

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JULY 7, 2022

CLERK'S OFFICE
DOCUMENT CONTROL CENTER

2022 JUL -7 A 10: 26

22071054

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2021-00280

For approval and certification of electric transmission facilities: DTC 230 kV Line Loop and DTC Substation

FINAL ORDER

On December 2, 2021, 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 Loudoun County, Virginia. 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 construct the following, which is collectively referred to as the "Project":

- a new 230-34.5 kilovolt ("kV") substation in Loudoun County, Virginia ("DTC Substation"), and upgrade line protection at the Company's existing BECO and Beaumeade Substations; and
- a new approximately 1.3-mile overhead 230 kV double circuit transmission line loop on new 100-foot-wide right-of-way¹ by cutting 230 kV Beaumeade-BECO Line #2143 at a junction located between Structures #2143/12-13 adjacent to the Company's existing BECO Substation, resulting in (i) 230 kV Beaumeade-DTC Line #2143 and (ii) 230 kV BECO-DTC Line #2249 ("DTC Loop"). From the junction, the DTC Loop will extend along the proposed route approximately 1.3 miles generally northeast to the proposed DTC Substation. While the proposed junction is located in existing right-of-way, the proposed DTC Loop will be constructed on new right-of-way supported by 15 double circuit,

¹ Dominion states that "while only 100 feet of new right-of-way is necessary for the proposed Project, the Company proposes to seek to acquire a 160-foot-wide right-of-way to accommodate installation of a third circuit in the same corridor in the future." Ex. 2 (Application) at 2 n.1. Dominion further states that "only the proposed 100-foot right-of-way will be cleared and utilized for the proposed Project." *Id.* Dominion requests that the Commission not prohibit the Company from voluntarily obtaining the full 160-foot-wide right-of-way, with the understanding that the Company could not condemn for more than the 100 feet of right-of-way needed for the proposed Project. *Id.*

single-shaft galvanized steel poles, and two double circuit galvanized steel 2-pole structures, utilizing three-phase twin-bundled 768.2 ACSS/TW type conductor with a summer transfer capability of 1,574 megavolt amperes ("MVA").²

According to the Application, Dominion proposes the Project to provide service requested by three retail electric customers ("Customers"), to maintain reliable service for the overall growth in the area, and to comply with mandatory North American Electric Reliability Corporation Reliability Standards.³ Dominion further states that the Project is necessary in order to assure that the Company can maintain and improve reliable electric service to customers in the load area surrounding the Company's existing BECO Substation in Loudoun County, Virginia.⁴

The Company states that the Customers have requested retail electric service from Dominion to support multiple data center development sites.⁵ Dominion further states that this load area where these data centers are being developed is currently served by BECO Substation, and if the summation of these data center projects' unserved load (175 MVA) were connected to the existing BECO Substation, the existing distribution substation equipment would overload.⁶ Dominion indicates that connecting these Customers' requested loads to BECO Substation alone would result in (i) substation transformer thermal overloads and (ii) violation of the Company's transmission system reliability criteria set forth in the Facilities Interconnection Requirement document.⁷ The Company asserts that the proposed Project is therefore needed to meet the load

² *Id.* at 2.

³ *Id.*

⁴ *Id.* at 3.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

requirements of the Customers' existing and planned new development projects along with future load growth in the area, which will, in turn, facilitate economic growth in the Commonwealth.⁸

The Company states that the desired in-service date for the Project is June 15, 2024.⁹ Dominion identified an approximately 1.30-mile overhead proposed route for the Project (Route 1C) as well as two approximately 1.31-mile overhead alternative routes (Route 1A and Route 1B).¹⁰ The Company represents that the estimated conceptual cost of the Project (in 2021 dollars) utilizing Route 1C is approximately \$102.5 million, which includes approximately \$36.7 million for transmission-related work and approximately \$65.8 million for substation-related work.¹¹

On January 4, 2022, the Commission entered 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 proceeding as a respondent by filing a notice of participation; scheduled an evidentiary hearing; 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.

As also discussed in the Procedural Order, Staff requested the Department of Environmental Quality ("DEQ") to coordinate an environmental review of the Project by the

⁸ *Id.* at 3.

⁹ *Id.* at 4.

