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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2022-00175

For approval and certification of electric
transmission facilities: Butler Farm to Clover 230 kV
Line, Butler Farm to Finneywood 230 kV Line
and Related Projects

FINAL ORDER

On October 21, 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 Charlotte County, Halifax County, and Mecklenburg 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 complete the following which is collectively referred to as the "Project":¹

- Construct a new approximately 19.1-mile 230 kilovolt ("kV") single circuit transmission line (the "Butler Farm – Clover Line" or "Line #2281") primarily on new right-of-way. The proposed Butler Farm – Clover Line will extend from the Company's proposed new 230 kV Butler Farm Substation to the Company's existing 500/230 kV Clover Switching Station. The proposed Butler Farm – Clover Line will be constructed primarily with single circuit H-frame weathering steel structures, utilizing three-phase twin-bundled 768.2 ACSS/TW type conductor with a summer transfer capability of 1,573 megavolt amperes ("MVA"). The remainder of the line will be constructed with single circuit weathering steel monopole structures. The Butler Farm – Clover Line will utilize a total of 120 feet of right-of-way, which includes new, existing, and collocated right-of-way. The amount of new right-of-way for this line will vary from 47 feet to 120 feet.

¹ Ex. 2 (Application) at 2-3.

- Construct a new approximately 7.0 mile 230 kV single circuit transmission line (the "Butler Farm – Finneywood Line" or "Line 2256") primarily on new right-of-way. The Butler Farm – Finneywood Line will extend from the Company's proposed new 230 kV Butler Farm Substation to the Company's proposed new 500/230 kV Finneywood Switching Station. The proposed Butler Farm – Finneywood Line will be constructed primarily with single circuit weathering steel monopole structures, utilizing three-phase twin-bundled 768.2 ACSS/TW type conductor with a summer transfer capability of 1,573 MVA. The Butler Farm – Finneywood Line will utilize a total of 120 feet of right-of-way, which includes new, existing, and collocated right-of-way. The amount of new right-of-way for this line will vary from 50 to 107 feet.
- Construct a new 230 kV substation in Mecklenburg County, Virginia (the "Butler Farm Substation").
- Construct a new 500/230 kV switching station in Mecklenburg County, Virginia (the "Finneywood Station").
- Perform minor substation-related work at the Clover Switching Station (the "Clover Station").

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.² Dominion further specifies that the proposed Project is needed to maintain and improve reliable electric service to customers in the load areas surrounding the Company's existing Chase City Substation in Mecklenburg County, Virginia, in compliance with NERC Reliability Standards.³

The Company states the Customer has requested retail electric service from Dominion to support a new data center campus.⁴ This load area where the data center is being developed is

² *Id.* at 2.

³ *Id.* at 3.

⁴ *Id.*

currently served by the Chase City Substation.⁵ The Company asserts that if the summation of the data center projects' unserved load (240 MVA) was connected to the existing Chase City Substation, the existing distribution substation equipment would overload.⁶ The Application further states that connecting this Customer's requested load to the Chase City 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 the proposed Project is needed to meet the load requirements of the Customer's planned new development along with the remaining capacity available to support future residential and commercial needs in the community.⁸

The Company states the desired in-service date for the Project is July 1, 2025.⁹ The Company represents the estimated conceptual cost of the Project (in 2022 dollars) is approximately \$214 million, which includes approximately \$92 million for transmission-related work and approximately \$122 million for substation-related work.¹⁰

On December 1, 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

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 3-4.

⁸ *Id.* at 4.

⁹ *Id.* at 5. Dominion requests that the Commission enter a final order by June 1, 2023. *Id.* Should the Commission issue a final order by June 1, 2023, the Company estimates that construction should begin around January 2024 and be completed by July 1, 2025. *Id.*

¹⁰ *Id.* at 6.

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 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 January 10, 2023, 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 Division of Natural Heritage ("DCR-DNH") to obtain an update on natural heritage information and to discuss their recommendations to protect natural heritage resources and develop an invasive species management plan as needed;
- Coordinate with the Department of Historic Resources ("DHR") 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 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;
- 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; and
- Coordinate with the Department of Wildlife Resources ("DWR") regarding its recommendations to minimize adverse impacts from linear utility projects and to protect species of greatest conservation need.¹¹

On February 6, 2023, Kess Realty Partners, Inc. ("Kess Realty"), filed a notice of participation. On March 3, 2023, Staff filed testimony along with an attached report summarizing the results of its investigation of Dominion's Application. On March 21, 2023, the Company filed rebuttal testimony.

