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STATE CORPORATION COMMISSION

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2022-00197

For approval and certification of electric
transmission facilities: 230 kV Altair Loop and
Altair Switching Station

FINAL ORDER

On November 17, 2022, Virginia Electric and Power Company ("Dominion" or the "Company") filed with the State Corporation Commission ("Commission") an application ("Application") for approval and certification of electric facilities in Loudoun County, Virginia.¹ 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.*

Specifically, Dominion proposes to complete the following, which is collectively referred to as the "Project":²

- Construct two new approximately 1.66-mile 230 kilovolt ("kV") single circuit lines on new right-of-way by cutting 230 kV Belmont-Brambleton Line #201 between Structure #201/52 and #201/53 south of Belmont Switching Station ("Belmont Station"), resulting in (i) 230 kV Altair-Brambleton Line #201, and (ii) 230 kV Altair-Belmont Line #2263 ("Altair Loop"). From the cut-in location, the Altair Loop will extend to the Company's proposed new 230 kV Altair Switching Station adjacent to Northern Virginia Electric Cooperative's ("NOVEC") future Altair Delivery Point ("DP"). While the cut-in location is within existing right-of-way, the proposed Altair Loop will be constructed on new 120-foot-wide right-of-way for the majority of the 1.66-mile route (approximately 1.55 miles) supported primarily by two side-by-side single circuit weathering steel monopoles. Approximately 0.06 mile of the Altair Loop will be constructed on

¹ Ex. 2 (Application) at 2.

² *Id.* at 2-3.

new 200-foot-wide right-of-way, supported by single circuit weathering steel H-frame structures. The remaining 0.05 mile of the route will be located either within the Altair Switching Station or within the Company's existing Line #201 right-of-way.

- Construct a new 230 kV delivery point switching station in Loudoun County, Virginia (the "Altair Switching Station" or "Altair Station"), which will provide interconnection to NOVEC's future Altair DP; and
- Perform minor related work at the Belmont Station and Brambleton Substation.

In its Application, Dominion asserted the proposed Project is necessary to assure that it can provide requested service to NOVEC's Altair DP for its data center customer in Loudoun County, maintain reliable electric service for overall load growth in the Project area, and comply with mandatory North American Electric Reliability Corporation ("NERC") Reliability Standards for transmission facilities and the Company's mandatory planning criteria.³

In the Application, the Company identified an approximately 1.66-mile proposed overhead route for the Altair Loop ("Route 1") and one approximately 1.52-mile overhead alternative route ("Route 2").⁴ In its Application, the Company stated the desired in-service date for the proposed Project is September 1, 2024.⁵

On December 9, 2022, the Commission issued an Order for Notice and Hearing ("Procedural Order") that, among other things, docketed the Application; established a procedural schedule; directed Dominion to provide notice of its Application to the public; provided interested persons an opportunity to comment on the Application or participate in the

³ *Id.* at 3.

⁴ *Id.* at 4.

⁵ *Id.*

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 and to file a final report.

Staff requested that the Department of Environmental Quality ("DEQ") coordinate an environmental review of the Project by the appropriate agencies and to provide a report on the review.⁶ On February 6, 2023, DEQ filed its report ("DEQ Report"), which included a Wetlands Impact Consultation prepared by DEQ. The DEQ Report provides a list of permits needed for the Project.⁷ The DEQ Report also 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 the following Summary of Recommendations regarding the Project.

According to the DEQ Report, the Company should:

- Conduct an on-site delineation of all wetlands and stream crossings within the project area with verification by the U.S. Army Corps of Engineers, using accepted methods and procedures, and follow DEQ's recommendations to avoid and minimize impacts to wetlands and streams;
- 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;

⁶ Letter from Kati K. Dean, State Corporation Commission, dated November 30, 2022, to David L. Davis, Department of Environmental Quality, filed in Case No. PUR-2022-00197; Letter from Kati K. Dean, State Corporation Commission, dated November 30, 2022, to Bettina Hayfield, Department of Environmental Quality, filed in Case No. PUR-2022-00197.

