



THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Appellate Case Nos. 2018-001165 and 2018-002117

Commission Docket No. 2018-2-E

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,

Appellant,

v.

South Carolina Coastal Conservation
League and 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,
f/k/a South Carolina Electric & Gas Company and
South Carolina Office of Regulatory Staff, are

Respondents.

AFFIDAVIT IN OPPOSITION OF MOTION TO DISMISS APPEAL

Before me personally appeared Eddy Moore, 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 the South Carolina Coastal Conservation League ("CCL") as Energy & Climate Program Director.
3. In that capacity, my responsibilities include overseeing CCL's involvement in energy related litigation, including before the South Carolina Public Service Commission, and advocating for energy policy that is in the public interest of South Carolinians.
4. CCL is a nonprofit organization based in Charleston, South Carolina. CCL has offices that are served by Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Company.
5. CCL's mission is to protect the natural environment of the South Carolina coastal plain and to enhance the quality of life in its communities by working with individuals, businesses and government to ensure balanced solutions. CCL supports the development of renewable energy policy that is in the public interest of South Carolinians.
6. CCL has members from across the State, including members who pay for electricity service from Dominion Energy South Carolina f/k/a South Carolina Electric & Gas Co.
7. CCL's members who are Dominion Energy customers are directly impacted by avoided cost rates, because Dominion Energy's electricity bills include recovery of avoided costs paid to qualifying facilities. Further, CCL's members are harmed by the artificially and incorrectly low avoided cost rates adopted by the Public Service Commission because artificially low rates deter renewable project deployment compared to accurately set rates that include compensation for renewable energy facilities' capacity value.

8. I am concerned that without appellate review in this proceeding, subsequent DESC avoided cost rate proceedings may be subject to erroneous and unlawful decisions that can evade review given the recurring nature of the proceedings, and that those decisions would artificially suppress renewable power competition and development in South Carolina.
9. CCL advocated for the successful passage by the S.C. General Assembly of Act 236 in 2014 and Act 62 in 2019. Those pro-renewable statutes call for the increased deployment of renewable resources like solar power and their implementation is hampered if PSC decisions implementing them are flawed.
10. Among many other provisions, Act 236 and Act 62 provided for rooftop net-metering solar by businesses and homes. Net-metering allows solar rooftop customers to use their produced energy to offset their consumed energy on a 1:1 (net) basis. Utilities such as DESC calculate the costs of the net-metering program using the avoided cost rates adopted in this docket. Artificially low avoided cost rates inflate the costs attributed to the net metering distributed energy resource programs, in addition to limiting the financial viability of larger renewable energy projects subject to avoided cost rates.
11. In addition to the financial interest in Dominion Energy's rates, CCL and its members also have an interest in promoting clean, renewable energy.
12. Artificially low avoided cost rates discourage electricity generation competition by independent renewable energy developers. This stifling effect on competition limits a critical check on increasing costs from Dominion Energy.
13. CCL participates in many South Carolina Public Service Commission proceedings each year, including fuel cost and avoided cost proceedings since 2016. CCL has intervened

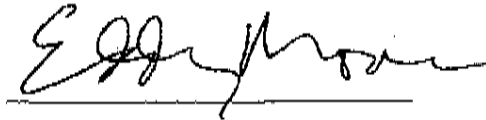
and participated in the following avoided cost and/or fuel cost dockets before Public Service Commission: Docket Numbers 2016-2-E, 2017-2-E, 2018-2-E, 2019-2-E, and 2019-184-E.

14. CCL anticipates participating in future Public Service Commission proceedings that will involve avoided cost issues, including setting avoided capacity rates. CCL's participation at the Commission on behalf of its members will be impacted by this Court's ruling regarding what is required in the Commission's orders and which party bears the burden of proof and persuasion as to setting avoided cost rates.
15. Between 2016 and 2019, Dominion Energy's avoided costs were set annually by the Commission in Dominion's Energy f/k/a South Carolina Electric & Gas Co.'s fuel cost proceedings.
16. Beginning in 2019, with the passage of Act 62, the South Carolina Energy Freedom Act, Dominion Energy's avoided cost rates will be set at least every two years, in proceedings separate from the fuel cost proceedings.
17. In avoided cost proceedings before the Public Service Commission, CCL advocates for a full and proper valuation of avoided cost and net metering rates to support an effective and diversified portfolio of distributed energy resources and lead to cleaner, safer, and healthier communities for all South Carolinians.

[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.

A handwritten signature in black ink, appearing to read "Eddy Moore", is written over a horizontal line.