¹⁰ *Id.* at 3-4

¹¹ *Id.* at 5.

appropriate agencies and to provide a report on the review. On February 14, 2022, DEQ filed its report ("DEQ Report"), which included a Wetlands Impact Consultation prepared by DEQ. The DEQ Report provides general recommendations for the Commission's consideration that are in addition to any requirements of federal, state, or local law. Specifically, the DEQ Report contains 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 erosion and sediment control and stormwater management, as applicable;
- 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 to obtain an update on natural heritage information and regarding its recommendations to conduct a habitat survey, minimize fragmentation, and develop an invasive species management plan;
- Coordinate with the Department of Historic Resources ("DHR") regarding the recommended archaeological and architectural surveys and submit the results of any surveys to DHR;
- Coordinate with the Department of Health 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; and

- Coordinate with the FAA Washington Airports District Office to submit Form 7460-1 for compliance with federal aviation requirements due to the close proximity of the project to Washington Dulles International Airport.¹²

US Kincora Purchaser JV, LP ("Kincora Purchaser"), NA Dulles Real Estate Investor, LLC ("NA Dulles"), the Lerner Corporation ("Lerner"), the Board of Supervisors of Loudoun County, Virginia, and the National Rural Utilities Cooperative Finance Corporation ("CFC") each filed a notice of participation in this proceeding. On March 9, 2022, Lerner, Kincora Purchaser, CFC, and NA Dulles each filed testimony. On March 25, 2022, Staff filed testimony along with an attached report summarizing the results of its investigation of Dominion's Application. On April 8, 2022, the Company filed its rebuttal testimony.

Due to the ongoing public health issues related to the spread of COVID-19, the evidentiary hearing was convened virtually, with no party present in the Commission's courtroom, on April 20, 2022.¹³ The Company, Kincora Purchaser, NA Dulles, CFC, Lerner, and Staff participated at the hearing. In addition, Jason Bulluck, Director of DCR's Virginia Natural Heritage Program, testified regarding certain DEQ recommendations as a public witness on April 20, 2022.

On June 3, 2022, the Report of Michael D. Thomas, Senior Hearing Examiner ("Report") was issued. In the Report, the Senior Hearing Examiner made the following findings:

1. The record supports the need for the Project to provide service requested by three customers in Loudoun County, to comply with the Company's transmission system reliability criteria and mandatory NERC Reliability Standards, and to maintain reliable service for overall economic growth in the Project area;
2. The Company's preferred route, Route 1C, reasonably minimizes any adverse impacts of the Project;

¹² Ex. 29 (DEQ Report) at 5-6.

¹³ A public witness hearing was scheduled to be held telephonically on April 19, 2022, but was canceled after no public witnesses signed up to testify.

3. The Project requires the acquisition of a new approximately 1.30-mile 100-foot-wide right-of-way;
4. The Commission should not prohibit the Company from voluntarily obtaining the full 160-foot-wide right-of-way, with the understanding that the Company could not condemn for more than the 100 feet needed for the Project;
5. The Project will have no material adverse impact on scenic, environmental, or historic resources;
6. DEQ recommendations Nos. 1-4 and 6-11 in the DEQ Report are "desirable or necessary to minimize adverse environmental impact" associated with the Project;
7. DEQ recommendation No. 5 should be adopted in part and rejected in part;
8. The Company reasonably considered, and rejected, alternatives to the proposed Project;
9. The Project does not represent a hazard to public health or safety;
10. The Company reasonably addressed the impact of the Project on aviation resources; and
11. The Company reasonably considered the requirements of the Virginia Environmental Justice Act ("VEJA")¹⁴ in its Application.¹⁵

The Senior Hearing Examiner recommended that the Commission enter an order that adopts the findings and recommendations in the Report, issues a certificate of public convenience and necessity ("CPCN") for the Company to construct and operate Project, and dismisses this case from the Commission's docket of active cases.¹⁶

On June 17, 2022, Dominion, Staff, NA Dulles, and Lerner each filed comments on the Report.

¹⁴ Code § 2.2-234 *et seq.*

¹⁵ Report at 54-55.

¹⁶ *See id.* at 55.

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 finds that a CPCN authorizing the Project should be issued subject to certain findings and conditions contained herein.

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 that "it shall be unlawful for any public utility to construct . . . facilities for use in public utility service . . . 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:

Whenever 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 adverse 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, § 56-259 C of the Code 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

The Company states the proposed Project is needed to provide service requested by three Customers in Loudoun County, Virginia, to maintain reliable service for the overall growth in the Project area, and to comply with mandatory NERC Reliability Standards.¹⁷ Staff concluded that Dominion reasonably demonstrated the need for the Project.¹⁸ The Commission agrees with the Senior Hearing Examiner that the record supports the need for the Project.¹⁹

¹⁷ Ex. 2 (Application), Appendix at 1.

¹⁸ Ex. 28 (Staff Report) at 21.

¹⁹ Report at 43, 54.