⁷ Ex. 25 (DEQ Report) at 3-5.

- Coordinate with the Department of Conservation and Recreation's ("DCR") Division of Natural Heritage ("DCR-DNH") on its recommendations to protect ecological cores, develop an invasive species plan, enhance right-of-way restoration and maintenance practices, and coordinate on project updates;
- Coordinate with the Department of Wildlife Resources ("DWR") on its recommendations to protect wildlife resources;
- Contact the Virginia Outdoors Foundation for additional review if the project area changes or if this project does not begin within 24 months;
- Coordinate with the Department of Historic Resources regarding its recommendations to protect historic and archaeological resources;
- Coordinate with the Virginia Department of Health, as necessary, regarding its recommendation to protect water supplies;
- Follow the principles and practices of pollution prevention to the maximum extent practicable; and
- Limit the use of pesticides and herbicides to the extent practicable.⁸

On December 9, 2022, Cammack Brothers, LLC ("Cammack Brothers") filed a notice of participation. On January 30, 2023, Cammack Brothers filed its direct testimony. On February 13, 2023, Staff filed testimony along with an attached report summarizing the results of its investigation of Dominion's Application. On February 27, 2023, the Company filed rebuttal testimony.

Because no public witnesses signed up to testify, the public witness portion of the hearing on March 14, 2023, was not convened. Similarly, no written comments were filed relative to the Application. On March 15, 2023, the Hearing Examiner convened the evidentiary hearing in

⁸ *Id.* at 6-7.

the Commission's courtroom. Dominion, Cammack Brothers, and Staff participated at the hearing.

On April 3, 2023, Dominion, Cammack Brothers, and Staff each submitted a post-hearing brief. On April 19, 2023, the Report of Mary Beth Adams, Hearing Examiner ("Report"), was issued. In the Report, the Hearing Examiner made the following findings and recommendations:⁹

1. The Company demonstrated the need for its proposed Project;
2. The Project's cost is reasonable;
3. Because it would have an impact on (1) the Sycolin General Store and Post Office; (2) a planned Loudoun County Park; (3) upgrades and siting of Loudoun Water's facilities and associated easement; and (4) the Sycolin Road expansion project, the Hearing Examiner does not recommend approval of Route 3.¹⁰
4. Route 2 should not be excluded from consideration because of asserted economic harm to JK Land Holdings II, LLC ("JKLH") or asserted impacts to JKLH's ability to develop the North Tract;
5. The environmental impacts between Routes 1 and 2, including impacts on forested land, are not substantially different;
6. Collocation is not a significant differentiating factor between Routes 1 and 2;
7. To the extent the Company's plans require a wider right-of-way because of height restrictions associated with a future precision approach for Runway 35 at the Leesburg Executive Airport, the Hearing Examiner recommends the Commission direct the Company to confirm whether such plans actually exist;

⁹ Report at 39-40.

¹⁰ In its direct testimony, the Cammack Brothers recommended that the Commission direct Dominion to construct the Project along Route 3. Ex. 16 (Collins Direct) at 30. Route 3 is described in the Application as one of seven routes that Dominion considered, but ultimately rejected prior to the filing of the Application, and which Dominion noted was not proposed for notice or the Commission's consideration in this proceeding. Ex. 33 (Thornton Rebuttal) at 16; Rebuttal Schedule 3.

