

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2023-00088

For approval and certification of electric transmission  
facilities: 230 kV Finneywood-Jeffress Lines  
and Jeffress Switching Station Conversion

REPORT OF A. ANN BERKEBILE, SENIOR HEARING EXAMINER

November 8, 2023

This case involves the request of Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or "Company") for the approval of transmission line facilities in Mecklenburg County, Virginia. The record of this case supports the approval of the Company's proposal as revised during the course of this proceeding and subject to certain conditions.

HISTORY OF THE CASE

On May 24, 2023, Dominion filed with the State Corporation Commission ("Commission") an application ("Application") for approval and certification of electric transmission facilities in Mecklenburg County, Virginia.<sup>1</sup> Dominion filed its Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, § 56-265.1 *et seq.* of the Code.

On July 12, 2023, the Commission issued an Order for Notice and Hearing ("Procedural Order") wherein, among other things, the Commission: (i) docketed the Application; (ii) required the Company to provide notice of the Application;<sup>2</sup> (iii) established a schedule for the filing of notices of participation, prefiled testimony and written comments; (iv) scheduled a public hearing for October 18, 2023, with public witness testimony being received telephonically at the commencement of the hearing and with the remainder of the hearing commencing in the Commission's courtroom following any public witness testimony; and (v) assigned this case to a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission.

On July 13, 2023, a Ruling was entered granting the Company's request for Sarah B. Nielson, Esquire, to appear *pro hac vice* in this case on the Company's behalf.

On August 29, 2023, the Company filed a Motion for Entry of Protective Ruling and on August 30, 2023, a Protective Ruling was entered establishing procedures for the protection of confidential information in this case.

Lauren D. Johnson filed a notice of participation on September 11, 2023.

<sup>1</sup> See Application at 1. A copy of the Application with attachments was accepted into the record as an exhibit ("Ex.") in this case. See Ex. 3.

<sup>2</sup> Dominion's proof of notice and publication was accepted into the record as Ex. 2.

*Written Comments*

**Joseph A. Pastore** submitted a written comment wherein he opposed Dominion's two alternative routes 3 and 5 ("Alternative Routes" 3 and 5) for the transmission line component of the Project; maintained Alternative Routes 3 and 5 would negatively impact his property; and supported the Company's Proposed Route/Route 4.

**Arthur Cohen** submitted a written comment wherein he opposed Alternative Route 3 but supported the Company's Proposed Route/Route 4. Among other things, he noted that the Proposed Route impacts the fewest number of residences and recognized the Proposed Route primarily consists of timberland.

**William I. McBride** submitted a written comment opposing the rerouting of the Company's Proposed Route to cross his property. Among other things, he noted that Dominion previously modified its Proposed Route to avoid his property in response to his development plans. He also highlighted impacts to several other parcels that he owns resulting from other Company transmission projects. Mr. McBride supported the Proposed Route/Route 4 as submitted with the Application and indicated that he planned to testify as a public witness in this case.

*Hearing*

The hearing was convened on October 18, 2023, as scheduled, in the Commission's courtroom. Vishwa B. Link, Esquire; Anne Hampton Haynes, Esquire; and Annie C. Larson, Esquire; appeared on behalf of Dominion. Matthew T. Gooch, Esquire, appeared on behalf of Lauren D. Johnson. Kati K. Dean, Esquire; and Arlen K. Bolstad, Esquire; appeared on behalf of the Staff of the Commission ("Staff").

**SUMMARY OF THE RECORD**

*Application*

Through its Application, the Company proposed to complete the following activities (collectively, the "Project"):<sup>3</sup>

- Construct two new approximately 18.3-mile 230 kilovolt ("kV") single circuit lines on new right-of-way from the future 500-230 kV Finneywood Switching Station (the "Finneywood Station")<sup>4</sup> to the newly converted Jeffress 230 kV Switching Station, resulting in 230 kV Finneywood-Jeffress Line #2299 and 230 kV Finneywood-Jeffress Line #2302 (the "Finneywood-Jeffress Lines"). The

<sup>3</sup> Ex. 3 (Application), at 2-3.

<sup>4</sup> The Commission approved the construction of the Finneywood Station on May 31, 2023. See *Application of Virginia Electric and Power Company, 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*, Case No. PUR-2022-00175, Final Order (May 31, 2023).

Finneywood-Jeffress Lines will be constructed on new permanent 120-foot-wide right-of-way supported primarily by two side-by-side single circuit weathering steel monopoles. The Finneywood-Jeffress Lines will be constructed utilizing three-phase twin-bundled 768.2 ACSS/TW type conductor with a summer transfer capability of 1,573 MVA.

- Convert the Company's future Jeffress 115 kV Switching Station ("Jeffress 115 kV Station") located adjacent to Occoneechee State Park south of Highway 58 near Clarksville, Virginia, in Mecklenburg County to 230 kV operation ("Jeffress 230 kV Station").
- Perform minor station-related work at the future Finneywood Station to terminate the new Finneywood-Jeffress Lines.

According to the Application, Dominion proposed the Project, at the request of Old Dominion Electric Cooperative ("ODEC"),<sup>5</sup> to: (i) provide service to a Mecklenburg Electric Cooperative's ("MEC") delivery point ("DP") so that MEC can provide service to one of its data center customers in Mecklenburg County, Virginia ("Lakeside Campus"); (ii) maintain reliable service for the overall load growth in the area; and (iii) comply with mandatory North American Electric Reliability Corporation ("NERC") Reliability Standards for transmission facilities and the Company's mandatory planning criteria.<sup>6</sup>

Dominion represented in the Application that MEC's DP request projects a summer peak of 24 megawatts ("MW") in 2025, 30 MW in 2026, and 60 MW in 2027, with 240 MW at full build-out of the Lakeside Campus.<sup>7</sup> The Company stated that, in order to begin serving the Lakeside Campus beginning on January 1, 2025, as requested by MEC, the Lakeside DP will initially receive bridging power from the Company's future Jeffress 115 kV Station sourced by two temporary 115 kV single circuit transmission lines.<sup>8</sup> However, the Company represented that the future Jeffress 115 kV Station cannot serve the full build-out power capacity required by the Lakeside Campus; accordingly, the 230 kV Finneywood-Jeffress Lines and Jeffress 230 kV Station conversion are required to serve the full build out at the Lakeside Campus.<sup>9</sup>

As indicated in the Application, Dominion identified an approximately 18.3-mile overhead preferred route for the Finneywood-Jeffress Lines, Route 4, as its Proposed Route, as well as two overhead Alternative Routes, Alternative Routes 3 and 5, all of which the Company proposed for Commission consideration and notice.<sup>10</sup> The Company indicated the Proposed

<sup>5</sup> The Company stated that, while the request was submitted by ODEC on behalf of MEC, the Company refers to the request as MEC's DP request, as MEC is the Company's customer requiring this Project to provide service to MEC's Lakeside DP to serve MEC's customer's data center campus. Ex. 3 (Application), at 2, n.1.

<sup>6</sup> *Id.* at 2, 3.

<sup>7</sup> *Id.* at 4.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* As reflected below, the Company ultimately supported a modified version of the Proposed Route – that is, the Proposed Route with McBride/Johnson Segment – as its preferred route in this case. *See, e.g.*, Tr. (Link) at 12, 59. Respondent Johnson accepted this proposal and Staff did not oppose it. Tr. at 146 (Gooch) and 129 (Dean).

Route is the shortest of the routes and would require correspondingly less right-of-way acreage.<sup>11</sup> Dominion further stated that, while the Proposed Route would require the most clearing of forested land (out of the three routes presented), it has the fewest parcels crossed, agricultural impacts, wetlands crossed, and waterbodies crossed when compared to the Alternative Routes.<sup>12</sup> Dominion also represented the Proposed Route would have the fewest residences within 500 feet of the centerline (14 residences) compared to Alternative Route 3 (22 residences) and Alternative Route 5 (27 residences).<sup>13</sup> In addition, Dominion indicated the Proposed Route has the least number of road crossings at 12, thereby limiting the visual impacts to commuters and through travelers in the Project area.<sup>14</sup> The Company represented that, for these reasons, Dominion selected the Proposed Route.<sup>15</sup>

Dominion indicated that the switching station equipment used to interconnect the future Jeffress 115 kV Station with the existing transmission system will be the same as the 230 kV switching station equipment necessary for the conversion of the Jeffress Station to 230 kV.<sup>16</sup> Accordingly, the Company explained that the converted Jeffress 230 kV Station will reuse the initially constructed future Jeffress 115 kV Station equipment with the 230 kV breaker in a half bus arrangement.<sup>17</sup> The Company stated that the conversion of the Jeffress 115 kV Station to 230 kV will not require any additional acreage.<sup>18</sup>

The Company represented that the in-service target date for the proposed Project is July 1, 2026.<sup>19</sup>

The Company indicated the estimated conceptual cost of the Project (in 2023 dollars) utilizing the Proposed Route is approximately \$134.7 million, which includes approximately \$123.0 million for transmission-related work and approximately \$11.7 million for substation-related work.<sup>20</sup>

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<sup>11</sup> Ex. 3 (Application), at 4.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 4-5.

<sup>15</sup> *Id.* at 5.

<sup>16</sup> *Id.*

<sup>17</sup> *Id.* The Company stated that the conversion will require the installation of an additional 24 arresters, ten 230 kV 4000 ampere ("A") breakers, and twenty 230 kV 4000 A switches, and the Jeffress 230 kV Station will be designed to provide six 230 kV feeds to serve MEC's Lakeside DP. *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.* Dominion requested that the Commission enter a final order by January 15, 2024. *Id.* The Company represented that, should the Commission issue a final order by January 15, 2024, the Company estimates construction should begin around January 2025 and be completed by July 1, 2026. *Id.* Dominion noted that its schedule is contingent on several items, and acknowledged it is actively monitoring the regulatory changes and requirements associated with the Northern long-eared bat and how such changes could potentially impact construction timing associated with time-of-year restrictions. *Id.* at 5-6. Dominion further represented that it is monitoring potential regulatory changes associated with the potential up-listing of the Tri-colored bat to endangered. *Id.* at 6.

<sup>20</sup> *Id.* at 6.

