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STATE CORPORATION COMMISSION

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2022-00123

For approval and certification of electric transmission facilities: Line #183 Partial Rebuild Project

FINAL ORDER

On August 3, 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 Fauquier and Prince William Counties, 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.*

Specifically, the Company proposes the following partial rebuild project located within existing right-of-way ("ROW") or on Company-owned property in Fauquier and Prince William Counties, Virginia (collectively, "Rebuild Project"):

- Rebuild an approximately 15.2-mile segment of the Company's existing 23.6-mile 115 kilovolt ("kV") Bristers-Ox Line #183 between Structure #183/12 and Structure #183/134. Specifically, remove existing Structures #183/13 through #183/133, of which, existing Structures #183/13 through #183/100 are predominantly single circuit 115 kV wood H-frame structures, and existing Structures #183/101 through #183/133 are predominately 115 kV weathering steel (COR-TEN®) lattice towers. The existing weathering steel (COR-TEN®) lattice towers are framed for double circuit construction; however, the davit arms for one of the circuits are currently vacant. The Company proposes to replace Structures #183/13 through #183/23 with 230 kV single circuit weathering steel H-frames, and to replace Structures #183/24 through #183/133 primarily with 230 kV double circuit weathering steel monopoles, which will have a set of three vacant davit arms available to allow for future load growth. This rebuild of the 15.2-mile segment of the Company's 115 kV Line #183 is inclusive of an approximately 0.11-mile single circuit 115 kV tap circuit, which feeds the Sowego Delivery Point owned by Northern Virginia Electric Cooperative and will be rebuilt with two 230 kV single circuit weathering steel 3-pole structures. In addition to the

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structure replacements, the existing 3-phase twin-bundled 636 ACSR, single 636 ACSR, 4/0 ACSR and 740.8 AAAC conductors and existing shield wire on Line #183 between Structures #183/2 and #183/12 and between Structures #183/12 and #183/134 will be replaced with 3-phase twin-bundled 768.2 ACSS conductors and new optical ground wire fiber optic shield wires. The Company proposes to operate the rebuilt Line #183 at 115 kV until such time as 230 kV operation of the line is required.

- Upgrade line terminal equipment at the Company's existing Bristers Substation to support the new line rating of rebuilt Line #183.¹

According to the Application, Dominion proposes the Rebuild Project to replace aging infrastructure at the end of its service life, to comply with mandatory North American Electric Reliability Corporation ("NERC") Reliability Standards and the Company's mandatory electric transmission planning criteria, and to maintain reliable service for the overall growth in the area.² The Company states that the desired in-service date for the Rebuild Project is December 31, 2025.³ The Company further states that the estimated conceptual cost of the Rebuild Project (in 2022 dollars) is approximately \$38.2 million, which includes approximately \$38.0 million for transmission-related work and approximately \$0.2 million for substation-related work.⁴

On August 25, 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 interested persons an opportunity to comment on the Application or participate in the proceeding

¹ Exhibit ("Ex.") 1 (Application) at 2-3.

² *Id.* at 2.

³ *Id.* at 6. Dominion requests that the Commission enter a final order by July 30, 2023. *Id.* The Company states that, should the Commission issue a final order by July 30, 2023, the Company estimates that construction should begin in August 2024 and be completed in December 2025. *Id.*

⁴ *Id.*

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 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. On October 19, 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 the Virginia Marine Resources Commission's recommendation to initiate a new review with the agency should the proposed project change;
- Follow DEQ's recommendations regarding erosion and sediment control and stormwater management, 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 related to aquatic natural communities and invasive species management;
- Coordinate with Department of Historic Resources ("DHR") regarding the recommendation to perform additional archaeological and architectural surveying;

- Coordinate with the Department of Health regarding its recommendations to protect public drinking water sources;
- 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 Department of Wildlife Resources ("DWR") regarding its recommendations to minimize adverse impacts from linear utility projects.⁵

On January 13, 2023, Staff filed testimony along with an attached report summarizing the results of its investigation of Dominion's Application. On January 27, 2023, the Company filed rebuttal testimony.

