

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 22nd day of April 2016.

CASE NO. 15-2002-E-IRP

MONONGAHELA POWER COMPANY and
THE POTOMAC EDISON COMPANY,

Pursuant to GO 184.35, petition for review
and approval of Integrated Resource Plan.

COMMISSION ORDER

The Commission grants Petitions to Intervene, denies a Motion for a Hearing, and requires Monongahela Power Company and The Potomac Edison Company to file a Motion for Protective Treatment.

BACKGROUND

On December 30, 2015, Monongahela Power Company and The Potomac Edison Company (Mon Power and PE, collectively Companies) filed an Integrated Resource Plan (IRP) pursuant to W.Va. Code § 24-2-19(a), which requires all electric utilities in West Virginia to file an IRP with the Commission by January 1, 2016. General Order No. 184.35, Integrated Resource Planning, Commission Order, March 19, 2015.

On February 3, 2016, Commission Staff filed its Initial Joint Staff Memorandum. Staff stated that it is in the process of reviewing the filing and will make further comments upon completion of its review. Staff recommended that the case should remain open for further investigation and be retained by the Commission.

On February 9, 2016, the Consumer Advocate Division (CAD) filed a Petition to Intervene on behalf of the residential consumers of the Companies. On February 29, 2016, the Commission granted the CAD Petition to Intervene.

On March 29, 2016, the Companies filed, under seal, Responses to CAD's First Data Request. The Companies have not filed a Motion for Protective Treatment pertaining to those documents.

On March 31, 2016, the Community Power Network/West Virginia Solar United Neighborhoods (WV Sun) and West Virginia Citizen Action Group (WV CAG) filed a

petition to intervene. Both entities stated that they have direct and significant concerns and interest in the subject matter of the proceeding, and their interests are not represented by any other party of record.

WV CAG stated that it has an interest in ensuring that the Companies' IRP efforts properly forecast future energy and capacity needs, adequately consider potential supply-side and demand-side resources that could fulfill forecasted energy and capacity needs, and thoroughly evaluate alternatives to the recommended resource options of the Companies. WV CAG argued that these efforts will help ensure the clean energy options and demand-side resources such as energy efficiency are properly considered and that the Companies avoid taking actions that could burden West Virginia electricity customers with unreasonable costs or financial risks.

WV SUN stated that it seeks intervention in the proceeding because it has a unique interest in the Companies' IRP filing. Community Power Network is a non-profit organization incorporated in Washington, D.C. and is involved in West Virginia energy issues through its West Virginia Solar United Neighborhood project. The WV SUN mission is to promote equity and access to solar energy in West Virginia by helping homeowners, businesses, and non-profits to go solar, and by promoting fair and equitable policy in support of solar energy and community-based renewables in general.

On April 11, 2016, Sierra Club filed a Petition to Intervene, a Motion to Set this Matter for Hearing and Discovery Requests. Sierra Club stated that it is a national nonprofit environmental organization with nearly 630,000 members nationwide, and 2,100 members in its West Virginia Chapter. Sierra Club also stated that it is devoted to the study and protection of the Earth's ecological resources, including rivers, streams, and airsheds. Sierra Club argued that, in its individual capacity as an organization and in its representative capacity on behalf of its members, it is a retail customer of the Companies. Because of the reasons listed and other factors, the Sierra Club and its members stated that it has an immediate, pecuniary, and substantial interest in the resource decisions discussed in the IRP.

In its Motion to Set this Matter for Hearing, the Sierra Club stated a public hearing would facilitate stakeholder participation in the utility planning process and would assist the Commission in determining whether the Companies' IRP meets the requirements in W. Va. Code §24-2-19 and General Order No. 184.35.

On April 18, 2016, the West Virginia Energy Users Group (WVEUG) filed a Petition to Intervene. WVEUG is an ad hoc association of energy-intensive industrial customers receiving electric services from the Companies. WVEUG comments that the cost of electric utility service is a significant element in the cost of operation for WVEUG members. WVEUG anticipates addressing the Companies' alleged 850 MW capacity shortfall, the potential cost impact of the proposed alternatives to compensate for this

shortfall, and other possible alternatives. WVEUG also anticipates responding to positions presented by other parties that may adversely impact its members.

DISCUSSION

Rule 12.6 of the Commission Rules of Practice and Procedure, 150 C.S.R. 1, (Procedural Rules) states that “[a]ny person having a legal interest in the subject matter of any hearing or investigation pending before the Commission may petition... to intervene in the proceeding.” WV CAG, WV SUN, the Sierra Club, and WVEUG have established a legal interest in the proceeding. We will grant the WV CAG, WV SUN, the Sierra Club and WVEUG petitions to intervene.

The Commission will deny without prejudice the Motion to set this matter for a hearing. Written comments will be received by the Commission until April 28, 2016, and the Commission encourages the Companies to review and consider the comments filed. Upon the submission of the written comments, the Commission will review the filings to determine the necessity for further proceedings in this case.

Rule 4.1.f. of the Commission Rules of Practice and Procedure (Procedural Rules), 150 C.S.R. 1, requires a confidential filing to be followed by a motion for protective treatment within one week. The Companies filed discovery responses under seal on March 29, 2016, but have not filed a motion for protective treatment. The Commission will require the Companies to file the motion by April 28, 2016, or the information will be made public.

FINDINGS OF FACT

1. WV CAG and WV SUN filed a Petition to Intervene. Petition to Intervene, March 31, 2016.
2. The Sierra Club filed a Petition to Intervene, a Motion to Set this Matter for Hearing and Discovery Requests. Filings, April 11, 2016.
3. WVEUG filed a Petition to Intervene. Petition to Intervene, April 18, 2016.
4. Written comments will be received in this case until April 28, 2016.
5. The Companies filed documents under seal on March 29, 2016, but have not filed a motion for protective treatment with regard to those documents. Responses to CAD’s First Discovery Requests, March 29, 2016.

CONCLUSIONS OF LAW

1. WV CAG, WV SUN, the Sierra Club, and WVEUG have a legal interest in this proceeding. Procedural Rule 12.6.
2. The Motion to Set a Hearing should be denied without prejudice because a hearing at this point is premature.
3. Procedural Rule 4.1.f. requires a party to file a motion for protective treatment within one week of filing information under seal.

ORDER

IT IS THEREFORE ORDERED that the West Virginia Solar United Neighborhood and the West Virginia Citizen Action Group Petition to Intervene is granted.

IT IS FURTHER ORDERED that the Sierra Club Petition to Intervene is granted.

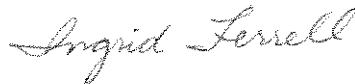
IT IS FURTHER ORDERED that the West Virginia Energy Users Group Petition to Intervene is granted.

IT IS FURTHER ORDERED that the Sierra Club Motion to Set this Matter for Hearing is denied without prejudice.

IT IS FURTHER ORDERED that Monongahela Power Company and The Potomac Edison Company shall file, on or before April 28, 2016, a motion for protective treatment pertaining to the information filed under seal on March 29, 2016.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement, by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Staff by hand delivery.

A True Copy, Teste,



Ingrid Ferrell
Executive Secretary

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