

COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

SOCIAL SERVICES OFFICE  
COMMUNITY CONTROL CENTER

AT RICHMOND, JUNE 14, 2023

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2022-00167

For approval and certification of electric transmission facilities: 500-230 kV Unity Switching Station, 230 kV Tunstall-Unity Lines #2259 and #2262, 230.36.5 kV Tunstall, Evans Creek, Raines Substations, and 230 kV Substation Interconnect Lines

FINAL ORDER

On October 6, 2022, 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 Lunenburg and Mecklenburg Counties, Virginia. The Company also identified an alternative location in Brunswick and Mecklenburg Counties for its proposed electric facilities.<sup>1</sup> Dominion filed its Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et seq.*

Through its Application, the Company proposes to complete the following:

- Tap the Company's future Finneywood-Rawlings 500 kV Line #593 between Structures #593/128 and #593/129 in order to construct a new 500-230 kV switching station ("Unity Switching Station" or "Unity Station") located within existing right-of-way and on property obtained by Dominion in Lunenburg County, Virginia. The proposed Unity Switching Station will be constructed to source three new substations located in the South Hill area of Mecklenburg County.
- Construct two new approximately 11.1-mile 230 kV single circuit lines—Tunstall Unity Lines #2259 and #2262—sourced from the proposed Unity Station to a junction ("Unity Junction") where the proposed lines terminate at the proposed Tunstall Station (collectively, the "Unity Lines"). The Unity Lines will be supported by two side-by-side single circuit weathering steel monopoles and utilize three-phase twin-bundled

<sup>1</sup> See Ex. 2 (Application) at 2 n.1, 5.

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768.2 ACSS/TW type conductor with a summer transfer capability of 1,573 megavolt amperes ("MVA"). The proposed Unity Lines will utilize a new 120-foot-wide right-of-way for the entire length of the route.

- Construct two new 230 kV single circuit lines, totaling approximately 7.0 miles in length, which interconnect three new substations beginning from the Unity Junction via a combination of three corridors ("Corridors A, B, and D") (collectively, the "Substation Interconnect Lines"). The Substation Interconnect Lines will be supported primarily by two side-by-side single circuit weathering steel monopoles and utilize three-phase twin-bundled 768.2 ACSS/TW type conductor with a summer transfer capability of 1,573 MVA. The proposed Substation Interconnect Lines will utilize a new 120-foot-wide right-of-way for the entire length of the route.
- Construct three new 230-36.5 kV substations in the South Hill area of Mecklenburg County, Virginia ("Tunstall Substation," "Evans Creek Substation," and "Raines Substation") served by the new Substation Interconnect Lines (collectively, the "Interconnect Substations").
- Conduct system protection upgrades and relay settings at the Company's future Finneywood Switching Station and Rawlings Substation.<sup>2</sup>

Collectively, the Unity Station, Unity Lines, Substation Interconnect Lines, Interconnect Substations, and related station work are referred to as the "Project." For the first new transmission corridor, the Company identified in the Application an approximately 11.1-mile overhead proposed route ("Unity Route 2"). For the second transmission corridor, the Company identified an approximately 7.0-mile overhead proposed route consisting of Corridor A Route 1, Corridor B Route 1, and Corridor D Route 4 ("Interconnect Proposed Route 1"). Collectively, Unity Route 2 and Interconnect Proposed Route 1 are referred to as the "Proposed Routes." Additionally, the Company identified three viable alternative routes for the Substation Interconnect Lines ("Alternative Routes").<sup>3</sup>

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<sup>2</sup> *Id.* at 2-4.

<sup>3</sup> *Id.* at 5-6.