During this proceeding, more than 30 public comments were filed. On April 12, 2023, the Hearing Examiner convened a hearing, as scheduled, using Microsoft Teams to receive the telephonic testimony of two public witnesses.¹² On April 13, 2023, the Hearing Examiner convened the evidentiary hearing in the Commission's courtroom. Dominion, Kess Realty, and Staff participated at the hearing.

On May 11, 2023, the Report of D. Mathias Roussy, Jr., Hearing Examiner ("Report") was issued. In the Report, the Hearing Examiner made the following findings:

¹¹ Ex. 15 (DEQ Report) at 6.

¹² A third public witness, representing respondent Kess Realty, also signed up to provide public witness testimony. Subsequently, counsel for Kess Realty advised the Commission that this person would not testify as a public witness because Kess Realty would participate as a respondent in this proceeding. Tr. at 9.

1. The proposed Project is needed to serve a data center campus in Mecklenburg County and to address projected violations of mandatory NERC reliability standards resulting from this new data center's electric load;
2. Construction of the Project supports economic development, regardless of the routes approved by the Commission;
3. The estimated cost of the Project using the Proposed Routes is \$214 million, or \$216 million with Dominion's recommended reroutes. Compared to the latter figure, Alternative Routes 1 or 2 for the proposed Butler Farm – Clover Line would add approximately \$11.4 million or \$14.6 million of cost, respectively. The Alternative Route for the proposed Butler Farm – Finneywood Line would add approximately \$19.9 million of cost;
4. Dominion considered the feasibility of using existing right-of-way, but existing rights-of-way cannot adequately serve the identified need for the Project;
5. The Proposed Routes are shorter, less expensive, and have environmental impacts that, in general, are less than or comparable to the Application's three alternative routes;
6. The Blue Horse Center reroute is a prudent option to address many concerns, raised by members of the local community and beyond, at a relatively modest additional cost;
7. The Alvanos reroute would have a positive impact on multiple existing residences and a historic resource;
8. Most of the environmental impacts of the Jaynes-Rice/Hammond reroute would occur on the Jaynes-Rice/Hammond property. However, given the cost of this reroute and its lack of ancillary benefits, Dominion should obtain from Ms. Jaynes-Rice information to substantiate the location of her home site;
9. Edgerton reroute number one would unreasonably shift the proposed Butler Farm - Clover Line towards existing residences and remove nearly all of the forested land preserved between the proposed right-of-way and existing homes. Edgerton reroute number two is not feasible due to the vertical configuration of existing transmission infrastructure, although Dominion should evaluate in final engineering whether a slight southeastern shift on the Edgerton properties can be accommodated, if acceptable to the landowner;

10. The Proposed Routes – incorporating the Blue Horse Center and Alvanos reroutes; the Jaynes-Rice/Hammond reroute, subject to home site substantiation; and a variation of Edgerton reroute number two, if agreeable to the landowner and consistent with sound final engineering - would avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on scenic assets, historic resources, and environment of the area concerned;
11. The Route Variations would result in different impacts compared to the corresponding segment of the Proposed Routes. For example, the proximity to existing residences and the associated visual impact is a significant environmental disadvantage of the Route Variations – regardless of whether Green Acres Mobile Home Park is an environmental justice community. On the other hand, the Route Variations have an economic development advantage compared to the Proposed Routes. Based on my assessment of all the evidence in this case, Dominion's Proposed Routes are reasonable, would avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with DHR, and environment of the area concerned, and otherwise satisfy the requirements for approval under Virginia law. However, if the Commission weighs the evidence differently – for example, if the Commission assigns greater weight to economic development and/or less weight to the visual impact and proximity of the proposed lines to the Green Acres Mobile Home Park – the record could instead support approval of the Route Variations;
12. The Commission should condition any approval in this case on the recommendations of the DEQ Report except the following, which are not supported by the record:
 - a. DCR-DNH's recommendation to avoid or minimize impacts to ecological cores;
 - b. DOF's recommendation to mitigate or compensate for forest clearing;
 - c. DCR-DNH's recommendation related to the development of an invasive species management plan;
 - d. DEQ's recommendation to consider development of an effective environmental management system;
 - e. DWR's recommendation to conduct significant tree removal and ground-clearing activities outside of the primary songbird nesting season; and
 - f. DEQ's Division of Land Protection and Revitalization's ("DEQ-DLPR") recommendation to further evaluate the pollution complaint cases identified by DEQ-DLPR;
13. The Commission should also condition any approval in this case on directives for Dominion to:

- a. continue to meet with DCR-DNH regarding an invasive species management plan and report the status of such meetings in future transmission Certificate of Public Convenience and Necessity ("CPCN") filings, as previously directed by the Commission;
 - b. coordinate with DWR to: (i) adhere to requirements associated with threatened and endangered species if instream work becomes necessary; and (ii) minimize impacts to songbirds;
 - c. continue coordination with DHR in order to avoid or reasonably minimize adverse impacts to historic resources, to the greatest extent reasonably practicable; and
 - d. ensure that wells on private property are called out on the erosion and sediment control plan(s) for the Project;
14. The record supports a finding that the Project will have a minimal impact on historic resources. However, because Dominion had not obtained DHR's assessment by the close of the record, any Commission approval in this case should be conditioned on no material impact to the Project's costs due to mitigation of such impacts, if any is required by DHR; and
15. Dominion should not be prohibited from voluntarily obtaining an additional 40 feet of right-of-way along the Butler Farm - Finneywood Line, with the understanding that Dominion could not condemn for more than what is needed for the Project.¹³

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 Project, including: (a) the new 230 kV Butler Farm – Clover Line, using the Proposed Route incorporating the Blue Horse Center reroute, Alvanos reroute, and Jaynes-Rice/Hammond reroute; (b) the new 230 kV Butler Farm - Finneywood Line, using the Proposed Route incorporating the Blue Horse Center reroute, Jaynes-Rice reroute, and the variation of Edgerton reroute number 2; (c) the new 230 kV Butler Farm Station; (d) the new 500/230 kV Finneywood Station; and (e) associated infrastructure at the existing Clover Station; approves the Company's

¹³ Report at 58-59.

request for the necessary CPCNs to authorize construction of the proposed Project as specified; and dismiss the case from the Commission's docket of active cases.¹⁴

On May 19, 2023, the Company and Kess Realty each filed separate comments on the Report. The Company stated that it supported the findings and recommendations contained therein.¹⁵ Kess Realty generally supported the findings in the report but asked that the Commission approve use of the Route Variations to minimize the impact on its proposed apartment project.¹⁶

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 CPCNs 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 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.

¹⁴ *Id.* at 59.

¹⁵ Dominion Comments at 4.

¹⁶ Kess Realty Comments at 2.

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 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 Project is needed to provide service requested by a retail electric service customer, to maintain reliable service for the overall growth in the area, and to comply with mandatory NERC Reliability Standards.¹⁷ The Commission agrees with the Hearing Examiner that Dominion has reasonably demonstrated that there is a need to construct the Project.¹⁸

Economic Development

The Commission has considered the effect of the Project on economic development in the Commonwealth and agrees with the Hearing Examiner that the evidence in this case demonstrates that the Project supports economic development, regardless of the route approved by the Commission.¹⁹

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."²⁰ The Commission must then "decide within the parameters of the statute what best serves the total public interest."²¹ After considering the alternatives and weighing the multitude of factors presented in this record, the Commission concludes that the Proposed Routes, including the

¹⁷ Ex. 2 (Application) at 2.

¹⁸ Report at 35.

¹⁹ *Id.* at 53.

²⁰ *BASF v. State Corp. Com'n*, 289 Va. 375, 395 (2015) (citations and internal quotation marks omitted).

²¹ *Id.*

reroutes recommended by the Hearing Examiner,²² satisfy the statutory requirements and best serve the total public interest.

As an initial matter, we agree with the Hearing Examiner that three alternative routes have more adverse impacts than the Proposed Routes and should not be approved.²³ For example, the alternatives are significantly more costly, longer, have a greater impact on forested lands and offer fewer collocation opportunities.²⁴

In addition to the three alternative routes, Dominion developed the Route Variations,²⁵ each 1.7 miles in length, as a routing option for both proposed lines that would avoid crossing a property over which the Proposed Routes run that is under development for the Chase City Apartment Complex, located on the south side of Highway 92, which is under development by respondent Kess Realty.²⁶ The record reflects that plans for the development include construction of ten apartment buildings, a community center, and various ancillary structures.²⁷

²² The Commission agrees with the Hearing Examiner that the Proposed Routes should be approved incorporating the Blue Horse Center and Alvanos reroutes; the Jaynes-Rice/Hammond reroute, subject to home site substantiation; and a variation of the Edgerton reroute number two, if agreeable to the landowner and consistent with sound final engineering. Report at 58. We agree with the Hearing Examiner that none of the reroutes would cause either of the Proposed Routes to be "significantly different from the route described in the notice" and therefore would not require additional notice prior to Commission approval. Report at 45 n.208 (further noting that none of the recommended reroutes would shift the Proposed Routes to property that is not already traversed by the Proposed Routes.).

