

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Appellate Case No. 2018-001165

Public Service Commission Docket No. 2018-2-E

**RECEIVED**

**May 14 2020**

**S.C. SUPREME COURT**

South Carolina Coastal Conservation League and  
Southern Alliance for Clean Energy, ..... Appellants,

v.

Dominion Energy South Carolina, Inc. f/k/a South Carolina  
Electric & Gas Company, CMC Steel South Carolina, South  
Carolina Energy Users Committee, South Carolina Solar  
Business Alliance, LLC, Southern Current, LLC, and South  
Carolina Office of Regulatory Staff, ..... Respondents;

and

South Carolina Solar Business Alliance, LLC, ..... Appellants,

v.

South Carolina Coastal Conservation League, Southern Alliance for Clean  
Energy, Dominion Energy South Carolina, Inc. f/k/a South Carolina  
Electric & Gas Company, CMC Steel South Carolina, South Carolina  
Energy Users Committee, Southern Current, LLC, and South Carolina Office  
of Regulatory Staff,

Of whom, Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Company  
and South Carolina Office of Regulatory Staff are..... Respondents.

**AFFIDAVIT IN SUPPORT OF MOTION  
TO DISMISS APPEAL**

Before me personally appeared Daniel F. Kassis, who having first been duly sworn, deposes and states as follows:

1. I am over eighteen years of age and competent to make this affidavit.
2. I am employed by Dominion Energy South Carolina, Inc., f/k/a South Carolina Electric & Gas Company ("Company") as Vice President of Customer Relations and Renewables.
3. In that capacity, my responsibilities include negotiating and approving renewable energy contracts for the Company, including contracts for the Company's purchases of electricity from Qualifying Facilities ("QFs") pursuant to the Federal Public Utilities Regulatory Policy Act of 1978 ("PURPA"). My responsibilities in this regard require that I be familiar with purchase power agreements ("PPAs") and other conditions pertaining to purchases of electricity by the Company from QFs pursuant to the requirements of the Public Service Commission of South Carolina ("PSC") orders establishing the Company's avoided costs, including the PSC's orders subject of the appeals in the above-captioned matter.
4. No QF has sold electricity to the Company under the Rate PR-2 avoided cost rates established by the PSC in its Order Numbers 2018-322, issued April 30, 2018, 2018-322(A) issued May 2, 2018, and 2018-708 issued October 30, 2018, in Docket Number 2018-2-E and the Company has no active PPAs based on those Rate PR-2 avoided cost rates. These Rate PR-2 avoided cost rates were available to Solar QFs with a power production capacity greater than 100 kilowatts ("kW").
5. The Company did, during the period May 2018 through April 2019, purchase electricity from approximately forty (40) QF's under the PR-1 avoided cost rates established by the PSC in its Order Numbers 2018-322, issued April 30, 2018, 2018-322(A) issued May 2, 2018, and 2018-708 issued October 30, 2018, in Docket Number 2018-2-E. QFs entitled

to sell electricity to the Company at the PR-1 rate are those that have power production capacity not greater than 100 kW. However, the exclusion of a capacity factor in the PR-1 avoided cost rates resulted in these QFs collectively receiving approximately \$564 less during that twelve-month period than they would have received had the PR-1 solar avoided capacity rates not been changed by the PSC (e.g., the rate established in the 2017 PSC proceeding to determine the Company's avoided cost had instead applied as requested by the Appellants in this appeal).

6. The "Rider to Retail Rates" tariff approved by the PSC for "Net Energy Metering for Renewable Energy Facilities" in its Order Numbers 2018-322, issued April 30, 2018, 2018-322(A) issued May 2, 2018, and 2018-708 issued October 30, 2018, in Docket Number 2018-2-E, pertains to credits received by the Company's customers for electricity which they generate in excess of the amount of electricity which they consume. The rate paid to these customers under the Rider to Retail Rates tariff includes only an energy, and not a capacity, component. This is consistent with the rate paid these customers under the Rider to Retail Rates tariff in effect prior to the Commission's orders.
7. The Company's currently approved avoided cost rates and the avoided cost rate methodology are set forth in PSC Order Numbers 2019-847, issued December 9, 2019, and 2020-244, issued March 24, 2020, in Docket Number 2019-184-E, and these rates and the methodology are applicable to the sale of electricity to the Company by a QF.

**[SIGNATURE PAGE FOLLOWS]**

Pursuant to Section (c)(16) of Order 2020-04-03-01 of the South Carolina Supreme Court,  
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing  
statements made by me are willfully false, I am subject to punishment by contempt

Further Affiant Sayeth Naught.

Daniel F. Kassis

Daniel F. Kassis

Dated this 13<sup>TH</sup> day of May, 2020

Columbia, South Carolina