According to the Application, Dominion proposes the Project in order to provide service requested by a retail electric service customer (the "Customer"), to maintain reliable service for the overall growth in the area, and to comply with mandatory North American Electric Reliability Corporation ("NERC") Reliability Standards.<sup>4</sup> Dominion further states that the proposed Project is necessary in order to assure that the Company can maintain and improve reliable electric service to the load area surrounding the Company's existing South Hill Substation ("South Hill Load Area") in Mecklenburg County, Virginia.<sup>5</sup>

The Company states that the desired in-service date for the Project is August 1, 2025, and that it will take approximately 25 months for detailed engineering, materials procurement, permitting, real estate, and construction after a final order from the Commission.<sup>6</sup> To support this schedule, Dominion requests a final order by July 1, 2023.<sup>7</sup> The Company represents that the estimated conceptual cost of the Project (in 2022 dollars) utilizing the Proposed Routes of the Unity Lines and Substation Interconnect Lines is approximately \$229.1 million, which includes approximately \$110.4 million for transmission-related work, and approximately \$118.7 million for substation-related work.<sup>8</sup>

On November 17, 2022, the Commission issued an Order for Notice and Hearing in this proceeding that, among other things, docketed the Application; established a procedural schedule; directed Dominion to provide notice of its Application to the public; provided

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<sup>4</sup> *Id.* at 2.

<sup>5</sup> *Id.* at 4.

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

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

<sup>8</sup> *Id.* at 8.

interested persons an opportunity to comment on the Application or participate in the proceeding as a respondent by filing a notice of participation; scheduled public witness and evidentiary hearings; directed the Staff of the Commission ("Staff") to investigate the Application and file testimony and exhibits containing its findings and recommendations thereon; and appointed a Hearing Examiner to conduct all further proceedings in this matter.

Staff requested the Department of Environmental Quality ("DEQ") to coordinate an environmental review of the Project by the appropriate agencies and to provide a report on the review. On December 14, 2022, DEQ filed its report ("DEQ Report"), which included a Wetlands Impact Consultation prepared by DEQ. The DEQ Report provided general recommendations for the Commission's consideration that are in addition to any requirements of federal, state, or local law. Specifically, the DEQ Report contained a Summary of Recommendations regarding the Project. According to the DEQ Report, the Company should:

- Follow DEQ's recommendations for construction activities to avoid and minimize impacts to wetlands to the maximum extent possible;
- Follow DEQ's recommendations regarding air quality protection, as applicable;
- Reduce solid waste at the source, reuse it and recycle it to the maximum extent practicable, as applicable;
- Coordinate with the Department of Conservation and Recreation's ("DCR") Division of Natural Heritage ("DNH") to obtain an update on natural heritage information and to discuss their recommendations to protect natural heritage resources, survey for rare plants and develop an invasive species management plan as needed;
- Coordinate with the Department of Historic Resources regarding the recommendation to complete and submit comprehensive cultural resources surveys, along with the recommendation to evaluate identified resources, assess of potential direct/indirect impacts to eligible and listed resources and avoid/minimize/mitigate moderate to severe impacts;
- Coordinate with the Department of Health ("VDH") regarding its recommendations to protect public drinking water sources;

- Coordinate with the Virginia Outdoors Foundation if the project area changes or the project does not start for 24 months;
- Follow the principles and practices of pollution prevention to the maximum extent practicable;
- Limit the use of pesticides and herbicides to the extent practicable;
- Coordinate with the Department of Forestry ("DOF") regarding its recommendation to avoid or minimize the conversion of or impacts to forestland and associated vegetation and to compensate for negative project impacts.
- Coordinate with the Department of Wildlife Resources ("DWR") regarding its recommendations to minimize adverse impacts from linear utility projects and instream work, and conduct mussel surveys as appropriate.<sup>9</sup>

On January 30, 2023, RD Group/2 LLC ("Southern Textile")<sup>10</sup> filed its notice of participation. On March 6, 2023, Southern Textile filed its direct testimony.<sup>11</sup> On March 9, 2023, Staff filed testimony along with an attached report summarizing the results of its

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<sup>9</sup> Ex. 14 (DEQ Report) at 6-7.

