⁴ Staff agreed that the statute envisions customers having the ability to enroll or receive benefits by the earlier of July 1, 2023, or Dominion's implementation of its new customer information system and that any pre-development preparation may begin as soon as practicable.⁵ We adopt Staff's revisions to the Proposed Rules to clarify that subscriber organizations may apply for licenses, register projects, interact with potential customers, and otherwise develop shared solar projects beginning in 2021.

20 VAC 5-340-30

In its Report, Staff noted that some commenters viewed the subscriber organization licensing requirements as unnecessarily onerous, particularly for small projects owned by residents, property owners, non-profit entities, or small companies.⁶ While Staff anticipates that the shared solar program will attract larger business entities, it suggested that the Commission could distinguish between these different types of entities in the licensing requirements.⁷ We find that doing so is appropriate and have therefore added 20 VAC 5-340-110, which creates an exemption process for entities that provide less than a total of 500 kilowatts alternating current at any one location or

multiple locations. Rather than licensing, such entities must provide notice to the Commission's Division of Public Utility Regulation prior to commencing business operations. We note that each project, however, regardless of size, must register with the utility.

As part of the licensing process for subscriber organizations, the Proposed Rules contained a bonding requirement for purposes of demonstrating financial fitness. That requirement has been removed from the Rules. Such financial security may, however, be required by the Commission as a condition of licensure and prescribed through the Commission's order granting a license to the subscriber organization. The Staff will evaluate each applicant's financial fitness and recommend that the Commission require financial security as appropriate. This modification allows applicants to be evaluated on an individual basis and for the Commission to consider nonprofit status or other facts relevant to financial fitness when granting a license.

Many commenters proposed that the Commission exclude Dominion and its affiliates from participating in the shared solar program.⁸ Staff indicated that it believes nothing in the statute precludes utility participation but believes that as a practical matter, allowing affiliate participation, rather than utility participation, would better serve the program.⁹ We agree with Staff's analysis and have added language to clarify that a utility may not participate as a subscriber organization. We find that the Proposed Rules otherwise provided adequate protections for addressing utility affiliate participation and that those provisions will be adopted as proposed.¹⁰

20 VAC 5-340-50

Many commenters pointed out that the Proposed Rules do not address how customer status as low-income will be verified.¹¹ According to Staff, numerous stakeholders asserted that including low-income verification methods in the Rules would offer a clear process and flexibility to ensure that the verification process does not deter low-income participation in the program.¹² Staff suggests that the issue of low-income verification could be more fully developed with the assistance of the low-income stakeholder working group that the Commission must create pursuant to legislative directive.¹³ Given the limited time for adopting these Rules and the collective expertise of the low-income stakeholder group, we agree and task that group with addressing low-income verification methods.

Similarly, commenters agree that a standardized consumer disclosure form, as required by Code § 56-594.3 F 8, should be provided to each prospective customer before subscribing to a shared solar facility.¹⁴ Staff prefers that this form be developed with the assistance of the low-income stakeholder working group.¹⁵ For the same reasons as discussed above concerning low-income verification, we agree with Staff's recommendation and direct the working group to develop the disclosure forms to be adopted by the Commission for both the shared solar program and the multi-family shared solar program.¹⁶

20 VAC 5-340-60

Staff noted in its Report that various commenters requested clarity on the ability of bill credits to roll over to future months when those credits exceed a customer's current monthly bill.¹⁷ For example, the VCEA Board argued that bill credits for the shared solar program should function the same as they do for net metering¹⁸ in Virginia in that they

should be carried over and applied to the next month's bill for a 12-month period.¹⁹ Staff agreed and made a revision to the Proposed Rules to clarify that bill credits may roll over until satisfied or up to 12 months.²⁰ We find this revision appropriate and incorporate it into the Rules.

20 VAC 5-340-80

Section 80 addresses future Commission proceedings to determine the monthly administrative charge, the components of the minimum bill, and the calculation of subscriber bill credits. Some commenters asserted that an annual proceeding would not be necessary to make these determinations, as called for in the Proposed Rules.²¹ CCSA/MDV-SEIA further argued that the Commission should not prescribe cost categories for the minimum bill in the Rules but should instead address those issues through a hearing to be convened after adoption of the Rules.²² Similarly, the Commission received comments asserting that the applicable bill credit rate does not require a proceeding; rather, in December of each year, the Commission could calculate an annual bill credit based on publicly available information and thereafter publish or post its calculation.²³ Staff revised the Proposed Rules to accommodate these requests. We adopt Staff's revisions and direct Dominion to file a proposal for the minimum bill as set forth in this section of the Rules no later than March 1, 2021. Dominion shall file this minimum bill proposal in this docket.

20 VAC 5-340-100

The Commission received several comments emphasizing the importance of a low-income stakeholder working group,²⁴ as required by Code § 56-594.3 F 3.²⁵ We likewise recognize the importance of establishing that group, and in accordance with that statutory directive, we have added 20 VAC 5-340-100, which requires the Commission, upon adoption of the rules, to initiate a stakeholder process that includes low-income community representatives and community solar providers to facilitate low-income customer and low-income service organization participation in the program. Moreover, we find that many of the issues raised by the commenters in this proceeding should be further addressed and evaluated by this stakeholder working group, as described below, given the limited timeframe for finalization of the Rules.

To initiate this process, we direct the Staff to convene a stakeholder working group in accordance with the terms of Code § 56-594.3 F 3 and 20 VAC 5-340-100. The Commission expects this group to meet initially no later than March 1, 2021. Staff shall thereafter convene the stakeholder group on an ad hoc basis at its discretion.

