

December 22, 2022

Via Electronic Filing

Ms. A. Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
Dobbs Building
430 North Salisbury Street
Raleigh, North Carolina 27603

Re: *Letter in Lieu of Comments of Dominion Energy North Carolina*
Docket No. E-100, Sub 189

Dear Ms. Dunston:

Virginia Electric and Power Company, d/b/a Dominion Energy North Carolina (“DENC” or the “Company”), respectfully submits this *Letter in Lieu of Comments* in response to the North Carolina Utilities Commission’s (the “Commission”) November 10, 2022 *Order Allowing Comments* (the “Order”) in the above captioned docket. As stated in the Order, Section 40104 of the Infrastructure Investment and Jobs Act (“IIJA”) amends the Public Utility Regulatory Policies Act of 1978 (“PURPA”) to add new federal ratemaking standards related to demand response practices. Ordering Paragraph 3 of the Order directed that on or before December 22, 2022, parties may file written comments regarding the Commission’s preliminary conclusion that it has, prior to the enactment of the IIJA, considered or implemented the demand response and demand flexibility standards as required by IIJA § 40104.

DENC agrees with the Commission’s preliminary conclusion as stated in the Order, and therefore submits this letter in lieu of comments. The Company agrees that the public policy of North Carolina, its statutory laws, and the orders and policies of the Commission promote demand response and demand flexibility practices by retail customers that meet the exemption in IIJA § 40431(b)(3). If met, this provision exempts the Commission from commencing consideration of or setting a hearing date with respect to the standard established by IIJA § 40104(a)(1). Specifically, the Company agrees that N.C. Gen. Stat. § 62-133.9(c) and Commission Rule R8-60(c), (f), and (i)(6), related to DSM/EE requirements for developing integrated resource plans, meet the IIJA § 40104(a)(1) standard of “promot[ing] the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.” These statutory and regulatory requirements have effectively encouraged the Company to develop DSM/EE offerings for its customers, including its 24 DSM/EE tariffs and variable demand charges for on-peak and off-peak hours in many of the Company’s tariffs offered to its North Carolina customers.

DENC respectfully reserves the right to submit reply comments in accordance with the Commission's Order depending on the comments of other parties to this proceeding.

Very truly yours,

/s/Nicholas A. Dantonio

NAD:sbc

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Letter in Lieu of Comments*, as filed in Docket No. E-100, Sub 189, was served via electronic delivery or mailed, first-class, postage prepaid, upon all parties of record.

This the 22nd day of December, 2022.

/s/Nicholas A. Dantonio

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