

25102020D

HOUSE BILL NO. 2027

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend the Code of Virginia by adding a section numbered 56-580.1, relating to State Corporation Commission; certificate of operation for high load facilities.

Patron—Thomas

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-580.1 as follows:

§ 56-580.1. Certificate of operation for high load facilities.

A. As used in this section, "high load facility" means any facility or combination of facilities that, in the Commission's discretion, effectively operate together as a facility whose electricity demand exceeds 25 megawatts that was not operating before July 1, 2026.

B. No person shall operate a high load facility without first having obtained a certificate of operation from the Commission.

C. The Commission shall permit the operation of a high load facility upon a finding that such facility and associated facilities (i) will have no material adverse effect upon the rates paid by customers of any regulated public utility in the Commonwealth, taking into account any likely generation, transmission, or distribution needs attributable to the operation of the high load facility; (ii) will have no material adverse effect upon reliability of electric service provided by any regulated public utility; (iii) would be consistent with the Commonwealth Clean Energy Policy under § 45.2-1706.1; and (iv) are not otherwise contrary to the public interest.

D. In review of a petition for a certificate to operate a high load facility, the Commission shall give consideration to the effect of the facility and associated facilities on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact and shall consider (i) whether adequate notice has been given to the incumbent electric utility serving the area where the high load facility would be located; (ii) whether the applicant has provided adequate information to the public and interested stakeholders regarding the high load facility's energy use, its impacts on the electric grid, its impacts on the environment, and its consumption of natural resources; (iii) whether there is sufficient energy, capacity, and grid infrastructure to support the operation of the high load facility; (iv) the cumulative impacts on the environment and on the reliability of the electric grid that could result from the permitting and operation of multiple high load facilities in the same geographic area; (v) the high load facility's contribution to economic development in the Commonwealth; and (vi) whether the permitting and operation of the high load facility would create an unreasonable cross-subsidy across customers served by the incumbent electric utility.

2. That the State Corporation Commission (the Commission) shall conduct a proceeding to establish minimum criteria for the issuance of a certificate of operation for a high load facility, as defined in § 56-580.1 of the Code of Virginia, as created by this act, and requirements for public notice and an opportunity for hearing. In developing the minimum criteria and notice and hearing requirements, the Commission shall seek public input and consult with the Department of Environmental Quality, the Department of Energy, the Commission on Electric Utility Regulation, and any other person the Commission deems appropriate. The criteria and notice requirements shall be adopted in accordance with the Commission's Rules of Practice and Procedure and shall become effective no later than July 1, 2026.