

## STATE CORPORATION COMMISSION

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## APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2024-00131

For approval and certification of electric transmission facilities: 230 kV Rebuild, Reconductoring, and New Line Projects to Network Takeoff Substation

FINAL ORDER

On July 17, 2024, Virginia Electric and Power Company ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") an application ("Application") for approval and certification of electric transmission facilities in the Counties of Fairfax and Loudoun, Virginia.<sup>1</sup> Dominion filed its Application pursuant to Code § 56-46.1 and the Utility Facilities Act, Code § 56-265.1 *et seq.*

Through its Application, the Company proposes to complete the following (collectively, "Project"):<sup>2</sup>

- (1) Construct two new overhead double circuit 230 kilovolt ("kV") transmission lines by cutting the Company's existing 230 kV Lincoln Park-Loudoun Line #2008 and existing 230 kV Bull Run-Sully Line #265, which are collocated within an existing variable 100- to 120-foot-wide right-of-way. As proposed, existing Lincoln Park-Loudoun Line #2008 will be cut at a location between Structures #2008/66 and #2008/67, and existing Bull Run-Sully Line #265 will be cut at a location between Structures #265/88 and #265/89. The Company represents that the two new double circuit lines will extend approximately 0.3 mile from the respective cut-in locations before terminating at a new proposed 230-34.5 kV substation located in Fairfax County, Virginia ("Takeoff Substation") on property to be owned by the Company ("Takeoff Loop"). Dominion states that the cut-ins ultimately will result in (i) 230 kV Loudoun-Takeoff Line #2008, (ii) 230 kV Lincoln Park-Takeoff Line #2356, (iii) 230 kV Bear Run-Takeoff Line #2285, and (iv) 230 kV Sully-Takeoff

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<sup>1</sup> Ex. 2 (Application) at 2.

<sup>2</sup> *Id.* at 2-5.

Line #2357. Dominion further represents that, at the cut-in between Structures #2008/66 and #2008/67, the Company will install two new monopole structures to provide a network connection to the Takeoff Substation. Similarly, Dominion states, at the cut-in between Structures #265/88 and #265/89, the Company will install two new monopole structures to provide a network connection to the Takeoff Substation. According to the Company, these network connections will allow the Takeoff Substation to connect to other existing substations for increased reliability. Dominion states that while the structures installed at the proposed cut-in locations are within the existing right-of-way, the proposed 0.3-mile Takeoff Loop will be constructed in a new 160-foot-wide right-of-way supported primarily by double circuit weathering steel 2-pole structures and utilizing three-phase twin-bundled 768.2 thousand circular mils ("kcmil") 20/7 Aluminum Conductor Steel Supported/Trapezoidal Wire/High Strength ("ACSS/TW/HS") type conductor with a summer transfer capability of 1,573 MVA, with one new Design Number ("DNO")-11410 shield wire over each circuit. Dominion refers to this proposed work collectively as the "Takeoff Loop and Substation."

- (2) Partially reconductor and rebuild Sully-Takeoff Line #2357 entirely within existing right-of-way in Fairfax County, Virginia ("Sully-Takeoff Partial Reconductor/Rebuild"). As discussed above, Dominion states that Sully-Takeoff Line #2357 will result from cutting existing Bull Run-Sully Line #265 between Structures #265/88 and #265/89 ("Sully-Takeoff Cut-in") and extending 0.3 mile of new double circuit lines to the proposed Takeoff Substation. The Company represents that the resulting approximately 2.2-mile Sully-Takeoff Line #2357 will consist of the new 0.3-mile segment from the Takeoff Substation to the Sully-Takeoff Cut-in, and the existing 1.9-mile segment from the Sully-Takeoff Cut-in to the Sully Substation. Hence, according to Dominion, only a "partial" reconductor and rebuild of Sully-Takeoff Line #2357 – namely, within the 1.9-mile existing segment – is required, as follows:

- a. Sully-Takeoff Partial Reconductor: reconductor the existing 1.9-mile segment of Sully-Takeoff Line #2357 between the Sully-Takeoff Cut-in and the existing Sully Substation by uprating the existing conductors from three-phase 1590 kcmil 45/7 Aluminum Conductor Steel Reinforced type conductor and 1534 Aluminum Conductor Alloy Reinforced 42 EC/19 type conductor to three-phase twin-bundled 768.2 kcmil 20/7 ACSS/TW/HS with a summer transfer capability of 1,573 MVA.
- b. Sully-Takeoff Partial Rebuild: rebuild five of the existing painted steel double circuit monopole structures supporting Line #2357 (i.e., supporting the existing Bull Run-Sully Line #265) and existing Discovery-Sully Line #2107 (existing Structures #265/98 / #2107/72,

#265/99 / #2107/71, #265/102 / 2107/68, #265/104 / #2107/66, and #265/107 / #2107/63) in order to maintain proper clearances.

According to the Company, the five structures proposed for rebuild are located within an existing 0.9-mile segment between existing Structure #265/98 / #2107/72 and Sully Substation. Dominion states that the five removed structures will be replaced with five double circuit dilled galvanized steel monopole structures.

- (3) Construct a new overhead double circuit 230 kV transmission line beginning at the Company's future Aviator Substation located in Loudoun County, Virginia, and extending approximately 3.2 miles to terminate at the Company's new proposed Takeoff Substation located in Fairfax County, Virginia, resulting in (i) 230 kV Aviator-Takeoff Line #2358, and (ii) 230 kV Aviator-Takeoff Line #2359 ("Aviator-Takeoff Lines"). The Company states that while the proposed Aviator-Takeoff Lines will commence and terminate on Company-owned or to-be-owned property (from Structure #2358/25 / #2359/25 at Aviator Substation to Structure #2358/1 / #2359/1 at Takeoff Substation), the proposed Aviator-Takeoff Lines will be constructed in new 100-foot-wide right-of-way supported primarily by double circuit dilled galvanized steel monopole structures and will utilize three-phase twin-bundled 768.2 kmil 20/7 ACSS/TW/HS type conductors with a summer transfer capability of 1,573 MVA, with one new DNO-11410 shield wire over each new circuit.

- (4) Perform minor substation-related work at the Company's future Aviator Substation.

According to the Application, the proposed Project is necessary to relieve identified violations of mandatory North American Electric Reliability Corporation ("NERC") Reliability Standards, to provide service requested by a data center customer of Dominion, and to maintain the structural integrity and reliability of its transmission system.<sup>3</sup>

For the Takeoff Loop, the Company identified one 0.3-mile overhead proposed route in an approximately 160-foot-wide right-of-way ("Takeoff Loop Proposed Route"), as well as an approximately 0.3-mile overhead alternative route in an approximately 100-foot-wide right-of-

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<sup>3</sup> *Id.* at 2.

way ("Takeoff Loop Alternative Route 2").<sup>4</sup> For the Aviator-Takeoff Lines, the Company identified one approximately 3.2-mile overhead proposed route ("Aviator-Takeoff Proposed Route") and two overhead alternative routes that are either 3.3 or 3.1 miles long (respectively, "Aviator-Takeoff Alternative Route 2" and "Aviator-Takeoff Alternative Route 3").<sup>5</sup>

The Company states the desired in-service date for the proposed Project is August 1, 2027.<sup>6</sup> The Company represents that the total estimated conceptual cost of the proposed Project is approximately \$168.3 million, which includes approximately \$93.1 million for transmission-related work and approximately \$75.2 million for substation-related work (in 2024 dollars).<sup>7</sup>

In its Application, the Company explained that almost all of the 0.3-mile Takeoff Loop Proposed Route and approximately 2.9 miles of the Aviator-Takeoff Proposed Route would be located on property owned by the Metropolitan Washington Airports Authority ("MWAA").<sup>8</sup> The Company further explained that it was in the process of negotiating with MWAA to obtain property rights for these portions of the proposed routes that cross MWAA-owned property.<sup>9</sup>

On August 19, 2024, the Commission issued an Order for Notice and Hearing, which, among other things: docketed the Company's Application; established a procedural schedule;

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<sup>4</sup> *Id.* at 6-7.