Eddy Moore

Dated this 26th day of May, 2020
Charleston, South Carolina



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and South Carolina Office of Regulatory Staff,

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Steel South Carolina, South Carolina Energy
Users Committee, Southern Current, LLC, and
South Carolina Office of Regulatory Staff,

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

Respondents.

AFFIDAVIT IN OPPOSITION OF MOTION TO DISMISS APPEAL

Before me personally appeared Bryan Jacob, 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 the Southern Alliance for Clean Energy as Solar Program Director.
3. In that capacity, my responsibilities include leading activities to promote solar power across the Southeast and overseeing SACE's involvement in solar energy related litigation, including before the South Carolina Public Service Commission.
4. SACE is a nonprofit organization whose mission is to promote responsible energy choices to ensure clean, safe and healthy communities throughout the Southeast. SACE and its members are interested in promoting greater reliance on clean energy resources to meet the South's energy needs.
5. SACE's primary office is located in Tennessee and it has offices in South Carolina, North Carolina, Florida, and Georgia.
6. SACE has members from across South Carolina, including members who pay for electricity service from Dominion Energy South Carolina f/k/a South Carolina Electric & Gas Co.
7. SACE's members are directly impacted by avoided cost rates, because recovery of avoided costs paid to qualifying facilities at Commission determined rates are included in the electricity bills paid by Dominion Energy's electricity customers, including SACE's members. Further, SACE's members are harmed by the artificially and incorrectly low avoided cost rates adopted by the PSC in this case (stemming from Commission Docket No. 2018-2-E) because artificially low rates deter renewable project deployment compared to accurately set rates that include compensation for renewable energy

facilities' capacity value. I am concerned that unless this Court requires the PSC to abide by the proper standards of review, consider all evidence before it in detail, and actually grapple with contested issues in avoided cost rate-setting, the PSC will, in subsequent DESC avoided rates proceedings, render erroneous and unlawful decisions that can evade review and that artificially suppress renewable power competition and development in South Carolina.

8. If avoided cost rates for qualifying renewable energy providers are incorrectly set too low, this causes additional injury to SACE's members who are customers of Dominion Energy because it inhibits further expansion of the DESC's distributed energy resource programs directed by the S.C. General Assembly in Act 236 passed in 2014 and extended by Act 62 passed in 2019. Those pro-renewable statutes call for the increased deployment of renewable resources, and explicitly provide for rooftop net-metering solar by businesses and homes. Net-metering allows solar rooftop customers to use their produced energy to offset their consumed energy on a 1:1 (net) basis. Utilities such as DESC calculate the costs of the net-metering program using the avoided cost rates adopted in this docket. Put simply, if the avoided cost rate is set erroneously low, the utility gets to collect more from ratepayers for its "costs" of administering the rooftop distributed energy program. In essence, artificially low avoided cost rates allow the utility to pocket something of value – capacity value, for example – without paying for it *and* without passing along its avoided cost savings to ratepayers. This makes the renewable energy program appear more costly than it actually is to ratepayers, and will ultimately curb the program's growth and deployment of additional renewables in South Carolina.

9. Finally, if avoided cost rates available to qualifying renewable energy facilities are set too low, it discourages electricity generation competition by independent renewable energy developers. Predatory pricing is a technique whereby a monopoly deters competition by lowering short term prices. In the long term, however, the monopoly will charge higher prices than it could with market competition. DESC ratepayers pay some of the highest electricity bills in the nation, and its rates are far higher than prevail in competitive energy states like Texas and many others across the nation. SACE and its members are injured by the PSC's endorsement of erroneously low avoided cost rates that deter renewable energy competitors from entering the market.
10. SACE participates in many South Carolina Public Service Commission proceedings each year, including fuel cost and avoided cost proceedings since 2016. SACE has intervened and participated in the following avoided cost and/or fuel cost dockets before Public Service Commission: Docket Numbers 2016-2-E, 2017-2-E, 2018-2-E, 2019-2-E, and 2019-184-E.
11. Between 2016 and 2019, Dominion Energy's avoided costs were set annually by the Commission in Dominion's Energy f/k/a South Carolina Electric & Gas Co.'s fuel cost proceedings.
12. Beginning in 2019, with the passage of Act 62, the South Carolina Energy Freedom Act, Dominion Energy's avoided cost rates will be set at least every two years, in proceedings separate from the fuel cost proceedings. The new statute includes provisions that underscore the PSC's duty to set avoided cost rates that "fully and accurately" compensate renewable generators for the energy, capacity, and other values they provide. The legislature plainly saw the need to change PSC avoided cost ratemaking practice, and

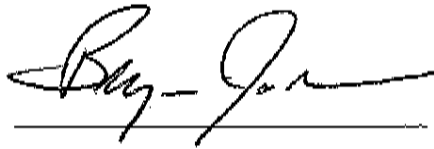
the statute provides the PSC with additional and clarified guidance for future proceedings. The fact that the General Assembly had to tell the PSC to explicitly value avoided capacity costs could be meaningless if the Commission continues to adopt orders that do not address core issues or even attempt to resolve contested expert testimony on questions such as whether DESC's alleged "winter peak" could be used to zero out capacity values for solar. If anything, the additional specificity demanded by the new law only underscores the need for the PSC's order here—which fails to fully acknowledge or resolve specific core technical issues—to be vacated.

