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January 23, 2024

VIA ELECTRONIC FILING

Hon. Bernard J. Logan, Clerk
State Corporation Commission
Document Control Center
Tyler Building – First Floor
1300 East Main Street
Richmond, Virginia 23219

**Re: Petition of Rappahannock Electric Cooperative,
Hyperscale Energy Services, LLC,
And Hyperscale Energy 1, LLC
For a declaratory judgement and, if
necessary, a partial waiver of the
requirements of 20 VAC 5-312-20 E
Case No.: PUR-2024-0015**

Dear Mr. Logan:

Enclosed for filing on behalf of Rappahannock Electric Cooperative, Hyperscale Energy Services, LLC, and Hyperscale Energy 1, LLC, please find a Petition for a declaratory judgement and, if necessary, for a partial waiver of the requirements of 20 VAC 5-312-20 E.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Timothy E. Biller

cc: William H. Chambliss, Esq.
Arlen K. Bolstad, Esq.
C. Meade Browder, Jr., Esq.

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

PETITION OF)	
)	
RAPPAHANNOCK ELECTRIC)	
COOPERATIVE)	
)	
HYPERSCALE ENERGY SERVICES, LLC)	
)	
And)	CASE NO. PUR-2024-00 <u>DIS</u>
)	
HYPERSCALE ENERGY 1, LLC)	
)	
For a declaratory judgment and, if)	
necessary, a partial waiver of the)	
requirements of 20 VAC 5-312-20 E)	

PETITION

Pursuant to Rule 100 C of the Rules of Practice and Procedure of the State Corporation Commission ("Commission"), 5 VAC 5-20-100 C, Rappahannock Electric Cooperative ("Rappahannock" or "Cooperative"), Hyperscale Energy Services, LLC ("HES"), and its affiliate, Hyperscale Energy 1, LLC ("Hyperscale") (collectively, "Petitioners"), by counsel, respectfully submit this petition ("Petition") for a declaratory judgment. Through this Petition, Petitioners request that the Commission issue an order confirming (1) Hyperscale may make unregulated sales of electric energy to Rappahannock's members within Rappahannock's certificated service territory and (2) Rappahannock can comply with any obligation under 20 VAC 5-312-20 E, as it applies to certain large loads, by establishing and maintaining the existence of Hyperscale and Hyperscale's readiness to provide electric supply to customers. Should the Commission determine that 20 VAC 5-312-20 E does not on its face permit compliance with its requirement through an arrangement with a cooperative's affiliate, Rappahannock requests that the Commission grant it a waiver of this regulation to permit

Rappahannock to meet certain large customers' electric supply requirements through the arrangement with Hyperscale discussed in this Petition.

As discussed below, Rappahannock is filing an application under Chapter 4 of Title 56 of the Code of Virginia ("Code") for approval of an operating services agreement ("OSA") between the Cooperative, HES, and Hyperscale, regarding the specific arrangements between these entities ("Affiliate Application"). To the extent possible, Rappahannock respectfully requests that the Commission issue a ruling on this Petition at the same time as an order on the Affiliate Application or soon thereafter in order to allow Petitioners to move forward with finalizing the arrangements described in this Petition and to be ready to provide service when needed by customers.

In support of this Petition, Petitioners respectfully state the following:

I. INTRODUCTION

1. Rappahannock is a member-owned utility consumer services cooperative that provides electric service to more than 170,000 meters in portions of the following 22 Virginia counties:

Albemarle, Caroline, Clarke, Culpeper, Essex, Fauquier, Frederick, Goochland, Greene, Hanover, King and Queen, King William, Louisa, Madison, Orange, Page, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, and Warren.

2. Hyperscale is a wholly-owned subsidiary of HES, which in turn is a wholly-owned subsidiary of Rappahannock. Hyperscale is a Virginia limited liability company that was recently formed to allow Rappahannock to provide energy supply to a customer with a very large projected data center load as discussed in this Petition.