*Public Witnesses*

**Mr. McBride**, who also filed a written comment, testified in opposition to the Proposed Route with the McBride/Johnson Segment (which he referred to as the orange line), proffered by the Company at the hearing, because the route crosses one of the parcels that he intends to develop.<sup>21</sup> Among other things, Mr. McBride expressed concern that the associated right-of-way would hinder access to the impacted lot, prevent a future landowner from building a fence or driveway, and would otherwise impede the lot's sale or development.<sup>22</sup> He also noted that he owns other property recently impacted by various Company transmission line plans.<sup>23</sup> He supported further adjusting the Proposed Route to move it off of his land.<sup>24</sup> Additionally, in response to questioning by counsel for Respondent Johnson, Mr. McBride acknowledged he did not obtain a preliminary site plan associated with his development plans until after the Application was filed and agreed that he has not consulted with the County or conducted a percolation test relative to his development plans.<sup>25</sup> Finally, while he continued to oppose a route crossing his property, Mr. McBride indicated he prefers the Proposed Route with the McBride/Johnson Segment (which he referred to as the orange line) to the Proposed Route with the Johnson Segment (which he referred to as the blue line).<sup>26</sup>

**Dr. Pastore**, who also filed a written comment, testified in support of the Company's Proposed Route/Route 4 and in opposition to the Alternative Routes 3 and 5.<sup>27</sup>

*Dominion's Direct Testimony*

Dominion submitted the direct testimony of **Kunal S. Amare**, an Engineer III in the Company's Electric Transmission Planning Department; **Chloe A. Genova**, an Engineering Technical Specialist II in the Company's Electric Transmission Line Engineering Department; **Mohammad M. Othman**, an Engineer III in the Substation Engineering section of Dominion's Electric Transmission group; **Chuck H. Weil**, an Electric Transmission Local Permitting Consultant for the Company; and **Matt L. Teichert**, a Principal Consultant with Environmental Resource Management ("ERM").

**Mr. Amare** explained that the Company proposed the Project in response to a request from ODEC to provide service to MEC's DP so MEC can provide service to one of its customers in Mecklenburg, County; to maintain reliable service for the overall growth in the area; and to comply with NERC Reliability Standards.<sup>28</sup> He also identified the components of the Project.<sup>29</sup> Furthermore, he provided background on Dominion's electric transmission system and

<sup>21</sup> Tr. (McBride), at 13-15. See also Ex. 17 (McBride Preliminary Development Layout from Crutchfield).

<sup>22</sup> Tr. (McBride), at 15, 32-33, 42-43.

<sup>23</sup> *Id.* at 16-17.

<sup>24</sup> *Id.* at 15.

<sup>25</sup> *Id.* at 33-35, 39.

<sup>26</sup> *Id.* at 30.

<sup>27</sup> Tr. (Pastore), at 51-53. At the Public Witness Hearing, Dr. Pastore stated he was a retired physician; therefore, this Report refers to him as Dr. Pastore.

<sup>28</sup> Ex. 4 (Amare Direct), at 1.

<sup>29</sup> *Id.* at 1-2.

sponsored and co-sponsored portions of the Company's Appendix relating to Dominion's transmission system and the need for, and benefits of, the Project.<sup>30</sup>

**Ms. Genova** addressed the design characteristics of the transmission facility components of the Project and associated electric and magnetic field ("EMF") levels.<sup>31</sup> In addition, she sponsored and co-sponsored sections of the Company's Appendix providing an overview of the design characteristics of the transmission facilities for the proposed Project and discussing EMF levels.<sup>32</sup>

**Mr. Othman** addressed the station work to be performed in connection with the Project.<sup>33</sup> He also sponsored and co-sponsored sections of the Company's Appendix describing the station work involved in the Project.<sup>34</sup>

**Mr. Weil** supported sections of the Company's Appendix addressing the route and permitting for the Project.<sup>35</sup> He also co-sponsored the Company's Department of Environmental Quality ("DEQ") Supplement with Company witness Teichert.<sup>36</sup> Furthermore, Mr. Weil confirmed that in accordance with § 15.2-2202 E of the Code, a letter dated April 20, 2023, was delivered to Mecklenburg's County Administrator advising Mecklenburg County of Dominion's intention to file the Application and inviting the County to consult with the Company regarding the Project.<sup>37</sup>

**Mr. Teichert**, Dominion's routing consultant, explained that the Company engaged ERM to assist in the identification and evaluation of routing alternatives associated with the Project.<sup>38</sup> He identified and sponsored the Environmental Routing Study completed in connection with the Project and included with the Application.<sup>39</sup> In addition, he co-sponsored with other Company witnesses sections of the Company's Appendix relating to routing.<sup>40</sup> Furthermore, he co-sponsored the DEQ Supplement with Company witness Weil.<sup>41</sup>

<sup>30</sup> *Id.* at 2. Specifically, Mr. Amare sponsored Sections I.B, I.C, I.D, I.E, I.G, I.H, I.J, I.K, I.M, I.N, II.A.3 and II.A.10 of the Company's Appendix, and co-sponsored with other Company witnesses the Executive Summary and Sections I.A and I.L of the Company's Appendix.

<sup>31</sup> Ex. 5 (Genova Direct), at 2.

<sup>32</sup> *Id.* Specifically, Ms. Genova sponsored Sections I.F, II.A.5, II.B.1, II.B.2, and IV and co-sponsored with other Company witnesses the Executive Summary and Sections I.A, I.I, I.L, II.B.3, II.B.4, II.B.5, II.B.6, and V.A of the Company's Appendix.

<sup>33</sup> Ex. 6 (Othman Direct), at 2.

<sup>34</sup> *Id.* Specifically, Mr. Othman sponsored Section II.C and co-sponsored with other Company witnesses the Executive Summary and Sections I.A and I.I of the Company's Appendix.

<sup>35</sup> Ex. 7 (Weil Direct), at 2. Specifically, Mr. Weil sponsored Sections II.A.12, V.B, V.C, and V.D and co-sponsored with other Company witnesses the Executive Summary and Sections I.A.1, II.A.2, II.A.4, II.A.6, II.A.7, II.A.8, II.A.9, II.A.11, II.B.3, II.B.4, II.B.5, II.B.6, III, and V.A of the Company's Appendix.

<sup>36</sup> Ex. 7 (Weil Direct), at 2.

<sup>37</sup> *Id.* at 2-3.

<sup>38</sup> Ex. 8 (Teichert Direct), at 4.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* Specifically, Mr. Teichert co-sponsored with other Company witnesses the Executive Summary and Sections I.A, II.A.1, II.A.2, II.A.4, II.A.6, II.A.7, II.A.8, II.A.9, II.A.11, II.B.6, III, and V.A of the Company's Appendix.

<sup>41</sup> Ex. 8 (Teichert Direct), at 5.

*Respondent's Testimony*

Lauren D. Johnson presented the testimony of **Brent Johnson**.

**Mr. Johnson** explained that the Respondent is his wife. According to Mr. Johnson, the Respondent owns a 62.5-acre parcel of land in Mecklenburg County which he and his wife have subdivided with the intention of developing it into eight separate five-acre family home sites. He provided an overview of the steps he and his wife have taken to facilitate their development plans, including commissioning a survey in the summer of 2022, commissioning a percolation test on March 15, 2023 (results received on May 15, 2023); and recording a deed from the co-owners of impacted parcel (Parcel A) to his wife. Mr. Johnson then summarized the experience he and his wife have with real estate development and explained how they identified a need for single-family homes in the area.<sup>42</sup>

Mr. Johnson testified that he and his wife first learned the Company's Proposed Route would cross their property in August 2023. He testified they were surprised about the location of the Proposed Route because when they previously reviewed associated materials/maps that were presented to the Mecklenburg County Board of Supervisors on December 1, 2022, and on May 8, 2023, none of the potential routes crossed the Respondent's property.<sup>43</sup> Mr. Johnson stated Dominion did not advise them of the Company's intention to file a Proposed Route with the Commission that crossed their property, despite Dominion's prior indication on May 8, 2023, that the Project would not cross their property. Furthermore, Mr. Johnson testified that the Company denied having the Respondent's contact information when asked why Dominion did not notify the Respondent of the routing change. He also represented that Dominion told him the Mecklenburg County Board of Supervisors was not advised of the routing change before the Proposed Route was submitted to the Commission. Additionally, Mr. Johnson described a meeting with Dominion on September 21, 2023, wherein the possibility of a further routing modification was discussed and he understood the Company may propose routing modifications in its rebuttal testimony to address the Respondent's concerns.<sup>44</sup>

*Staff's Testimony/Report*

The Staff presented the testimony of **Yousuf Malik**, a Utilities Engineer with the Commission's Division of Public Utility Regulation.

**Mr. Malik**, sponsored the Staff Report evaluating the Project.<sup>45</sup>

The Staff Report provided a detailed overview of the Project, including: (1) a description of the existing transmission facilities in the Project area;<sup>46</sup> (2) a summary of the Company's need

<sup>42</sup> Ex. 9 (B. Johnson Direct), at 2-5.

<sup>43</sup> *Id.* at 5-6.

<sup>44</sup> *Id.* at 6.

<sup>45</sup> Ex. 12 (Malik Direct and Staff Report) (although this exhibit includes both sponsoring testimony and the Staff Report, the page cites identified herein refer to pages in the Staff Report).

<sup>46</sup> *Id.* at 2-3.

for the Project;<sup>47</sup> (3) Staff's analysis of the need for the Project;<sup>48</sup> (4) a detailed description of the Project and its components including routing descriptions;<sup>49</sup> (5) identification of the proposed construction schedule;<sup>50</sup> (6) a discussion of the Project's estimated costs, 100% of which are cost allocated to the DOM Zone;<sup>51</sup> (7) a discussion of environmental, scenic, and historic impacts relating to the Project;<sup>52</sup> (8) a discussion of the transmission alternatives to the Project identified by the Company;<sup>53</sup> (9) identification of economic development considerations;<sup>54</sup> (10) a discussion of the coordinated environmental review;<sup>55</sup> (11) a discussion of the wetlands impact consultation;<sup>56</sup> (12) a discussion of environmental justice ("EJ") considerations;<sup>57</sup> and (13) Staff's conclusions and recommendations regarding the Project.<sup>58</sup>

Among other things, the Staff Report reflects Staff's agreement with the Company's assessment of the need for the Project to provide electric service to MEC's Lakeside DP for MEC to serve a data center customer's Lakeside Campus.<sup>59</sup> Staff verified the power flow models provided by Dominion and confirmed various violations are projected to occur on the Company's system absent the Project.<sup>60</sup> Staff also agreed with Dominion's assessment that its projected load reduction from demand side management ("DSM") does not eliminate the need for the Project.<sup>61</sup>

Regarding routing, Staff acknowledged all three of the routes proposed by the Company are viable for the Project. However, because the Proposed Route/Route 4 is the shortest, least costly, and generally has the lowest environmental impacts, Staff did not dispute Dominion's conclusion that the Proposed Route is the preferred route for the Project.<sup>62</sup>

Finally, Staff offered the following conclusions and recommendations regarding the Project:<sup>63</sup>

After investigating the Application, Staff concludes that the Company has reasonably demonstrated the need to construct the Project in order to provide reliable service to the Lakeside Campus.

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<sup>47</sup> *Id.* at 3-6.

<sup>48</sup> *Id.* at 6.

<sup>49</sup> *Id.* at 6-11.

<sup>50</sup> *Id.* at 11.

<sup>51</sup> *Id.* at 11-12.

<sup>52</sup> *Id.* at 12-15.

