

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2023-00203

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

FINAL ORDER

On November 14, 2023, Virginia Electric and Power Company ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") an application ("Application") for approval and certification of electric transmission facilities in the city of Suffolk, Virginia. Dominion filed its Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et seq.*

Through its Application, the Company proposes to complete the following, which is collectively referred to as the "Virginia Rebuild Project":<sup>1</sup>

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

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<sup>1</sup> Application at 2.

On December 5, 2023, the Commission entered an Order for Notice and Comment, which among other things: docketed the Company's Application; established a procedural schedule; required the Company to provide public notice of its Application; allowed interested persons an opportunity to file written comments on the Application; allowed any person or entity to participate as a respondent by filing a notice of participation; allowed for the filing of requests for a hearing on the Application; directed Commission Staff ("Staff") to investigate the Application and file a report ("Staff Report"); and assigned the case to a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission and file a final report.

Staff requested that the Department of Environmental Quality ("DEQ") coordinate an environmental review of the proposed Virginia Rebuild Project by the appropriate agencies and to provide a report on the review.<sup>2</sup> On June 15, 2023, DEQ filed its report on Dominion's Application ("DEQ Report"), which includes the Wetland Impact Consultation provided by DEQ's Office of Wetlands and Stream Protection ("DEQ-OWSP").

No notices of participation or hearing requests were filed. The Commission received public comments on the Company's Application.

On April 9, 2024, Staff filed its Staff Report, and on April 16, 2024, the Company filed its rebuttal testimony.

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<sup>2</sup> Letter from Mary Beth Adams, Esquire, State Corporation Commission, dated November 20, 2023, to David L. Davis, Department of Environmental Quality, filed in Case No. PUR-2023-00203; Letter from Mary Beth Adams, Esquire, State Corporation Commission, dated November 20, 2023, to Bettina Rayfield, Department of Environmental Quality, filed in Case No. PUR-2023-00203.

On April 26, 2024, the Report of Michael D. Thomas, Senior Hearing Examiner ("Report"), was issued. In the Report, the Senior Hearing Examiner made the following findings:<sup>3</sup>

- (1) The Company established the need for the Virginia Rebuild Project to replace aging transmission infrastructure reaching the end of its service life;
- (2) The Company established that demand side management will not obviate the need for the Virginia Rebuild Project;
- (3) The Company's proposed construction schedule and in-service date for the Virginia Rebuild Project appear reasonable;
- (4) The Company's proposed transmission-related and substation-related costs for the Virginia Rebuild Project appear reasonable and prudent;
- (5) The Company reasonably considered the use of existing ROW for the Virginia Rebuild Project;
- (6) The Virginia Rebuild Project will not have a material adverse impact in scenic, environmental, or historic resources;
- (7) The recommendations in the DEQ Report "Summary of Recommendations" are "desirable or necessary to minimize adverse environmental impact"<sup>4</sup> associated with the Virginia Rebuild Project;
- (8) The Commission should accept the Department of Conservation and Recreation ("DCR") Division of Natural Heritage's ("DCR-DNH") recommendation that the Company mark, with flags or tape prior to construction, any areas containing rare or endangered plant species;
- (9) The Commission should reject the following recommendations in the DEQ Report: (i) DEQ's Office of Division of Land Pollution and Revitalization's recommendation relating to pollution prevention principles; (ii) DCR-DNH's recommendation to mark conservation areas; (iii) DCR-DNH's recommendation for the Company to develop a separate invasive species management plan; and (iv) DEQ's Office of Pollution Prevention's recommendation regarding an Environmental Management System;

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<sup>3</sup> Report at 21-23.

<sup>4</sup> Code § 56-46.1 A.

- (10) The Company reasonably addressed the following comments in the DEQ Report: (i) DEQ-OWSP's recommendation related to in-stream work; (ii) DEQ-OWSP's recommendation related to time-of-year restrictions; (iii) DEQ's Office of Stormwater Management's recommendation that the Company contact its office two weeks prior to a land disturbance; (iv) DCR Division of Dam Safety and Floodplain Management's recommendation relating to land disturbing activities, permitting, and development within a Special Flood Hazard Area or floodplain; (v) DCR-DNH's recommendation related to tree removal; and (vi) DCR-DNH's recommendation related to an inventory or habitat assessment in the Virginia Rebuild Project area;
- (11) The Company reasonably addressed written comments filed in this case related to environmental concerns already addressed in the Company's DEQ Supplement;
- (12) The Company established there are no feasible alternatives to the Virginia Rebuild Project;
- (13) The Virginia Rebuild Project does not represent a hazard to the public health or safety;
- (14) The Company reasonably addressed the impact of the Virginia Rebuild Project on aviation resources; and
- (15) The Company reasonably considered the requirements of the Virginia Environmental Justice Act in its Application.

