

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 5, 2023

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APPLICATION OF

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VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2023-00203

For approval and certification of electric transmission facilities: Suffolk – Structure #246/94 230 kV Transmission Line #246 Virginia Rebuild Project

ORDER FOR NOTICE AND COMMENT

On November 14, 2023, 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 the City of Suffolk, 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 "Virginia Rebuild Project":

- Rebuild, entirely within existing right-of-way or on Company-owned property, approximately 11.9 miles of existing 230 kilovolt ("kV") Line #246 on single circuit wood structures, which runs from Structure #246/1C within the Company's existing Suffolk Substation to Structure #246/94 at the Virginia state line, and is located entirely within the City of Suffolk, Virginia; and
- Perform minor work at the existing Suffolk Substation, including upgrading circuit-breaker and line leads to 4000A and installing a new substation dead-end structure.¹

According to the Application, Dominion proposes the Virginia Rebuild Project as part of a proactive plan to replace aging infrastructure that is at the end of its service life in order to

¹ Application at 2.

comply with the Company's mandatory Planning Criteria, thereby enabling the Company to maintain the overall long-term reliability of its transmission system.²

The Company states that the proposed Virginia Rebuild Project will be constructed in existing right-of-way or on Company-owned property.³ Because no new rights-of-way are necessary, the statutory preference to use existing rights-of-way, and the additional costs and environmental impacts that would be associated with the acquisition and construction of new rights-of-way, the Company did not consider any alternative routes requiring new rights-of-way for the Virginia Rebuild Project.⁴

The Company states that the desired in-service date for the proposed Virginia Rebuild Project is December 31, 2028.⁵ The Company further states that the estimated conceptual cost of the proposed Virginia Rebuild Project (in 2023 dollars) is approximately \$38.9 million, which includes \$38.5 million for transmission-related work and \$400,000 for substátion-related work.⁶

As provided by Code § 62.1-44.15:21 D 2, the Commission and the State Water Control Board ("Board") consult on wetland impacts prior to the siting of electric utility facilities that require a certificate of public convenience and necessity. Acting on behalf of the Board, the Department of Environmental Quality ("DEQ") must prepare a Wetland Impacts Consultation on this Application, as required by the Code and Sections 2 and 3 of the Department of

² *Id.* at 3.

³ *Id.*

⁴ *Id.*

⁵ *Id.* Dominion requests that the Commission enter a final order by June 11, 2024. *Id.* at 4. The Company states that, should the Commission issue a final order by June 11, 2024, the Company estimates that construction should begin in April 2026 and be completed by the in-service target date of December 31, 2028. *Id.*

⁶ *Id.* at 5.

Environmental Quality - State Corporation Commission Memorandum of Agreement Regarding Consultation on Wetland Impacts (July 2003).⁷ The Staff of the Commission ("Staff") has requested the Office of Wetlands & Stream Protection at the DEQ to provide a Wetland Impacts Consultation for the proposed Virginia Rebuild Project.⁸

As provided by Code §§ 10.1-1186.2:1 B and 56-46.1 A, the Commission and the DEQ coordinate reviews of the environmental impact of electric generating plants and associated facilities. Pursuant to the Code and consistent with the Department of Environmental Quality – State Corporation Commission Memorandum of Agreement Regarding Coordination of Reviews of the Environmental Impacts of Proposed Electric Generating Plants and Associated Facilities (August 2002),⁹ the Commission receives and considers reports on the proposed facilities from state environmental agencies. The Staff has requested the DEQ to coordinate an environmental review of this Application by the appropriate agencies and to provide a report on the review.¹⁰

To promote administrative efficiency and timely service of filings upon participants, the Commission will, among other things, direct the electronic filing of testimony and pleadings unless they contain confidential information, and require electronic service on parties to this proceeding.

⁷ *In re Receiving comments on a draft memorandum of agreement between the State Water Control Board and the State Corporation Commission*, Case No. PUE-2003-00114, 2003 S.C.C. Ann. Rept. 474, Order Distributing Memorandum of Agreement (July 30, 2003).

⁸ Letter from Mary Beth Adams, Senior Counsel, State Corporation Commission, dated November 20, 2023, to David L. Davis, Department of Environmental Quality, filed in Case No. PUR-2023-00203.

⁹ *In re Receiving comments on a draft memorandum of agreement between the Department of Environmental Quality and the State Corporation Commission*, Case No. PUE-2002-00315, 2002 S.C.C. Ann. Rept. 559, Order Distributing Memorandum of Agreement (Aug. 14, 2002).

¹⁰ Letter from Mary Beth Adams, Senior Counsel, State Corporation Commission, dated November 20, 2023, to Bettina Rayfield, Department of Environmental Quality, filed in Case No. PUR-2023-00203.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; Dominion should provide public notice of its Application; interested persons should have an opportunity to file comments on the Application, file a notice of participation as a respondent, or request that a hearing be convened; Staff should be directed to investigate the Application and present its findings and recommendations in a report ("Staff Report"); and a Hearing Examiner should be assigned to conduct all further proceedings in this matter and file a final report.