8. Should the Commission choose to consider the impacts Route 2 might have on a potential third circuit, Route 2 should not be excluded from consideration in this case based on the potential third circuit;
9. The visual impacts of Route 1 are substantially greater than the visual impacts of Route 2;
10. Route 2 would reasonably minimize adverse impacts to scenic areas, historic districts, and the environment of the area concerned, as required by § 56-46.1 of the Code. Further, Route 2 reasonably minimizes the potential adverse impacts to the affected property owner. Therefore, the Hearing Examiner recommends approval of Route 2 for the Project;
11. The combination of single-circuit and double circuit monopoles ("SCDC Configuration") recommended by Cammack Brothers witness Collins¹¹ would cost less and require less right-of-way. The Company should not be prohibited from utilizing the SCDC Configuration recommended by Mr. Collins;
12. The Company has established a need for a new right-of-way, and the Hearing Examiner recommends approval of the right-of-way associated with Route 2;
13. The Company should not be prohibited from voluntarily obtaining the additional right-of-way along the selected route with the understanding that the Company could not condemn for more than the proposed right-of-way needed for the Project;
14. The Project using Route 2 will avoid or reasonably minimize, to the greatest extent reasonably practicable, the impact on the environment, scenic assets, and historic resources;
15. The uncontested recommendations in the DEQ Report should be adopted by the Commission as conditions of approval;
16. The Company should be directed to follow: its standard best management practices and the recommendations set forth by DEQ's Division of Land Protection and Revitalization should it discover any previously unidentified contaminated sites during construction; cross any wetlands or streams in a manner as perpendicular as possible; avoid impacts to the extent possible, but where unavoidable, the Company should be directed to coordinate

¹¹ Ex. 16 (Collins Direct) at 17, 21; Tr. at 197.

with DEQ and the U.S. Army Corps of Engineers to ensure mitigation fulfills the permit requirements;

17. The Project will not adversely impact the health and safety of the persons in the concerned [area];
18. The Project does not adversely impact any goal established by the Virginia Environmental Justice Act ("VEJA");¹²
19. The Project will ensure the Company's continued bulk electric power delivery, thereby supporting economic development in Loudoun County, including positive impacts associated with construction and operations of NOVEC's Altair data center customer; and
20. The Commission should approve the Company's proposed in-service target date of September 1, 2024.

Accordingly, the Hearing Examiner recommended the Commission enter an order that adopts the findings in the Report; grants the Company's Application to construct the proposed facilities as specified above; approves the Company's request for a Certificate of Public Convenience and Necessity ("CPCN") to authorize construction of the proposed facilities as specified above; and dismisses the case from the Commission's docket of active cases.¹³

On May 1, 2023, Dominion, Cammack Brothers, and Staff each filed separate comments on the Report.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the public convenience and necessity requires the construction of the Project. The Commission further finds that a CPCN authorizing the Project should be issued subject to certain findings and conditions contained herein.

¹² Code § 2.2-234 *et. seq.*

¹³ Report at 40.

Applicable Law

The Statutory scheme governing the Company's Application is found in several chapters of Title 56 of the Code.

Section 56-265.2 A 1 of the Code provides the following:

[I]t shall be unlawful for any public utility to construct, enlarge, or acquire . . . any facilities for use in public utility service, except ordinary extensions or improvements in the usual course of business, without first having obtained a certificate from the Commission that the public convenience and necessity require the exercise of such right or privilege.

Section 56-46.1 of the Code further directs the Commission to consider several factors when reviewing the Company's Application. Subsection A of the statute provides that:

[w]henver the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the effect of that facility on the environment and establish such conditions as may be desirable or necessary to minimize environmental impact . . . In every proceeding under this subsection, the Commission shall receive and give consideration to all reports that relate to the proposed facility by state agencies concerned with environmental protection; and if requested by any county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted . . . Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, including but not limited to furtherance of the 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 proposed Project is necessary to assure that it can provide requested service to NOVEC's Altair DP for its data center customer in Loudoun County, maintain reliable electric service for overall load growth in the Project area, and comply with mandatory NERC Reliability Standards for transmission facilities and the Company's mandatory planning criteria.¹⁴ Staff concluded that Dominion reasonably demonstrated that the proposed Project is needed.¹⁵ The Commission agrees with the Hearing Examiner that the Company has reasonably demonstrated the requisite need for the Project.¹⁶

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 would support economic growth in the Commonwealth by continuing to provide reliable electric service.¹⁷

¹⁴ Ex. 2 (Application) at 3.

¹⁵ Ex. 24 (Staff Report) at 27.

¹⁶ Report at 24.

¹⁷ Ex. 24 (Staff Report) at 25.