²³ See, e.g., Report at 39-40.

²⁴ See, e.g., Report at 35-36.

²⁵ The Butler Farm-Finneywood Route Variation follows the same alignment as Butler Farm-Clover Route Variation for the entirety of the route. According to Dominion, if both Route Variations are selected for the Project, the centerlines of the two routes would be offset by 40 feet, with Butler Farm-Finneywood Route Variation to the west of the Butler Farm-Clover Route Variation. Ex. 2 (Application), Environmental Routing Study, Section 2.4.2.3.

²⁶ See, e.g., Report at 45-46.

²⁷ See, e.g., Report at 45. Further, the property was rezoned Residential R-2 by the Mecklenburg Board of Supervisors in March of 2022. *Id.*

The Report states one planned building is completely within 500 feet of the Butler Farm-Finneywood Proposed Route and parts of three other planned apartment buildings are within 500 feet.²⁸ Kess Realty asserts that the Proposed Routes will impair economic development by impeding its ability to attract tenants and potentially puts the development at risk.²⁹ Regarding the economic development impact, Dominion responds that it is still possible to amend the apartment plans to better accommodate the transmission lines because the apartments have not yet been built.³⁰

The Route Variation for the Butler Farm-Finneywood Line would add 20 more single-family residences to the total number of residences within 500 feet of the centerline, increasing the total from 15 to 35.³¹ The Route Variation for the Butler Farm-Clover Line would add 23 more single-family residences to this count, increasing the total of single-family residences within 500 feet of the centerline from 17 to 40.³² The record reflects that the nearest home in the Green Acres Mobile Home Park, an environmental justice community,³³ would be 75 feet from the edge of the right-of-way for the Route Variations, which is 135 feet from the

²⁸ See, e.g., Report at 51. One additional planned building on the complex is also within 500 feet of the proposed line, which appears to be a clubhouse. *Id.*

²⁹ See, e.g., Report at 53 n. 252 (citing Kess Realty's Post-Hearing Brief at 6-9).

³⁰ See, e.g., Dominion's Post-Hearing Brief at 20.

³¹ See, e.g., Report at 49.

³² See *id.* These incremental increases for the Route Variations involve many of the same residences, as the proposed lines would be collocated in this area. *Id.*

³³ According to Dominion, Green Acres Mobile Home Park has 84 existing residences and is defined as an environmental justice community for populations of color, low income, and less than high school education. Tr. at 89 (Teichert).

centerline.³⁴ Of the homes along the Route Variations that are not in the Green Acres Mobile Home Park, the closest is approximately 150 feet west of the centerline.³⁵

We agree with the Hearing Examiner that the Proposed Routes largely avoid existing residences and offer greater separation from potential residences at the planned Chase City Apartment Complex than the Route Variations offer existing residences.³⁶ In addition, the Butler Farm-Clover Route Variation would require clearing of more forested lands than the Proposed Route and would have a greater impact on higher value forested wetlands than the Proposed Route.³⁷ The Butler Farm-Clover Route Variation would also cross Highway 92 in an area of heavy commercial development and be located adjacent to several commercial businesses.³⁸

In summary, we have carefully considered and weighed the impact of selecting the Proposed Routes on, among other things, the planned Chase City Apartment Complex, but find that the adverse impacts are comparatively less than the adverse impacts of the Route Variations, including the adverse impact on existing residences, including an environmental justice community; on commercial development; and on the environment. No single factor was dispositive in our analysis. Based on the foregoing, the Commission concludes that the Proposed Routes best meet the statutory requirements and best serve the total public interest.

³⁴ See, e.g., Report at 52.

³⁵ *Id.*

³⁶ Report at 53.

³⁷ Ex. 19 (Teichert Rebuttal) at 8; Ex. 2 (Application), Environmental Routing Study, Section 6.3.1.

³⁸ Ex. 19 (Teichert Rebuttal) at 8.