The stakeholder working group shall develop standardized consumer disclosure forms to be adopted by the Commission.²⁶ The group also shall address the components of low-income subscription plans, methods for low-income verification, and methods for measuring low-income participation. We further expect the group to consider any other issues pertinent to facilitating low-income customer and low-income service organization participation in the program. Finally, to the extent that any issues before the working group are relevant to, or overlap with, the multi-family shared solar program, we expect the group to consider those issues in the context of both programs.²⁷

20 VAC 5-340-110

As previously discussed, the Commission has adopted this section of the Rules to create an exemption process for certain subscriber organization's licensing. We find that adding this section to the Rules addresses the concerns of many commenters that the licensing process as proposed would be too onerous for smaller subscriber organizations.²⁸ We nevertheless recognize the importance of certain protections that the licensing process contains and have incorporated those protections into the exemption process for smaller organizations. Specifically, instead of submitting to a full licensure process with the Commission, subscriber organizations that provide less than 500 kilowatts alternating current of solar energy at one location, or multiple locations, must instead provide a notice, as prescribed by Rule 110, to the Commission's Division of Public Utility Regulation and subject to review and approval prior to commencing business operations.

Other matters

We note that Code § 56-594.3 F 12 requires a program implementation schedule. To that end, the Commission will begin receiving applications for subscriber organization licensing and exemptions beginning on July 1, 2021. By June 1, 2021, Dominion shall file with the Commission, and publish on its website, any materials needed for project registration. On July 1, 2021, Dominion shall begin accepting applications for registration. Within 60 days of Dominion's implementation of its customer information platform or by July 1, 2023, whichever occurs first, Dominion shall file any remaining tariffs, agreements, or forms necessary for the program. As discussed further above, we expect the Staff to convene a stakeholder working group by March 1, 2021, and we order Dominion to file its proposal for the minimum bill by March 1, 2021.

Accordingly, IT IS ORDERED THAT:

(1) The Rules Governing Shared Solar Program, 20 VAC 5-340-10 et seq., as shown in Attachment A to this Order, are hereby adopted and are effective as of January 1, 2021.

(2) The Commission's Division of Information Resources shall forward a copy of this Order, with Attachment A, to the Registrar of Regulations for appropriate publication in the Virginia Register of Regulations.

(3) An electronic copy of this Order with Attachment A shall be made available on the Division of Public Utility Regulation's section of the Commission's website: scc.virginia.gov/pages/Rulemaking.

(4) By June 1, 2021, Dominion shall file with the Commission, and publish on its website, any materials needed for project registration.

(5) On July 1, 2021, Dominion shall begin accepting applications for registration.

(6) Within 60 days of Dominion's implementation of its customer information platform or by July 1, 2023, whichever occurs first, Dominion shall file any remaining tariffs, agreements, or forms necessary for the program with the Clerk of the Commission and shall submit the same to the Commission's Division of Public Utility Regulation and Division of Utility Accounting and Finance. The Clerk shall retain such filings for public inspection on the Commission's website: scc.virginia.gov/pages/Case-Information.

(7) For purposes of establishing the minimum bill pursuant to 20 VAC 5-340-80, Dominion shall file a proposal for the minimum bill by March 1, 2021, in this docket.

(8) By March 1, 2021, the Staff shall convene the first meeting of the stakeholder working group established herein and shall convene additional meetings on an ad hoc basis thereafter. Within thirty (30) days of the end of each meeting, the working group shall provide an update to the Commission on the issues discussed and any recommendations for the Commission to implement concerning the shared solar program and the multi-family shared solar program.

(9) 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.

¹The Proposed Rules appeared in the October 12, 2020 issue of the Virginia Register of Regulations.

²These requests for hearing shall be fulfilled by the proceeding on the minimum bill, pursuant to 20 VAC 5-340-80, that will take place after adoption of the Final Rules. Staff has represented that those requesting a hearing would be satisfied by this relief.

³20 VAC 5-340-10 G.

⁴See, e.g., GA Members Comments at 3; CCSA/MDV-SEIA Comments at 6-9.

⁵Staff Report at 6.

⁶Id. at 7-8.

⁷Id. at 7.

⁸ See, e.g., CCSA/MDV-SEIA Comments at 21; DMME Comments at 3.

⁹Staff Report at 7.

¹⁰As always, contracts and/or arrangements between utilities and their affiliates are subject to the Affiliates Act, Code § 56-76 et seq.

¹¹See, e.g., VCEA Board Comments at 2-3; DMME Comments at 1-2. Low-income status is a relevant consideration since Code § 56-594.3 E requires the Commission to "approve a shared solar facility program of 150 megawatts with a minimum requirement of 30 percent low-income customers."

¹²Staff Report at 11-12.

¹³Id. at 12. See also Code § 56-594.3 F 3.

¹⁴See Staff Report at 12.

¹⁵Id.

¹⁶The multi-family shared solar program must be established pursuant to Code § 56-585.1:12 and is being considered in Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: In the matter of establishing regulations for a multi-family shared solar program pursuant to § 56-585.1:12 of the Code of Virginia, Case No. PUR-2020-00124.

¹⁷Staff Report at 13.

¹⁸See Code § 56-594.

¹⁹VCEA Board Comments at 5.

²⁰See Staff Report at 13.

²¹See, e.g., Environmental Advocates Comments at 4; DMME Comments at 2.

²²CCSA/MDV-SEIA Comments at 22.

²³See Staff Report at 13-14.

²⁴See, e.g., VCEA Board Comments at 3; Sierra Club Comments at 3; DMME Comments at 1-2.

²⁵Code § 56-594.3 F 3 reads: "The Commission shall . . .[c]reate a stakeholder working group including low-income community representatives and community solar providers to facilitate low-income customer and low-income service organization participation in the program."

²⁶See Code § 56-594.3 F 8.

²⁷ Understanding the importance of consumer protection in these programs, we invite the Office of the Attorney General to participate in the stakeholder group.

²⁸Staff Report at 7-8.

Chapter 340
Rules Governing Shared Solar Program

20VAC5-340-10. Applicability.