<sup>5</sup> *Id.* at 7-8. The Company identified only one route for the Sully-Takeoff Partial Reconductor/Rebuild, because existing right-of-way and Company-owned property were adequate to establish the proposed route, and no new right-of-way would be required. *Id.* at 7.

<sup>6</sup> *Id.* at 2.

<sup>7</sup> *Id.* at 10.

<sup>8</sup> *Id.* at 6 n.8, 7 n.11.

<sup>9</sup> *Id.*

directed Dominion to provide notice of its Application to interested persons and the public; scheduled a public witness hearing and evidentiary hearing for the purpose of receiving testimony and evidence on the Application; provided interested persons an opportunity to file comments on the Application or participate as a respondent; directed the Commission's Staff ("Staff") to investigate the Application and file testimony and exhibits containing its findings and recommendations; and appointed a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission and file a final report.

Staff requested that the Department of Environmental Quality ("DEQ") coordinate an environmental review of the proposed Project by the appropriate agencies and provide a report on the review.<sup>10</sup> On October 3, 2024, DEQ filed its report on Dominion's Application ("DEQ Report"), which includes the Wetland Impact Consultation provided by DEQ's Office of Wetlands and Stream Protection.

The Company filed its proof of notice and service on September 25, 2024. A timely notice of participation was filed by the Fairfax County Board of Supervisors ("Fairfax County"). On November 6, 2024, Fairfax County filed the testimonies of Christopher Herrington and Tracy Strunk. The Commission received four public comments on the Company's Application.

On November 19, 2024, Staff filed the testimony of Jay-Ar Llamido with an attached Staff Report.

On November 25, 2024, Dominion filed an Unopposed Motion to Revise Procedural Schedule with Request for Expedited Treatment ("Motion"). The Company requested that the

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<sup>10</sup> Letter from Clay F. Kulesza, State Corporation Commission, dated July 29, 2024, to David L. Davis, Department of Environmental Quality, filed in Case No. PUR-2024-00131; Letter from Clay F. Kulesza, State Corporation Commission, dated July 29, 2024, to Bettina Rayfield, Department of Environmental Quality, filed in Case No. PUR-2024-00131.

Commission extend the deadline for the Company to file its rebuttal testimony from December 3, 2024 to December 6, 2024.<sup>11</sup> In support of its Motion, Dominion stated that the Company and MWAA had scheduled another meeting on December 2, 2024 to further discuss negotiations regarding the Company's request to obtain easements from MWAA that were necessary for Dominion's Takeoff Loop Proposed Route and Aviator-Takeoff Proposed Route.<sup>12</sup> The Company represented that an extension of the rebuttal testimony deadline would provide Dominion with sufficient time to report on the outcome of the December 2, 2024 meeting in its rebuttal testimony.<sup>13</sup> On November 26, 2024, the Hearing Examiner granted Dominion's unopposed Motion to extend the deadline for rebuttal testimony to December 6, 2024.

On December 6, 2024, the Company filed its rebuttal testimony. Therein, the Company asserted that negotiations with MWAA regarding the necessary easements for the Takeoff Loop Proposed Route and Aviator-Takeoff Proposed Route were still ongoing.<sup>14</sup> Dominion further stated that if negotiations failed, or delayed the proceeding so as to cause an unacceptable risk of achieving the in-service date of the Project, the Company would support Takeoff Loop Alternative Route 2 and Aviator-Takeoff Alternative Route 2 as the preferred routes for the Project.<sup>15</sup>

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<sup>11</sup> Motion at 3-4.