Finally, we find that the record in this case indicates that no Company-owned right-of-way can accommodate the Project.³⁹ Consistent with our rulings in prior cases, we will not prohibit the Company from voluntarily obtaining an additional 40 feet of right-of-way for the entirety of the Butler Farm – Finneywood Clover Line and for the segment of the corridor where the Butler Farm – Clover Line and the Butler Farm – Finneywood Line collocate to accommodate installation of a potential third circuit in the same corridor in the future.⁴⁰ However, the Company shall not exercise the right to condemnation for this additional 40 feet of right-of-way.

Impact on Scenic Assets and Historic Districts

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 addressing the environmental impact of the line.⁴¹ Because Dominion has not obtained DHR's assessment by the close of the record, the Hearing Examiner recommended any Commission approval in this case should be conditioned on no material impact to the Project's costs due to mitigation of such impacts, if any is required by DHR.⁴² We agree.⁴³

³⁹ See, e.g., Report at 55.

⁴⁰ See, e.g., Ex. 2 (Application) at 3 n.3; Report at 56-57; *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).

⁴¹ Report at 59.

⁴² *Id.*

⁴³ Dominion states in its comments on the Hearing Examiner's Report that "[i]n a letter dated May 12, 2023 sent to the Company, DCR [sic] concurred with the Company that there will be no more than a minimal impact on any of

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.⁴⁴

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.⁴⁵ The Company disagreed with six of those recommendations and offered clarifications to two other recommendations.⁴⁶ First, the Company requests that the Commission reject DEQ-DLPR's recommendation that further evaluation of pollution complaint cases identified by DEQ-DLPR is warranted,⁴⁷ as such evaluation has already occurred.⁴⁸ The Commission agrees with the Hearing Examiner that further evaluation of the two petroleum release sites is unnecessary based on Dominion's representation that such evaluation has already occurred.⁴⁹

the identified resources from the Project. As such, the Company does not anticipate additional costs related to mitigation regarding historic resources." Dominion Comments at 6.

⁴⁴ Code § 56-46.1 A.

⁴⁵ Ex. 15 (DEQ Report) at 8-10, 15-16, 18-21, 23-24, and 26-28.

⁴⁶ Ex. 16 (Young Rebuttal) at 4.

⁴⁷ Ex. 15 (DEQ Report) at 15.

⁴⁸ Ex. 16 (Young Rebuttal) at 4-5.

⁴⁹ See, Report at 56.

Next, the Company requests that the Commission reject (1) the recommendation by DCR-DNH to avoid or minimize impacts to ecological cores; (2) the recommendation by DOF to mitigate or compensate for forest clearing; (3) the recommendation by DCR-DNH related to the development of an invasive species management plan and (4) the recommendation by DEQ to consider development of an effective environmental management system.⁵⁰ Dominion noted that the Commission has previously rejected similar recommendations in previous cases.⁵¹ The Commission agrees with the Hearing Examiner that the record herein supports the same result in this case and declines to adopt these recommendations from the DEQ Report, although we direct Dominion to continue to meet with DCR, as previously directed by the Commission, and report the status of such meetings in future transmission CPCN filings.⁵²

Finally, the Company requests that the Commission reject DWR's recommendation that the Company conduct significant tree removal and ground clearing activities outside of the primary songbird nesting season of March 15 through August 15.⁵³ The Company states that it strongly opposes this time of year restriction ("TOYR") for this Project.⁵⁴ Dominion says that it actively tries to minimize impacts to forested habitat that is utilized for songbird nesting and complete work outside of the TOYR. The Company further states that it plans to actively push to obtain all permits and begin construction of the Project upon the Commission's decision in this

⁵⁰ Ex. 15 (DEQ Report) at 6, 18, 18-19 and 22-24.

⁵¹ Ex. 16 (Young Rebuttal) at 8, 12-13.

⁵² *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 10-11 (Aug. 31, 2022).

⁵³ Ex. 15 (DEQ Report) at 26.

⁵⁴ Ex. 16 (Young Rebuttal) at 14.

proceeding. As the construction of the transmission line is going to take a minimum of one year to complete, it will necessarily overlap with this TOYR, and delay the Project's schedule by three months. Dominion concludes that, based on the schedule and timing of the Project, such a delay could jeopardize the Company's ability to meet the Customer's requested in-service date and has a high potential to increase Project costs.⁵⁵

We agree with the Hearing Examiner and decline to adopt DEQ's proposed TOYR restriction, based on the demonstrated need for the Project and its compressed construction timeline. Dominion notes that it "is committed to coordinating directly with DWR to minimize impacts to songbirds while accomplishing project needs,"⁵⁶ and the Commission directs the Company to do so.