Rights-of-Way and Routing

In making determinations about the routing of a transmission line, "the Commission must balance adverse impacts along with other factors and traditional considerations."¹⁸ The Commission must then "decide within the parameters of the statute what best serves the total public interest."¹⁹ After considering the alternatives and weighing the multitude of factors presented in this record, the Commission agrees with the analysis and conclusions in the Hearing Examiner's Report²⁰ regarding the route and concludes that Route 2 satisfies the statutory requirements and best serves the total public interest.

We further find that the record in this case indicates that no Company-owned right-of-way can accommodate the Project.²¹ Consistent with our rulings in prior cases and as recommended by the Hearing Examiner,²² we will not prohibit the Company from obtaining the full right-of-way necessary to accommodate installation of a third circuit within the Route 2 right-of-way corridor.²³ However, the Company shall not exercise the right to condemnation for more than necessary to accommodate the Project approved herein. We further agree with the

¹⁸ *BASF v. State Corp. Com'n*, 289 Va. 375, 395 (2015) (citations and internal quotation marks omitted). The Commission is not bound by the recommendations of the Hearing Examiner which are advisory in nature. *Northern Virginia Elec. Coop. v. Virginia Elec. & Power Co.*, 265 Va. 363, 368, 372 (2003) (The Court noted that the Commission rejected the Hearing Examiner's recommendations, and the Court affirmed the Commission's order "[f]inding that the [Commission's] decision is supported by the law and the evidence . . .").

¹⁹ *BASF v. State Corp. Com'n*, 289 Va. 375, 395 (2015).

²⁰ See, e.g., Report at 24-36, 39-40.

²¹ See Ex. 2 (Application), Appendix at 42.

²² Report at 36-37. This permission is conditioned upon the Company not recovering any costs associated with such right-of-way, until such time as a CPCN for the third circuit is obtained. *Id.* at 37.

²³ See, e.g., *Application of Virginia Electric and Power Company, For approval and certification of electric facilities: Evergreen Mills 230 kV Line Loops and Evergreen Mills Switching Station*, Case No. PUR-2019-00191, 2020 S.C.C. Ann Rept. 357, 360, Final Order (May 22, 2020).

Hearing Examiner that "[i]f it becomes apparent as the Company works with the Altair and Greenlin Park developers that the [single circuit/double circuit configuration ("SCDC Configuration")] is a solution for both projects, the Company should not be prohibited from constructing Route 2 using the SCDC Configuration."²⁴ Accordingly, the Company is not prohibited from constructing Route 2 using the SCDC Configuration.

Impact on Scenic Assets and Historic Districts

The Project would traverse approximately 1.52 miles through Loudoun County in an area that is largely characterized by agricultural land, undeveloped forested and open land for planned and potential future data center and industrial development, and Virginia Department of Transportation right-of-way. The area traversed by Route 2 is surrounded by the Leesburg Executive Airport, Loudoun County-owned land, agricultural land, planned industrial/commercial development, low density residential, and scattered light industrial land uses.²⁵ The Commission finds that construction of the Project would avoid or reasonably minimize adverse impacts to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with DHR, and the environment of the area concerned, as required by § 56-46.1 B of the Code, subject to the recommendations provided in the following section.

Environmental Impact

Pursuant to § 56-46.1 A and B 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

²⁴ Report at 36.

²⁵ Ex. 24 (Staff Report) at 16.

things, that the Commission shall receive and give consideration to all reports that relate to the Project by state agencies concerned with environmental protection.²⁶

The Commission finds there are no adverse environmental impacts that would prevent the construction or operation of the Project. This finding is supported by the DEQ Report, as nothing therein suggests the Project should not be constructed. There are, however, recommendations included in the DEQ Report for the Commission's consideration.²⁷ The Company disagreed with four of those recommendations and offered clarifications to three other recommendations.²⁸

First, the Company requested the Commission reject DCR-DNH's recommendation to develop a separate invasive species management plan ("ISMP")²⁹ because it is unnecessarily duplicative and could potentially lead to significant project cost increases and construction delays.³⁰ The Company stated that it already has an Integrated Vegetation Management Plan ("IVMP") in place that utilizes mechanical, chemical, and cultural methods for controlling vegetation, including invasive species.³¹ The Company also explained that its IVMP is consistent with the standards for utility rights-of-way developed by the American National Standards Institute, as well as the NERC Vegetation Management Standards, for all regions in

²⁶ Code § 56-46.1 A.