A. This chapter is promulgated pursuant to § 56-594.3 of the Code of Virginia. The provisions of this chapter apply to Phase II Utilities, subscriber organizations, and subscribers.

The provisions of this chapter govern the development of shared solar facilities and participation in the shared solar program.

B. The maximum cumulative size of the shared solar program initially shall not exceed 150 megawatts, at least 30% of which must be comprised of low-income customers. [The program shall be expanded by 50 megawatts upon qualification of satisfying the 30% requirement of low-income participation.]

C. Any shared solar facility may collocate on the same parcel of land as another shared solar facility only if such facilities are owned by the same entity and do not exceed an accumulative maximum capacity of 5,000 kilowatts among all such facilities. Such facilities will also be responsible for any special interconnection arrangements with the utility.

D. Customers participating in this program shall remain in their present customer class but may not participate in the multi-family solar program, pursuant to Chapters 1187, 1188, 1189, and 1239 of the 2020 Acts of Assembly, or the net metering program, pursuant to 20VAC5-315, while participating in this program.

E. [~~Implementation of the shared solar program shall not commence until the earlier of July 1, 2023, or within 60 days of the Phase II Utility's full implementation of a new customer information platform~~ Each utility must file any tariffs, agreements, or forms necessary for implementation of the program within 60 days of the utility's full implementation of a new customer information platform or by July 1, 2023, whichever occurs first, to process customer subscriptions. Subscriber organizations may apply for licenses, register projects, interact with potential customers, and otherwise develop shared solar projects beginning in 2021].

F. The provisions of this chapter shall be deemed not to prohibit the Phase II Utility, in emergency situations, from taking actions it is otherwise authorized to take that are necessary to ensure public safety and reliability of the distribution system. The commission, upon a claim of inappropriate action or its own motion, may investigate and take such corrective actions as may be appropriate.

G. A request for a waiver of any of the provisions in this chapter shall be considered by the State Corporation Commission on a case-by-case basis and may be granted upon such terms and conditions as the State Corporation Commission may impose.

20VAC5-340-20. Definitions.

The following terms [when used in this chapter] shall have the following meanings, unless the context clearly indicates otherwise:

["Affordable housing provider" means any multi-family residential housing project that is one or more of the following:

1. A federal, state, or local financing program requiring that the real estate remains subject to land use restriction and rental housing affordability covenants that limit allowable rents charged to individuals or families;
2. A federal low-income housing tax credit project, as defined in § 42 of the Internal Revenue Code of 1986;
3. A project funded with federal grants made to states for low-income housing tax credits under § 1602 of the American Recovery and Reinvestment Act of 2009;

4. A rental assistance demonstration public housing conversion under the federal Consolidated and Further Continuing Appropriations Act of 2020; or

5. Affordable housing meeting the applicable requirements of another federal, state, or local program.]

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate used to calculate the subscriber's bill credit.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Low-income customer" means any person or household whose income is no more than 80% of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Low-income service organization" means a nonresidential customer of an investor-owned utility whose primary purpose is to serve low-income individuals and households.

"Low-income shared solar facility" means a shared solar facility at least 30% of the capacity of which is subscribed by low-income customers or low-income service organizations.

["Low-income subscription plan" means a plan submitted to the commission by an applicant providing a commitment for low-income subscription and demonstrating the ability to subscribe low-income customers.]

"Minimum bill" means [~~an~~ a dollar per month] amount determined by the commission [~~as described in 20VAC 340-80~~ under § 56-594.3 D of the Code of Virginia] that subscribers are required to [~~, at a minimum,~~] pay [~~, at a minimum,~~] on their utility bill each month after accounting for any bill credits.

["Non-ministerial permit" means all necessary governmental permits and approvals to construct the project (other than ministerial permits, such as electrical and building permits), notwithstanding any pending legal challenges to one or more permits or approvals.]

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1 of the Code of Virginia.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts of alternating current;
2. Is located in the service territory of an investor-owned electric utility;
3. Is connected to the electric distribution grid serving the Commonwealth;
4. Has at least three subscribers;
5. Has at least 40% of its capacity subscribed by customers with subscriptions of 25 kilowatts or less; and
6. Is located on a single parcel of land.

"Shared solar program" or "program" means the program created through this chapter to allow for the development of shared solar facilities.

"Subscriber" means a retail customer of a utility that (i) owns one or more subscriptions of a shared solar facility that is interconnected with the utility and (ii) receives service in the service territory of the same utility in whose service territory the shared solar facility is located.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A subscriber organization shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility. [A Phase II Utility shall not be a subscriber organization.]

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

"Utility" means a Phase II Utility.

20VAC5-340-30. Licensing of subscriber organizations.

A. [~~Other than a utility, each~~ Each] entity seeking to conduct business as a subscriber organization [, unless otherwise exempt or granted a waiver,] shall obtain a license from the commission prior to commencing business operations. Each entity applying for a license to conduct business as a subscriber organization shall file an application with the clerk of the commission and contemporaneously provide a copy of the application to the utility. [Applications for licensure shall be filed by the legal entity with control of, or prospective control of, shared solar projects rather than each individual project needing a separate license.] If the applicant becomes aware of any material changes to any information while the application is still pending, the applicant shall inform the commission within 10 calendar days. Applications shall include the following information:

1. Legal name of the applicant, as well as any trade names.
2. Physical business addresses and telephone numbers of the applicant's principal office and all offices in Virginia.
3. A description of the applicant's authorized business structure, identifying the state authorizing such structure and the associated date (e.g., if incorporated, the state and date of incorporation; if a limited liability company, the state issuing the certificate of organization and the date of issuance).
4. Name and business address of all principal corporate officers and directors, partners, and limited liability company (LLC) members, as appropriate.
5. If a foreign corporation, a copy of the applicant's authorization to conduct business in Virginia from the commission or if a domestic corporation, a copy of the certificate of incorporation from the commission.
6. A list of the states in which the applicant and the applicant's affiliates conduct business related to participation in a shared solar program, the names under which such business is conducted, and a description of the business conducted.
7. The applicant shall disclose if it is an affiliate of the incumbent utility. If it is, it shall further provide a description of internal controls the applicant has designed to ensure that it and its employees, contractors, and agents that are engaged in the (i) merchant, operations, transmission, or reliability functions of the electric generation systems; or (ii)

customer service, sales, marketing, metering, accounting, or billing functions, do not receive information from the utility or from entities that provide similar functions for or on behalf of the utility as would give the affiliated subscriber organization an undue advantage over nonaffiliated subscriber organizations.