<sup>10</sup> According to the testimony of its witness, Southern Textile Services, Inc., operates commercial laundry services on a property ("Property") in South Hill, Virginia that is owned by RD Group/2 LLC. Both companies are under common ownership. Originally, a segment of Interconnect Proposed Route 1 crossed the Property ("Southern Textile Segment"). As stated in Southern Textile's direct testimony, Southern Textile filed its notice of participation in this matter out of concern that the Southern Textile Segment would have detrimental impacts on Southern Textile's current operations and on plans for expansion and growth. Ex. 12 (Struminger Direct) at Summary.

<sup>11</sup> On March 3, 2023, three days before Southern Textile filed its direct testimony, Dominion filed a Motion for Leave to File Supplemental Direct Testimony and Withdraw Route Segment and Request for Expedited Treatment ("Supplemental Testimony Motion"). Specifically, Dominion requested leave to withdraw the Southern Textile Segment and replace it with a modified segment ("Modified Segment") that no longer crosses the Property. Supplemental Testimony Motion at 4. The Company also requested leave to file supplemental direct testimony supporting the Modified Segment. *Id.* at 4-5. The supplemental direct testimony noted, among other things, that the total estimated transmission-related conceptual cost for Corridor D Route 4 with the Modified Segment is approximately \$24.8 million—an approximately \$1.1 million increase from the estimate included in the Application. *Id.*, Supplemental Direct Testimony of Company Witness Chloe A. Genova at 3. Dominion also represented that Southern Textile supported the Supplemental Testimony Motion and that Staff took no position on it. *Id.* at 4-5. In its direct testimony, Southern Textile stated that it "strongly supports" the Supplemental Testimony Motion. Ex. 12 (Struminger Direct) at 3. However, due to filing deadlines and concern for the record in this proceeding, Southern Textile's direct testimony still addressed the negative impacts that the Southern Textile Segment would have had. *Id.* at 3-4. On March 6, 2023, the Senior Hearing Examiner issued a ruling granting the Supplemental Testimony Motion.

investigation of Dominion's Application. On April 11, 2023, the Company filed rebuttal testimony.

During this proceeding, two public comments were filed. No persons signed up to testify as a public witness and pursuant to Ordering Paragraph (5) of the Commission's Order for Notice and Hearing, the public witness hearing scheduled for April 18, 2023, was canceled. On April 19, 2023, the Senior Hearing Examiner convened the evidentiary hearing in the Commission's courtroom. Dominion, Southern Textile, and Staff participated at the hearing.

On May 11, 2023, the Report of A. Ann Berkebile, Senior Hearing Examiner ("Report") was issued. In the Report, the Senior Hearing Examiner made the following findings:

1. The Company established the need for the Project consisting of the new Unity Switching Station, two new corridors containing new 230 kV single circuit lines (referred to in this Report as the Substation Sourcing Corridor and the Substation Interconnection Corridor), three new Interconnect Substations (the Tunstall, Evans Creek, and Raines Substations); and associated upgrades and relay settings at the Company's future Finneywood Switching Station and Rawlings Substation;
2. The Unity Option including the construction of the new Unity Switching Station in Lunenburg County, rather than the Heritage Option including the expansion of the Company's existing Heritage Switching Station in Brunswick County, should be approved by the Commission as the preferred method of sourcing the Interconnect Substations;
3. Unity Route 2 and Interconnect Proposed Route 1 constitute the preferred routing alternatives for the Project;
4. The Company reasonably demonstrated that the Project avoids or reasonably minimizes impacts on scenic, historic, and environmental resources to the greatest extent practicable, provided that the Company is required to comply with the conditions specified herein;
5. The Commission should not prohibit the Company's voluntary acquisition of a 160-foot-wide right-of-way between the Tunstall and Evans Creek Substations to accommodate the future installation of a third circuit for the entire length of Corridors A and B (currently constituting part of Interconnect Proposed Route 1);
6. The Company reasonably considered the requirements of the VEJA in its Application;





economic and job creation objectives of the Commonwealth Clean Energy Policy set forth in § 45.2-1706.1, and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

Section 56-46.1 B of the Code further provides that:

[a]s a condition to approval the Commission shall determine that the line is needed and that the corridor or route chosen for the line will avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Historic Resources, and environment of the area concerned.