3. Rappahannock's primary office is located at 247 Industrial Court, Fredericksburg, Virginia 22408.

4. The names and addresses of Petitioner's attorneys are as follows:

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II. DESCRIPTION OF THE ACTION SOUGHT AND THE ACTUAL CONTROVERSY

5. Rappahannock is currently working with customers that intend to build facilities in its service territory that, when fully operational, will eclipse Rappahannock's current peak load requirements to serve its members. As a result of this, Rappahannock is establishing an affiliate structure described below that will allow it to meet the power supply requirements of these exceptionally sized customers while at the same time protecting its existing membership from the potential risks that could accompany Rappahannock's service to these large customers. This type of arrangement, however, has not previously been utilized by a cooperative in Virginia. Accordingly, to ensure that these arrangements are lawful under the Code and the Commission's regulations, Petitioners seek with this Petition a declaration that confirms (1) Hyperscale, as an affiliate of Rappahannock, may make unregulated sales of electric energy to Rappahannock's members within Rappahannock's certificated service territory and (2) Rappahannock can comply with any obligation under 20 VAC 5-312-20 E, as it applies to certain large loads, through establishing and maintaining the existence of Hyperscale and Hyperscale's readiness to provide electric supply to customers. Further, should the Commission determine that 20 VAC 5-312-20 E does not on its face permit compliance with its requirement through an arrangement with a cooperative's affiliate, Rappahannock requests that the Commission grant a waiver of this regulation to permit Rappahannock to meet certain large customers' electric supply requirements through the proposed arrangement with Hyperscale discussed in this Petition.

6. Rappahannock, HES, and Hyperscale are filing the Affiliate Application along with this Petition in order to seek approval of an OSA to govern the affiliate transactions between these entities.

Under the OSA, Rappahannock will provide certain management and general administrative support services to HES, which in turn will provide services to Hyperscale and other similar dedicated service affiliates. Through this arrangement, HES will maintain the availability and capability to provide certain energy services to Rappahannock and its members, in particular those members whose load is of exceptional size, through its dedicated service affiliates, the first of which is Hyperscale. These affiliate transactions under the OSA are collectively referred to as the "affiliate arrangement" in this Petition.

7. Rappahannock also is currently preparing an application to be filed with the Commission at a later date for approval of a new tariff, Schedule LP-DF, which it intends to offer to large, high load factor customers served by dedicated distribution facilities. Through this tariff Rappahannock will provide these very large customers distribution service, and either Hyperscale or a competitive service provider ("CSP"), when the customer is eligible for such service, will provide generation service. The rate for distribution service under Schedule LP-DF will include recognition of the costs Rappahannock incurs to meet its obligation to serve such large customers' power supply needs through the affiliate arrangement with HES and Hyperscale. These costs will exist for Rappahannock related to the exceptionally sized customers to be served under Schedule LP-DF regardless of whether the customer takes supply service from Hyperscale or a CSP, should Rappahannock be looked to as the provider of last resort for this customer.

8. To Rappahannock's knowledge, to date no electric cooperative in Virginia has met its obligation to serve customers' power supply needs through an affiliate, although as discussed below, the Virginia Code contemplates such an arrangement. With the understanding that Commission approval would ultimately be required, Rappahannock sought advice from Commission Staff regarding the permissibility of the arrangement and Schedule LP-DF. Following discussions with Staff, Rappahannock believes that the Commission must confirm Rappahannock's reading of the applicable

statutes and regulations before it can proceed with the affiliate arrangement and make binding commitments.

9. In addition to seeking an arrangement to safely serve a specific customer that currently seeks to establish service from Rappahannock, the Cooperative has garnered significant interest from other data center operators and developers throughout its service territory that would present similar issues and similar supply risks. Accordingly, Rappahannock intends for these additional projects to be served under the same affiliate structure through additional dedicated service affiliates of HES to minimize risk to the Cooperative's members.

10. As discussed below, the Code provides clear support for the declaratory relief sought in this Petition. Nonetheless, given that the Commission has not previously reviewed and approved this arrangement and that Petitioners will need to undertake significant commitments to establish the affiliate arrangement and ensure Hyperscale is positioned to serve the large customers, Petitioners seek a declaratory order confirming that the arrangement complies with Virginia law. Without such confirmation, Petitioners and Rappahannock's members would be subject to significant risk.

11. Accordingly, an actual controversy exists regarding Hyperscale's ability to make unregulated sales of electric energy and Rappahannock's ability to meet its power supply obligations through the affiliate arrangement.