13. In avoided cost proceedings before the Public Service Commission, SACE advocates for a full and proper valuation of avoided cost and net metering rates to support an effective and diversified portfolio of distributed energy resources and lead to cleaner, safer, and healthier communities for all South Carolinians.

[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.

A handwritten signature in black ink, appearing to read "Bryan Jacob", is written over a horizontal line.

Bryan Jacob

Dated this 26th day of May, 2020

Alpharetta, GA



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Users Committee, Southern Current, LLC, and
South Carolina Office of Regulatory Staff,

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

Respondents.

AFFIDAVIT IN OPPOSITION OF MOTION TO DISMISS APPEAL

Before me personally appeared Bret Sowers, 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 Southern Current, LLC as Principal and Vice President of Development and Strategy.
3. In that capacity, my responsibilities include leading the strategic growth of the Southern Current's development initiatives including policy and new markets. I have over 10 years of experience in the commercial and utility-scale solar market, including responsibility for construction of over 40 megawatts of various sized projects in the Southeast.
4. Southern Current is a leading developer in the residential, commercial, and large scale solar markets with hundreds of systems currently providing power to customers across the United States. Our integrated platform includes Project Development, Engineering, Construction, Maintenance, Finance, and Asset Management.
5. Southern Current's mission is to help create a more reliable, economical and sustainable energy future for the United States.
6. Southern Current's main office is in Charleston, South Carolina.
7. Southern Current has solar projects in South Carolina that are qualifying facilities, under power purchase agreements with Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Co.
8. None of Southern Current's qualifying facility projects with Dominion were developed under the 2018 avoided cost rates (as conveyed in the PR-1 and PR-2 tariffs) because these rates were too low to make projects financially viable for the company.
9. Southern Current is a member of South Carolina Solar Business Alliance ("SCSBA").
10. I serve as the Chairman of the South Carolina Solar Business Alliance.

11. SCSBA is a Public Benefit Non-Profit Corporation based in Charleston, South Carolina.

12. SCSBA is organized for the purpose of promoting and advocating public policy positions supportive of solar power generation in South Carolina.

13. SCSBA's more than forty (40) Trade Members include solar energy developers, engineering procurement and construction (EPC) contractors, professional service firms, equipment distributors and equipment manufacturers engaged in the business of solar energy generation in South Carolina and across the nation. All of SCSBA's Board Members' companies maintain offices in South Carolina.

14. SCSBA's Board Members' companies include representatives of Southern Current LLC; Alder Energy Systems, LLC; Hannah Solar Government Services, LLC; Pine Gate Renewables; Sunrun Inc.; and Cypress Creek Renewables.

15. SCSBA and its members have substantial business interests in Dominion Energy South Carolina's ("DESC's") assigned territory in South Carolina.

16. SCSBA's members, including Southern Current, are harmed by the artificially and incorrectly low avoided cost rates adopted by the PSC in this case (stemming from Commission Docket No. 2018-2-E) because artificially low rates deter renewable project development and financeability, compared to accurately set rates that include compensation for renewable energy facilities' capacity value.

17. I am concerned that unless this Court requires the PSC to abide by the proper standards of review, correctly assign the burden of proof to the utility to prove the reasonableness of its avoided cost rates, consider all evidence before it in detail, and actually grapple with contested issues in avoided cost rate-setting, the PSC will, in subsequent DESC avoided rates

proceedings, render erroneous and unlawful decisions that can evade review and that will artificially suppress renewable power competition and development in South Carolina.

18. Beyond financial interests, SCSBA and Southern Current's missions demonstrate an interest in transitioning South Carolina away from fossil-fuel based electricity generation to less polluting forms of electricity generation including renewable energy like solar power, consistent with the public interest of South Carolina.

19. If avoided cost rates available to qualifying renewable energy facilities are set too low, it discourages electricity generation competition by independent renewable energy developers like Southern Current and other SCSBA members. DESC ratepayers pay some of the highest electricity bills in the nation, and its rates are far higher than prevail in competitive energy states like Texas and many others across the nation. SCSBA and its members are injured by the PSC's endorsement of erroneously low avoided cost rates that deter renewable energy competitors from entering the market.