<sup>12</sup> *Id.* at 3.

<sup>13</sup> *Id.*

<sup>14</sup> Ex. 17 (Rebuttal Testimony of Jared Brandell-Douglas) at 20.

<sup>15</sup> *Id.* at 21-23

The Hearing Examiner convened an evidentiary hearing on December 17, 2024. Counsel for Dominion, Fairfax County, and Staff were in attendance. No public witnesses signed up to testify.<sup>16</sup>

During the evidentiary hearing, Company rebuttal witness Stefan P. Haas testified to the status of negotiations between Dominion and MWAA. On behalf of the Company, Mr. Haas requested that the Commission approve the Project with the proposed routes, on the condition that the Company resolve its property rights negotiations with MWAA by no later than March 1, 2025.<sup>17</sup> Further, Mr. Haas represented that the Company would make an informational filing with the Commission on or before March 1, 2025 to either confirm the successful resolution of negotiations with MWAA or to request that the Commission approve Aviator- Takeoff Alternative Route 2, Takeoff Loop Alternative Route 2, or both, as the Company's proposed routes.<sup>18</sup>

On January 13, 2025, the Senior Hearing Examiner issued the Report of Michael D. Thomas, Senior Hearing Examiner ("Report"). In the Report, the Senior Hearing Examiner made the following findings:<sup>19</sup>

- (1) The Company established the need for the Project to relieve two separate violations of NERC Reliability Standards; ensure that the Company can provide service requested by a [c]ustomer in Fairfax County; and enhance reliable electric service to customers in the Aviator Load Area<sup>20</sup> by serving the area with additional transmission resources;

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<sup>16</sup> Tr. at 9.

<sup>17</sup> *Id.* at 38.

<sup>18</sup> *Id.* at 38-39.

<sup>19</sup> Report at 56-58.

<sup>20</sup> The load area extending generally southeast from the future Aviator Substation in Fairfax and Loudoun Counties is referred to as the "Aviator Load Area." Ex. 2 (Application) at 5.

- (2) The Company established that [demand side management] will not obviate the need for the Project;
- (3) The Company's proposed construction schedule, in-service date of August 1, 2027, and sunset date of August 1, 2028, for energizing the Project appear reasonable;
- (4) The Company's estimated transmission-related costs for the Takeoff Loop Proposed Route and the Aviator-Takeoff Proposed Route appear reasonable and prudent;
- (5) Since the Company's estimated transmission-related costs for the Takeoff Loop Alternative Route and the Aviator-Takeoff Alternative Routes 2 and 3 are less than the proposed routes, those costs also appear reasonable and prudent;
- (6) The Company's estimated substation-related costs for the Takeoff Substation and the Aviator Substation appear reasonable and prudent;
- (7) The Project is needed to support continued economic development in the Company's Aviator Load Area;
- (8) The Company reasonably considered the use of existing right-of-way for the Project, in particular the Sully-Takeoff Partial Reconductor/Rebuild would be accomplished entirely within existing right-of-way;
- (9) The Takeoff Loop Proposed Route and the Aviator-Takeoff Proposed Route are far superior to any of the alternative routes proposed and avoid or reasonably minimize adverse impacts to the greatest extent reasonably practicable on the scenic assets, historic and cultural resources, and the environment of the Project area;
- (10) Although inferior to the Takeoff Loop Proposed Route and the Aviator-Takeoff Proposed Route, the Takeoff Loop Alternative Route and the Aviator-Takeoff Alternative Route 2 meet the statutory requirements to avoid or reasonably minimize adverse impacts to the extent reasonably practicable on the scenic assets, historic and cultural resources, and the environment of the Project area;
- (11) Since the Aviator-Takeoff Alternative Route 2 is a viable alternative route, there is no need for the Commission to consider Aviator-Takeoff Alternative Route 3;
- (12) The Project, along either the proposed routes or the alternative routes, will not have a material adverse impact on scenic, environmental, or historic resources;
- (13) There are no feasible alternatives to the Project;