III. COMMISSION JURISDICTION

12. The Commission has jurisdiction over the controversy described in this Petition. The Commission has the power and is charged with the "duty of regulating the rates, charges, and services . . . of . . . electric companies." Constitution of Virginia, Article IX, § 2. The Utility Consumer Services Cooperatives Act specifically states that:

The regulated utility services of a cooperative shall be subject to the jurisdiction of the Commission in the same manner and to the same extent as are regulated utility services provided by other persons under the laws of this Commonwealth. All other business activities of a cooperative and its affiliates shall be subject to the jurisdiction of the

Commission to the extent provided by § 56-231.34:1 and any other applicable laws of the Commonwealth.”

Va. Code § 56-231.34. This Petition also raises a controversy regarding the regulatory requirements set forth in 20 VAC 5-312-20 E. The controversies described in this Petition are thus squarely within the Commission’s unique jurisdiction, and the Company has no other adequate remedy but to obtain a Commission decision on them.

IV. STATEMENT OF FACTS

13. As the Commission is well aware, Virginia has generated significant interest from data center developers in recent years. This is due in part to economic development strategies that have sought to encourage data centers to locate in Virginia as well as access to high-voltage transmission assets and high-quality fiber optic cable infrastructure. Rappahannock’s territory is particularly attractive to data center developers because (i) it has available land, (ii) it is adjacent to existing data centers in Northern Virginia, (iii) local counties are generally receptive to economic development, and (iv) it has reasonable proximity to Virginia Beach, where transatlantic cables originate to provide robust internet access. This has led to significant interest from data center developers in recent years.

14. Although not every project likely will come to fruition, Rappahannock’s territory is seeing increased interest from data centers, particularly “hyperscale” data center campuses, whose respective electric loads can easily reach 200-500 MW. If the data centers currently under development, as well as those in earlier stages of development that Rappahannock is aware of, are all developed, more than 8,000 MW of load could be added to Rappahannock’s service territory alone. For comparison, the Cooperative’s 2022 system peak load was approximately 1,105 MW.

15. Moreover, Old Dominion Electric Cooperative (“ODEC”), Rappahannock’s generation and transmission provider, had an estimated 2022 peak load of 3,267MW. Accordingly, the projected load growth from these large customers also presents a material change from ODEC’s historical load. ODEC’s historical energy purchases and market hedges have not been designed to support

a ready means available to it to provide service while also minimizing the potential risk to its other members that would accompany the addition of a load of this magnitude to its system.

18. Rappahannock and its membership would also face substantial risk in serving a load of this size. Even if served from the PJM market, there are substantial credit requirements that Rappahannock would need to satisfy to access this market. Further, Rappahannock would face considerable liquidity risks in meeting its obligations to the market when purchasing power to serve this load, particularly if there were to be a market disturbance that results in high or extremely high market costs, whether from a storm event or some other market issue. Moreover, the Cooperative would face significant risk if a customer defaulted on its payment obligations or even if a customer was delayed on its payment. This would only further increase as new, similarly large customers come on to the Cooperative's system.

19. Rappahannock has therefore designed the affiliate arrangement in a way to allow Rappahannock a means to serve these very large customers while also shielding its other members from these risks. Specifically, Rappahannock has established HES to maintain the availability and capability to provide certain energy services to Rappahannock and its members, particularly those members whose load is of exceptional size. HES in turn has established Hyperscale as a dedicated service affiliate to meet the power supply needs of a specific, large-scale data center development in Rappahannock's service territory and will establish additional dedicated service affiliates in accordance with future business needs to serve other customers.

20. Under this arrangement, Hyperscale will be the load serving entity ("LSE") in the PJM market and procure energy and capacity on behalf of the customer it has been established to serve. HES, as an agent for Hyperscale, will handle Hyperscale's duties and responsibilities for wholesale power market access including scheduling and settlement with PJM's markets.

21. Hyperscale will enter into agreements with its customer to govern this supply service, including seeking appropriate credit support from the customer to permit Hyperscale to meet the credit requirements to participate in the PJM market and other contractual protections that may be required to minimize risk to Hyperscale and permit it to serve the customer¹. Hyperscale will be operated as a for-profit subsidiary of Rappahannock, allowing it to generate margins and thereby producing additional funds to allow it to better protect Rappahannock and Cooperative members from the risks associated with Hyperscale's business activities.

22. Under the affiliate arrangement, Rappahannock will only provide the customer with distribution service under its proposed Schedule LP-DF.