<sup>53</sup> *Id.* at 16.

<sup>54</sup> *Id.* at 17.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at 17-19.

<sup>58</sup> *Id.* at 19.

<sup>59</sup> *Id.* at 6.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.* at 15.

<sup>63</sup> *Id.* at 19.



Additionally, Staff has reviewed the information provided by the Company for the Finneywood-Jeffries 230 kV Lines and concludes Proposed Route 4 is the preferred option for the Project. This route is the least costly and avoids or reasonably minimize impacts to environmental, historic, and scenic resources.... Staff [also] concludes that the Company's Application does not appear to impact adversely any goal established by the [Virginia Environmental Justice Act]. Accordingly, Staff does not oppose the Company's request for a CPCN for construction and operation of the proposed Project.

### *The DEQ Report*

DEQ coordinated a review of the Project by a number of governmental agencies and prepared the DEQ Report filed with the Commission on August 3, 2023.<sup>64</sup> DEQ indicated that the following entities joined in the review:<sup>65</sup>

DEQ;  
 Department of Conservation and Recreation ("DCR");  
 Department of Health ("VDH");  
 Department of Historic Resources ("DHR");  
 Department of Aviation; and  
 Virginia Department of Transportation.

In response to DEQ's request for comments, the Virginia Marine Resources Commission ("VMRC") also submitted a letter dated August 4, 2023 (provided separately from the DEQ Report), wherein it concluded the Project is within VMRC jurisdictional areas and, thus, may require a permit from VMRC.<sup>66</sup> Furthermore, although the Department of Wildlife Resources ("DWR"), Virginia Outdoors Foundation, Department of Agriculture and Consumer Services, Department of Forestry, Southside Planning District Commission, and Mecklenburg County were invited to provide comments on the Project, comments from these entities were not included with the DEQ Report.<sup>67</sup>

At the commencement of the DEQ Report, DEQ listed the permits or approvals that "are likely to be necessary" for the Project.<sup>68</sup> In addition, DEQ made various recommendations associated with the Project "[b]ased on the information and analysis submitted by reviewing agencies...."<sup>69</sup> Specifically, DEQ recommended the Company engage in the following activities ("Summary of Findings and Recommendations") relative to the Project:<sup>70</sup>

- Follow DEQ's recommendations for construction activities to avoid and minimize impacts to wetlands to the maximum extent possible;

<sup>64</sup> Ex. 10 (DEQ Report). The DEQ Report includes a four-page letter dated May 8, 2023, constituting the Wetlands Impact Consultation.

<sup>65</sup> *Id.* at 1.

<sup>66</sup> Ex. 11 (VMRC Letter).

<sup>67</sup> Ex. 10 (DEQ Report), at 1.

<sup>68</sup> *Id.* at 2-5.

<sup>69</sup> *Id.* at 5-6.

<sup>70</sup> *Id.*

- Follow DEQ's recommendations regarding air quality protection, as applicable;
- Reduce solid waste at the source, reuse and recycle it to the maximum extent practicable, as applicable;
- Coordinate with DCR's Division of Natural Heritage to obtain an update on natural heritage information as needed and with questions related to its recommendations for the protection of the Eastern big-eared bat, the Whitemouth Shiner, ecological cores, and for invasive species management;
- Coordinate with DHR regarding the recommendation to complete and submit comprehensive cultural resources surveys, along with the recommendation to evaluate identified resources, assess potential direct/indirect impacts to eligible and listed resources and avoid/minimize/mitigate moderate to severe impacts;
- Coordinate with VDH regarding its recommendations for the protection of surface waters;
- Follow the principles and practices of pollution prevention to the maximum extent practicable; and
- Limit the use of pesticides and herbicides to the extent practicable.

*The Company's Rebuttal Testimony*

On rebuttal, Dominion submitted the testimony of **Heather M. McQuain**, Strategic Projects Advisor for the Company; **Mr. Teichert**, Principal Consultant with ERM; and **James P. Young**, an Environmental Service Electric Transmission Environmental Specialist III for the Company.

**Ms. McQuain** offered general comments in support of the conclusions and recommendations in the Staff Report (while also referencing a minor typographical error in the Staff Report and making a clarification). In addition, she explained a routing modification made by the Company in response to Respondent Johnson's concerns and introduced Dominion's other rebuttal witnesses.<sup>71</sup>

Ms. McQuain expressed appreciation for Staff's analysis of, and conclusions reached regarding, the Project. She noted the Staff Report appeared to include a typographical error regarding the date of the DEQ Report (stating December 14, 2022, when the actual date of the DEQ Report was August 3, 2023). She also clarified that while 100% of the Project's costs (correctly identified in the Staff Report as approximately \$134.7 million) will be allocated to the DOM Zone from PJM's perspective, the excess facilities portion of such costs will be collected from MEC. She also noted that a calculation of the Project's costs, excluding excess facilities charges, was included in Appendix A to the Staff Report.<sup>72</sup>

Ms. McQuain next provided an overview of Dominion's community outreach efforts relative to the Project. Among other things, she summarized the Company's efforts to respond to property owner feedback concerning routing. She maintained Respondent Johnson was included in the

<sup>71</sup> Ex. 13 (McQuain Rebuttal), at 2-3. *See also id.* at 11-12 (introduction of other Company witnesses). As explained herein, the Company subsequently modified its Proposed Route again and, by the time of the hearing, supported the Proposed Route with the McBride/Johnson Segment.

<sup>72</sup> Ex. 13 (McQuain Rebuttal), at 3-5.

list of property owners who received mailers regarding routing alternatives. She testified that Dominion was unaware of Respondent Johnson's development plans when the Application was filed, but became aware of these plans when it received an email on August 31, 2023. Additionally, Ms. McQuain described the Company's efforts to work with Respondent Johnson to lessen the Project's impacts to the Johnson property and represented that Dominion reached an agreement with Respondent Johnson regarding a routing modification. This modification includes utilization of the Proposed Route with the incorporation of a segment ("Modified Segment") described by Company witness Teichert. She specified the Proposed Route with the Modified Segment was essentially the same length as the Proposed Route (approximately 18.3 miles); would require the same number of structures with the same structure types; and did not impact the total estimated conceptual cost. Furthermore, while Ms. McQuain acknowledged that the Proposed Route with the Modified Segment would shift a portion of the route across a portion of another landowner's property (the property of Mr. McBride), she maintained at the time of preparing her rebuttal testimony that such a shift should not impact Mr. McBride's development plans as understood by the Company. Ms. McQuain also indicated the Company would notify Mr. McBride of the proposed modification.<sup>73</sup>

**Mr. Teichert** responded to the concerns raised by Respondent Johnson regarding the Proposed Route's impacts to the Johnson property and supported the Company's rebuttal proposal for the Proposed Route with the Modified Segment as a means of avoiding such impacts. Additionally, he responded to written comments submitted concerning the Project.<sup>74</sup>

Mr. Teichert provided an overview of Dominion's process initially leading the Company to align its Proposed Route/Route 4 along Respondent Johnson's property. Specifically, he explained Dominion initially configured the Proposed Route/Route 4 to traverse property owned by Mr. McBride, but not to cross property owned by Respondent Johnson. However, the Company elected to shift the Proposed Route/Route 4 onto the Johnson property before filing the Application in response to Mr. McBride's feedback. Mr. Teichert then described the Proposed Route with the Modified Segment presented by the Company on rebuttal. Among other things, he explained that the Proposed Route with Modified Segment withdrew the crossing of a segment of Respondent Johnson's property and, instead, crossed a small segment of Mr. McBride's land, located at the very south end of the parcel adjacent to Highway 92. Mr. Teichert did not believe this modification would preclude Mr. McBride's development plans, as they were understood by the Company, and opined that the rebuttal proposal constituted a reasonable compromise minimizing impacts to property owned by both Respondent Johnson and by Mr. McBride. Additionally, he explained his assessment that the Proposed Route with the Modified Segment compared favorably to the other Alternative Routes presented in this case and maintained there are no notice issues associated with the Modified Segment because it was located entirely on property owned by Respondent Johnson and Mr. McBride, both of whom received proper legal notice of the Project. Furthermore, Mr. Teichert noted that Mr. McBride

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<sup>73</sup> *Id.* at 5-11. As reflected by Mr. McBride's participation as a public witness, he was aware of both the Proposed Route with Modified Segment and the Proposed Route with McBride/Johnson Segment (which was ultimately presented by the Company as its preferred route and accepted by Respondent Johnson).

<sup>74</sup> Ex. 15 (Teichert Rebuttal), at 3-4.

filed a written comment in this case, thereby reflecting Mr. McBride’s knowledge of a potential routing modification impacting his property.<sup>75</sup>

Mr. Teichert also described written comments submitted by Dr. Pastore and Mr. Cohen supporting the Proposed Route/Route 4 over Alternative Routes 3 and 5 for the Project and emphasized that property owned by Dr. Pastore and Mr. Cohen was not impacted by Dominion’s proposed modification to its Proposed Route/Route 4.<sup>76</sup>

At the hearing, Mr. Teichert clarified that Dominion now supported a modification to the Proposed Route differing from the version he sponsored in his rebuttal testimony.<sup>77</sup> Additionally, he identified a map reflecting the names of property owners in the vicinity of the Proposed Route (also depicting a version of the route predating the Application and the Modified Segment). Specifically, this map identified Mr. McBride, Respondent Johnson, Belvedere Timber, LLC. (“Belvedere Timber”), and Daniel May. He testified that Belvedere Timber and Mr. May were provided with legal notice of the Application but have not interacted with the Company regarding routing. He also represented that the Proposed Route already crossed the parcels owned by Belvedere Timber and Mr. May before Dominion began making modifications to address the concerns of Respondent Johnson and Mr. McBride.<sup>78</sup>

According to Mr. Teichert, further adjusting the Company’s preferred route to the east, as was suggested by Mr. McBride during the hearing, would essentially convert the route back to the initially Proposed Route, would encroach upon an additional parcel of Respondent Johnson’s land, and would conflict with the Company’s prior efforts to accommodate the Johnson development plans.<sup>79</sup> Furthermore, he confirmed a purchaser of one of Mr. McBride’s parcels would not be prohibited from building a driveway or fence in the Company’s right-of-way.<sup>80</sup> Additionally, Mr. Teichert opined that the Proposed Route with the McBride/Johnson Segment constitutes a “reasonable middle ground” between the development plans of Respondent Johnson and Mr. McBride.<sup>81</sup> Furthermore, he anticipated purchasers of Mr. McBride’s lots would construct homes further west of the right-of-way and not along the road frontage.<sup>82</sup>

<sup>75</sup> *Id.* at 4-8. *See also* Teichert Rebuttal Schedule 2 (depicting the Proposed Route/Route 4 as filed with the Application; Community Meeting Route 4, as submitted during a community meeting before the Application was filed; and the Proposed Route with the Modified Segment).