8. Name, title, and address of the applicant's registered agent in Virginia for service of process.

9. Name, title, address, telephone number, and email address of the applicant's liaison with the commission.

10. Sufficient information to demonstrate, for purposes of licensure with the commission, financial fitness commensurate with the services proposed to be provided. Applicant shall submit the following information related to general financial fitness:

a. ~~Proof~~ If available, proof] of a minimum bond rating or other senior debt of at least "BBB-" or an equivalent rating by a major rating agency, or a guarantee with a guarantor possessing a credit rating of "BBB-" or higher from a major rating agency. If not available, other evidence that will demonstrate the applicant's financial responsibility[;.]

b. ~~The~~ If available, the] applicant's audited balance sheet, income and cash flow statements for the most recent fiscal year, or published financial information such as the most recent Securities and Exchange Commission forms 10-K and 10-Q. If not available, other financial information for the applicant or any other entity that provide financial resources to the applicant may be provided[;or.]

c. ~~A continuous or renewable performance or surety bond, an irrevocable letter of credit, or an irrevocable guaranty from a creditworthy corporate parent of the applicant in a minimum amount of \$50,000 in a form to be prescribed by the commission staff. A certified copy of the bond, letter of credit, or guaranty shall be provided to the State Corporation Commission's Division of Utility Accounting and Finance within 30 days of the issuance of a license to the applicant by the commission.~~ If applicable, information to demonstrate that the applicant is a bona fide nonprofit entity. The information provided shall establish that the applicant (i) has the status of a tax-exempt organization under § 501(C)(3) of the Internal Revenue Code of 1986; (ii) conducts its activities in a manner that serves public or charitable purposes rather than commercial purposes; (iii) will apply for qualification of projects that serve primarily or exclusively low-income customers; and (iv) was not created for the purpose of avoiding the financial fitness requirements or otherwise under the control of a for profit entity.]

11. Sufficient information to demonstrate technical fitness commensurate with the service to be provided, to include:

a. A description of the applicant's experience developing solar facilities and engaging as a subscriber organization or other relevant services. Provide a discussion of the applicant's qualifications, including a summary of other projects developed and managed by the applicant with location, status, and operational history.

b. The names and a description of the managerial and technical experience of each principal officer and appropriate senior management person with direct responsibility for the business operations conducted in Virginia. Include a description of their experience related to developing solar facilities and providing shared solar services.

- c. Billing service options the applicant intends to offer and a description of the applicant's billing capability including a description of any related experience.
12. A copy of the applicant's dispute resolution procedure, including the toll-free number for the customer service department.
13. A copy of the applicant's proposed standard agreement it plans to use with prospective subscribers.
14. A \$250 registration fee payable to the commission.
15. [~~An attestation that at least 30% of the shared solar facility's capacity will serve low-income customers.~~ 16.] The following information related to the applicant's fitness to operate as a subscriber organization:

a. Disclosure of any (i) civil, criminal, or regulatory sanctions or penalties imposed or in place within the previous five years against the applicant, any of its affiliates, or any officer, director, partner, or member of an LLC or any of its affiliates, pursuant to any state or federal law or regulation; and (ii) felony convictions within the previous five years that relate to the business of the company or to an affiliate thereof, of any officer, director, partner, or member of an LLC.

b. Disclosure of whether any application for license or authority to conduct a similar type of business as it proposes to offer in Virginia has ever been denied, and whether any license or authority issued to it or an affiliate has ever been suspended or revoked and whether other sanctions have been imposed.

[16. A copy of the applicant's low-income subscription plan, as applicable.]

B. An officer with appropriate authority shall attest that all information supplied on the application for licensure is true and correct and that, if a license is granted, the applicant will abide by all applicable laws of the Commonwealth and regulations of the commission.

C. Any application that fails to provide all required information in this section shall be regarded as incomplete. No action shall be taken on any application until deemed complete and filed.

D. Upon receipt of an application for a license to conduct business as a subscriber organization, the commission shall enter an order providing notice to appropriate persons and an opportunity for comments on the application. The commission shall issue a license to conduct business as a subscriber organization upon finding the applicant satisfies the requirements established by this chapter.

E. A license granted pursuant to this chapter is valid until revoked or suspended by the commission after providing due notice and an opportunity for a hearing, or until the subscriber organization abandons its license.

F. Commission approval is required for transfer or assignment of a license issued under this section to any third party. The commission may condition its approval on any terms it determines appropriate to protect customers.

20VAC5-340-40. Registration with the utility.

A. [~~Licensed subscriber~~ Subscriber] organizations [, licensed or otherwise,] shall register [each proposed shared solar facility] with the utility by entering into an agreement containing information as prescribed in this section.

B. A subscriber organization shall provide proof of licensure by the commission [, as applicable].

C. A subscriber organization shall submit to the utility the full name of the subscriber organization, address, and type of entity (e.g. partnership, corporation, etc.).