²⁷ Ex. 25 (DEQ Report) at 6-7.

²⁸ Ex. 32 (Young Rebuttal) at 2-3.

²⁹ Ex. 25 (DEQ Report) at 17.

³⁰ Ex. 32 (Young Rebuttal) at 3.

³¹ *Id.*

the Company's service territory.³² Furthermore, the Company cited numerous cases in which the Commission has rejected this recommendation.³³

Nevertheless, and in accordance with the Chief Hearing Examiner's recommendation in Case No. PUR-2021-00272, the Company represents that it met with DCR representatives on August 23, 2022 and again in February 2023 in an attempt to come to a mutual agreement regarding its IVMP moving forward.³⁴ Dominion further states that it is actively compiling an addendum draft of its IVMP to provide to DCR for review and continued discussions.³⁵ Dominion states that once all discussions are complete and the addendum is final, the Company will report on the results of its communications with DCR in future transmission CPCN filings.³⁶ In this case, the Hearing Examiner found that DCR-DNH's recommendation for the development and implementation of an invasive species management plan should be rejected as unnecessarily duplicative given the Company's existing IVMP.³⁷ The Commission agrees with the Hearing Examiner and declines to adopt DCR-DNH's recommendation regarding an ISMP.

Second, Dominion requested that the Commission reject DCR-DNH's recommendation for the Company to follow enhanced planned right-of-way restoration and maintenance practices,³⁸ to the extent they require the Company to do more than provided for in the

³² *Id.* at 3-4.

³³ *Id.* at 5 & n.2.

³⁴ *Id.* at 5.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Report at 37.

³⁸ Ex. 25 (DEQ Report) at 17.

Company's existing IVMP, because it is duplicative and potentially costly.³⁹ The Company stated that its existing IVMP is comprehensive and robust and addresses revegetation and maintenance of transmission rights-of-way.⁴⁰ The Hearing Examiner found that DCR-DNH's recommendation for the Company to follow enhanced planned right-of-way restoration and maintenance practices should be rejected as unnecessarily duplicative given the Company's existing IVMP.⁴¹ The Commission agrees with the Hearing Examiner and declines to adopt DCR-DNH's recommendation for the Company to follow enhanced planned right-of-way restoration and maintenance practices.

Third, Dominion requested that the Commission reject DWR's recommendations regarding erosion and sediment control, stormwater management, and the use of organic matting to reduce impacts to wildlife.⁴² The Company states that these recommendations are duplicative and unnecessary, and explains it will have an erosion and sediment control and stormwater management plan in place prior to the start of construction.⁴³ The Company further states that it is an Annual Standards and Specifications holder for Erosion and Sediment Control and Stormwater Management for Construction and Maintenance of linear electric transmission facilities under the authority of the DEQ, and work will be performed consistent therewith.⁴⁴ Additionally, the Company states that it uses matting consistent with the standards approved by

³⁹ Ex. 32 (Young Rebuttal) at 6.

⁴⁰ *Id.*

⁴¹ Report at 37.

⁴² Ex. 25 (DEQ Report) at 18-19.

⁴³ Ex. 32 (Young Rebuttal) at 7.

⁴⁴ *Id.*

DEQ under the Annual Standards and Specifications, and that it administers, implements, and complies with the requirements set forth within the Annual Standards and Specifications as approved by DEQ.⁴⁵ Therefore, the Company requests the Commission reject these recommendations as they are duplicative of the DEQ's review and authority.⁴⁶ The Hearing Examiner found that DWR's recommendation regarding erosion and sediment control, stormwater management, and use of organic matting is unnecessary for the reasons stated by the Company.⁴⁷ The Commission agrees with the Hearing Examiner and declines to adopt DWR's recommendation regarding erosion and sediment control, stormwater management, and use of organic matting.