Economic Development

The Commission has considered the effect of the Project on economic development in the Commonwealth and finds that the Project will maintain reliable service for overall economic growth in the Project area, thereby supporting economic development.²⁰

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."²¹ The Commission must then "decide within the parameters of the statute what best serves the total public interest."²² The Company presented three alternatives for the route of the Project. Route 1C is the Company's preferred route and Routes 1A and 1B are alternative routes presented in the Application. After considering the alternatives and weighing the multitude of factors presented in this record, the Commission concludes that Route 1C satisfies the statutory requirements and best serves the total public interest. The record reflects that of the three routes developed for the Project, Route 1C is the shortest and would require the least amount of clearing of forested land.²³ Route 1C would also minimize impact on the pedestrian/multi-use trail that is adjacent to Russell Branch Parkway.²⁴ We further find that the adverse impacts of Route 1C are comparatively less than the adverse impacts of Routes 1A and 1B.

²⁰ See *id.* at 42, 43, 54.

²¹ *BASF v. State Corp. Com'n*, 289 Va. 375, 395 (2015) (citations and internal quotation marks omitted).

²² *Id.*

²³ Ex. 2 (Application), Appendix at 60; Ex. 37 (Berkin Rebuttal) at 11.

²⁴ See Ex. 2 (Application), Routing Study at 63, 65.

While construction of Route 1C would temporarily impact parking at Lerner's 1 Dulles Town Center ("1DTC") office building, any parking spaces impacted during construction would be reopened and could be used as they were prior to construction.²⁵ Furthermore, Dominion has committed to working with Lerner to minimize impacts to parking during construction.²⁶ 1DTC currently has 120 vacant parking spaces,²⁷ and the record indicates that approximately 40 to 50 spaces would be impacted during construction.²⁸ 1DTC will therefore continue to have sufficient parking spaces during construction until the impacted spaces are reopened.

Route 1C would involve tree removal impacts on 1DTC's buffer as well as present certain limited visual impacts to 1DTC.²⁹ Lerner specifically expressed concern that Route 1C would take the 1DTC property out of compliance with the Loudoun County Zoning Ordinance and jeopardize its visual and noise abatement buffer with trees being removed to accommodate the new transmission right-of-way.³⁰ In response, Dominion agreed to work with Lerner to address and resolve any potential non-conformity issues with the buffer in negotiations for the transmission line easement.³¹ Lerner witness Canonico acknowledged that any non-conformity issues could also be addressed in a condemnation action, the result of which would be a legal

²⁵ Ex. 35 (Crenshaw Rebuttal) at 4-5; Tr. 205; Dominion Post-Hearing Brief at 7.

²⁶ Dominion Post-Hearing Brief at 7.

²⁷ Tr. 153, 169.

²⁸ Tr. 127-128, 168-169. Lerner witness Canonico testified that approximately 85 spaces could be impacted if the Company extended the right-of-way to 160 feet but confirmed that Dominion has no plans to do so on Lerner's 1DTC property. Ex. 26 (Canonico Direct) at 4; Tr. 181.

²⁹ See Tr. 188, 190; Ex. 2 (Application), Appendix at 118-120, Routing Study at 60.

³⁰ Lerner Post-Hearing Brief at 14-15.

³¹ Ex 37 (Berkin Rebuttal) at 10; Dominion Post-Hearing Brief at 8.

non-conforming use.³² In terms of visual impacts upon 1DTC, we agree with the Senior Hearing Examiner that the transmission towers would impact only the tenants on the north side of the 1DTC building but would not overwhelm the view from the building's north side given the distance to the line and the number of towers.³³ We also agree with the Senior Hearing Examiner that the noise impacts on 1DTC would be no different than they are now.³⁴

Routes 1A and 1B, on the other hand, would require that Kincora Purchaser redesign its proposed data center by either stacking the equipment in its equipment yard or adding a third story to the data center building.³⁵ The record shows that stacking the equipment would cost an additional approximately \$10 million, and adding a third story would cost an additional approximately \$8 million.³⁶ A stacked equipment yard, which Kincora Purchaser argued was not a viable option,³⁷ would present significant constructability and operational issues, including safety concerns.³⁸ A three-story data center would also present similar issues in terms of constructability³⁹ and marketability.⁴⁰

³² Tr. 181-183

³³ Report at 44.

³⁴ *Id.*

³⁵ Ex. 16 (Connell Direct) at 4; Ex. 18 (Bustamante Direct) at 7.

³⁶ Ex. 16 (Connell Direct) at 5-6; Ex. 17 (Weismiller Direct) at Exhibit E.

³⁷ Kincora Purchaser Post-Hearing Brief at 5-7.

