

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, OCTOBER 9, 2015

COMMONWEALTH OFFICE
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APPLICATION OF

APPALACHIAN POWER COMPANY

CASE NO. PUE-2015-00090

For approval and certification of the
Bland Area Improvements – 138 kV
Transmission Line Rebuild Project
Under Title 56 of the Code of Virginia

ORDER FOR NOTICE AND HEARING

On September 3, 2015, Appalachian Power Company ("APCo" or "Company") filed with the State Corporation Commission ("Commission") its application ("Application") for a certificate of public convenience and necessity to construct and operate electric transmission facilities in Bland and Wythe Counties under § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, § 56-265.1 *et seq.*¹

APCo proposes to construct, own, operate and maintain the Bland Area Improvements 138 kilovolt ("kV") Transmission Line Project ("Project"). The Company states that the Project generally consists of rebuilding the Virginia portion of the existing South Bluefield – Bland – Wythe 69 kV line to 138 kV.² Specifically, the Project includes: (a) a rebuild of approximately 15.8 miles of the Virginia portion of the existing South Bluefield – Bland – Wythe 69 kV line to 138 kV; (b) construction of approximately 5.1 miles of 138 kV line in new right-of-way ("ROW"), of which 2.9 miles is parallel to the existing Progress Park Extension 138 kV Transmission Line, to connect the rebuilt line to a new terminus at APCo's existing Progress Park Substation located just east of Wytheville; (c) associated substation improvements at

¹ The Company filed direct testimony and other materials in support of its Application.

² Application at 1-2.

APCo's existing Progress Park Substation; (d) construction of approximately 3.3 miles of 138 kV line in new ROW that will depart from the existing 69 kV line ROW near the top of Buckhorn Mountain and run to the southwest to cross Clear Fork Creek Road and then turn south to parallel the existing Rich Mountain crossing of APCo's Jacksons Ferry – Wyoming 765 kV Transmission Line and then rejoin the existing 69 kV line ROW just south of Rich Mountain; (e) replacement of APCo's existing Bland 69 kV Substation with a new Town Creek 138 kV Substation in order to accommodate the rebuilt line; (f) construction of approximately 0.9 mile of new 138 kV line in new ROW that will depart to the southeast from the existing 69 kV line ROW just south of the existing travel plaza on U.S. Route 52 and then run south adjacent to I-77 to the proposed new Town Creek Substation and then southwest to reconnect with the existing 69 kV line ROW; and (g) the removal of approximately 6.7 miles of the Virginia portion of the existing South Bluefield – Bland – Wythe 69 kV line.³ If approved, APCo estimates the Project will cost approximately \$68 million and that the Company will need approximately 30 months after entry of the Commission's final order for engineering, design, ROW acquisition, permitting, material procurement and construction to place the Project in service.⁴ APCo proposes an in-service date of December 1, 2018, and requests expedited consideration to the extent permitted by law.⁵

The Company states that the Project will: (i) provide a comprehensive solution for the reliability concerns identified in the affected load area in Bland and Tazewell Counties, Virginia, and Mercer County, West Virginia; (ii) accomplish the replacement of a 90-year old 69 kV line

³ *Id.* at 2.

⁴ *Id.* at 4; Direct Testimony of Evan R. Wilcox at 5.

⁵ Application at 4.

that has reached the end of its useful life; and (iii) satisfy APCo's commitment in its 2003 Memorandum of Understanding with the U.S. Forest Service ("USFS MOU") to remove the existing 69 kV line crossing Rich Mountain.⁶

The Company states that its Preferred Route for the Project is approximately 25.2 miles in length within Virginia and that 64 percent of the Preferred Route consists of a rebuild to 138 kV within an existing ROW, with 36 percent to be located on new ROW.⁷ According to the Company, over 80 percent of the Preferred Route would be on or adjacent to existing transmission ROW.⁸ APCo states there are three areas totaling approximately 9.4 miles where the Preferred Route diverges from the existing ROW and where new 100-foot ROW will be required on private land: (a) the relocation of the existing 69 kV line crossing Rich Mountain to address a requirement of the USFS MOU; (b) the relocation to connect the rebuilt line with the new Town Creek Substation; and (c) the relocation to accommodate the change in the southern terminus of the rebuilt line from the existing Wythe Substation to the existing Progress Park Substation.⁹ The Company represents that because more than 60 percent of the Project would be located within the existing 69 kV line ROW owned and maintained by APCo, no viable alternative for the entire Project has been identified.¹⁰

The Application states that the rebuilt line will be a single circuit three-phase design with a nominal phase-to-phase voltage of 138 kV, using primarily guyed-V lattice towers, H-frame

⁶ *Id.* at 3; Direct Testimony of Evan R. Wilcox at 4.