The Code further requires that the Commission consider existing right-of-way easements when siting transmission lines. Section 56-46.1 C of the Code provides that "[i]n any hearing the public service company shall provide adequate evidence that existing rights-of-way cannot adequately serve the needs of the company." In addition, Code § 56-259 C provides that "[p]rior to acquiring any easement of right-of-way, public service corporations will consider the feasibility of locating such facilities on, over, or under existing easements of rights-of-way."

#### Public Convenience and Necessity

Dominion represented that the Project is needed to maintain and improve electric service to customers in the South Hill Load Area, to maintain reliable service for the overall growth in the area, and to comply with mandatory NERC reliability standards.<sup>13</sup> The Commission agrees with the Senior Hearing Examiner that Dominion has reasonably demonstrated that there is a need to construct the Project.<sup>14</sup>

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<sup>13</sup> Ex. 2 (Application) at 2.

<sup>14</sup> Report at 25.

### Economic Development

The Commission has considered the effect of the Project on economic development in the Commonwealth and finds the evidence in this case demonstrates that the Project will assure reliable electric power delivery, thereby supporting economic development in the South Hill Load Area, including positive economic impacts associated with the Customer's development of its planned data center Campuses.<sup>15</sup>

### Rights-of-Way and Routing

After considering the alternatives and weighing the multitude of factors presented in this record, the Commission concludes that Unity Route 2, as adjusted on rebuttal, and Interconnect Proposed Route 1 satisfy the statutory requirements and best serve the total public interest. Unity Route 2, Dominion's preferred routing alternative for the new transmission corridor connecting the Unity Station to the South Hill area in Mecklenburg County, is the shortest, least costly, and generally has the lowest environmental and visual impacts of the routing alternatives considered (including the Heritage Option routing alternatives).<sup>16</sup> For similar reasons, Interconnect Proposed Route 1 is the best configuration for the new transmission corridor interconnecting the three new substations in Mecklenburg County. Interconnect Proposed Route 1—utilizing Corridor A Route 1, Corridor B Route 1, and Corridor D Route 4 (and including the

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<sup>15</sup>See, e.g., Ex. 13 (Staff Report) at 52.

<sup>16</sup> Report at 26-27; Ex. 13 (Staff Report) at 50. See also Ex. 2 (Application), Appendix at 27 (concluding the Unity Option is preferred to the Heritage Option given the Heritage Option's overall length and the Unity Option's lower impacts to forested areas, wetlands, streams, and number of homes within 500 feet of the various routes); Ex. 15 (Teichert Rebuttal) at 18-19 (maintaining the Unity Route 2 remains the preferred route for the Substation Sourcing Corridor even when considering the adjustment made to accommodate Mr. Hood).

substitution of the Modified Segment)— is shorter, less costly, and has generally lower environmental and visual impacts than the Alternative Routes.<sup>17</sup>

Finally, we find that the record in this case indicates that no Company-owned right-of-way can accommodate the Project.<sup>18</sup> Consistent with our rulings in prior cases, we will not prohibit the Company from voluntarily obtaining a 160-foot-wide right-of-way between the Tunstall and Evans Creek Substations to accommodate the future installation of a third circuit for the entire length of Corridors A and B (currently constituting part of Interconnect Proposed Route 1). However, the Company shall not exercise the right to condemnation for this additional right-of-way.

Scenic/Historic/Environmental Resources

Pursuant to § 56-46.1 A of the Code, the Commission is required to consider the Project's impact on the environment and to establish such conditions as may be desirable or necessary to minimize adverse environmental impacts. The statute further provides, among other things, that the Commission shall receive and give consideration to all reports that relate to the Project by state agencies concerned with environmental protection.<sup>19</sup> Further, § 56-46.1 B of the Code requires, as a condition to approval of the Project, that the Commission determine that the corridor or route that any proposed transmission lines are to follow will reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the Project area.<sup>20</sup>

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<sup>17</sup> See Report at 27-28; Ex. 13 (Staff Report) at 52. Staff's assessment of the Corridor D Route 4 segment includes the Company's modification removing the Southern Textile Segment and replacing it with the Modified Segment. *Id.* at 20-21.