D. Subscriber organizations shall provide the identity of the shared solar facility participating in the shared solar program, including an address of record and a copy of the executed interconnection agreement for the shared solar facility. [Subscriber organizations also shall state the amount of capacity for the facility, meeting or exceeding the minimum of 30%, that will be subscribed by low-income subscribers and provide proof that non-ministerial permits have been obtained for the shared solar facility.]

E. [For a low-income shared solar facility, the subscriber organization shall provide a copy of its low-income subscription plan, as applicable.

F.] Subscriber organizations and the utility shall exchange the names, telephone numbers, and email addresses of appropriate internal points of contact to address operational, business coordination, and customer account issues, and the names and addresses of their registered agents in Virginia.

[~~F. G.~~] In the event a license granted under 20VAC5-340-30 is transferred to another entity with approval from the commission, the subscriber organization must notify the utility within five business days of approval by the commission.

[~~G. H.~~] The utility may require reasonable financial security from the subscriber organization to safeguard the utility and its customers from the reasonably expected net financial impact due to the nonperformance of the subscriber organization. The amount of such financial security shall be commensurate with the level of risk assumed by the utility. Such financial security may include a letter of credit, a deposit in an escrow account, a prepayment arrangement, a surety bond, or other arrangements that may be mutually agreed upon by the utility and the subscriber organization.

[~~H. I.~~] The utility shall notify the subscriber organization within 30 days [~~of the commission's issuance of a subscriber organization's licensure~~ after the subscriber organization submits a shared solar facility registration to the utility] whether the shared solar facility has been awarded capacity in the program queue or placed on a waiting list. When awarded capacity in the program queue, the subscriber organization shall pay to the utility a security deposit in the amount of \$50 per kilowatt (kW) of alternating-current rated capacity of the shared solar facility within 10 days. This deposit shall be held by the utility in an interest-bearing account. Deposits shall be returned in full, including interest, upon commercial operation of the shared solar facility [and demonstration that low-income subscription requirements have been met. As program capacity is awarded, the utility shall ensure that the cumulative capacity of such projects meets or exceeds 30% of project capacity (or savings equivalent) for low-income customers as demonstrated by approved low-income subscription plans. Subscriber organizations deemed bona fide nonprofits shall be exempt from the \$50 per kW alternating current (AC) utility deposit].

[~~I. J.~~] If a project fails to reach mechanical completion within 24 months of the date it was awarded capacity, the utility shall remove the project from the program queue unless the subscriber organization of the project provides to the utility an additional deposit of \$25 per kW to maintain its position within the program queue. If, after paying the additional deposit, the

project still fails to reach mechanical completion within an additional 12 months, the utility shall remove the project from the program queue.

[~~J. K.~~] The utility shall maintain, on a publicly available website, a list of projects accepted into the program queue and those projects that are on the wait list. This project list shall rank projects primarily by the date of the awarded capacity and secondarily by the date of a fully executed interconnection agreement. The utility shall update the list within two business days of any change to the projects in the program queue. The list shall include project applicant name, project location, the alternating current capacity rating of the project, the date the application was accepted into the program queue, and whether the project is a low-income shared solar facility.

[~~K. L.~~] Any project on the wait list that is moved off the wait list and receives a capacity award in the program queue shall have 10 business days to make the required deposit of \$50 per kW of alternating-current rated capacity to retain the project's award.

[~~L. M.~~] As part of its public program queue, the utility shall monitor and report the amount of capacity that has been allocated to low-income customers [, which also shall be published on the utility's website]. Upon qualification of 45 megawatts (MW) of alternating current (AC) of capacity committed to low-income subscribers as demonstrated by the approved low-income subscription plans of projects that have secured capacity in the program, the utility shall submit a request to the commission to release an additional 50 MW of capacity for the program [~~and address how the expansion shall be allocated,~~ which shall be released without undue delay and allocated first to projects on the wait list and, if capacity remains, to new applicants on a first-come, first-served basis following the registration requirements and process set forth in this section]:

20VAC5-340-50. Marketing and enrollment.

A. A subscriber organization shall not conduct any marketing activities related to participation in the shared solar program until after the subscriber organization (i) receives a license [, exemption, or waiver] from the commission [; and] (ii) has begun [~~the interconnection process with the utility pursuant to Regulations Governing Interconnection of Small Electrical Generators (20VAC5-314); and (iii) completed~~] registration with the utility, as set forth in 20VAC5-340-40.

B. A subscriber organization shall not enroll [~~customers~~ subscribers] until after [~~the~~ the earlier of when the utility's customer information system is operating or July [~~23~~ 1], 2023, and the project] receives the executed Small Generator Interconnection Agreement pursuant to 20VAC5-314-40 through 20VAC5-314-70 and any other applicable local and state permits for the shared solar facility.

C. A subscriber organization shall not use credit checks as a means to establish the eligibility of a residential customer to become a subscriber.

D. A subscriber organization shall maintain adequate records allowing it to verify the customer's enrollment authorization. Authorization shall be in the form of a written contract with affirmed written signature, electronic signature, or recorded verbal affirmation. The subscriber organization shall maintain a copy of the contract for at least one year after the date of expiration. Such enrollment contracts shall be provided within five business days to the customer, the utility, or the commission staff upon request.

E. A subscriber organization shall provide accurate and understandable information in any advertisements, solicitations, marketing materials, or customer service contracts. All such materials shall, in a manner that is not misleading, include a statement that price for the subscription does not include charges to be billed by the utility.

F. A subscriber organization shall provide to prospective subscribers, prior to executing a written contract, [consumer disclosure information and] a description of how the shared solar program will function. Such description shall include explanations of the respective roles of the subscriber organization and the utility, and a detailed description of how customers will be billed.

G. Subscriber contracts shall include, at a minimum, the following information:

1. Contract price expressed in per kilowatt-hour, or if price is not easily specified, an explanation of how the subscription price will be calculated.

2. Size of the subscriber subscription[~~in kilowatt hours~~]. The contract must address modification of subscriptions in the event a shared solar facility underperforms during a period.