⁷ Response to Guidelines at 31.

⁸ *Id.*

⁹ *Id.* at 20.

¹⁰ *Id.* at 28.

steel poles and monopole steel structures.¹¹ The Company indicates that the new structures will have an approximate average height of 90 to 100 feet tall with a cross arm approximately 32 to 48 feet wide, as compared to existing structures, which are approximately 55 feet tall with a cross arm approximately 24 feet wide.¹² As a result of the taller and more efficient proposed structures, the Company anticipates a decrease of approximately 20 percent in the total number of transmission line structures within the portion of the existing ROW that would be used for the Project.¹³

The Company proposes to construct the Project within 100-foot ROW to be located within a 500-foot corridor in order to have the flexibility to shift the centerline of the 100-foot ROW of the transmission line up to 200 feet in either direction from the centerline shown in the Application to address issues that become evident only after completion of final engineering, ground surveys, and interview of landowners.¹⁴ The Company states that the ROW may need to be wider than 100 feet in a few locations, but except for a few instances involving steep terrain and very long spans, the ROW typically would not exceed 125 feet wide.¹⁵ The Company requests expansion of the 500-foot corridor in the vicinity of U.S. Route 52 near the community of Bland to afford the Company flexibility to determine the final location of the proposed Town Creek Substation after completing surveys, studies, design work and landowner consultations.¹⁶

¹¹ Direct Testimony of Timothy B. Earhart, P.E., at 3-4.

¹² *Id.* at 4; Response to Guidelines at 36.

¹³ Direct Testimony of Timothy B. Earhart, P.E., at 4.

¹⁴ *Id.* at 6-7.

¹⁵ *Id.* at 12.

¹⁶ *Id.* at 7.

As provided by § 62.1-44.15:21 D 2 of the Code, the Commission and the State Water Control Board ("Board") must consult on wetland impacts prior to the siting of electric utility facilities that require a certificate of public convenience and necessity. Acting on behalf of the Board, the Department of Environmental Quality ("DEQ") must prepare a Wetland Impacts Consultation on this Application, as is required by the Code and the Department of Environmental Quality - State Corporation Commission Memorandum of Agreement Regarding Consultation on Wetland Impacts ("Wetland Impacts Memorandum").¹⁷ The Commission Staff ("Staff") has requested the Office of Wetlands & Stream Protection, Department of Environmental Quality, to provide a Wetland Impacts Consultation for the proposed Project.¹⁸

In addition to the consultation on wetlands, §§ 10.1-1186.2:1 B and 56-46.1 G of the Code direct the Commission and the DEQ to coordinate reviews of the environmental impact of proposed generating plants and associated facilities. Pursuant to the Code and the Department of Environmental Quality - State Corporation Commission Memorandum of Agreement Regarding Coordination of Reviews of the Environmental Impacts of Proposed Electric Generating Plants and Associated Facilities ("Environmental Impact Memorandum"),¹⁹ the Commission must receive and consider reports on the proposed facilities from state environmental agencies. Accordingly, the Staff has requested the DEQ to coordinate an environmental review of the

¹⁷ *In the matter of receiving comments on a draft memorandum of agreement between the State Water Control Board and the State Corporation Commission*, Case No. PUE-2003-00114, Order Distributing Memorandum of Agreement, 2003 S.C.C. Ann. Rept. 474 (July 30, 2003).

¹⁸ Letter from Ashley B. Macko, Esquire, State Corporation Commission, dated September 9, 2015, to David L. Davis, Department of Environmental Quality, filed in Case No. PUE-2015-00090.