To promote administrative efficiency and timely service of filings upon participants, the Commission will, among other things, direct the electronic filing of testimony and pleadings unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUR-2023-00203.
- (2) All pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by Rule 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice").¹¹ Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.
- (3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission directs that service on parties and Staff in this matter shall be accomplished by

¹¹ 5 VAC 5-20-10 *et seq.*

electronic means. Concerning Confidential or Extraordinarily Sensitive Information, all parties and Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or Staff is impeded from preparing its case.

(4) As provided by § 12.1-31 of the Code and Rule 5 VAC 5-20-120, *Procedure before Hearing Examiners*, of the Rules of Practice, a Hearing Examiner is appointed to conduct all further proceedings in this matter and to file a final report. A copy of each filing made with the Office of the Clerk in this matter shall also be sent electronically to the Office of the Hearing Examiners.¹²

(5) An electronic copy of the Company's Application may be obtained by submitting a written request to counsel for the Company, Andrew Flavin, Troutman Pepper Hamilton Sanders LLP, 1001 Haxall Point, Richmond Virginia, 23219, andy.flavin@troutman.com. Interested persons also may download unofficial copies from the Commission's website: scc.virginia.gov/pages/Case-Information.

(6) On or before January 5, 2024, the Company shall cause to be sent by first class mail a copy of the notice and sketch map prescribed in Ordering Paragraph (7) to all owners of property within the route of the proposed Virginia Rebuild Project, as of the date of this Order and as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance, treasurer, or other officer of the county or municipality designated as provided by Code § 58.1-3100 *et seq.*

¹² Such electronic copies shall be sent to oheparalegals@scc.virginia.gov.

(7) On or before January 5, 2024, the Company shall cause the following notice and the sketch map of the proposed route, as shown on Attachment V.A on page 269 of the Appendix to the Application, to be published as display advertising (not classified) on one (1) occasion in newspapers of general circulation in the City of Suffolk, Virginia:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
VIRGINIA ELECTRIC AND POWER COMPANY
FOR APPROVAL AND CERTIFICATION OF ELECTRIC
TRANSMISSION FACILITIES: SUFFOLK – STRUCTURE
#246/94 230 KV TRANSMISSION LINE #246
VIRGINIA REBUILD PROJECT
CASE NO. PUR-2023-00203

On November 14, 2023, 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 the City of Suffolk, 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 "Virginia Rebuild Project":

- Rebuild, entirely within existing right-of-way or on Company-owned property, approximately 11.9 miles of existing 230 kilovolt ("kV") Line #246 on single circuit wood structures, which runs from Structure #246/1C within the Company's existing Suffolk Substation to Structure #246/94 at the Virginia state line, and is located entirely within the City of Suffolk, Virginia; and
- Perform minor work at the existing Suffolk Substation, including upgrading circuit-breaker and line leads to 4000A and installing a new substation dead-end structure.

According to the Application, Dominion proposes the Virginia Rebuild Project as part of a proactive plan to replace aging infrastructure that is at the end of its service life in order to comply with the Company's mandatory Planning Criteria, thereby

enabling the Company to maintain the overall long-term reliability of its transmission system.

The Company states that the proposed Virginia Rebuild Project will be constructed in existing right-of-way or on Company-owned property. Because no new rights-of-way are necessary, the statutory preference to use existing rights-of-way, and the additional costs and environmental impacts that would be associated with the acquisition and construction of new rights-of-way, the Company did not consider any alternative routes requiring new rights-of-way for the Virginia Rebuild Project.

The Company states that the desired in-service date for the proposed Virginia Rebuild Project is December 31, 2028. The Company further states that the estimated conceptual cost of the proposed Virginia Rebuild Project (in 2023 dollars) is approximately \$38.9 million, which includes \$38.5 million for transmission-related work and \$400,000 for substation-related work.

Description of the Route

The proposed route for the Virginia Rebuild Project is located within an existing 11.9-mile right-of-way corridor currently occupied by existing 230 kV transmission Line #246. The existing transmission right-of-way for the proposed route originates at the Company's existing Suffolk Substation in the City of Suffolk and heads south for approximately four miles while sharing the right-of-way with Line #247 and then heads southwesterly for approximately 7.9 miles to reach Structure #246/94 at the Virginia state line. The entire Virginia Rebuild Project is located within the City of Suffolk. The Virginia Rebuild Project crosses one major road (Carolina Road, Route 32) and nine smaller roads.

For the proposed Virginia Rebuild Project, the minimum structure height is approximately 48.5 feet, the maximum structure height is approximately 110 feet, and the average structure height is approximately 75 feet, based on preliminary conceptual design, inclusive of a foundation reveal, and subject to change based on final engineering design.

All distances, heights, and directions are approximate. A sketch map of the proposal accompanies this notice. A more detailed map may be viewed on the Commission's website: scc.virginia.gov/pages/Transmission-Line-Projects. A more

complete description of the proposed Virginia Rebuild Project may also be found in the Company's Application.