<sup>18</sup> Ex. 2 (Application), Appendix at 66-67; Ex. 13 (Staff Report) at 23.

<sup>19</sup> Code § 56-46.1 A.

<sup>20</sup> Code § 56-46.1 B.



associated with the Beane Harold Site has been closed; natural attenuation is likely to have occurred given the significant amount of time that has passed since the complaint's closure (over twenty years); and concerns regarding the release are alleviated given the Beane Harold Site's location (being located hydraulically down- or side-gradient of the relevant rights-of-way).<sup>25</sup>

Second, Dominion requests that the Commission reject DCR-DNH's recommendations that, in order to minimize adverse impacts to the aquatic ecosystem, the Company strictly adhere "to applicable state and local erosion and sediment control/storm water management laws and regulations," maintain "forested riparian buffers along the river and any streams on the property," and "[r]e-coordinate with DCR-DNH and DWR if instream work becomes necessary at the Meherrin River crossings."<sup>26</sup> The Commission declines to adopt DCR-DNH's recommendations because they appear duplicative of the DEQ's review and authority, and because that the Project is not currently anticipated to involve instream work.<sup>27</sup> Nevertheless, although the Project, as planned, does not entail instream work where Unity Route 2 crosses the Meherrin River, the Commission directs the Company to re-coordinate with DCR-DNH and DWR if instream work becomes necessary at the Meherrin River crossings.

Third, Dominion asks that the Commission reject DCR-DNH's recommendation that the Company conduct a habitat survey to determine whether two rare plant species (Whorled horsebalm and *Nestronia*) "may occur" in the Project area.<sup>28</sup> Dominion also asks that the Commission reject DCR's corollary recommendation that the Company conduct a survey for

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<sup>25</sup> Report at 32; *see also* Ex. 14 (DEQ Report) at 15; Ex. 22 (Young Rebuttal) at 5-6.

<sup>26</sup> Ex. 22 (Young Rebuttal) at 7 (quoting Ex. 14 (DEQ Report) at 19).

<sup>27</sup> Report at 32; *see also* Ex. 22 (Young Rebuttal) at 8.

<sup>28</sup> Ex. 22 (Young Rebuttal) at 9; *see also* Ex. 14 (DEQ Report) at 6, 18, 19.

significant communities of these rare plant species both in the Project area, as well as within the C1 and C2 ecological cores identified within the larger study area.<sup>29</sup> The Commission declines to adopt DCR-DNH's recommendations because (i) the two identified plant species are not classified as endangered pursuant to a Virginia statute; (ii) conducting the recommended ecological core surveys within the "study area" could potentially involve hundreds of acres, thereby adding additional cost and potentially delaying the construction schedule; and (iii) Dominion does not have permission to work beyond the right-of-way easements where much of the survey area would be located.<sup>30</sup> Instead, as an alternative to these recommendations and consistent with prior transmission line project approvals,<sup>31</sup> the Commission directs the Company to educate its construction team with information regarding potentially affected plant species before commencing construction activities and to coordinate with DCR if the species is found within the Project's right-of-way.

Fourth, Dominion asks that the Commission reject DCR-DNH's recommendation that the Company avoid or minimize impacts to ecological cores with very high to outstanding ecological integrity and conduct further investigation to estimate direct and indirect impacts to the cores.<sup>32</sup> Dominion asserts that this recommendation is unnecessary because, based on the route analysis

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<sup>29</sup> Ex. 22 (Young Rebuttal) at 9-10; *see also* Ex. 14 (DEQ Report) at 19.

<sup>30</sup> Report at 33; Ex. 22 (Young Rebuttal) at 9-11.