¹⁹ *In the matter of receiving comments on a draft memorandum of agreement between the Department of Environmental Quality and the State Corporation Commission*, Case No. PUE-2002-00315, Order Distributing Memorandum of Agreement, 2002 S.C.C. Ann. Rept. 559 (Aug. 14, 2002).

proposed Project by the appropriate agencies and to provide a report on the review.²⁰ By letter dated September 23, 2015, the DEQ informed Staff that it would coordinate a review of the environmental impact of the proposed Project and that it would provide a report to the Commission.²¹

NOW THE COMMISSION, upon consideration of the Application and applicable statutes, finds that this matter should be docketed and the Company should give notice of its Application to interested persons and the public. The Commission also finds that, as required by § 62.1-44.15:21 D 2 and related provisions of the Code and the Wetland Impacts Memorandum, Staff has requested the DEQ to commence its wetland impacts review. Moreover, Staff has requested the DEQ to commence its coordinated environmental review pursuant to §§ 10.1-1186.2:1 B and 56-46.1 G and related provisions of the Code and the Environmental Impact Memorandum. We also find that a procedural schedule should be established to allow any interested person an opportunity to file comments on the Application or to participate in this proceeding as a respondent; and the Staff should be directed to investigate the Application and file testimony and exhibits containing its findings and recommendations thereon. We further find that a public hearing should be scheduled for the purpose of receiving testimony and evidence on the Application. Finally, we find that this matter should be assigned to a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUE-2015-00090.

²⁰ Letter from Ashley B. Macko, Esquire, State Corporation Commission, dated September 9, 2015, to Bettina Sullivan, Department of Environmental Quality, filed in Case No. PUE-2015-00090.

²¹ Letter from Bettina Sullivan, Manager, Environmental Impact Review and Long Range Priorities Program, Department of Environmental Quality, of September 23, 2015, to Ashley B. Macko, Esquire, State Corporation Commission, filed in Case No. PUE-2015-00090.

(2) As provided by § 12.1-31 of the Code and Rule 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"),²² a Hearing Examiner is appointed to conduct all further proceedings in this matter on behalf of the Commission and to file a final report.

(3) A public hearing on the Application shall be convened at 10 a.m. on February 23, 2016, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive the testimony of public witnesses and the evidence of the Company, any respondents, and the Staff. Any person desiring to offer testimony as a public witness at this hearing should appear in the Commission's courtroom fifteen (15) minutes prior to the starting time of the hearing and identify himself or herself to the Commission's Bailiff.

(4) A copy of the Application may be obtained by submitting a written request to counsel for the Company, H. Allen Glover, Jr., Esquire, and George J.A. Clemo, Esquire, Woods Rogers PLC, Wells Fargo Tower, Suite 1400, P.O. Box 14125, Roanoke, Virginia 24038-4125. If acceptable to the requesting party, the Company may provide the documents by electronic means. Copies of the public version of all documents also shall be available for interested persons to review in the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons also may download unofficial copies from the Commission's website: <http://www.scc.virginia.gov/case>.

(5) On or before November 6, 2015, the Company shall cause to be sent by first class mail a copy of the notice and sketch map prescribed in Ordering Paragraph (6) to all owners, as

²² 5 VAC 5-20-10 *et seq.*

of the date of this Order, of property within the corridor of the proposed line, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance, treasurer or other officer of the county or municipality designated as provided by § 58.1-3100 *et seq.* of the Code.

(6) On or before November 6, 2015, the Company shall publish in two (2) successive weeks the sketch map of the proposed route, as shown in Exhibit 2 of the Response to Guidelines contained in the Application, and the following notice as display advertising (not classified) in a newspaper or newspapers of general circulation in every county or municipality through which the proposed Project is proposed to be built:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
APPALACHIAN POWER COMPANY
FOR APPROVAL AND CERTIFICATION OF ELECTRIC
TRANSMISSION FACILITIES IN BLAND AND
WYTHE COUNTIES
CASE NO. PUE-2015-00090