3. Length of the contract.

4. Provisions for terminating the contract, including any termination fees.

5. Location of the shared solar facility.

6. Size of the shared solar facility.

7. Description of billing terms and conditions.

8. List of applicable fees, including start up fees, cancellation fees, late payment fees, and fees for returned payments for insufficient funds.

9. Clear descriptions of the responsibilities of the subscriber organization and the utility, consistent with this chapter.

10. Toll-free number and address for complaints and inquiries.

11. A clear statement that (i) the maximum size of the subscriber's subscription shall not exceed their estimated annual usage; (ii) each customer may only participate in one shared solar facility or one multi-family solar facility; and (iii) a net metering customer may not participate in this program.

12. In a conspicuous location, confirmation of the customer's authorization for the utility and subscriber organization to exchange, at a minimum, the following billing information:

a. Customer name;

b. Billing address and premise address;

c. Utility account number; and

d. Share solar subscription information, including, at a minimum:

(1) Pricing;

(2) Subscription size;

(3) Contract start date and length; and

(4) Terms of subscription.

13. In a conspicuous location, signatures confirming the customer's request to enroll and the approximate date the enrollment will be effective.

H. Upon a [~~customer's~~ subscriber's] request, the subscriber organization may [~~reenroll a subscriber at~~ transfer the subscription to] a new address under the existing contract without [~~the need to acquire a new authorization record, but the~~ restriction provided the new address is also located in the utility's service territory. The] subscriber organization must provide the utility with updated billing information set forth in subdivision F 12 of this section.

I. [~~At least 60 days prior to the commercial operation of a shared solar facility, the~~ The] subscriber organization shall provide to the utility, in a format acceptable to the utility, [~~a an initial~~] list of subscribers enrolled in the shared solar facility and their subscription information [at least 60 days prior to the shared solar facility supplying service to any customer].

J. In the event multiple enrollment requests are submitted for the same customer, the utility shall process the request with the earliest dated contract and shall notify the customer within five business days of receipt of the enrollment request of such enrollment. The utility shall only terminate enrollment with sufficient proof of termination presented by either the customer or the subscriber organization.

K. At least 60 days prior to the termination or abandonment of a shared solar facility, a subscriber organization must provide advanced written notice to the customer, the utility, and the commission.

L. A subscriber organization shall safeguard adequately all customer information and shall not disclose such information unless the customer authorizes disclosure or unless the information to be disclosed is already in the public domain. This provision, however, shall not restrict the disclosure of credit and payment information as permitted currently or required by federal and state statutes.

[M. A subscriber may remain subscribed to the program even if the subscriber moves to another location within the utility's territory and may transfer the subscription to a new subscriber so long as the new subscriber meets applicable requirements established by the utility and subscriber organizations that exist at the time of transfer.]

20VAC5-340-60. Billing and payment.

A. Subscriber organizations shall provide subscriber information to the utility as follows:

1. Subscriber organizations must provide, on a monthly basis and in a standard electronic format and pursuant to this chapter, a subscriber list indicating the kilowatt-hours of generation attributable to each of the subscribers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility.

2. Subscriber lists [~~must~~ may] be updated monthly to reflect canceling subscribers and to add new subscribers.

3. Monthly information must be provided by the fifth business day of the month.

4. Data transfer protocols for exchange of data between the subscriber organization and the utility shall be established to include:

a. Data components;

b. Data format;

c. Timing of monthly data exchanges;

- d. Encryption level; and
- e. Channel of data submission.

B. A subscriber organization may offer separate billing or consolidated billing service (net crediting) in which the utility will be the billing party to the customer.

1. Where a subscriber organization chooses to use consolidated billing, the subscriber organization's marketing materials and contracts must identify clearly that the utility may charge a net crediting fee not to exceed 1.0% of the bill credit value.
2. Where a subscriber organization chooses to use net crediting, any shared solar subscription fees charged via the net crediting model shall be set to ensure that subscribers do not pay more in subscription fees than they receive in bill credits.
3. All billing of the customer shall occur and comply with the utility's normal billing and credit cycles.

C. Credits to subscriber's bills shall occur within two billing cycles following the cycle during which energy was generated by the shared solar facility.

D. Each utility shall, on a monthly basis and in a standardized electronic format, provide the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month, as well as the amount of the bill credit applied to each subscriber.

E. Failure of subscriber to pay any regulated charges shall subject the subscriber to the same credit consequences set forth in the utility's commission-approved terms and conditions of service, including the potential requirement to post a security or disconnection of service. The utility shall advise the subscriber directly of any pending disconnection action for nonpayment consistent with current practice, separate from the customer bill. Such notice shall identify clearly the amount that must be paid and the date by which such amount must be received and provide instructions for direct payment to the utility to avoid disconnection. A subscriber may not be disconnected for nonpayment of unregulated service charges.

F. Bill credits.

1. Bill credits shall be for a particular calendar month, regardless of the billing period or billing cycle of the individual customer's account.
2. Bill credits shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any portion of a bill credit that exceeds the subscriber's monthly bill, minus the minimum bill, shall be carried over and applied to [~~the next month's bill. Such carry-over plus the next month's credit cannot exceed the next month's bill, minus the minimum bill~~ subsequent bills until the earlier of when the credit is satisfied or up to 12 months].
3. In the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month, a subscriber organization may accumulate bill credits. The subscriber organization shall provide the utility allocation instructions for distributing excess bill credits to subscribers on an annual basis.
4. [~~In an annual proceeding, the~~ The] commission shall [~~set establish~~] the [~~yearly~~] applicable bill credit [~~based upon~~ rate for] the subscriber's [~~class of either~~] residential, commercial, or industrial [~~rate class~~].

5. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational.