- (14) The Project does not represent a hazard to public health or safety;
- (15) The Company reasonably addressed the impact of the Project on aviation resources;
- (16) In part, the recommendations in the DEQ Report "Summary of Findings and Recommendations" are "desirable or necessary to minimize adverse environmental impact" associated with the Project;
- (17) The Commission should reject the following recommendations in the DEQ Report: (i) [the Department of Conservation and Recreation's Division of Natural Heritage's ("DCR-DNH")] recommendation related to the development of an invasive species management plan; (ii) [the Department of Wildlife Resources' ("DWR")] recommendation related to any land-based work within 900 feet of Cub Run; and (iii) DWR's recommendation to maintain an undisturbed naturally vegetated buffer of at least 300 feet on Cub Run;
- (18) The Commission should reject DCR-DNH's recommendation to avoid or minimize impacts to ecological cores as unnecessary;
- (19) The Commission should reject the following general recommendations in the DEQ Report: (i) [DEQ's Division of Land Protection and Revitalization's] recommendation to further evaluate petroleum release sites identified in close proximity to the Project area; (ii) DCR-DNH['s] recommendation regarding enhanced planned right-of-way restoration and maintenance practices; (iii) DWR's recommendation to conduct significant tree removal and ground-clearing activities outside of the primary songbird nesting season; and (iv) DWR's recommendation for the Company to review best management practices for the conservation of Tricolored Bats; and
- (20) The Company reasonably considered the requirements of the [Virginia Environmental Justice Act]<sup>21</sup> in its Application.

On January 21, 2025, the Company, Staff, and Fairfax County each filed comments on the Report.<sup>22</sup>

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<sup>21</sup> Code §§ 2.2-234 and -235.

<sup>22</sup> In its comments on the Report, Fairfax County cited commitments that the Company made in its testimony to coordinate with Fairfax County. Fairfax County comments at 2-3, citing Ex. 16 (Rebuttal Testimony of James P. Young) at 28:11-13 and Ex. 17 (Rebuttal Testimony of Jared Brandell-Douglas) at 17:21-23 and 18:1-4.

On February 20, 2025, the Company filed a letter with the Commission providing an update on the status of its negotiations with MWAA ("Dominion Update Letter"). Attached to the Dominion Update Letter was a letter from MWAA regarding its position on Dominion's proposed routes in this proceeding ("MWAA Letter"). Both the Dominion Update Letter and the MWAA Letter stated that MWAA supported the Company's proposed routing, with certain modifications to the Aviator-Takeoff Proposed Route that were identified in a map included with the MWAA Letter.<sup>23</sup> The modification proposed in the MWAA Letter would cause one section of the Aviator-Takeoff Proposed Route to be shifted slightly to the south and would relocate some electrical transmission structures along that same section of the route.<sup>24</sup> The Aviator-Takeoff Proposed Route, as modified by the MWAA Letter, would continue to be located entirely within properties owned by MWAA and Fairfax County.<sup>25</sup>

Both the Company and MWAA asserted that they worked extensively with Fairfax County to develop this proposed routing change, and Dominion stated that Fairfax County did not oppose the proposed routing changes.<sup>26</sup> The MWAA Letter and attached routing change map offered no changes to the Takeoff Loop Proposed Route.

NOW THE COMMISSION, having considered this matter, is of the opinion and finds as follows.

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<sup>23</sup> Dominion Update Letter at 2-3; MWAA Letter at 1-2.

<sup>24</sup> MWAA Letter at 2.

<sup>25</sup> Dominion Update Letter at 3; MWAA Letter at 2.

<sup>26</sup> Dominion Update Letter at 3; MWAA Letter at 1.