On September 3, 2015, Appalachian Power Company ("APCo" or "Company") filed with the State Corporation Commission ("Commission") its application ("Application") for a certificate of public convenience and necessity to construct and operate electric transmission facilities in Bland and Wythe Counties under § 56-46.1 of the Code of Virginia and the Utility Facilities Act, § 56-265.1 *et seq.*

APCo proposes to construct, own, operate and maintain the Bland Area Improvements 138 kilovolt ("kV") Transmission Line Project ("Project"). The Company states that the Project generally consists of rebuilding the Virginia portion of the existing South Bluefield – Bland – Wythe 69 kV line to 138 kV. Specifically, the Project includes: (a) a rebuild of approximately 15.8 miles of the Virginia portion of the existing South Bluefield – Bland – Wythe 69 kV line to 138 kV; (b) construction of approximately 5.1 miles of 138 kV line in new right-of-way ("ROW"), of which 2.9 miles is parallel to the existing Progress Park Extension 138 kV Transmission Line, to connect the rebuilt line to a new terminus at

APCo's existing Progress Park Substation located just east of Wytheville; (c) associated substation improvements at APCo's existing Progress Park Substation; (d) construction of approximately 3.3 miles of 138 kV line in new ROW that will depart from the existing 69 kV line ROW near the top of Buckhorn Mountain and run to the southwest to cross Clear Fork Creek Road and then turn south to parallel the existing Rich Mountain crossing of APCo's Jacksons Ferry – Wyoming 765 kV Transmission Line and then rejoin the existing 69 kV line ROW just south of Rich Mountain; (e) replacement of APCo's existing Bland 69 kV Substation with a new Town Creek 138 kV Substation in order to accommodate the rebuilt line; (f) construction of approximately 0.9 mile of new 138 kV line in new ROW that will depart to the southeast from the existing 69 kV line ROW just south of the existing travel plaza on U.S. Route 52 and then run south adjacent to I-77 to the proposed new Town Creek Substation and then southwest to reconnect with the existing 69 kV line ROW; and (g) the removal of approximately 6.7 miles of the Virginia portion of the existing South Bluefield – Bland – Wythe 69 kV line. If approved, APCo estimates the Project will cost approximately \$68 million and that the Company will need approximately 30 months after entry of the Commission's final order for engineering, design, ROW acquisition, permitting, material procurement and construction to place the Project in service. APCo proposes an in-service date of December 1, 2018, and requests expedited consideration to the extent permitted by law.

The Company states that the Project will: (i) provide a comprehensive solution for the reliability concerns identified in the affected load area in Bland and Tazewell Counties, Virginia, and Mercer County, West Virginia; (ii) accomplish the replacement of a 90-year old 69 kV line that has reached the end of its useful life; and (iii) satisfy APCo's commitment in its 2003 Memorandum of Understanding with the U.S. Forest Service ("USFS MOU") to remove the existing 69 kV line crossing Rich Mountain.

The Company states that its Preferred Route for the Project is approximately 25.2 miles in length within Virginia and that 64 percent of the Preferred Route consists of a rebuild to 138 kV within an existing ROW, with 36 percent to be located on new ROW. According to the Company, over 80 percent of the Preferred Route would be on or adjacent to existing transmission ROW. APCo states there are three areas totaling approximately 9.4 miles where the Preferred Route diverges from the existing ROW and where new 100-foot ROW will be required on private land: (a) the relocation of the existing 69 kV line crossing Rich

Mountain to address a requirement of the USFS MOU; (b) the relocation to connect the rebuilt line with the new Town Creek Substation; and (c) the relocation to accommodate the change in the southern terminus of the rebuilt line from the existing Wythe Substation to the existing Progress Park Substation. The Company represents that because more than 60 percent of the Rebuild would be located within the existing 69 kV line ROW owned and maintained by APCo, no viable alternative for the entire Project has been identified.

The Application states that the rebuilt line will be a single circuit three-phase design with a nominal phase-to-phase voltage of 138 kV, using primarily guyed-V lattice towers, H-frame steel poles and monopole steel structures. The Company indicates that the new structures will have an approximate average height of 90 to 100 feet tall with a cross arm approximately 32 to 48 feet wide, as compared to existing structures, which are approximately 55 feet tall with a cross arm approximately 24 feet wide. As a result of the taller and more efficient proposed structures, the Company anticipates a decrease of approximately 20 percent in the total number of transmission line structures within the portion of the existing ROW that would be used for the Project.