Staff and Dominion filed comments on the Senior Hearing Examiner's Report on May 2, 2024, and May 3, 2024, respectively. In its comments to the Report, the Company requested the Commission modify Recommendation No. 8 as unnecessarily duplicative.<sup>5</sup> Dominion states that it has engaged with the propagator of the rare plant species and that the propagator has already marked the rare plant species with pin flags.<sup>6</sup> Dominion agreed (i) to flag the limits of disturbance of the Virginia Rebuild Project prior to construction; (ii) to coordinate with the propagator to allow him an opportunity to relocate the rare plant species; (iii) "to

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<sup>5</sup> Dominion Comments at 3.

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

minimize impacts to the rare plant species to the maximum extent practicable" and (iv) to mark any federally- and state-listed threatened or endangered plants, if found.<sup>7</sup> In its comments, Staff supported the findings and recommendations in the Report and recommended adoption thereof.<sup>8</sup>

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds as follows.

Senior Hearing Examiner's Report

After analyzing the law and weighing the evidence – and providing a thorough and detailed analysis thereof – the Senior Hearing Examiner made the following recommendations:<sup>9</sup>

I therefore *RECOMMEND* the Commission enter an Order that:

- (1) *ADOPTS* the findings and recommendations contained in the Report;
- (2) *GRANTS* the Company's Application to construct the Virginia Rebuild Project;
- (3) *ISSUES* a certificate of public convenience and necessity ("CPCN") to construct and operate the Virginia Rebuild Project; and
- (4) *DISMISSES* this case from the Commission's docket of active cases.

Upon consideration of this matter, the Commission concludes that the Senior Hearing Examiner's findings and recommendations are supported by law and evidence, have a rational basis, and are adopted subject to the modifications herein. The Commission finds that the public convenience and necessity requires the construction of the Virginia Rebuild Project and that a CPCN authorizing the Virginia Rebuild Project should be issued subject to the recommended findings and conditions contained in the Report. The Commission will not require Dominion to

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

<sup>8</sup> Staff Comments at 1.

<sup>9</sup> Report at 23.

mark with flags or tape prior to construction areas containing rare or endangered species to the extent they have already been marked. Instead, the Commission will require Dominion (i) to flag the limits of disturbance of the Virginia Rebuild Project prior to construction; (ii) to coordinate with the propagator to allow him an opportunity to relocate the rare plant species; (iii) "to minimize impacts to the rare plant species to the maximum extent practicable" and (iv) to mark any federally- and state-listed threatened or endangered plants, if found.

Accordingly, IT IS ORDERED THAT:

- (1) The Commission adopts the Senior Hearing Examiner's findings and recommendations as modified herein.
- (2) The Senior Hearing Examiner's recommendations, set forth herein, are hereby ordered as modified herein.
- (3) Dominion is authorized to construct and operate the Virginia Rebuild Project as proposed in its Application, subject to the findings and conditions imposed herein.
- (4) Dominion shall (i) flag the limits of disturbance of the Virginia Rebuild Project prior to construction; (ii) coordinate with the propagator to allow him an opportunity to relocate the rare plant species; (iii) "minimize impacts to the rare plant species to the maximum extent practicable" and (iv) mark any federally- and state-listed threatened or endangered plants, if found.
- (5) Pursuant to §§ 56-46.1, 56-265.2, and related provisions of Title 56 of the Code, the Company's request for approval of the necessary CPCN to construct and operate the Virginia Rebuild Project is granted as provided for herein.
- (6) Pursuant to the Utility Facilities Act, § 56-265.1 *et seq.* of the Code, the Commission issues the following CPCN to Dominion:

Certificate No. ET-DEV-SEC-2024-A, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in the Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUR-2023-00203, cancels Certificate No. ET-DEV-SEC-2023-A, issued to Virginia Electric and Power Company in Case No. PUR-2023-00023 on August 24, 2023.

(7) Within thirty (30) days from the date of this Final Order, the Company shall provide to the Commission's Division of Public Utility Regulation electronic maps for the Certificate Number that shows the routing of the transmission line approved herein. Maps shall be submitted to Michael Cizenski, Deputy Director, Division of Public Utility Regulation, [mike.cizenski@scc.virginia.gov](mailto:mike.cizenski@scc.virginia.gov).

(8) Upon receiving the maps directed in Ordering Paragraph (7), the Commission's Division of Public Utility Regulation forthwith shall provide the Company copies of the CPCN issued in Ordering Paragraph (6) with the map attached.

(9) The Virginia Rebuild Project approved herein must be constructed and in service by December 31, 2028. No later than ninety (90) days before the in-service date approved herein, for good cause shown, the Company is granted leave to apply, and to provide the basis, for any extension requested.

(10) This matter is dismissed.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.