<sup>31</sup> *See, e.g., Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: DTC 230 kV Line Loop and DTC Substation*, Case No. PUR-2021-00280, Doc. Con. Cen. No. 270710254, Final Order at 15 (July 7, 2022) ("DTC Final Order"); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Lanexa-Northern Neck 230 kV Line #224 and New 230 kV Line # 2208*, Case No. PUR-2020-00247, 2021 S.C.C. Ann. Rept. 318, 320, Final Order (Dec. 2, 2021); *Application of Virginia Electric and Power Company, For approval and certification of electric facilities: Fudge Hollow-Low Moor Line #112 and East Mill-Low Moor Line #161 138 kV Transmission Line Partial Rebuild*, Case No. PUR-2018-00139, 2019 S.C.C. Ann. Rept. 264, 267, Final Order (Apr. 23, 2019).

<sup>32</sup> Ex. 22 (Young Rebuttal) at 11; *see also* Ex. 14 (DEQ Report) at 19-20.



Fifth, Dominion requests that the Commission not adopt DOF's recommendation that the Company avoid, mitigate, or "compensate" for any negative impacts to forests—including fragmentation of several, principally forested, ecological cores.<sup>37</sup> The Commission declines to adopt DOF's recommendation given the lack of a legal requirement for one-on-one mitigation and consistent with the Commission's prior rejection of a comparable recommendations.<sup>38</sup>

Sixth, Dominion requests that the Commission reject DCR-DNH's recommendation that the Company develop and implement an invasive species management plan to be included as part of the maintenance practices for the right-of-way and that the invasive species plan include an invasive species inventory for the Project area.<sup>39</sup> The Commission declines to adopt this recommendation given the Commission's prior rejection of comparable recommendations,<sup>40</sup> the Company's existing Integrated Vegetative Management Plan ("IVMP"), and Dominion's ongoing negotiations with DCR to develop an addendum to its IVMP, which is being undertaken pursuant to the Commission's directive in Case No. PUR-2021-00272.<sup>41</sup>

<sup>37</sup> Ex. 22 (Young Rebuttal) at 13-16; *see also* Ex. 14 (DEQ Report) at 7, 24-25.

<sup>38</sup> Report at 33; *see also* Ex. 14 (DEQ Report) at 7, 24-25; Ex. 22 (Young Rebuttal) at 13-16 (citing *Petition of Virginia Electric and Power Company, For approval of the RPS Development Plan, approval and certification of the proposed CE-2 Solar Projects pursuant to §§ 56-580 D and 56-46.1 of the Code of Virginia, revision of rate adjustment clause, designated Rider CE, under § 56-585.1 A 6 of the Code of Virginia, and a prudence determination to enter into power purchase agreements pursuant to § 56-585.1:4 of the Code of Virginia*, Case No. PUR-2021-00146, Doc. Con. Cen. No. 220320113, Final Order at 27 (Mar. 15, 2022)).

<sup>39</sup> Ex. 22 (Young Rebuttal) at 16; *see also* Ex. 14 (DEQ Report) at 20.

<sup>40</sup> *See, e.g., Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Aviator 230 kV Line Loop and Aviator Substation*, Case No. PUR-2022-00012, Final Order at 11-12 (Nov. 28, 2022); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Nimbus 230 kV Line Loop and Nimbus Substation and 230 kV Farmwell-Nimbus Transmission Line*, Case No. PUR-2022-00027, Doc. Con. Cen. No. 221020230, Final Order at 12 (Oct. 14, 2022); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: 230 kV Line #293 and 115 kV Line #83 Rebuild Project*, Case No. PUR-2021-00272, Doc. Con. Cen. No. 220850116, Final Order at 9-11 (Aug. 31, 2022); DTC Final Order at 16.

<sup>41</sup> Report at 33-34; *see also* Ex. 14 (DEQ Report) at 20; Ex. 22 (Young Rebuttal) at 16-18.