During this proceeding, no notices of participation or 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 February 14, 2023, was canceled. On February 15, 2023, the Senior Hearing Examiner convened the evidentiary hearing in the Commission's courtroom. Dominion and Staff participated at the hearing.

On March 3, 2023, the Report of Michael D. Thomas, Senior Hearing Examiner ("Report") was issued. In the Report, the Senior Hearing Examiner made the following findings and recommendations:

1. The Rebuild Project is needed to replace aging infrastructure that is at the end of its service life, to comply with the Company's Planning Criteria and mandatory NERC Reliability Standards, and to maintain reliable service for overall growth in the Rebuild Project area;

⁵ Ex. 8 (DEQ Report) at 5-6.

2. Line #183 should be rebuilt using 230 kV construction so that the line could be operated at 115 kV in the near-term but with the capability of converting to 230 kV operation when needed to support load growth;
3. A portion of Line #183 should be rebuilt to accommodate a second 230 kV circuit on the line's steel monopoles to support data center load growth expected to occur in the Rebuild Project area;
4. Incremental demand-side management will not obviate the need for the Rebuild Project;
5. The Company reasonably considered existing ROW for the Rebuild Project and will construct the project entirely within existing Company ROW;
6. The Rebuild Project will have no material adverse impact on scenic, environmental, or historic resources;
7. The comments in the DEQ Report by DCR Natural Heritage Program ("DCR/DNH") regarding the development of an invasive species management plan ("ISMP"), DEQ regarding the development of an environmental management system ("EMS"), and DWR regarding time-of-year construction restrictions are unnecessarily duplicative, and could lead to significant project cost increases and/or project delays;
8. The Commission should decline to adopt the foregoing recommendations in the DEQ Report;
9. The other recommendations in the DEQ Report Summary of Recommendations are "desirable or necessary to minimize adverse environmental impact" associated with the Rebuild Project;
10. There are no feasible alternatives to the Rebuild Project;
11. The Rebuild Project does not represent a hazard to public health or safety;
12. The Company reasonably addressed the impact of the Rebuild Project on aviation resources; and
13. The Company reasonably considered the requirements of the Virginia Environmental Justice Act ("VEJA") in its Application.⁶

⁶ Report at 23.

Accordingly, the Senior Hearing Examiner recommended the Commission enter an order that adopts the findings and recommendations in the Report; issues a certificate of public convenience and necessity ("CPCN") to the Company to construct and operate the Rebuild Project; and dismisses the case from the Commission's docket of active cases.⁷

On March 9, 2023, Dominion filed comments on the Report supporting the findings and recommendations contained therein.

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 Rebuild Project. The Commission further finds that CPCNs authorizing the Rebuild 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 the following:

. . . . it 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

⁷ *Id.* at 24.

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 ROW 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 Rebuild Project is needed to maintain and improve electric service to customers in the Northern Virginia Load Area, to replace aging infrastructure that is at the end of its service life.⁸ The Commission agrees with the Senior Hearing Examiner that

⁸ Ex. 1 (Application) at 3.

Dominion has reasonably demonstrated the Rebuild Project is needed to replace aging infrastructure that is at the end of its service life, to comply with the Company's Planning Criteria and mandatory NERC Reliability Standards, and to maintain reliable service for overall growth in the Rebuild Project area.⁹

In its Application, the Company explained the need to rebuild Line #183 at 230 kV but operate it at 115 kV.¹⁰ We agree with the Senior Hearing Examiner that Line #183 should be rebuilt using 230 kV construction so that the line could be operated at 115 kV in the near-term but with the capability of converting to 230 kV operation when needed to support load growth.

The Company asserts that rebuilding Line #183 utilizing 230 kV double circuit construction from Structures #183/24 through #183/133 with a set of three vacant davit arms will allow for the addition of a new 230 kV conductor when the need arises in the future, without requiring new ROW or expansion of the existing transmission ROW Line #183 shares with the 500 kV Bristers-Ox Line #539. We agree with the Senior Hearing Examiner and approve, based on the unique facts and circumstances of this case, a portion of Line #183 to be rebuilt to accommodate a second 230 kV circuit on the line's steel monopoles to support data center load growth expected to occur in the Rebuild Project area.¹¹

Economic Development

The Commission has considered the effect of the Rebuild Project on economic development in the Commonwealth and finds the evidence in this case demonstrates that the

⁹ Report at 13.