V. LEGAL BASIS

Background

23. The Commission's regulations state in 20 VAC 5-312-20 E that

The local distribution company shall provide, pursuant to the prices, terms, and conditions of its tariffs approved by the State Corporation Commission, service to all customers that do not select a competitive service provider and to customers that chose a competitive service provider but whose service is terminated for any reason.

Further, Va. Code § 56-234 states that "[i]t shall be the duty of every public utility to furnish reasonably adequate service and facilities at reasonable and just rates to any person, firm or corporation along its lines desiring same." Generally, an electric utility in Virginia must stand ready to provide service to customers located in its service territory when it can economically construct facilities to provide that service.

¹ Petitioners are currently considering options for Hyperscale to be able to meet the PJM credit requirement. Should a viable credit option include a requirement for a guarantee or similar obligation from Rappahannock, the Cooperative will seek specific authority from the Commission in a future application.

24. Other than limited circumstances where a customer can obtain its electric supply from third parties, the requirement to serve includes both providing distribution service as well as providing the supply of electric energy required by the customer.

25. Va. Code § 56-577 A (3) does permit certain customers to elect to receive electric supply from a licensed competitive service provider (“CSP”). This Code section, however, limits the customers that can take service from CSPs based on the customer’s demand. Specifically, only customers whose (1) individual loads were more than 5 MW and less than “one percent of the customer’s incumbent electric utility’s peak load” during the previous calendar year or (2) noncoincident peak load was more than 90 MW in any calendar year since 2006 are eligible to take service from a CSP.

26. The Code is clear that a customer cannot take service from a CSP until it has been on the incumbent utility’s system and established a peak demand under one of the two criteria for taking competitive service discussed above. Further, the Commission’s decision in Case No. PUR-2019-00216² confirmed that the eligibility of customers whose peak demand is less than one percent of the utility’s peak load must be evaluated on an annual basis and, should the customer’s load during the previous calendar year no longer meet the eligibility criteria, the customer must return to the incumbent utility supply immediately without being subject to any notice requirements.

27. While Rappahannock does not dispute these conclusions as applied to the relevant statutory language, they nevertheless lead to additional complexity in serving large customers, whether or not the customer ultimately intends to take service from a CSP. For Rappahannock the statutory provisions create a “donut” effect, particularly for customers that anticipate a significant ramp-up in load over time, as is common for data center build-outs. That is, such customers would need to begin

² *Petition of Pilgrim’s Pride Corporation, For a declaratory judgment*, Case No. PUR-2019-00216, Final Order, April 16, 2020.

taking service from Rappahannock and would then become eligible to take service from a CSP upon establishing a demand between 5 and 11 MW³ in a prior calendar year. However the customer would then lose that eligibility once it exceeds 11 MW of demand and would remain ineligible to take service from a CSP until it establishes a calendar year peak load in excess of 90 MW. Such a donut effect would prove untenable for many customers. In addition, 20 VAC 5-312-20 E appears to make Rappahannock responsible for providing service when a customer's CSP fails to provide such service for any other reason. For instance, should a CSP experience financial difficulties and lose its ability to access the PJM market to supply the customer's load, Rappahannock could be called upon to provide such service.

28. Accordingly, in all of these situations the customer will look to Rappahannock to provide power supply service as the provider of last resort, or "default service," potentially without significant notice. As discussed above, service to such large customers, particularly in relation to Rappahannock's native load, presents real risks to Rappahannock and its membership. These risks will be magnified if Rappahannock is called on to provide this service with little or no notice.

Unregulated Sales of Electric Energy by an Affiliate of a Cooperative

29. The Code appears to recognize these risks as they apply to cooperatives, given their relative size compared to the size of customers eligible to take competitive service. Specifically, the Code permits Cooperatives to establish affiliates that can make "unregulated sales of electric power" within the Cooperative's service territory, providing a ready means for a Cooperative to provide this power supply service while also mitigating the risks to its members from incorporating potentially immense loads into its general power supply requirements.

³ REC's peak load for 2022 was approximately 1,105MW.