Seventh, Dominion requests that the Commission reject DEQ's recommendation that the Company consider development of an effective Environmental Management System ("EMS").<sup>42</sup> The Commission declines to adopt this recommendation given Dominion's existing EMS Manual and the Commission's prior rejection of a comparable recommendation.<sup>43</sup>

Finally, Dominion requests that the Commission reject DWR's recommendation that the Company conduct significant tree removal and ground-clearing activities outside of the songbird nesting season (March 15 through August 15).<sup>44</sup> The Commission declines to adopt this recommendation given the Commission's prior rejection of a comparable recommendation in other transmission line cases,<sup>45</sup> the Project's planned construction schedule, and Dominion's commitment to coordinating with DWR to minimize impacts to songbirds.<sup>46</sup>

As noted, in addition to contesting the foregoing eight recommendations in the DEQ Report, Dominion sought to clarify two additional recommendations. First, in response to VDH's Office of Drinking Water's ("ODW") recommendation for field marking wells within a 1,000-foot radius of the Project,<sup>47</sup> the Company noted that water wells within 1,000 feet of the Proposed or Alternative Routes will, as a general matter, be located outside of the right-of-way

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<sup>42</sup> Ex. 22 (Young Rebuttal) at 19; *see also* Ex. 14 (DEQ Report) at 23.

<sup>43</sup> Report at 34; *see also* Ex. 14 (DEQ Report) at 20; Ex. 22 (Young Rebuttal) at 16-18; *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Allied-Chesterfield 230 kV Transmission Line #2049 Partial Rebuild Project*, Case No. PUR-2020-00239, S.C.C. Ann. Rept. 312, 315, Final Order (Mar. 23, 2021).

<sup>44</sup> Ex. 22 (Young Rebuttal) at 20-21; *see also* Ex. 14 (DEQ Report) at 27.

<sup>45</sup> *See Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: 500-230 kV Wishing Star Substation, 500 kV and 230 kV Mars-Wishing Star Lines, 500-230 kV Mars Substation, and Mars 230 kV Loop*, Case No. PUR-2022-00183, Doc. Con. Cen. No. 230410038, Final Order at 10 (Apr. 5, 2023) ("Mars-Wishing Star Order").

<sup>46</sup> Report at 34; *see also* Ex. 14 (DEQ Report) at 27; Ex. 22 (Young Rebuttal) at 20-21.

<sup>47</sup> Ex. 14 (DEQ Report) at 22

and, thus, beyond the Company's control.<sup>48</sup> Dominion further noted that it had previously raised this concern in another transmission line proceeding and reached an agreement with VDH-ODW for an alternative approach.<sup>49</sup> Consequently, the Commission declines to adopt VDH-ODW's recommendation for field marking wells within a 1,000-foot radius of the Project, and instead approves the alternative approach for well protection proposed by the Company, and agreed to by VDH-ODW, involving the plotting and identification of wells on the Erosion and Sediment Control Plan, as it has in prior Commission proceedings.<sup>50</sup>

Second, Dominion responded to several DWR recommendations related to instream work arising from the presence of the federally-listed threatened Atlantic Pigtoe mussel.<sup>51</sup> The Company clarified that it does not expect any instream work during the Project, but nonetheless confirmed that the Company will coordinate with DWR if instream work becomes necessary.<sup>52</sup> Because the Company does not currently anticipate instream work during the Project, the Commission declines to adopt DWR's recommendations relating to the Atlantic Pigtoe, including a mussel survey and time of year restriction,<sup>53</sup> as unnecessary. Nevertheless, the Commission directs Dominion to coordinate with DWR and adhere to requirements associated with threatened and endangered species, through the permit process, if instream work becomes necessary.

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<sup>48</sup> Report at 19; Ex. 22 (Young Rebuttal) at 21.

<sup>49</sup> Report at 19; Ex. 22 (Young Rebuttal) at 21. The agreement between Dominion and VDH-ODW for an alternative approach is shown in Rebuttal Schedule 2 of Mr. Young's rebuttal testimony.