6. The bill credits associated with the shared solar program shall be applied through the utility's fuel factor.

G. Minimum bill.

1. In [~~an annual~~ a] proceeding, as prescribed in 20VAC5-340-80, the commission will [~~set a~~ determine the specific costs and formula to determine the] minimum bill for program participants.

2. Low-income customers shall be exempt from the minimum bill. Costs associated with such customers' participation shall be recovered by the utility in a manner to be determined by the commission in the [~~annual~~] proceeding set forth in 20VAC5-340-80.

H. Net crediting.

1. Net crediting functionality shall be part of any new customer information platform approved by the commission.

2. Under net crediting, the utility shall include the shared solar subscription fee on the customer's utility bill and provide the customer with a net credit equivalent to the total bill credit value for that generation period minus the shared solar subscription fee as set by the subscriber organization.

3. The net crediting fee shall not exceed 1.0% of the bill credit value.

4. Net crediting shall be optional for subscriber organizations, and any shared solar subscription fees charged via the net crediting model shall be set to ensure that subscribers do not pay more in subscription fees than they receive in bill credits.

I. Shared solar facility requirements. [~~1. Regardless of whether a subscriber organization uses net crediting, a utility may bill the subscriber organization a monthly administrative charge, as approved by the commission in the annual proceeding set forth in 20VAC5-340-80, for the costs attributed to the interconnection of the shared solar facility to the utility grid to cover the costs of providing electric services to the facility. 2.] A shared solar facility must have a utility-provided meter capable of measuring output of the facility on a 30-minute interval basis.~~

[~~a. 1.] The shared solar facility's meter shall not be located behind another utility customer account.~~

[~~b. 2.] Costs of installation, maintenance, and reading of the meter shall be [~~part of the administrative costs of the shared solar program~~] billed to the subscriber organization.~~

20VAC5-340-70. Disputes.

A. The parties agree to attempt to resolve all disputes arising out of the shared solar program process according to the provisions of this section.

B. A subscriber organization shall establish an explicit dispute resolution procedure that identifies clearly the process that shall be followed when resolving customer disputes. A copy of such dispute resolution procedure shall be provided to a customer or the commission upon request.

C. If the dispute remains unresolved, either party may petition the commission to handle the dispute as a formal complaint or may exercise whatever rights and remedies it may have in equity or law.

D. A subscriber organization shall furnish to customers an address and 24-hour toll-free telephone number for customer inquiries and complaints regarding services provided by the subscriber organization. The 24-hour toll-free telephone number shall be stated on all customer-billing statements and shall provide customers the opportunity to speak to a customer representative during normal business hours. Outside of normal business hours, a recorded message shall direct customers how to obtain customer assistance.

E. A subscriber organization shall direct a customer to contact the utility immediately if the customer has a service emergency. Such direction may be given either by a customer service representative or by a recorded message on its 24-hour toll-free telephone number.

F. A subscriber organization shall retain customer billing and account records and complaint records for at least three years and provide copies of such records to a customer or the commission upon request.

G. In the event that a customer has been referred to the utility by a subscriber organization, or to a subscriber organization by the utility, for response to an inquiry or a complaint, the party that is contacted second shall (i) resolve the inquiry or complaint in a timely fashion or (ii) contact the other party to determine responsibility for resolving the inquiry or complaint.

H. In the event a subscriber organization and customer cannot resolve a dispute, the subscriber organization shall provide the customer with the toll-free number and address of the commission.

20VAC5-340-80. [Annual proceeding Minimum bill composition].

A. The commission shall convene a proceeding [annually] to determine [the any] monthly administrative charge [~~to subscriber organizations, and the components of~~] the minimum bill[~~components and the calculation of each customer class's applicable bill credit rate for the following year~~].

With respect to the minimum bill:

1. Each subscriber shall pay a minimum monthly bill, which shall, as approved by the commission, include the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program. The commission may modify the minimum bill over time. In establishing the minimum bill, the commission shall (i) consider further costs the commission deems relevant to ensure subscribing customers pay a fair share of the costs of providing electric services to the subscribers, and (ii) minimize the costs shifted to customers not in a shared solar program.

2. The minimum bill [components] established [annually] as set forth in subdivision 1 of this subsection [~~must include, at a minimum, the following four general categories of costs, to be demonstrated by the utility~~ and updated as deemed necessary by the commission shall be limited to such costs as determined by the commission to be just and reasonable based on evidence provided by the parties to the evidentiary hearing process. Such costs must reflect incremental costs of the shared solar program and not otherwise recovered by the utility from participating subscribers. The following factors shall be

considered by the commission in determining whether costs proposed by the utility are incremental to the shared solar program and eligible for inclusion in the minimum bill]:

- a. [~~Transmission and distribution costs~~ The extent to which the costs are utility infrastructure and services used to provide electric service for the shared solar program]:
 - b. [~~Standby generation and balancing costs~~ The extent to which the costs are administrative costs of the shared solar program]:
 - c. [~~Non-bypassable charges established by the commission or otherwise by law; and Whether including the cost in the minimum bill is necessary to ensure subscribing customers pay a fair share of the costs of providing electric services to the subscribers;]~~
 - d. [~~Administrative costs~~ Whether including the cost in the minimum bill will minimize the costs shifted to customers not in a shared solar program; and
 - e. Whether including the cost in the minimum bill is otherwise consistent with the requirements of § 56-594.3 of the Code of Virginia].
3. [~~As part of the annual proceeding, the~~ The] commission shall also [~~determine consider~~] how the utility will recover the minimum bill charges for exempt low-income customers.

[~~4. Certain of these costs, including transmission and distribution costs, as well as non-bypassable charges, shall be determined by reference to rates approved in parallel rate proceedings before the commission and shall be updated automatically for shared solar customers when those rates are adjusted for the broader customer population. Other charges, including those in the standby generation and balancing costs category and the administrative costs category, shall be evaluated and determined by the commission in the annual proceeding convened pursuant to this section.]~~

B. The bill credit shall be calculated in accordance with 20VAC5-340-60 F [and § 56-594.3 C of the Code of Virginia].

20VAC5-340-90. Recordkeeping and reporting requirements.