<sup>76</sup> Ex. 15 (Teichert Rebuttal), at 8-10. *See also* Teichert Rebuttal Schedules 1 and 2.

<sup>77</sup> Tr. (Teichert), at 85. Mr. Teichert also described the Company’s Exhibit 1 (map packet) which depicted the Proposed Route, Proposed Route with Modified Segment, and Proposed Route with McBride/Johnson Segment. *See* Ex. 1, p. 1 (depicting the Proposed Route as proffered with the Application (yellow line); the Proposed Route with the Modified Segment, as supported in Mr. Teichert’s rebuttal testimony (blue line); and the Proposed Route with the McBride/Johnson Segment supported by the Company at the hearing (blue with orange line)). *See also* Ex. 19 (map of Proposed Route with the McBride/Johnson Segment, representing Dominion’s preferred route for the Project at the time of the hearing).

<sup>78</sup> Tr. (Teichert), at 90-92. *See also* (Ex. 16) (map depicting property owners in vicinity of Proposed Route). Mr. Teichert also indicated that the Company sent Belvedere Timber and Mr. May a letter dated October 16, 2023, notifying them of routing modification including the Modified Segment and would also send them a letter advising them of the further routing modification including the McBride/Johnson Segment. Tr. (Teichert), at 91-93.

<sup>79</sup> Tr. (Teichert), at 99-101.

<sup>80</sup> *Id.* at 98.

<sup>81</sup> *Id.* at 101.

<sup>82</sup> *Id.* at 104.

Mr. Teichert also provided an update regarding Dominion's communications with DHR subsequent to the DEQ Report's submission. He testified that the Company provided a revised pre-application report to DHR on September 5, 2023, and identified a letter dated October 11, 2023, summarizing DHR's updated conclusions regarding the Project.<sup>83</sup> Among other things, he noted that DHR now agrees with the Company's impact assessment concerning the Wilkinson's Place/Grovesend resource.<sup>84</sup>

When cross-examined by Respondent Johnson, Mr. Teichert agreed that while the McBride Preliminary Development Layout from Crutchfield (Exhibit 17) contains a surveyor stamp, it does not have a county zoning or a deed stamp on it.<sup>85</sup> Additionally, he confirmed his understanding that Mr. McBride did not want a future lot owner to be required to drive under power lines when entering the property.<sup>86</sup> Mr. Teichert also agreed the Proposed Route with the McBride/Johnson Segment will impact more acreage owned by the Johnsons than Mr. McBride.<sup>87</sup>

During questioning by Staff, Mr. Teichert agreed the Proposed Route with the McBride/Johnson Segment (referred to by Staff during questioning as the orange line) contemplates an angle structure on property owned by Belvedere Timber instead of on the property of Respondent Johnson – as contrasted with the initially Proposed Route and the Proposed Route with Modified Segment, both of which contemplated an angle structure on Respondent Johnson's property.<sup>88</sup> Furthermore, he confirmed the costs of the Proposed Route with the Modified Segment and Proposed Route with the McBride/Johnson Segment are the same.<sup>89</sup>

During re-direct examination, Mr. Teichert confirmed there is no current development on the property of Respondent Johnson or the property of Mr. McBride.<sup>90</sup> In addition, he identified additional land owned by Mr. McBride also being impacted by the Company's transmission line projects.<sup>91</sup>

**Mr. Young** responded to the recommendations in the DEQ Report, pertaining to environmental concerns. Specifically, he represented that the Company does not oppose the DEQ Summary of Findings and Recommendations except as specified/clarified below.<sup>92</sup>

First, Mr. Young addressed a recommendation made by DEQ's Division of Land Protection and Revitalization ("DLPR") for the further evaluation of a petroleum release site ("Byrum Site") in the vicinity of the Project. According to Mr. Young, Dominion already

<sup>83</sup> *Id.* at 108-09. *See also* Ex. 18 (DHR letter dated October 11, 2023).

<sup>84</sup> Tr. (Teichert), at 109.

<sup>85</sup> *Id.* at 110.

<sup>86</sup> *Id.* at 111-12.

<sup>87</sup> *Id.* at 116.

<sup>88</sup> *Id.* at 119-20.

<sup>89</sup> *Id.* at 120.

<sup>90</sup> *Id.* at 121.

<sup>91</sup> *Id.* at 121-23.

<sup>92</sup> Ex. 14 (Young Rebuttal), at 3. Mr. Young also clarified that his analysis of recommendations in the DEQ Report was not impacted by the Company's support, on rebuttal, of the Proposed Route with Modified Segment. *Id.* at 4.

evaluated two petroleum release sites within 1,000 feet of the Proposed Route/Route 4 and the Alternative Routes – the Byrum Site and the Southland Products Site. He confirmed no petroleum release sites were identified within 1,000 feet of the Proposed Route or Alternative Route 3. Furthermore, he testified that the Byrum Site is not anticipated to impact soil and/or groundwater in the vicinity of Alternative Route 5, given its distance of approximately 600 feet from the route. Additionally, he indicated DEQ found no tank records associated with the Byrum Site. He also testified that the Southland Products Site extends to within 200 feet of Alternative Route 5 and represented that based upon its distance from the route and documented site history, the Company does not anticipate the petroleum release at the Southland Products Site will impact soil and/or groundwater in the route's vicinity. Given these factors, Mr. Young opined that the two petroleum release sites identified and evaluated by the Company, including the Byrum Site referenced in the DEQ Report, do not warrant further concern or evaluation regarding impacts to the Project.<sup>93</sup>

Second, Mr. Young addressed the recommendations of DCR's Division of Natural Heritage ("DNH") for the Company to avoid or minimize impacts to ecological cores and to further investigate direct and indirect impacts to cores and habitat fragments. He urged the Commission to reject this recommendation because, based on ERM's route analysis, impacts to core habitats are unavoidable along any of the Project's Proposed or Alternative Routes. Nevertheless, he highlighted Dominion's efforts to minimize impacts to ecological cores by designing routes running mainly through managed timberland impacted by recent logging activities. He also highlighted Dominion's plan to maintain the resulting right-of-way as open meadow after the Project is complete, which is consistent with an early successional habitat type. Moreover, he maintained the avoidance of homes and agricultural lands, and the minimization of the transmission line's visibility, were the greatest concerns that influenced the Project's routing. He explained these concerns were addressed by shifting routes into forested habitats to create buffers. Additionally, he indicated that the Company minimized impacts to more sensitive forested habitats (such as hardwoods), forested wetland and riparian systems. In sum, he maintained Dominion designed the routing of all the Project's corridors to minimize, to the extent practicable, impacts to cores.<sup>94</sup>

Third, Mr. Young addressed DCR-DNH's recommendation for Dominion to develop and implement an invasive species management plan. Given the Company's existing Integrated Vegetation Management Plan ("IVMP") and likely cost increases and construction delays, Mr. Young urged the Commission to reject this recommendation as unwarranted, consistent with the Commission's rejection of a similar recommendation in other transmission line cases. He also described Dominion's ongoing communications with DCR to develop an addendum to the IVMP, which have occurred in accordance with the Commission's directive in Case No. PUR-2021-00272,<sup>95</sup> and represented that the Company will report on the results

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<sup>93</sup> *Id.* at 5-8. See also Ex. 10 (DEQ Report), at 15.

<sup>94</sup> Ex. 14 (Young Rebuttal), at 8-9. See also Ex. 10 (DEQ Report), at 18-19.

<sup>95</sup> *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, 2022 S.C.C. Ann. Rep. 406, 409.

of its negotiations with DCR in future CPCN filings once the discussions are complete and the addendum is final.<sup>96</sup>

Fourth, Mr. Young addressed DCR-DNH's recommendation for the Company's practices concerning the restoration and maintenance of rights-of-way to include appropriate revegetation using native species in a mix of grasses and forbs, robust monitoring, and an adaptive management plan providing guidance if initial revegetation efforts are unsuccessful or invasive species outbreaks occur. Mr. Young urged the Commission to reject this recommendation as duplicative and potentially expensive. He also maintained Dominion's IVMP provides a comprehensive and robust plan for the revegetation and maintenance of transmission rights-of-way.<sup>97</sup>

Fifth, Mr. Young addressed DCR's recommendations for the Company to strictly adhere to state and local erosion and sediment control/storm water management laws and regulations and to coordinate with DWR to ensure compliance with the Virginia Endangered Species Act because of the potential presence of Whitemouth Shiner in the Project areas. Mr. Young clarified that Dominion already implements and adheres to strict erosion and sediment control/stormwater management laws and requirements and emphasized that the Company does not expect to conduct any instream work during Project construction. Nevertheless, he represented that Dominion would coordinate with DWR and DEQ if instream work is necessary and will comply with threatened and endangered species requirements through the permitting process.<sup>98</sup>

The Company also presented surrebuttal testimony at the hearing from Ms. Genova addressing the types of structures likely to be required should the Proposed Route with the Modified Segment be approved for the Project or, in the alternative, should the Proposed Route with the McBride/Johnson Segment be approved for the Project.<sup>99</sup> Among other things, Ms. Genova explained that the angled turn on Respondent Johnson's property contemplated by the Proposed Route with the Modified Segment would undoubtedly require a "dead-in structure" on the Johnson property.<sup>100</sup> In contrast, she indicated it was possible no structures would need to be on Respondent Johnson's property if the Proposed Route with the McBride/Johnson Segment is chosen for the Project.<sup>101</sup>

**DISCUSSION**

*Applicable Statutory Provisions*

Dominion filed the Application pursuant to § 56-46.1 of the Code and the Utility Facilities Act. Section 56-265.2 A 1 of the Utility Facilities Act provides that "it shall be unlawful for any public utility to construct . . . facilities for use in public utility service, except

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<sup>96</sup> Ex. 14 (Young Rebuttal), at 10-12. *See also* Ex. 10 (DEQ Report), at 19.  
<sup>97</sup> Ex. 14 (Young Rebuttal), at 12-13. *See also* Ex. 10 (DEQ Report), at 19.  
<sup>98</sup> Ex. 14 (Young Rebuttal), at 13-14. *See also* Ex. 10 (DEQ Report), at 17-18.  
<sup>99</sup> Tr. (Genova), at 138-42.  
<sup>100</sup> *Id.* at 141-42.  
<sup>101</sup> *Id.* at 140.

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.”<sup>102</sup> For the construction of any overhead transmission line of 138 kV or more that requires a CPCN, the Code also requires compliance with § 56-46.1.

Section 56-46.1 A of the Code states, in part, as follows:

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 pursuant to Article 3 (§ 15.2-2223 *et seq.*) of Chapter 22 of Title 15.2. Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth . . . 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, in part:

As 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 [DHR], and environment of the area concerned . . . . In making the determinations about need, corridor or route, and method of installation, the Commission shall verify the applicant’s load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation. . . .<sup>103</sup>

Additionally, in accordance with § 56-46.1 D of the Code, the terms “environment” and “environmental” in the context of reviewing transmission facilities are deemed to include

<sup>102</sup> For the construction of smaller 138 kV transmission lines, § 56-265.2 A 2 provides an alternative means of obtaining necessary authorization involving local comprehensive plans and zoning ordinances.