20. SCSBA participates in many South Carolina Public Service Commission proceedings each year, including fuel cost and avoided cost proceedings for both DESC, Duke Energy Progress LLC, and Duke Energy Carolinas LLC, since 2016. SCSBA has intervened and participated in the following avoided cost and/or fuel cost dockets before Public Service Commission: Docket Numbers 2016-2-E, 2017-2-E, 2018-2-E, 2019-2-E, and 2019-184-E.

21. Between 2016 and 2019, Dominion Energy's avoided costs were set annually by the Commission in Dominion's Energy f/k/a South Carolina Electric & Gas Co.'s fuel cost proceedings.

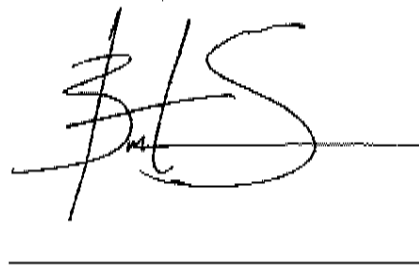
22. Beginning in 2019, with the passage of Act 62, the South Carolina Energy Freedom Act, Dominion Energy's avoided cost rates will be set at least every two years, in proceedings separate from the fuel cost proceedings. The new statute includes provisions that underscore the

PSC's duty to set avoided cost rates that "fully and accurately" compensate renewable generators for the energy, capacity, and other values they provide. The legislature plainly saw the need to change PSC avoided cost ratemaking practice, and the statute provides the PSC with additional and clarified guidance for future proceedings. The additional specificity demanded by the new law underscores the need for the PSC's order here—which fails to fully acknowledge or resolve specific core technical issues and improperly imposed a heightened burden on intervening parties—to be vacated.

[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.

A handwritten signature in black ink, appearing to read "Bret Sowers", is written over a horizontal line. The signature is stylized and cursive.

Bret Sowers

Dated this 26th day of May, 2020

Charleston, South Carolina



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MEMBER STANDING AFFIDAVIT

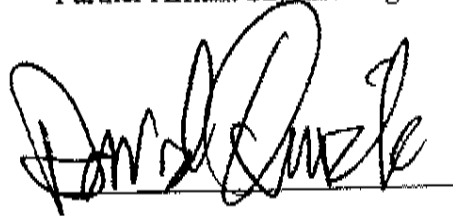
Before me personally appeared David Quick, who having first been duly sworn, deposes and states as follows:

1. I am over eighteen years of age and competent to make this affidavit.
2. I live in Mount Pleasant, South Carolina.
3. I am a member of the South Carolina Coastal Conservation League ("CCL").
4. I have been a member of the South Carolina Coastal Conservation League since approximately 1990.
5. I pay for electricity service from Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Company.
6. I have been an electricity customer of Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Company since approximately 1990.
7. Changes in Dominion Energy South Carolina, Inc.'s electricity rates impact my electricity bill.
8. In addition to my financial interest in Dominion Energy's rates impacting my electricity bill, I have an interest in transitioning South Carolina away from fossil-fuel based electricity generation to less polluting forms of electricity generation including renewable energy like solar power, consistent with the public interest of South Carolina.

[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.

A handwritten signature in black ink, appearing to read "David Quick", written over a horizontal line.

David Quick

Dated this 26th day of May, 2020

Charleston, South Carolina



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South Carolina Office of Regulatory Staff,

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

Respondents.

MEMBER STANDING AFFIDAVIT

Before me personally appeared Chris Carnevale, 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 live in Charleston, South Carolina.
3. I am the Coastal Climate and Energy Manager for the Southern Alliance for Clean Energy (“SACE”). In that role, I work to support clean energy as a solution to climate change in our coastal region. I serve in this role to pursue a cleaner, safer, healthier environment for future generations.
4. I am also a member of the Southern Alliance for Clean Energy.
5. I have been a member of the Southern Alliance for Clean Energy since approximately 2011.
6. I pay for electricity service from Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Company.
7. I have been an electricity customer of Dominion Energy South Carolina, Inc. f/k/a South Carolina Electric & Gas Company since approximately 2011.
8. Changes in Dominion Energy South Carolina, Inc.’s electricity rates impact my electricity bill.
9. In addition to my financial interest in Dominion Energy’s rates impacting my electricity bill, I have an interest in transitioning South Carolina away from fossil-fuel based electricity generation to less polluting forms of electricity generation including renewable energy like solar power, consistent with the public interest of South Carolina.

[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.

Christopher S. Carnevale

Christopher Carnevale

Dated this 26th day of May, 2020

Charleston, South Carolina