30. Va. Code § 56-585 specifically acknowledges that a Cooperative could have met this default service requirement through “one or more affiliates.”⁴ But Va. Code § 56-585 on its face only speaks to the capped rate period, which ended in 2009, and therefore is not specific authority that the Cooperative relies on for purposes of this Petition. Nevertheless, this statutory text makes clear that the General Assembly acknowledged the unique authority afforded to affiliates of cooperatives to make unregulated sales of electric energy, which the General Assembly acknowledged cooperatives could leverage during the capped rate period to provide this default service. Importantly, this statute also recognizes the unregulated aspect of energy sales from a cooperative affiliate. While the statute requires that default service provided by a cooperative itself be at the cooperative’s capped rates, it set no parameters on the service to be provided by a cooperative’s affiliate in terms of rates or licensing requirements for the affiliate.⁵ Although the General Assembly enumerated this option to ensure default service was available during the capped rate period—when retail choice was available to all customers and not just certain very large customers—the statute remains in the Code, and there have been no changes to the Utility Consumer Services Cooperative Act (“Cooperatives Act”) since the capped rates period that would now deny the ability of a Cooperative’s affiliate to make unregulated sales of electric energy.

31. Instead, the Cooperatives Act, which sets forth the legal authority for a cooperative such as Rappahannock to form, operate in the Commonwealth, and establish affiliates, continues to contemplate allowing Cooperatives and their affiliates the authority to make unregulated sales of electric energy. It states:

Nothing in this article shall be construed to authorize a cooperative formed pursuant to this article, *or any affiliate thereof*, to engage, on a not-for-profit basis, within either the cooperative's certificated service territory . . . in the sale of products, the provision

⁴ Va. Code § 56-585 D (“A distribution electric cooperative, or one or more affiliates thereof, shall have the obligation and right to be the supplier of default services in its certificated service territory. . . . Such default services, for the purposes of this subsection, shall include the supply of electric energy.”)

⁵ *Id.*

of services, or other business activity, *except for* regulated electric utility services, *unregulated sales of electric power to its members within its certificated service territory*, and traditional cooperative activities.⁶

Although framed as an exception to a general prohibition on certain conduct, this language clearly contemplates that a cooperative or its affiliate may make unregulated sales of electric power to a cooperative's members in the cooperative's service territory.⁷

32. Va. Code § 56-231.36 underscores this conclusion and provides:

This [Cooperatives Act] is to be liberally construed and the enumeration of any object, purpose, power, manner, method or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods or things, and any provisions of other laws in conflict with the provisions of this article shall not apply to cooperatives operating hereunder. Any object, purpose, power, manner, method or thing which is not specifically prohibited is permitted.

Accordingly, given the language in Va. Code § 56-231.16 and the explicit directive in Va. Code § 231.36 that (i) the Cooperatives Act be liberally construed and (ii) anything not specifically prohibited in the Cooperatives Act is permitted, it is clear that the Code permits Cooperatives to form and maintain affiliates that can in turn make unregulated sales of electric power. It is this authority that the General Assembly recognized and put to use to give cooperatives additional options to serve customers with default service during the capped rate period.

33. This power, however, is not limitless; the statutory language also makes clear that cooperatives and their affiliates can only make such unregulated sales in the cooperative's service territory to its members. Moreover, any arrangements between a cooperative and its affiliate will remain subject to the Commission's oversight through Chapter 4 of Title 56 of the Code as well as the requirements of Va. Code §56-231.34:1 and 20 VAC 5-203, which establish certain requirements between cooperatives and their affiliates providing unregulated services. In this way, the Code does

⁶ Va. Code § 56-231.16 B.

⁷ In addition, although this language does restrict certain business activities that a cooperative or its affiliates may undertake on a not-for-profit basis, this language does not state that an affiliate of a cooperative cannot undertake unregulated sales of electric energy on a for-profit basis.

not provide a loophole that would allow cooperatives and their affiliates to operate anywhere in the Commonwealth free from regulation and potentially compete against other providers throughout the state. Instead, a cooperative and its affiliates simply have the ability to provide additional options in the cooperative's service territory to ensure that the cooperative's members will be able to get service. In this way the Code provides a cooperative additional methods to meet its members' needs of members and also the flexibility to do so in a way that limits the risk to the cooperative's other members.

34. This is precisely what Petitioners seek to do now through the affiliate arrangement. Given the potential risks the Cooperative would face if it were required to supply the energy requirement of these large customers, Petitioners seek to meet this service requirement through the affiliate arrangement. This will allow Rappahannock to meet the unique needs of these customers and will also shield the Cooperative and its other members from the sizeable risks that come from serving such a large load relative to the overall size of the Cooperative's system.