Fourth, Dominion requested that the Commission reject DEQ's recommendation to consider development of an effective Environmental Management System ("EMS").⁴⁸ The Company asserted that it "already has a comprehensive EMS Manual in place that ensures the Company is committed to complying with environmental laws and regulations."⁴⁹ We find that Dominion's existing EMS achieves the purpose of this recommendation.⁵⁰ The Commission agrees with the Hearing Examiner that this recommendation should be rejected.⁵¹

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Report at 37.

⁴⁸ Ex. 32 (Young Rebuttal) at 7.

⁴⁹ *Id.* at 7-8.

⁵⁰ The Commission has made similar rulings in prior proceedings. *See, e.g., 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, 2021 S.C.C. Ann. Rpt. 312, 315, Final Order (Mar. 23, 2021).

⁵¹ Report at 38.

The Company also sought to clarify three additional recommendations from the DEQ Report. First, as to the comment by DEQ that the Project may require a VAG83 permit for contaminated sites,⁵² Dominion states that a VAG83 permit is not anticipated for the Project.⁵³ However, the Company states that if it discovers any previously unidentified contaminated sites during construction, it will follow its standard best management practices and the recommendations set forth by the Virginia Division of Land Protection and Revitalization in Section 5(d) of the DEQ Report.⁵⁴ The Commission accepts this clarification.

Second, as to the recommendation by DWR that the Company maintain naturally vegetated buffers of at least 100 feet surrounding wetlands and streams,⁵⁵ the Company states that it designed the Project routes to minimize impacts to wetlands and streams to the extent possible.⁵⁶ The Company states that although it cannot maintain the recommended 100-foot buffer at locations where the Project crosses wetlands or streams, the Project will cross them in a manner as perpendicular as possible.⁵⁷ The Company further states that Routes 1 and 2 will not parallel any wetlands or streams, and therefore will not impact any buffers aside from the crossing locations.⁵⁸ The Commission accepts this clarification.

⁵² Ex. 25 (DEQ Report) at 12.

⁵³ Ex. 32 (Young Rebuttal) at 8.

⁵⁴ *Id.* at 8-9; *see also* Ex. 25 (DEQ Report) at 15.

⁵⁵ Ex. 25 (DEQ Report) at 18.

⁵⁶ Ex. 32 (Young Rebuttal) at 9.

⁵⁷ *Id.*

⁵⁸ *Id.*

Third, as to DWR's comment that it generally does not support proposals to mitigate wetland impacts through construction of stormwater management ponds or the creation of in-stream stormwater management ponds,⁵⁹ the Company clarifies that it has not proposed to construct stormwater management ponds as mitigation measures for this Project.⁶⁰ The Company further states that if impacts require mitigation, the Company will coordinate with DEQ and the U.S. Army Corps of Engineers to ensure mitigation fulfills the permit requirements.⁶¹ The Commission accepts this clarification.

The Commission further finds that Dominion shall be required to obtain all necessary environmental permits and approvals that are needed to construct and operate the Project.

Environmental Justice

The 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."⁶² 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."⁶³

⁵⁹ Ex. 25 (DEQ Report) at 18.

⁶⁰ Ex. 32 (Young Rebuttal) at 9.

⁶¹ *Id.* at 9-10.

⁶² Code § 2.2-235.

⁶³ 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. Rept. 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*

The Commission agrees with the Hearing Examiner that the Company reasonably considered the requirements of the VEJA in its Application.⁶⁴

Accordingly, IT IS ORDERED THAT:

(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, 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-LDN-2023-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. PUR-2022-00197, cancels Certificate No. ET DEV-LDN-2023-A, issued to Virginia Electric and Power Company in Case No. PUR-2022-00183 on April 5, 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.

Company, Case No. PUR-2020-00134, 2021 S.C.C. Ann. Rept. 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. Rept. 190, 195, Final Order (Feb. 1, 2021).

⁶⁴ Report at 38.

(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.

(6) The Project approved herein must be constructed and in service by September 1, 2024. 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.