<sup>103</sup> Section 56-46.1 of the Code provides that unless the context requires a different meaning, the term “environment” or “environmental,” which as shown above are used in §§ 56-46.1 A and B, “shall be deemed to include in meaning ‘historic,’ as well as a consideration of the probable effects of the line on the health and safety of the persons in the area concerned.” § 56-46.1 D of the Code.



“historic” issues and the “probable effects of the line on health and safety of the persons in the area concerned.”

The Code also requires consideration of existing rights-of-way when siting transmission lines. Specifically, § 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.” Similarly, § 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.”

Finally, the VEJA<sup>104</sup> provides 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.”<sup>105</sup> The VEJA provides the following definitions relative to the Commission’s consideration of the Application:<sup>106</sup>

“Environmental justice” means 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.

“Environmental justice community” means any low-income community or community of color.

“Fair treatment” means the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.

“Fenceline community” means an area that contains all or part of a low-income community or community of color and that presents an increased health risk to its residents due to its proximity to a major source of pollution.

“Low income” means having an annual household income equal to or less than the greater of (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal Poverty Level.

“Low-income community” means any census block group in which 30 percent or more of the population is composed of people with low income.

<sup>104</sup> Virginia Environmental Justice Act (“VEJA”). Section 2.2-234 *et seq.* of the Code.

<sup>105</sup> Section 2.2-235 of the Code.

<sup>106</sup> Section 2.2-234 of the Code.

“Meaningful involvement” means the requirements that (i) affected and vulnerable community residents have access and opportunities to participate in the full cycle of the decision-making process about a proposed activity that will affect their environment or health and (ii) decision makers will seek out and consider such participation, allowing the views and perspectives of community residents to shape and influence the decision.

“Population of color” means a population of individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

### *Need/Economic Impact*

The record supports the need for the Project for the Company to provide the requested service to MEC’s Lakeside DP for MEC to serve a data center customer in Mecklenburg County, to maintain reliable service for the overall growth in the Project area, and to comply with NERC Reliability Standards.<sup>107</sup>

I note further that Dominion analyzed the impacts of DSM resources on the need for the Project in accordance with Commission Orders in Case No. PUE-2012-00029<sup>108</sup> and concluded the Project is needed despite accounting for DSM.<sup>109</sup> Furthermore, Staff did not disagree with, and Respondent Johnson did not dispute, the Company’s conclusion that projected load reduction from DSM does not eliminate the need for the Project.<sup>110</sup>

Based on the foregoing, I find the Company has demonstrated a need for the Project.

The evidence also demonstrates the Project will assure reliable electric power delivery, thereby supporting economic development in the Project area, including positive economic impacts associated with MEC’s data center customer’s development of its planned Lakeside Campus.<sup>111</sup>

<sup>107</sup> See Ex. 3 Application), at 3-4 and Section I.A of the Appendix; Ex. 4 (Amare Direct), at 1; Ex. 12 (Staff Report), at 6, 19 (concluding Dominion reasonably demonstrated the need for the Project).

<sup>108</sup> *Application of Virginia Electric and Power Company, d/b/a Dominion Virginia Power, For approval and certification of electric facilities: Surry-Skiffes Creek 500 kV Transmission Line, Skiffes Creek-Wheaton 230 kV Transmission Line, and Skiffes Creek 500 kV-230 kV-115 kV Switching Station*, Case No. PUE-2012-00029, 2013 S.C.C. Ann. Rep. 240, 251.

<sup>109</sup> Ex. 3 (Application), Appendix at 27.

<sup>110</sup> Ex. 12 (Staff Report), at 6.

<sup>111</sup> See, e.g., *id.* at 17.

### Cost

The estimated total cost of the Project (in 2023 dollars) is approximately \$134.7 million, including approximately \$123 million for transmission-related work and approximately \$11.7 million for substation-related work.<sup>112</sup> When estimated excess facilities costs (to be paid by MEC) are removed from the Project's total costs, the estimated total cost of the Project (in 2023 dollars) is lowered to \$92.2 million.<sup>113</sup> The reasonableness of the estimated cost of the Project is not disputed and, in my assessment, is supported by the evidence.<sup>114</sup>

### Routing Alternatives/Right of Way

Dominion's preferred method for meeting the need described above involves the construction of two overhead 230 kV single circuit lines within its 18.3-mile Proposed Route (and, by the time of the hearing, including the McBride/Johnson Segment) to support the converted Jeffress 230 kV Station.<sup>115</sup> In the alternative, the Company proposed for the Commission's consideration Alternative Routes 3 and 5 as routes for the 230 kV lines.<sup>116</sup>

As established by the evidence, because no continuous, Company-owned right-of-way exists between the Project's origin and termination points, significant new right-of-way (with a required width of 120 feet)<sup>117</sup> will be required for the transmission lines' route, regardless of which routing alternative is chosen.<sup>118</sup> The record also reflects the Proposed Route, with or without various modifications proposed by Dominion throughout the course of this case, is the shortest of the routes and would require correspondingly less right-of-way acreage.<sup>119</sup> Furthermore, while the Proposed Route (with or without the modifications presented by the Company during the course of this case) would require the most clearing of forested land of the

<sup>112</sup> Ex. 3 (Application), at 6 and Appendix, page iii of Executive Summary.

<sup>113</sup> Ex. 13 (McQuain Rebuttal), at 4-5; Ex. 12 (Staff Report), Appendix A (Dominion response to Staff Interrogatory 1-6).

<sup>114</sup> I also note that the modification of the Proposed Route to incorporate the McBride/Johnson Segment is not anticipated to substantially change the Project's costs. See Ex. 13 (McQuain Rebuttal), at 10 (testifying the Proposed Route with the Modified Segment has the same conceptual cost as the Proposed Route) and Tr. (Teichert), at 120 (testifying the costs of the Proposed Route with the Modified Segment and the Proposed Route with the McBride Segment are the same).

<sup>115</sup> See Ex. 3 (Application), at 2-3. Tr. (Haynes), at 59, Tr. (Teichert), at 85 (supporting Proposed Route modification including McBride/Johnson Segment).

<sup>116</sup> Ex. 3 (Application), at 4. Dominion also considered using its Cloud 230 kV Switching Station as an alternative source for the two new single circuit transmission lines supporting the converted Jeffress 230 kV Station. *Id.*, Appendix at 26. However, this alternative would require the utilization of two different rights-of-way and would add to the costs and environmental impacts of the Project. *Id.* Under the circumstances, I agree with the Company's rejection of this alternative. See also Ex. 12 (Staff Report), at 16.

<sup>117</sup> Ex. 3 (Application), Appendix at 86.

<sup>118</sup> *Id.* at 56.

<sup>119</sup> See, e.g., Ex. 3 (Application), at 4; Ex. 12 (Staff Report), at 15; Ex. 15 (Teichert Rebuttal), at 6 (comparing Proposed Route with Modified Segment to Alternative Routes 3 and 5). See also Ex. 1 (map packet showing minor differences between the various versions of the Proposed Route/Route 4 (with alternative modifications impacting the McBride property) proffered by the Company and reflecting no substantial differences between the Proposed Route with the Modified Segment and the Proposed Route with the McBride/Johnson Segment regarding length, right-of-way acreage, land type, and structures in the vicinity of the route). A copy of Exhibit 1 is attached to this Report 1 for ease of reference.

three routes, it has the fewest parcels crossed, agricultural impacts, wetlands crossed, and waterbodies crossed when compared to the Alternative Routes.<sup>120</sup> Moreover, the Proposed Route (with or without the modifications presented by the Company during the course of this case) would have the fewest residences within 100 feet (0), 250 feet (3), and 500 feet (15), as compared to Alternative Route 3 and Alternative Route 5.<sup>121</sup>

I also consider the differences in the various versions of the Proposed Route presented by Dominion when initially filing its Application and when modifying the route throughout the course of this case to address the concerns of Respondent Johnson and public witness McBride. As reflected by the evidence, and in response to concerns raised by Mr. McBride during Dominion's community outreach, the Proposed Route initially included with the Application did not cross Mr. McBride's property (which is currently undeveloped but for which Mr. McBride has development plans) and, instead, crossed several parcels of Respondent Johnson's property (which are also currently undeveloped but for which Respondent also has development plans).<sup>122</sup> Following discussions and negotiations with Respondent Johnson, Dominion modified the Proposed Route on rebuttal and supported the Proposed Route with the Modified Segment to lessen the overall impacts to the Johnson property.<sup>123</sup> Thereafter, because the Proposed Route with the Modified Segment continued to cross a portion of Mr. McBride's property, and given Mr. McBride's ongoing concerns regarding impacts to his development plans, the Company further modified its Proposed Route at the hearing.<sup>124</sup> Specifically, Dominion ultimately supported the Proposed Route with the McBride/Johnson Segment as its preferred route for the Project.<sup>125</sup>

I recognize that the Proposed Route with the McBride/Johnson Segment continues to cross a small portion of Mr. McBride's property and has the potential to slightly impact the development of one of the five lots ("McBride Lot 5") Mr. McBride has surveyed for "estate" development in the future. However, the Proposed Route with the McBride/Johnson Segment crosses McBride Lot 5 at a narrow point near its edge close to Route 92; would impact, through Company right-of-way, only a small portion of McBride Lot 5 relative to its overall size; and

<sup>120</sup> See Ex. 3 (Application), at 4-5; Ex. 15 (Teichert Rebuttal), at 6 (contrasting Proposed Route with the Modified Segment with Alternative Routes 3 and 5 regarding parcels crossed, residences in the vicinity of the routes, wetland impacts, and forested wetland impacts); Ex. 1, p. 1 (showing very minor difference between the Proposed Route with the Modified Segment (blue line) and the Proposed Route with the McBride/Johnson Segment (orange line)).

<sup>121</sup> See Ex. 15 (Teichert Rebuttal), at 6; Ex. 1, p. 1 (showing very minor difference between the Proposed Route with the Modified Segment (blue line) and the Proposed Route with the McBride/Johnson Segment (orange line) and showing no residences in the vicinity of the McBride/Johnson Segment). See also Tr. (Dean), at 71 (highlighting the minor nature of modifications to the Proposed Route made by the Company on rebuttal and again at the hearing and representing that these modifications did not change Staff's conclusions regarding the Proposed Route).

<sup>122</sup> Ex. 13 (McQuain Rebuttal), at 7-8. I also note that Respondent Johnson has initiated certain steps to facilitate the development of her land and to sell associated parcels. See Ex. 9 (B. Johnson Direct), at 2-5. In contrast, Mr. McBride does not appear to be as far along in the development process. Tr. (McBride), at 34-35, 39-41.