Provider of Last Resort Obligation under 20 VAC 5-312-20 E

35. Specifically, Rappahannock intends to meet any obligation as the provider of last resort under 20 VAC 5-312-20 E to serve exceptionally sized customers that qualify for service under Schedule LP-DF through a combination of (i) Hyperscale's ability to directly access the PJM markets for the customer's power supply needs and (ii) Rappahannock's own distribution service through its proposed Schedule LP-DF.

36. Meeting any provider of last resort obligation in this manner appears to comply with the intention for meeting customers' requirements that gave rise to 20 VAC 5-312-20 E. Specifically, 20 VAC 5-312-20 E appears to backstop the default service obligation under Va. Code § 56-585 to ensure that all retail customers in the Commonwealth had a provider of last resort or default service provider during the period in which retail choice was freely available in the Commonwealth. Because a

cooperative was clearly able to meet the default service obligation through one or more affiliates when retail choice was available to all customers in the Commonwealth, given that retail choice continues to be available, albeit to a significantly more limited subset of customers, it stands to reason that it can continue to meet the requirements in 20 VAC 5-312-20 E through one or more affiliates.

37. Nevertheless, although the default service and provider of last resort obligations shared the same goal of ensuring customers had a source of supply, they were two ways to meet that goal during the capped rates period. Accordingly, Rappahannock seeks clarity regarding whether it would be able to meet the requirements of 20 VAC 5-312-20 E through the affiliate arrangement. Consistent with that regulation, Rappahannock would serve eligible customers pursuant to the terms of its proposed Schedule LP-DF, which specifically contemplates that the customer's power supply will be provided through the affiliate arrangement if the customer does not or cannot take service from a CSP. Accordingly, the Cooperative respectfully requests that the Commission find that meeting the power supply requirements of exceptionally sized customers through the affiliate arrangement discussed in this Petition complies with the Cooperative's obligations under 20 VAC 5-312-20 E.

Waiver of 20 VAC 5-312-20 E

38. To the extent the Commission determines that, as drafted, 20 VAC 5-312-20 E does not permit Rappahannock to comply with its requirements through the affiliate arrangement, the Cooperative respectfully requests that the Commission grant a waiver, pursuant to 20 VAC 5-312-20 A, of the requirements of 20 VAC 5-312-20 E in order to permit Rappahannock to meet any obligation under that regulation through the affiliate arrangement.

39. If necessary, such a waiver would be in the public interest because it would allow the Cooperative to meet the needs of these large customers in a manner that mitigates the potentially substantial risks discussed in this Petition should Rappahannock need to serve these large customers as part of its native load. Indeed, without either a finding that the affiliate arrangement will allow

Rappahannock to meet its obligation under 20 VAC 5-312-20 E or a waiver of that regulation as requested in this Petition, the Cooperative and its members will be exposed to significant amounts of risk as described in this Petition. Indeed, should the Cooperative need to meet this obligation without the affiliate arrangement, it would impose significant exposure to the risks associated with changes in the PJM market and satisfying market obligations without the insulation provided the affiliate arrangement to protect the Cooperative's members from increased costs and other ramifications associated with these risks. Accordingly, a waiver of the requirements of 20 VAC 5-312-20 E to permit Rappahannock to meet this obligation through the affiliate arrangement is clearly in the public interest if the Commission finds the regulation does not permit this on its face.

WHEREFORE Rappahannock and Hyperscale respectfully request that the Commission issue an order confirming that (i) Hyperscale may make unregulated sales of electric energy to Rappahannock's members within Rappahannock's certificated territory and (ii) Rappahannock will comply with its obligation under 20 VAC 5-312-20 E, as it applies to certain large loads, through establishing and maintaining the existence of Hyperscale and Hyperscale's readiness to provide electric supply to customers. Alternatively, should the Commission determine that 20 VAC 5-312-20 E does not on its face permit compliance with this requirement through an arrangement with a cooperative's affiliate, Rappahannock requests that the Commission grant it a waiver of this regulation to permit Rappahannock to meet the requirements of certain large customers through the arrangement with Hyperscale discussed in this Petition.


Respectfully submitted,

RAPPAHANNOCK ELECTRIC COOPERATIVE

HYPERSCALE ENERGY SERVICES, LLC

HYPERSCALE ENERGY 1, LLC

January 23, 2024

By: 
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of January 2024 a true copy of the foregoing Petition was delivered by electronic mail, hand, or mailed, first-class, postage prepaid, to the following:

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