A. Subscriber organizations. Prior to commercial operation of any shared solar facility, each subscriber organization shall report to the commission and the applicable utility its achievement of contracting with low-income customers. Thereafter, this report shall be updated and filed semi-annually with the commission by January 31 and July 31, respectively, of each calendar year for the previous calendar year, commencing in 2024. When making the annual report, the subscriber organization shall provide the following information:

1. Total number of subscribers and the amount of kilowatts subscribed to by each subscriber;
2. Total number of low-income customers and the amount of kilowatts subscribed to by each low-income customer;
3. Detailed plan for meeting its low-income customer target in the upcoming year if the target was not met for the annual period covered by the report; and

4. Certification that there is no subscriber whose subscription size exceeds the subscriber's average annual bill over the past 12 months for the customer account to which the subscription is attributed.

The utility shall maintain a consolidated list of active subscriber organizations, including the number of low-income customers for each organization.

Each subscriber organization shall retain a record of all disclosure forms, low-income customer proof of eligibility, and subscriber allocation lists for a period of at least three years. Each subscriber organization shall retain copies of subscriber contracts for a period of at least one year from the date of their expiration. Each of these documents must be made available immediately upon request from the commission or commission staff.

A subscriber organization shall retain customer billing and account records and complaint records for at least three years.

B. Affordable housing providers. Affordable housing providers subscribing on behalf of their low-income tenants shall annually, on or before January 31, commencing in 2024, submit a written report for the shared solar program to the commission staff describing how bill savings or other tangible benefits were provided to the tenants in the last year. The report shall include a detailed accounting and expense report for the bill savings achieved.

C. Utility. [~~In accordance~~ The utility shall maintain conformance] with the commission's Regulations Governing Interconnection of Small Electric Generators (20VAC5-314), and specifically, 20VAC5-314-130[~~;~~]

[~~1. The utility shall maintain, subject to audit, records for three years of (i) all interconnection requests received pursuant to this chapter, (ii) the times required to complete interconnection request approvals and disapprovals, and (iii) justification for the actions taken on the interconnection requests.~~

~~2. Each utility shall annually, on or before January 31, submit a written report to the commission staff that includes the utility's shared solar facility queue and a listing of those facilities interconnected during the preceding calendar year. This report shall include the following data for each shared solar facility:~~

~~a. Queue number.~~

~~b. The physical address or geographic coordinates (latitude and longitude) of the shared solar facility.~~

~~c. The capacity of the shared solar facility in terms of megawatts.~~

~~d. The substation and transformer to which the project will be interconnected.~~

~~e. The feeder or circuit to which the project will be interconnected.~~

~~f. The date of submission of final completed Interconnection Request Form, as provided in 20VAC5-314-170.~~

~~g. Interdependency status (e.g., Project A or Project B).~~

~~h. Status of the request in the interconnection process (e.g., interconnection agreement executed, connected, canceled).~~

~~i. The date of final completed signed interconnection agreement.]~~

20VAC5-340-100. Low-income participation stakeholder process.

The Commission shall initiate a stakeholder process including low-income community representatives and community solar providers to facilitate low-income customer and low-income service organization participation in the program.

20VAC5-340-110. Licensing exemption process for subscriber organizations.

A. Each entity seeking to conduct business as a subscriber organization that provides less than a total of 500 kW AC solar at any one location or multiple locations shall provide notice to the commission prior to commencing any business operations. Each entity must notify the commission by electronic mail to PURUtilityReports@scc.virginia.gov and contemporaneously provide a copy of the information to the investor-owned utility. If the applicant becomes aware of any material changes to any information within the application, the applicant shall inform the commission within 10 calendar days. Notices shall include the following information:

1. Legal name of the applicant, as well as any trade names.
2. Physical business addresses and telephone numbers of the applicant's principal office and all offices in Virginia.
3. A description of the applicant's authorized business structure.
4. Name and business address of all principal entity officers and directors.
5. If a foreign corporation, a copy of the applicant's authorization to conduct business in Virginia from the commission or if a domestic corporation, a copy of the certificate of incorporation from the commission.
6. A list of the states, if any, in which the applicant and the applicant's affiliates conduct business related to participation in a multi-family shared solar program, the names under which such business is conducted, and a description of the business conducted.
7. Name, title, and address of the applicant's registered agent in Virginia for service of process.
8. Name, title, address, telephone number, and email address of the applicant's liaison with the commission.
9. Sufficient information to demonstrate viability to provide said service to its subscribers. (i.e., location and size of the solar installation, expected number of subscribers, expected in-service date, identity of solar developer and operator, contract term, facility maintenance agreement, revenue source, description of facility financing, nonprofit certification, etc.)
10. A copy of the applicant's dispute resolution procedure, including a telephone number.
11. A copy of the applicant's proposed standard agreement it plans to use with prospective subscribers.
12. A \$100 notice fee payable to the commission.
13. Disclosure of any (i) civil, criminal, or regulatory sanctions or penalties imposed or in place within the previous five years against the applicant.
14. An affidavit from an appropriate officer of the applicant certifying that the applicant will indemnify and hold harmless any and all subscribers from and against claim, damage, loss, and expense arising out of the applicant's negligence or misconduct.
15. A copy of the applicant's low-income subscription plan, as applicable.

B. An officer with appropriate authority shall attest that all information supplied on the notice is true and correct and that the applicant will abide by all applicable laws of the Commonwealth and regulations of the commission.

C. Notification to the commission is required for transfer or assignment of said services to any third party.

D. The commission may impose conditions on any terms it determines are appropriate.]