The DEQ Report noted that the South Meherrin River has been designated a Threatened and Endangered Species Water due to the presence of the federally-listed threatened Atlantic Pigtoe; that Butcher Creek, Bluestone Creek, and several tributaries have been designated Threatened and Endangered Species Waters due to the presence of state-listed threatened Whitemouth Shiners; and that Roanoke Creek has been designated Threatened and Endangered Species Water due to the presence of state-listed threatened Carolina Darters.⁵⁷ The Company seeks clarification regarding this recommendation, stating that while it does not expect any instream work for the Project, it will coordinate with DWR and adhere to requirements associated with threatened and endangered species if instream work becomes necessary.⁵⁸

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ Ex. 15 (DEQ Report) at 25-26.

⁵⁸ Ex. 16 (Young Rebuttal) at 15.

The Commission accepts Dominion's clarification and directs the Company to coordinate with DWR and adhere to the requirements associated with the Threatened and Endangered Species through the permitting process.⁵⁹

The DEQ Report further recommended that the Company field mark water wells within a 1,000-foot radius of the Project.⁶⁰ Dominion seeks to clarify that because such wells will be outside of the right-of-way, "the Company does not have the ability or right to field mark the wells on private property" ⁶¹ Dominion offers an alternative method of well protection, including plotting and calling out the wells on the Project's Erosion & Sediment Control Plan, that has been agreed to by the Virginia Department of Health, Office of Drinking Water and approved in other cases by the Commission.⁶² The Commission finds the alternative method of well protection proposed by the Company acceptable and directs that it be adopted for this Project.

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

⁵⁹ Report at 56.

⁶⁰ Ex. 15 (DEQ Report) at 21.

⁶¹ Ex. 16 (Young Rebuttal) at 15.

⁶² *Id.* at 15-16; *see, e.g., Application of Virginia Electric and Power Company For approval and certification of the Coastal Virginia Offshore Wind Commercial Project and Rider Offshore Wind, pursuant to § 56-58.1:11, §56-46.1, § 56-265.1 et seq., and § 56-585.1 A 6 of the Code of Virginia*, PUR-2021-00142, Doc. Con. Cen. No. 220820117, Final Order at 36-37 (Aug. 5, 2022) and *Application of Virginia Electric and Power Company For approval and certification of electric transmission facilities: 230 kV Lines #2113 and #2154 Transmission Line Rebuilds and Related Projects*, Case No. PUR-2021-00010, 2021 S.C.C. Ann. Rep. 384, 388, Final Order (Sept. 15, 2021).

communities."⁶³ 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."⁶⁴

The Commission agrees with the Hearing Examiner that the Company reasonably considered the requirements of the VEJA in its Application.⁶⁵ In addition, as discussed above, the Commission considered, along with the multitude of factors presented in this record, the impact of the proposed lines on the Green Acres Mobile Home Park, an environmental justice community, in connection with its routing determination herein.

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 CPCNs to Dominion:

⁶³ Code § 2.2-235.

⁶⁴ 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 RPS Proceeding for Virginia Electric and Power 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).

⁶⁵ Report at 47.

Certificate No. ET-DEV-CHA-2023-A which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Charlotte County, all as shown on the detailed map attached to the Certificate, and to construct and operate facilities as authorized in Case No. PUR-2022-00175; Certificate No. ET-DEV-CHA-2023-A cancels Certificate No. ET 72d issued to Virginia Electric and Power Company on June 16, 1994 in Case No. PUE-1992-00058.

Certificate No. ET-DEV-HAL-2023-A which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Halifax County, all as shown on the detailed map attached to the Certificate, and to construct and operate facilities as authorized in Case No. PUR-2022-00175; Certificate No. ET-DEV-HAL-2023-A cancels Certificate No. ET 84k issued to Virginia Electric and Power Company on June 16, 1994 in Case No. PUE-1992-00058.

Certificate No. ET-84k authorizing Virginia Electric and Power Company and Old Dominion Electric Cooperative to operate an electric generating facility in Halifax County, is hereby canceled and shall be reissued as Certificate No. EG-DEV/ODEC-HAL-2023-A.

Certificate No. ET-DEV-MEC-2023-A 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 detailed map attached to the Certificate, and to construct and operate facilities as authorized in Case No. PUR-2022-00175; Certificate No. ET-DEV-MEC-2023-A cancels Certificate No. ET-DEV-MEC-2022-A issued to Virginia Electric and Power Company on February 22, 2022 in Case No. PUR-2021-00137

(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@scv.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 Project approved herein must be constructed and in service by July 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.