³⁸ Tr. 76-77, 96.

³⁹ Ex. 16 (Connell Direct) at 6; *see* Tr. 75.

⁴⁰ Tr. 98.

Routes 1A and 1B would also impact NA Dulles' mixed-use development by placing transmission lines closer to the viewshed of civic and residential properties within the development.⁴¹

As an alternative to Routes 1A, 1B, and 1C, Lerner proposed a diagonal crossing of Russell Branch Parkway and Sully Road,⁴² which the Senior Hearing Examiner declined to adopt.⁴³ The Senior Hearing Examiner explained his reasoning as follows:

[T]he decision to approve a diagonal crossing does not rest with Dominion, but with [the Virginia Department of Transportation ("VDOT")]. VDOT informed Dominion twice that its regulations would not permit a diagonal crossing. Lerner takes issue with the fact that Dominion did not appeal the decision to the Northern Virginia District Engineer. Under the circumstances, Dominion's actions were reasonable. After having been told twice that VDOT's regulations only permit perpendicular crossings. Dominion had to evaluate the likelihood that the District Engineer would reverse the decision of his or her employees, which was not likely given the existence of a regulation directly on point.⁴⁴

Lerner requests that the Commission direct Dominion to take formal action with VDOT to remove any legal or regulatory constraints preventing a diagonal route.⁴⁵ We decline to do so. Both Russell Branch Parkway and Sully Road are managed by VDOT, with Sully Road classified as a limited access highway and Russell Branch Parkway as a non-limited access highway.⁴⁶ Lerner's proposed diagonal route would cross both roadways, meaning that

⁴¹ Ex. 19 (Coughlan Direct) at 3, 9.

⁴² Ex. 22 (Fuccillo Direct) at 5-6.

⁴³ See Report at 45.

⁴⁴ *Id.*

⁴⁵ Lerner Comments at 10-11.

⁴⁶ Ex. 37 (Berkin Rebuttal) at 9-10.

Dominion would be required to seek waivers under two separate sections of VDOT's regulations—one for limited access roadways and one for non-limited access roadways.⁴⁷ Indeed, the record reflects that VDOT confirmed to Dominion that the involvement of two roadways would complicate any request for a diagonal crossing.⁴⁸ VDOT also indicated to Dominion that if a perpendicular crossing were possible and no physical obstacle would prevent construction, the diagonal crossing would be rejected.⁴⁹ We agree with the Senior Hearing Examiner that Dominion was reasonable to conclude that submitting an application to the district engineer would not have yielded a different result, given the circumstances.⁵⁰

Finally, we find that the record in this case indicates that no Company-owned right-of-way can accommodate the Project.⁵¹ Consistent with our rulings in prior cases, we will not prohibit the Company from voluntarily obtaining the full 160 feet of right-of-way; however, the Company shall not exercise the right to condemnation for more than the 100 feet of right-of-way needed for the Project.⁵²

Impact on Scenic Assets and Historic Resources

Based on the foregoing, the Commission agrees with the Senior Hearing Examiner and finds that the route approved herein for the Project will avoid or reasonably minimize adverse

⁴⁷ See 24 VAC 30-151-310, -330; Tr. 227-228.

⁴⁸ Tr. 229.

⁴⁹ *Id.* at 228.

⁵⁰ See Report at 45.

⁵¹ See Ex. 2 (Application), Appendix at 49.

⁵² 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, 2022).

impacts to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with DHR, and environment of the area concerned, as required by § 56-46.1 B of the Code, subject to the requirements provided in the following section.⁵³

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

The Commission finds that 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 that the Project should not be constructed. There are, however, recommendations in the DEQ Report for the Commission's consideration.⁵⁴ The Company opposed three of these recommendations.⁵⁵ The Senior Hearing Examiner found one of the recommendations should be adopted and two recommendations should be rejected.⁵⁶

⁵³ See Report at 47-48, 54.

⁵⁴ See Ex. 29 (DEQ Report) at 5-6. Dominion shall comply with all uncontested recommendations included in the DEQ Report. However, to the extent that Dominion and DEQ, or other appropriate state agency or municipality, reach agreement that certain recommendations included in the DEQ Report are not necessary or have been adequately addressed elsewhere, we find that Dominion need not comply with those specific recommendations.

⁵⁵ See Ex. 36 (Studebaker Rebuttal) at 3. Jason Bulluck, Director of DCR's Virginia Natural Heritage Program, offered additional public witness testimony supporting DCR's recommendations (i) to conduct a preconstruction survey for rare non-listed plant species and (ii) to develop an invasive species management plan for the Project. Tr. 10-21.

⁵⁶ Report at 49-50.