¹⁰ Ex. 1 (Application) Appendix at 6-9.

¹¹ Report at 15.

Rebuild Project would support economic growth in the Commonwealth by continuing to provide reliable electric service.¹²

Rights-of-Way and Routing

Dominion has adequately considered usage of existing ROW. The Rebuild Project, as proposed, would be constructed on existing ROW and Company-owned property, and no new ROW is required.¹³

Impact on Scenic Assets and Historic Districts

The Commission finds that the Rebuild Project will avoid or reasonably minimize adverse impacts to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the DHR, and the environment of the area concerned, as required by § 56-46.1 B of the Code.¹⁴

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.¹⁵

The Commission finds there are no adverse environmental impacts that would prevent the construction or operation of the Rebuild Project. This finding is supported by the DEQ Report,

¹² Ex. 7 (Ingram Direct) Staff Report at 20.

¹³ Ex. 1 (Application) at 6-7.

¹⁴ See Report at 16-17.

¹⁵ Code § 56-46.1 A.

as nothing therein suggests the Rebuild Project should not be constructed. There are, however, recommendations included in the DEQ Report for the Commission's consideration.¹⁶ The Company disagreed with three of those recommendations.¹⁷ First, the Company requests that the Commission reject the recommendation by DCR/DNH related to the development and implementation of an ISMP.¹⁸ Dominion represents that this recommendation is unnecessarily duplicative as the Company already has a comprehensive Integrated Vegetation Management Plan in place that utilizes mechanical, chemical, and cultural methods for controlling vegetation, including invasive species.¹⁹ We agree with the Senior Hearing Examiner that this recommendation is unnecessarily duplicative.

Next, the Company requests that the Commission reject the recommendation to consider the development of an effective EMS as unnecessarily duplicative, as the Company already has a comprehensive EMS Manual in place.²⁰ We agree with the Senior Hearing Examiner that this recommendation is unnecessarily duplicative.²¹

Finally, the Company requests that the Commission reject the DCR recommendation to conduct significant tree removal and ground-clearing activities outside of the primary songbird nesting season of March 15 through August 15. The Company asserts that because the Rebuild Project is proposed to be constructed within existing, cleared ROW, any tree and/or

¹⁶ Ex. 8 (DEQ Report) at 7, 9-10, 14, 17-21, 23-25.

¹⁷ Ex. 9 (Young Rebuttal) at 4.

¹⁸ *Id.* at 5-6.

¹⁹ *Id.* at 5.

²⁰ *Id.* at 7.

²¹ Report at 20.

ground-clearing activities will not be significant.²² We agree with the Senior Hearing Examiner and decline to adopt this recommendation.²³ The Company shall coordinate with DWR to create appropriate construction restrictions should significant tree clearing or ground clearing be required.

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."²⁴ 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."²⁵

The Commission agrees with the Senior Hearing Examiner that the Company reasonably considered the requirements of the VEJA in its Application.²⁶

²² Ex. 9 (Young Rebuttal) at 8.

²³ Report at 20.

²⁴ Code § 2.2-235.

²⁵ 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, 372-373, Final Order (Sept. 9, 2021); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Establishing 2020 RPS 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).

²⁶ Report at 22, 23.

Accordingly, IT IS ORDERED THAT:

(1) Dominion is authorized to construct and operate the Rebuild 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 CPCNs to construct and operate the Rebuild 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 CPCNs to Dominion:

Certificate No. ET-DEV-FAU-2023-A, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Fauquier County, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUR-2022-00123, cancels Certificate No. ET-DEV-FAU-2021-A, issued to Virginia Electric and Power Company in Case No. PUR-2020-00080 on February 11, 2021.

Certificate No. ET-DEV-PRW-2023-A, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Prince William County, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUR-2022-00123, cancels Certificate No. ET-DEV-PRW-2022-A, issued to Virginia Electric and Power Company in Case No. PUR-2021-00291 on June 24, 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 line 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 CPCNs issued in Ordering Paragraph (3) with the maps attached.

(6) The Rebuild Project approved herein must be constructed and in service by December 30, 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.