<sup>123</sup> See Ex. 13 (McQuain Rebuttal), at 9-10.

<sup>124</sup> See Tr. (Haynes), at 59.

<sup>125</sup> See Tr. (Teichert), at 85 and Tr. (Link), at 11-13; 132. Although the Company suggested the Proposed Route with McBride/Johnson Segment reasonably balances the interests of Respondent Johnson and Mr. McBride, Dominion also suggested that all of its Proposed Route derivations remain before the Commission for its consideration. Tr. (Link), at 132.

would not preclude the construction of a driveway or fence on the property.<sup>126</sup> Under the circumstances, I conclude the Proposed Route with the McBride/Johnson Segment, which was ultimately accepted by Respondent Johnson and not opposed by Staff, reasonably balances the interests of Respondent Johnson and Mr. McBride.<sup>127</sup>

Given these factors, I find the Proposed Route with the McBride/Johnson Segment, which constitutes the Company's preferred routing alternative for the Project, should be approved by the Commission. My conclusion in this regard is further supported by scenic, environmental, and historic considerations discussed below.

#### *Scenic/Environmental/Historic Resources*

As a preliminary matter, I recognize the incorporation of the McBride/Johnson Segment into the Proposed Route does not materially change its nature for purposes of evaluating impacts to scenic, environmental, and historic resources.<sup>128</sup> Under the circumstances, the following discussion of scenic environmental, and historic impacts, focuses upon the evidence associated with the Proposed Route as initially submitted with the Application.

As shown by the evidence, the Proposed Route has a total length of approximately 18.3 miles, traveling primarily through forestland with some agricultural land and open spaces in Mecklenburg County.<sup>129</sup> Specifically, the record indicates that land use along the right-of-way for the Proposed Route consists of approximately 207.6 acres of forested land, 22.7 acres of agricultural land, 33.2 acres of open space, 1.2 acres of open water, and 1.6 acres of developed area.<sup>130</sup> Additionally, the evidence demonstrates there are 14 dwellings within 500 feet of the Proposed Route's right-of-way centerline, 3 dwellings within 250 feet of the proposed

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<sup>126</sup> See Ex. 17 (McBride Preliminary Development Layout from Crutchfield depicting 5 McBride Lots contemplated for development); Ex. 1, p. 2 (depiction of alternative Proposed Route rights-of-way with overlay upon zoomed in portion of McBride Preliminary Development Layout from Crutchfield); Tr. (Teichert), at 98.

<sup>127</sup> I note further that the record shows other owners of property impacted by the Company's modifications to the Proposed Route received notice of the Application and elected not to participate in this case and did not engage with Dominion regarding routing. Tr. (Teichert), at 90-92. I also recognize that all versions of the Proposed Route have crossed the property of Mr. May and Belvedere Timber and note that the land of these property owners is undeveloped (in terms of structures or residences). See Ex. 16 (map of land in the vicinity of Proposed Route identifying the names of property owners).

<sup>128</sup> Among other things, the evidence reflects the incorporation of the McBride/Johnson Segment into the Proposed Route does not materially change the route in terms of length or area traversed or structures in the vicinity of the route. See Ex. 1 (map packet comparing Proposed Route variations) (a copy of this Exhibit is attached to this Report for ease of reference). See also Tr. (Dean), at 71 (recognizing that the minor routing modifications proposed by the Company did not change Staff's assessment of the Proposed Route). I also recognize that Mr. Teichert compared the impacts of the Proposed Route with the Modified Segment to Alternative Routes 3 and 5 in his rebuttal testimony; that the impacts of the Proposed Route with the Modified Segment discussed on rebuttal by Mr. Teichert are essentially the same as those discussed in this section relative to the Proposed Route as initially presented by the Company; and that the differences between the Proposed Route with the Modified Segment and the Proposed Route with McBride/Johnson Segment are non-material in terms of overall impacts to scenic, environmental, and historic resources. See Ex. 15 (Teichert Rebuttal), at 6.

<sup>129</sup> Ex. 3 (Application) at 2, Appendix at 90.

<sup>130</sup> *Id.*, Appendix at 90.

right-of way centerline, no dwellings withing 100 feet of the proposed right-of-way centerline, and no dwellings within the proposed right-of way.<sup>131</sup>

Regarding wildlife, the evidence shows Dominion conducted a threatened and endangered species search of the public databases of the U.S. Fish and Wildlife and DWR.<sup>132</sup> The search identified several federal and state listed species that have the potential to be in the Project area. The Company represented it would coordinate with appropriate federal and state agencies to mitigate impacts to these species as necessary.<sup>133</sup>

Regarding wetlands, ERM's desktop wetland and waterbody analysis reflects that the right-of-way of the Proposed Route will encompass approximately 34.3 acres of land with a medium/high or higher probability of containing wetlands or waterbodies.<sup>134</sup> Of these 34.3 acres, approximately 29.5 acres consist of forested wetlands.<sup>135</sup> Furthermore, the Proposed Route has a total of 31 waterbody crossings, 8 perennial crossings, 20 intermittent crossings, and 3 lake/pond crossings.<sup>136</sup> Additionally, the Proposed Route will require the clearing of approximately 207.6 acres of forested land, which is the greatest amount of forest clearing estimated for the various proposed routes.<sup>137</sup>

Regarding historic resources, ERM conducted a Stage 1 Pre-Application Analysis identifying historic resources within the vicinity of Dominion's various routing alternatives.<sup>138</sup> The record reflects there are five previously recorded historic architectural resources within the area, with the Proposed Route being the furthest away from most resources.<sup>139</sup> The evidence also shows there is one archeological site within or adjacent to the right-of-way of each routing alternative, but this site is not eligible for listing on the National Register of Historic Places and is unlikely to warrant further consideration.<sup>140</sup> Specifically relevant to the Proposed Route, the Company's analysis indicates the Proposed Route will have minimal impact at the Wilkinson Place/Grovesend Viewpoint, moderate impact at the Mistletoe/Mistletoe Castle Viewpoint, and no impacts on all other historical locations within a mile of the route's proposed centerline.<sup>141</sup> Furthermore, Dominion's analysis reflects impacts on previously recorded historic architectural resources would be the same for each of the route alternatives.<sup>142</sup>

<sup>131</sup> *Id.*, Appendix at 143.

<sup>132</sup> Ex. 3 (Application), DEQ Supplement at 13-17, 23-25.

<sup>133</sup> *Id.* at 17.

<sup>134</sup> Ex. 3 (Application), Appendix at 90.

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> *Id.*

<sup>138</sup> Ex. 3 (Application), DEQ Supplement at 17-23; Environmental Routing Study at 79-80, 141-42.

<sup>139</sup> Ex. 3 (Application), Environmental Routing Study at 141-42. Ex. 18 (DHR Letter dated October 11, 2023), at 2.

<sup>140</sup> Ex. 3 (Application), at Environmental Routing Study at 141. *See also* Ex. 18 (DHR Letter dated October 11, 2023).

<sup>141</sup> Ex. 3 (Application), Appendix at 121.

<sup>142</sup> Ex. 3 (Application), Environmental Routing Study at 142. In response to DHR's letter dated July 14, 2023, requesting additional information, which was included in Ex. 10 (DEQ Report), the Company provided follow-up information in a letter to DHR dated September 5, 2023. *See* Ex. 18 (DHR letter dated October 11, 2023). Based upon newly provided information, DHR agrees with Dominion's assessment of minimal impacts relative to the Wilkinson Place/Grovesend resource. *Id.* at 2. *See also* Tr. (Teichert), at 109.

In sum, the Proposed Route (and considering the incorporation of the McBride/Johnson Segment) is the shortest of the routes proffered for the Commission's consideration and would require correspondingly less right-of-way acreage. Additionally, although the Proposed Route would require the most clearing of forested land as compared to the Alternative Routes, the Proposed Route crosses the fewest private parcels, wetlands, and waterbodies and has the fewest agricultural impacts as compared to Alternative Routes.<sup>143</sup> Furthermore, the Proposed Route has the fewest residences within 500 feet of the right-of-way centerline and crosses the fewest number of roadways (thereby limiting visual impacts) as compared to the Alternative Routes.<sup>144</sup> Moreover, the impacts to historic resources associated with all of the routing alternatives are comparable.<sup>145</sup> Based upon the foregoing, I conclude the Project, utilizing the Proposed Route (and incorporating the McBride/Johnson Segment proffered by the Company at the hearing) avoids or reasonably minimizes adverse impacts to the greatest extent reasonably practicable to environmental, historic, and scenic resources – provided the Company is required to comply with various recommendations from the DEQ Report, as discussed and clarified below.<sup>146</sup>

### *DEQ Report*

As reflected above, the DEQ coordinated a review of the Project by several governmental agencies and counties for issues relating to the environment, aviation, and historic resources.<sup>147</sup> I recommend Dominion be required to comply with the uncontested recommendations included in the DEQ Report's Summary of Findings and Recommendations. However, I conclude, for the reasons explained below, that the Company should not be required to comply with the following recommendations in the DEQ Report:

1. DLPR's recommendation for the further evaluation of a petroleum release site, the Byrum Site, in the vicinity of the Project<sup>148</sup> – Mr. Young explained that Dominion already evaluated two petroleum release sites within 1,000 feet of the Proposed Route/Route 4 and the Alternative Routes – the Byrum Site and the Southland Products Site.<sup>149</sup> Mr. Young confirmed no petroleum release sites were identified within 1,000 feet of the Proposed Route or Alternative Route 3.<sup>150</sup> Furthermore, Mr. Young testified the Byrum Site is not anticipated to impact soil and/or groundwater in the vicinity of Alternative Route 5, given its distance of approximately 600 feet from the route.<sup>151</sup> Additionally, Mr. Young indicated DEQ

<sup>143</sup> Ex. 3 (Application), Appendix at 90 and Environmental Routing Study at 144.

<sup>144</sup> *Id.*

<sup>145</sup> Ex. 3 (Application), Environmental Routing Study at 142. Similarly, ERM concluded impacts on EJ Communities, protected species, recreational and land use resources, and cultural resources would be similar or identical for the Proposed Route and for Alternative Routes 3 and 5. *Id.* at 144. *See also* Ex. 12 (Staff Report), at 15 (not opposing Dominion's selection of the Proposed Route as the preferred route for the Project because it is the shortest, least costly, and generally has the lowest environmental impacts).

<sup>146</sup> I recognize that the Company provided follow-up information relating to DHR's letter dated July 14, 2023, and request for additional information. *See* Ex. 18 (DHR letter dated October 11, 2023).

<sup>147</sup> Ex. 10 (DEQ Report), at 1 (listing the governmental agencies and counties that took part in the review of the Project).

<sup>148</sup> Ex. 10 (DEQ Report), at 15.

<sup>149</sup> Ex. 14 (Young Rebuttal), at 5.