Dominion first requested that the Commission reject DCR's recommendation for the Company to conduct a habitat survey for rare plant species that may occur in the Project area.⁵⁷ The Company asserts that the identified plant species are not threatened or endangered species protected under the Endangered Species Act or under a Virginia statute.⁵⁸ Accordingly, the Company does not believe that it is appropriate for Dominion's customers to bear the additional costs related to this recommendation.⁵⁹ Dominion nevertheless agrees to educate its construction team with information about the plant species prior to the commencement of construction activities and agrees to coordinate with DCR if the species is found within the Project area.⁶⁰ Based on the record developed herein, the Commission agrees with Dominion that customers should not bear the costs of the recommended survey.⁶¹ The Commission therefore declines to adopt DCR's recommendation but directs the Company to educate its construction personnel regarding the plant species prior to the commencement of construction activities and to coordinate with DCR if the species is found within the Project area.⁶²

⁵⁷ Ex. 36 (Studebaker Rebuttal) at 3-4.

⁵⁸ *Id.* at 3.

⁵⁹ *Id.*

⁶⁰ *Id.* at 3-4.

⁶¹ In this regard, Dominion asserts it would use a trained environmental consultant, or in certain cases one of the Company's few biologists, and that any costs associated with the use of consultants would be capital costs of the Project, and ultimately would be recovered through Rider T1. Dominion Comments at 8.

⁶² The Commission has previously made similar rulings in other cases. *See, e.g., 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, Doc. Con. Cen. No. 211210030, Final Order at 8 (Dec. 2, 2021); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Suffolk-Swamp 230 kV Transmission Line #247, Virginia Rebuild Project*, Case No. PUR-2019-00078, 2019 S.C.C. Ann. Rept. 434, 437 Final Order (Nov. 8, 2019); *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 138kV Transmission Line Partial Rebuild*, Case No. PUR-2018-00139, 2019 S.C.C. Ann. Rept. 264, 267 Final Order (Apr. 23, 2019).

Dominion next requested that the Commission reject DCR's recommendation for the Company to develop and implement an invasive species management plan.⁶³ The Company asserts that this recommendation is unnecessary because it "already has a robust Integrated Vegetation Management Plan . . . in place that utilizes mechanical, chemical, and cultural methods for controlling vegetation, including invasive species."⁶⁴ The Hearing Examiner found that the Company's existing vegetation management plan "is consistent with ANSI standards and NERC Vegetation Management Standards that adequately addresses invasive species."⁶⁵ The Commission agrees with the Senior Hearing Examiner that this recommendation should be rejected.⁶⁶

The Company finally requested that the Commission reject DEQ's recommendation for the Company to consider the development of an effective environmental management system ("EMS").⁶⁷ The Company asserts that it "already has a comprehensive EMS Manual in place that ensures the Company is committed to complying with environmental laws and regulations, reducing risk, minimizing adverse environmental impacts, setting environmental goals, and achieving improvements in its environmental performance"⁶⁸ We find that Dominion's

⁶³ Ex. 36 (Studebaker Rebuttal) at 4-5.

⁶⁴ *Id.* at 4.

⁶⁵ Report at 50 (citing Ex. 36 (Studebaker Rebuttal) at 4-5).

⁶⁶ *See* Report at 50, 54.

⁶⁷ Ex. 36 (Studebaker Rebuttal) at 3, 6.

⁶⁸ *Id.*

existing EMS achieves the purpose of this recommendation.⁶⁹ The Commission agrees with the Senior Hearing Examiner that the DEQ's recommendation for the Company to develop an EMS should be rejected.⁷⁰

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."⁷¹ 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."⁷²

We agree with the Hearing Examiner that the Project does not appear to adversely impact the goals established by the VEJA.⁷³

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.

⁶⁹ The Commission has previously made a similar ruling 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, Doc. Con. Cen. No. 210330038, Final Order at 8 (Mar. 23, 2021).

⁷⁰ *See* Report at 50, 54.

⁷¹ Code § 2.2-235.

⁷² Code § 2.2-234. *See also, 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, Doc. Con. Cen. No. 210920108, Final Order at 14 (Sept. 9, 2021).

⁷³ Report at 55.

(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-2022-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-2021-00280, cancels Certificate No. ET-DEV-LDN-2022-A, issued to Virginia Electric and Power Company in Case No. PUR-2021-00100 on February 8, 2022.

(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 each Certificate Number that shows 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.

(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 June 15, 2024. No later than 90 days before the in-service date approved herein, except for good cause shown, the Company is granted leave to apply, and to provide the basis, for any extension request.

(7) 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.