<sup>50</sup> Report at 34; Ex. 22 (Young Rebuttal) at 21; Mars-Wishing Star Order at 12.

<sup>51</sup> Ex. 22 (Young Rebuttal) at 22; *see also* Ex. 14 (DEQ Report) at 27-28.

<sup>52</sup> Report at 19; Ex. 22 (Young Rebuttal) at 22.

<sup>53</sup> *See* Ex. 14 (DEQ Report) at 27-28.

We further agree with the Senior Hearing Examiner regarding the concerns raised by the Lunenburg Board of Supervisors and direct the Company, consistent with its representation in this case, to continue working with Lunenburg County and its residents to mitigate impacts of the Project, where possible, as a condition of approving the Project.<sup>54</sup>

#### Environmental Justice

The Virginia Environmental Justice Act ("VEJA") sets forth that "[i]t is the policy of the Commonwealth to promote environmental justice and ensure that it is carried out throughout the Commonwealth, with a focus on environmental justice communities and fenceline communities."<sup>55</sup> As previously recognized by the Commission, the Commonwealth's policy on environmental justice is broad, including "the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, income, faith, or disability, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy."<sup>56</sup>

The Commission agrees with the Senior Hearing Examiner that the Company reasonably considered the requirements of the VEJA in its Application.<sup>57</sup>

Accordingly, IT IS ORDERED THAT:

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<sup>54</sup> Report at 35.

<sup>55</sup> Code § 2.2-235.

<sup>56</sup> Code § 2.2-234; *see, e.g., Application of Appalachian Power Company, For approval and certification of the Central Virginia Transmission Reliability Project under Title 56 of the Code of Virginia*, Case No. PUR-2021-00001, 2021 S.C.C. Ann. Rep. 368, 372, Final Order (Sept. 9, 2021); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Establishing 2020 EPS Proceeding for Virginia Electric and Power Company*, Case No. PUR-2020-00134, 2021 S.C.C. Ann. Rep. 242, 252, Final Order (Apr. 30, 2021); *Commonwealth of Virginia, ex rel. State Corporation Commission, In re: Virginia Electric and Power Company's Integrated Resource Plan filing pursuant to Va. Code § 56-597 et seq.*, Case No. PUR-2020-00035, 2021 S.C.C. Ann. Rep. 190, 195, Final Order (Feb. 1, 2021).

<sup>57</sup> Report at 35-36.

(1) Dominion is authorized to construct and operate the Project as proposed in its Application, subject to the findings and conditions imposed herein.

(2) 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 CPCN to construct and operate the Project is granted as provided for herein, and subject to the requirements set forth herein.

(3) Pursuant to the Utility Facilities Act, § 56-265.1 *et seq.* of the Code, the Commission issues the following CPCN to Dominion:

Certificate No. ET-DEV-LUN-2023-A, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Lunenburg County, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUR-2022-00167, cancels Certificate No. ET-92e, issued to Virginia Electric and Power Company in Case No. PUE-1992-00058 on June 16, 1994.

Certificate No. ET-DEV-MEC-2023-B, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Mecklenburg County, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUR-2022-00167, cancels Certificate No. ET-DEV-MEC-2023-A, issued to Virginia Electric and Power Company in Case No. PUR-2022-00175 on May 31, 2023.

(4) Within thirty (30) days from the date of this Final Order, the Company shall provide to the Commission's Division of Public Utility Regulation an electronic map for the Certificate Number that shows the routing of the transmission line 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).

(5) Upon receiving the maps directed in Ordering Paragraph (4), the Commission's Division of Public Utility Regulation forthwith shall provide the Company copies of the CPCN issued in Ordering Paragraph (3) with the maps attached.

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(6) The Project approved herein must be constructed and in service by August 1, 2025. No later than ninety (90) days before the in-service date approved herein, for good cause shown, the Company is granted leave to apply, and to provide the basis, for any extension requested.

(7) This matter is dismissed.

Commissioner Patricia L. West participated in this matter.

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.