

# OPPOSE SB 751

**Topic:** Utility Facilities Act; definition of public utility.

**Bill Patron:** Senator DeSteph

## OVERVIEW:

Exempts private companies providing adjacent or on-site power services behind-the-meter from State Corporation Commission regulation.

## REASONS TO OPPOSE:

- This would allow for the unregulated sale of power to private customers in existing utility territory.
- When utilities propose power plants, they are subject to SCC oversight and must receive a Certificate of Public Convenience and Necessity (CPCN). By exempting private companies offering these services from the definition of a utility, a CPCN process is no longer needed.
- Exemption from the CPCN process would, in practice, limit public participation in the approval process for potentially large new power plants (there is no size threshold proposed).
- The probable outcome would be that high load users such as data centers enter into private contracts for on-site or adjacent power plants such as new gas-burning facilities without such facilities undergoing regulatory review.



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This position was taken by Virginia Conservation Network (VCN)'s Legislative Committee and Board of Directors and is supported by Virginia's conservation community. For a complete list of VCN positions, visit [www.vcnva.org/bill-tracker](http://www.vcnva.org/bill-tracker). VCN is committed to building a powerful, diverse, and highly-coordinated conservation movement focused on protecting our Commonwealth's natural resources today and for tomorrow.