<sup>150</sup> *Id.* at 5-6. *See also* Ex. 3 (Application), DEQ Supplement (Section 2.F) at 11-13.

<sup>151</sup> Ex. 14 (Young Rebuttal), at 6.

found no tank records associated with the Byrum Site.<sup>152</sup> Mr. Young also testified the Southland Products Site extends to within 200 feet of Alternative Route 5 and represented that based upon distance from the route and documented site history, the Company does not anticipate the petroleum release at the Southland Products Site will impact soil and/or groundwater in the vicinity of Alternative Route 5.<sup>153</sup> Given these factors, I conclude the petroleum release sites identified and evaluated by the Company, including the Byrum Site referenced in the DEQ Report, do not warrant further concern and I find Dominion should not be required to comply with DLPR's recommendation for the further evaluation of the Byrum Site.

2. DCR-DNH's recommendations for the Company to avoid or minimize impacts to ecological cores and to further investigate direct and indirect impacts to cores and habitat fragments<sup>154</sup> – As reflected in ERM's route analysis, impacts to core habitats are unavoidable along any of the Project's Proposed or Alternative Routes.<sup>155</sup> However, Mr. Young described Dominion's efforts to minimize impacts to ecological cores by designing routes running mainly through managed timberland previously impacted by recent logging activities.<sup>156</sup> He also highlighted Dominion's plan to maintain the resulting right-of-way as open meadow after the Project is complete, which is consistent with an early successional habitat type.<sup>157</sup> Moreover, Mr. Young explained that the avoidance of homes and agricultural lands, and the minimization of the transmission line's visibility, were the greatest concerns that influenced the Project's routing and noted that these concerns were addressed by shifting routes into forested habitats to create buffers.<sup>158</sup> Additionally, Mr. Young indicated the Company minimized impacts to more sensitive forested habitats (such as hardwoods) and forested wetland and riparian systems.<sup>159</sup> The evidence reflects impacts to core habitats are unavoidable along any of the potential routes for the Project and Dominion established it designed the routing of all potential routes to minimize, to the extent practicable, impacts to cores. For this reason, I conclude the Commission should not adopt DCR-DNH's recommendations for the Company to avoid or minimize impacts to ecological cores and to further investigate direct and indirect impacts to cores and habitat fragments as conditions of approving the Project.
3. DCR-DNH's recommendation for Dominion to develop and implement an invasive species management plan<sup>160</sup> – Mr. Young explained the Company has an existing IVMP and testified regarding likely cost increases and construction delays if this recommendation were to be adopted by the Commission.<sup>161</sup> Furthermore, he

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<sup>152</sup> *Id.* at 7.

<sup>153</sup> *Id.* at 6. *See also* Ex. 3 (Application), DEQ Supplement at 12.

<sup>154</sup> Ex. 10 (DEQ Report), 18-19.

<sup>155</sup> Ex. 3 (Application), Environmental Routing Study at 48-55 and DEQ Supplement at 24-25. *See also* Ex. 14 (Young Rebuttal), at 8.

<sup>156</sup> Ex. 14 (Young Rebuttal), at 8.

<sup>157</sup> *Id.* at 8-9.

<sup>158</sup> *Id.* at 9.

<sup>159</sup> *Id.*

<sup>160</sup> Ex. 10 (DEQ Report), at 19.

<sup>161</sup> Ex. 14 (Young Rebuttal), at 10-12.



provided an update regarding Dominion's ongoing communications with DCR aimed at developing an addendum to the IVMP in accordance with Case No. PUR-2021-00272,<sup>162</sup> and represented that the Company will report on the results of its negotiations with DCR in future CPCN filings once the discussions are complete and the addendum is final.<sup>163</sup> In my view, DCR-DNH's recommendation for Dominion to develop and implement an invasive species management plan is unwarranted given the Company's existing IVMP, likely cost increases and construction delays associated with the recommendation, the Commission's prior rejection of this recommendation, and Dominion's ongoing communications with DCR to update its IVMP.

4. DCR-DNH's recommendation for the Company's practices concerning the restoration and maintenance of rights-of-way to include appropriate revegetation using native species in a mix of grasses and forbs, robust monitoring, and an adaptive management plan providing guidance if initial revegetation efforts are unsuccessful or invasive species outbreaks occur.<sup>164</sup> – Mr. Young testified that Dominion's IVMP already provides a comprehensive and robust plan for the revegetation and maintenance of transmission rights-of-way.<sup>165</sup> In my view, this recommendation should be rejected as duplicative and potentially expensive.

Additionally, I consider DCR's recommendation for the Company to strictly adhere to state and local erosion and sediment control/storm water management laws and regulations and to coordinate with DWR to ensure compliance with the Virginia Endangered Species Act given the potential for the Whitemouth Shiner to be in the vicinity of the Project.<sup>166</sup> According to Mr. Young, Dominion already implements and adheres to strict erosion and sediment control/stormwater management laws and requirements. He also emphasized that the Company does not expect to conduct any instream work during construction of the Project.<sup>167</sup> Nevertheless, Mr. Young represented Dominion would coordinate with DWR and DEQ if instream work is necessary and will comply with threatened and endangered species requirements through the permitting process.<sup>168</sup> In my view, the Company should be directed to coordinate with DWR and DEQ if instream work becomes necessary during the Project's construction and to comply with threatened and endangered species requirements through the permitting process.

Lastly, I find it appropriate to separately address the Company's agreement to comply with the DEQ Report's recommendation for Dominion to "[c]oordinate with DHR regarding the recommendation to complete and submit comprehensive cultural resources surveys, along with the recommendation to evaluate identified resources, assess potential direct/indirect impacts to

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<sup>162</sup> *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, 2022 S.C.C. Ann. Rep. 406, 409.*

<sup>163</sup> Ex. 14 (Young Rebuttal), at 11-12.

<sup>164</sup> Ex. 10 (DEQ Report), at 19.

<sup>165</sup> Ex. 14 (Young Rebuttal), at 12-13.

<sup>166</sup> Ex. 10 (DEQ Report), at 17-18.

<sup>167</sup> Ex. 14 (Young Rebuttal), at 13-14.

<sup>168</sup> *Id.* at 14.

eligible and listed resources and avoid/minimize/mitigate moderate to severe impacts.”<sup>169</sup> In conjunction with this recommendation, DHR provided a letter dated July 14, 2023, wherein, among other things, DHR indicated it required additional information to assess impacts to Wilkinson Place/Grovesend.<sup>170</sup> DHR has now received such information, and concurs with Dominion’s conclusion that the routing alternatives would have minimal adverse impacts to the Wilkinson Place/Grovesend resource.<sup>171</sup> In contrast, DHR assessed the Proposed Route’s impacts to another resource, Mistletoe/Mistletoe Castle, to be moderate, thereby warranting mitigation (in accordance with the Company’s agreement to comply with the recommendations included in the DEQ Report’s Summary of Findings and Recommendations).<sup>172</sup> Furthermore, DHR recommends Dominion consult with DHR to develop a mitigation plan relative to this resource. In my assessment, the Company should be directed to comply with this recommendation.

### *Environmental Justice*

Dominion presented evidence demonstrating it researched the demographics of the communities in the vicinity of the Project using the 2016-2020 U.S. Census Bureau American Community Survey data and determined there are six Census Block Groups (“CBGs”) within the Project area and within one mile of the routing options.<sup>173</sup> In addition, the Company reviewed minority, income, and education census data, identified populations meeting the U.S. Environmental Protection Agency’s threshold for EJ Communities, determined two of six CBGs in the study area appear to be communities of color and low-income populations, and one of six CBGs in the study area appears to be solely a low-income community.<sup>174</sup> Based on its analysis of this information, Dominion does not anticipate disproportionately high or adverse impacts to the surrounding community and the identified EJ Communities.<sup>175</sup> Moreover, the Company also established it engaged in efforts to communicate with the EJ Communities regarding the Project and represents it is willing to continue engaging with those affected by the Project to allow them a meaningful opportunity to participate in the Project’s development.<sup>176</sup>

Based upon the foregoing, I conclude Dominion reasonably considered the requirements of the VEJA in its Application.<sup>177</sup>

### *Public Health and Safety*

Dominion’s analysis of the effects of EMF levels, which was not disputed in this case, is addressed in Sections IV of the Appendix and reflects that no adverse effects are anticipated to

<sup>169</sup> See Ex. 14 (DEQ Report), at 5-6.

<sup>170</sup> *Id.*, DHR Letter dated July 14, 2023.

<sup>171</sup> Ex. 18 at 2 (DHR Letter dated October 11, 2023). DHR also concurs with Dominion’s recommendations regarding an archaeological site within or adjacent to the right-of-way for each of the routing alternatives. *Id.*

<sup>172</sup> *Id.*

<sup>173</sup> See Ex. 3 (Application), Appendix at 177-78.

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

<sup>177</sup> I also recognize that Staff agrees with the Company’s assessment that the Project is not expected to result in disproportionately high or adverse impacts on environmental justice populations. Ex. 12 (Staff Report), at 19.

result from the Project.<sup>178</sup> Under the circumstances, I find the Project does not represent a hazard to public health or safety.

### FINDINGS AND RECOMMENDATIONS

Based on applicable law and the record in this proceeding, I find:

1. The Company established the need for the Project consisting of constructing two new approximately 18.3-mile 230 kV single circuit lines on new right-of-way from the future Finneywood Station to the newly converted Jeffress 230 kV Switching Station, converting the Company's future Jeffress 115 kV Station to 230 kV operation, and performing minor station-related work at the future Finneywood Station;
2. The Project will assure reliable electric power delivery, thereby supporting economic development in the Project area, including positive economic impacts associated with MEC's data center customer's development of its planned Lakeside Campus.
3. The Proposed Route/Route 4 with the McBride/Johnson Segment constitutes the preferred routing alternative for the transmission line component of the Project;
4. The Company reasonably demonstrated the Project avoids or reasonably minimizes impacts on scenic, historic, and environmental resources to the greatest extent practicable, provided that the Company is required to comply with the conditions specified herein;
5. The Company reasonably considered the requirements of the VEJA in its Application;
6. The Project does not represent a hazard to public health or safety;
7. The uncontested recommendations in the DEQ Summary of Findings and Recommendations should be adopted by the Commission as conditions of the Project's approval; and
8. As additional conditions of approval, the Commission should require the Company to: (a) coordinate with DWR and DEQ if instream work becomes necessary during the Project's construction and to comply with threatened and endangered species requirements through the permitting process; and (b) consult with DHR in the development of a mitigation plan relative to the Mistletoe/Mistletoe Castle historic resource.

In accordance with the above findings, ***I RECOMMEND*** that the Commission enter an order:

1. ***ADOPTING*** the findings in this Report;

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<sup>178</sup> Ex. 3 (Application), Appendix at 237-57. See also Ex. 3 (Application), Appendix at 178.