### Hearing Examiner's Report

After analyzing the law and weighing the evidence – and providing a thorough and detailed analysis thereof – the Senior Hearing Examiner recommended that the Commission enter an order that:<sup>27</sup>

- (1) **ADOPTS** the findings and recommendations contained in th[e] Report;
- (2) **ISSUES** a [Certificate of Public Convenience and Necessity ("CPCN")] to the Company to construct and operate the Project along the proposed routes; and
- (3) **DISMISSES** this case from the Commission's docket of active cases.

Upon consideration of this matter, the Commission concludes that the Senior Hearing Examiner's findings and recommendations are supported by law and evidence, have a rational basis, and should be adopted subject to the modifications herein. The Commission finds that the public convenience and necessity requires the construction of the Project and that two CPCNs authorizing the Project should be issued subject to the recommended findings and conditions contained in the Report. We also find that the Company should abide by its commitments to Fairfax County. Having considered the proposed routing changes offered in the Dominion Update Letter and the MWAA Letter, and recognizing that the proposed route modification would be located on properties that were already proposed for routing in connection with the Project, the Commission finds the proposed modification to the Aviator-Takeoff Proposed Route to be reasonable, in the best interest of the parties and the public, and compliant with the requirements of Code § 56-46.1 and the Utility Facilities Act, Code § 56-265.1 *et seq.*<sup>28</sup>

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<sup>27</sup> Report at 58.

<sup>28</sup> The Commission has fully considered the evidence and arguments in the record. *See also Board of Supervisors of Loudoun County v. State Corp. Comm'n*, 292 Va. 444, 454 n.10 (2016) ("We note that even in the absence of this

Accordingly, IT IS ORDERED THAT:

- (1) The Commission adopts the Senior Hearing Examiner's findings and recommendations in the Report, as modified herein.
- (2) The Senior Hearing Examiner's recommendations as set forth in the Report are ordered, except as modified herein.
- (3) Dominion is authorized to construct and operate the Project as proposed in its Application, as modified by the routing changes in the routing map included with the MWAA Letter.
- (4) Pursuant to §§ 56-46.1, 56-265.2, and related provisions of Title 56 of the Code, the Company's request for approval of the necessary CPCNs to construct and operate the Project is granted as provided for herein.
- (5) Pursuant to the Utility Facilities Act, § 56-265.1 *et seq.* of the Code, the Commission issues the following CPCNs to Dominion:

Certificate No. ET-DEV-NVA-2025-A, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUR-2024-00131, and cancels Certificate No. ET-DEV-NVA-2023-A, issued to Virginia Electric and Power Company in Case No. PUR-2023-00049 on October 23, 2023.

Certificate No. ET-DEV-LDN-2025-B, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Loudoun County, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No.

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representation by the Commission, pursuant to our governing standard of review, the Commission's decision comes to us with a presumption that it considered all of the evidence of record.") (citation omitted).

PUR-2024-00131, and cancels Certificate No. ET-DEV-LDN-2025-A, issued to Virginia Electric and Power Company in Case No. PUR-2024-00032 on February 6, 2025.

(6) Within thirty (30) days from the date of this Final Order, the Company shall provide to the Commission's Division of Public Utility Regulation electronic maps for the foregoing Certificate Numbers that show the routing of the transmission lines approved herein. Maps shall be submitted to Michael Cizenski, Deputy Director, Division of Public Utility Regulation, [mike.cizenski@scc.virginia.gov](mailto:mike.cizenski@scc.virginia.gov).

(7) Upon receiving the maps directed in Ordering Paragraph (6), the Commission's Division of Public Utility Regulation forthwith shall provide the Company copies of the CPCNs issued in Ordering Paragraph (5) with the maps attached.

(8) The Project approved herein must be constructed and in service by August 1, 2027. The Commission approves a CPCN sunset date of August 1, 2028, for energization of the Project. No later than ninety (90) days before the CPCN sunset date approved herein, for good cause shown, the Company is granted leave to apply and to provide the basis for any extension requested.

(9) This matter is dismissed.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.