The Commission may consider a route not significantly different from the route described in this notice without additional notice to the public.

To promote administrative efficiency and timely service of filings upon participants, the Commission has directed the electronic filing of testimony and pleadings, unless they contain confidential information, and required electronic service on parties to this proceeding. In accordance therewith, all pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"). Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.

Electronic copies of the Application and other supporting materials may be inspected at: www.dominionenergy.com/earleys. An electronic copy of the Company's Application also may be obtained by submitting a written request to counsel for the Company: Andrew Flavin, Troutman Pepper Hamilton Sanders LLP, 1001 Haxall Point, Richmond Virginia, 23219, andy.flavin@troutman.com.

On or before April 2, 2024, any interested person may submit comments on the Application by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments with the Clerk of the State Corporation Commission c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All such comments shall refer to Case No. PUR-2023-00203.

On or before March 26, 2024, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation at scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the

Commission at the address listed above. Such notice of participation shall include the email addresses of such parties or their counsel. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00203.

On or before March 26, 2024, any interested person or entity may file with the Clerk of the Commission at: scc.virginia.gov/clk/efiling, a request that the Commission convene a hearing on the Company's Application. Those unable, as a practical matter, to file a request for hearing electronically may file such request for hearing by U.S. mail to the Clerk of the Commission at the address listed above. Such request for hearing shall include the email address of the filer or its counsel, if available. Requests for hearing must include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. The interested person shall simultaneously serve a copy of the hearing request on counsel to the Company at the address set forth above. All requests for a hearing shall refer to Case No. PUR-2023-00203.

Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified by the Commission's Order for Notice and Comment, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

The Company's Application and other documents filed in this case, the Commission's Rules of Practice, and the Commission's Order for Notice and Comment may be viewed on the Commission's website at: scc.virginia.gov/pages/Case-Information.

VIRGINIA ELECTRIC AND POWER COMPANY

(8) On or before January 5, 2024, the Company shall serve a copy of this Order for Notice and Comment on the following local officials, to the extent the position exists, in each county, city, and town through which the Virginia Rebuild Project is proposed to be built: the chairman of the board of supervisors of each county; the mayor or manager (or equivalent official) of every city and town; and the county, city, or town attorney. Service shall be made electronically where possible; if electronic service is not possible, service shall be made by either personal delivery or first-class mail to the customary place of business or residence of the person served.

(9) On or before January 19, 2024, the Company shall file proof of the notice and service required by Ordering Paragraphs (7) and (8), including the name, title, address, and electronic mail address (if applicable) of each official served, with the Clerk of the Commission, at scc.virginia.gov/clk/efiling/.

(10) On or before January 19, 2024, the Company shall file with the Clerk of the Commission a certificate of the mailing of notice to owners of property prescribed by Ordering Paragraph (6). The certificate shall not include the names and addresses of the owners of property served, but the Company shall maintain a record of such information.

(11) On or before April 2, 2024, any interested person may file comments on the Application by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to file comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2023-00203.

(12) On or before March 26, 2024, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation at scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed in Ordering Paragraph (11). Such notice of participation shall include the email addresses of such parties or their counsel. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2023-00203.

(13) Within five (5) business days of receipt of a notice of participation as a respondent, the Company shall serve a copy of the Application on the respondent, unless these materials already have been provided to the respondent.

(14) On or before March 26, 2024, any interested person or entity may file with the Clerk of the Commission at: scc.virginia.gov/clk/efiling, a request that the Commission convene a hearing on the Company's Application. Those unable, as a practical matter, to file a request for hearing electronically may file such request for hearing by U.S. mail to the Clerk of the Commission at the address in Ordering Paragraph (11). Such request for hearing shall include the email address of the filer or its counsel, if available. Requests for hearing must include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific

action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. A copy of such hearing request shall simultaneously be served on counsel to the Company at the address set forth in Ordering Paragraph (5). All requests for a hearing shall refer to Case No. PUR-2023-00203.

(15) On or before April 2, 2024, Dominion shall file with the Clerk of the Commission its response to any request for hearing filed in this matter. The Company shall serve a copy of such response on Staff, any respondents, and the interested person or entity requesting a hearing.

(16) On or before April 9, 2024, Staff shall investigate the Application and file with the Clerk of the Commission a Staff Report containing its findings and recommendations. A copy thereof shall be served on counsel to the Company and all respondents.

(17) On or before April 16, 2024, Dominion shall file with the Clerk of the Commission and serve on the Staff and any respondents any response in rebuttal to the Staff Report and any comments filed by interested persons or entities, including DEQ, in this proceeding. The Company shall serve a copy of its rebuttal testimony and exhibits on Staff and all respondents.

(18) Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(19) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the

service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to Staff.¹³ Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(20) This matter is continued.

Commissioner James C. Dimitri 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.

¹³ The assigned Staff attorney is identified on the Commission's website, scc.virginia.gov/pages/Case-Information, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2023-00203 in the appropriate box.