2. **GRANTING** the Company's Application to construct the proposed Project as specified above;
3. **APPROVING** the Company's request for a CPCN to authorize construction of the proposed Project as specified; and
4. **DISMISSING** this case from the Commission's docket of active cases.

### COMMENTS

The parties are advised that, pursuant to Rule 5 VAC 5-20-120 C of the Commission's Rules of Practice and Procedure ("Rules of Practice") and § 12.1-31 of the Code, any comments to this Report must be filed on or before November 29, 2023. To promote administrative efficiency, the parties are encouraged to file electronically in accordance with Rule 5 VAC 5-20-140 of the Rules of Practice. If not filed electronically, an original and fifteen (15) copies must be submitted in writing to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Any party filing such comments shall attach a certificate to the foot of such document certifying that copies have been served by electronic mail to all counsel of record and any such party not represented by counsel.

Respectfully submitted,

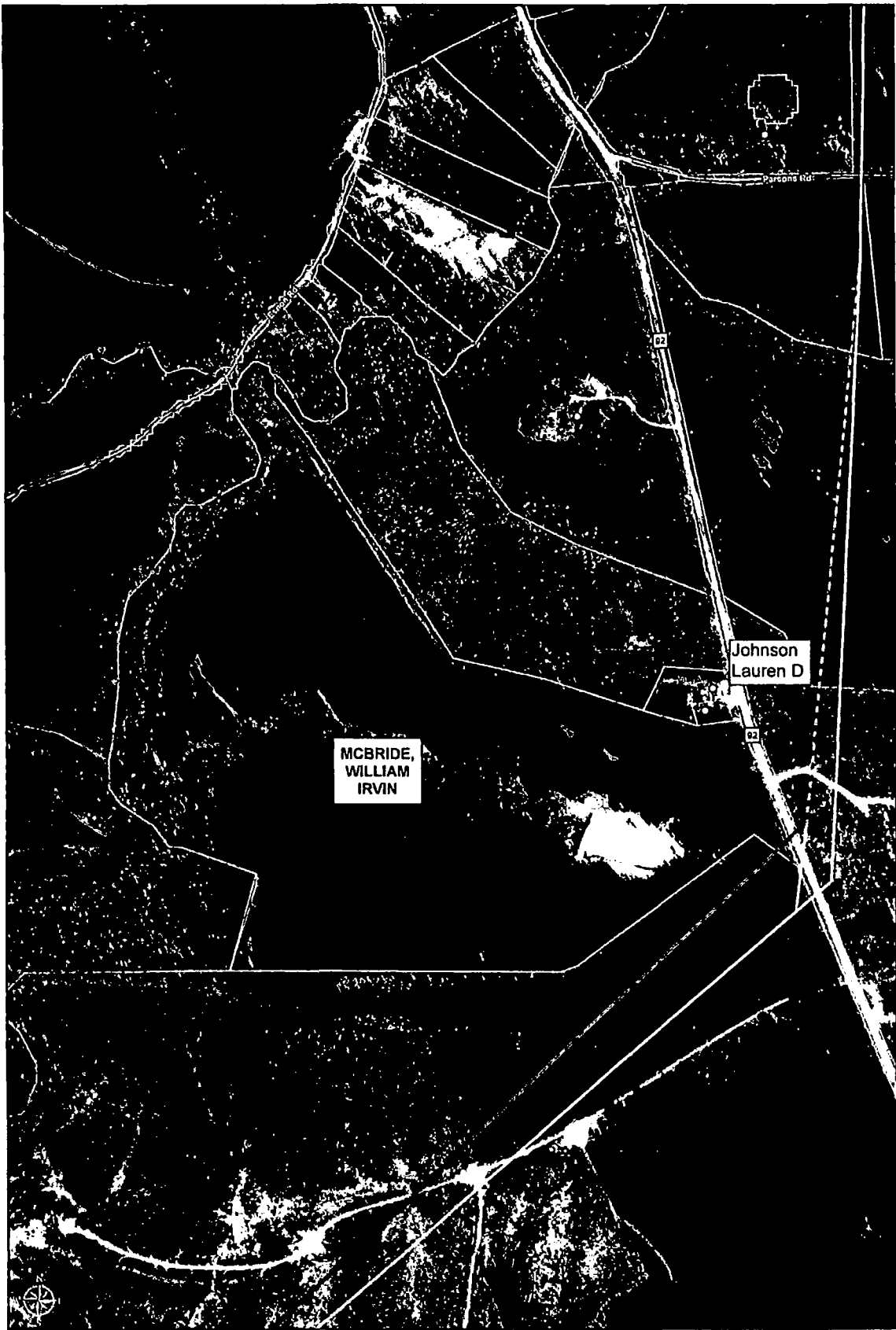


A. Ann Berkebile  
Senior Hearing Examiner

The Clerk of the Commission is requested to send a copy of this Report to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, VA 23219.

# Exhibit 1



Ex. 1  
11002122



Proposed Route (Application)  
— Modified Segment (Rebuttal)  
— McBride-Johnson Segment  
○ Residential Building  
| Parcel Boundary

1:5,000 0 250 500 US Feet

**McBride-Johnson Segment  
Overview Map**  
230 kV Finneywood-Jeffress Lines and  
Jeffress Switching Station Conversion Project  
Dominion Energy Virginia  
Mecklenburg County, Virginia







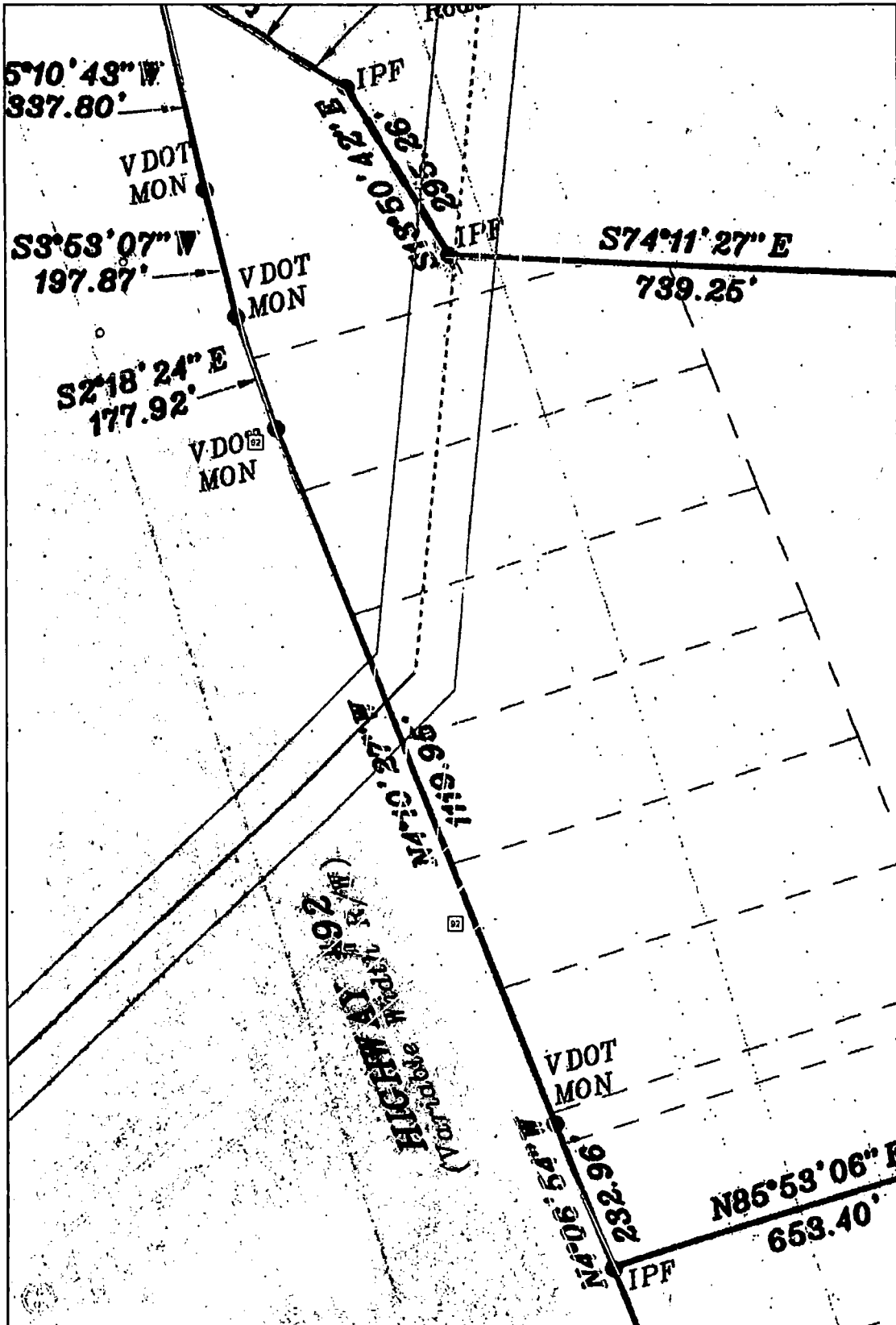
Proposed Route (Application) Right-of-Way	McBride-Johnson Segment Right-of-Way
Modified Segment (Rebuttal)	○ Residential Building
Right-of-Way	□ Parcel Boundary

1:1,800 0 50 100 US Feet

**McBride-Johnson Segment**  
**McBride Parcel**  
 230 kV Finneywood-Jeffress Lines and  
 Jeffress Switching Station Conversion Project  
 Dominion Energy Virginia  
 Mecklenburg County, Virginia

UPLS M31262\Projects\0-Finneywood\Jeffress\Address\_ArcGIS\2015\Rebuttal\_Comments\_Map\DOM\_F32\_Rebuttal\_Comments.apr\DOM\_F32\_Rebuttal\_Map\_McBride\_Modified\_Zoomed | REVISED: 10/17/2012 | SCALE: 1:1,800 when printed at 11x17



<ul style="list-style-type: none"> <li>Proposed Route (Application)</li> <li>Right-of-Way</li> <li>Modified Segment (Rebuttal)</li> <li>Right-of-Way</li> </ul>	<ul style="list-style-type: none"> <li>McBride-Johnson Segment</li> <li>Right-of-Way</li> <li>Residential Building</li> <li>Parcel Boundary</li> </ul>	<p style="text-align: center;"><b>McBride-Johnson Segment</b>  <b>Johnson Parcel</b>                  230 kV Finneywood-Jeffress Lines and                  Jeffress Switching Station Conversion Project                  Dominion Energy Virginia                  Mecklenburg County, Virginia</p>
1:1,600  US Feet		
<small>                 I:\PLS\11002122\Projects\11002122\MapDocs\MapDocs\Comments_MapDocs_F21_Aerial\Comments_MapDocs_F21_Aerial\Map_UcBride_McBride_Zoned.mxd   REVISED: 10/17/2013   SCALE: 1:1,600 when printed at 11x17             </small>		