The Company proposes to construct the Project within 100-foot ROW to be located within a 500-foot corridor in order to have the flexibility to shift the centerline of the 100-foot ROW of the transmission line up to 200 feet in either direction from the centerline shown in the Application to address issues that become evident only after completion of final engineering, ground surveys, and interview of landowners. The Company states that the ROW may need to be wider than 100 feet in a few locations, but except for a few instances involving steep terrain and very long spans, the ROW typically would not exceed 125 feet wide. The Company requests expansion of the 500-foot corridor in the vicinity of U.S. Route 52 near the community of Bland to afford the Company flexibility to determine the final location of the proposed Town Creek Substation after completing surveys, studies, design work and landowner consultations.

Route for Proposed Project

The majority of the 25.9 mile transmission line rebuild ("rebuild") (25.2 miles of which is in Virginia) is located in an existing APCo 69 kV line right-of-way. Beginning at APCo's South Bluefield Substation, which is located at 1301 West

Cumberland Road in the City of Bluefield, West Virginia, the rebuild starts southeastward in APCo's existing 69 kV line right-of-way, ascends East River Mountain for approximately 0.7 mile and enters Bland County, Virginia, at the ridge of the mountain.

Continuing southeastward for approximately 1.5 miles, the line descends East River Mountain and ascends Buckhorn Mountain. At the ridge of Buckhorn Mountain, the rebuild diverges to the southwest from the existing 69 kV line right-of-way, crosses State Route 61 to intersect with the existing right-of-way of the Jacksons Ferry-Wyoming 765 kV transmission line, where it turns to the south and parallels the 765 kV right-of-way for approximately 2.2 miles as it ascends Rich Mountain, enters the National Forest, and then turns back to the southeast to rejoin the existing 69 kV line right-of-way on the south face of Rich Mountain. The rebuild continues approximately 6.5 miles southward crossing State Route 614, the toe of Round Mountain, U.S. Route 52 near the community of Bastian, and Brushy Mountain and then exits the National Forest near Crab Orchard Lake. The rebuild continues for 0.4 mile and spans U.S. Route 52/State Route 42 near the I-77 Exit No. 52 just west of the community of Bland and then diverges from the existing 69 kV line right-of-way to the southeast. The rebuild continues southward adjacent to I-77 for 0.7 mile and enters the proposed new substation, exits the substation, re-enters the existing 69 kV line right-of-way after 0.2 mile, and continues for 1.5 miles and crosses from the west to the east side of I-77. Continuing south on the existing 69 kV line right-of-way for 6.0 miles and generally parallel to the I-77 corridor, the rebuild ascends Walker Mountain and enters the National Forest, crosses Little Walker Mountain, exits the National Forest, enters Wythe County, and traverses the western end of Crockett Cove.

Near the western toe of Cove Mountain, the rebuild leaves the existing 69 kV line right-of-way and continues southeastward for 2.2 miles across open

grass fields. The rebuild then turns to the east and begins paralleling APCo's existing Progress Park 138 kV Extension for 2.9 miles and then enters APCo's existing Progress Park Substation. The substation is located at 1304 Kents Lane in Wythe County, approximately two miles east of the Town of Wytheville.

All distances and directions are approximate. A sketch map of the proposed route accompanies this notice. A more detailed map of the proposed route may be viewed on the Commission's website:
<http://www.scc.virginia.gov/pue/elec/transline.aspx>.

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

The Commission entered an Order for Notice and Hearing in this proceeding that, among other things, scheduled a public hearing on February 23, 2016, at 10 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to receive testimony from members of the public and evidence related to the Application from the Company, any respondents, and the Commission's Staff. Any person desiring to testify as a public witness at this hearing should appear fifteen (15) minutes prior to the starting time of the hearing and contact the Commission's Bailiff.

Copies of the Application and documents filed in this case are available for interested persons to review in the Commission's Document Control Center, located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons also may download unofficial copies from the Commission's website:
<http://www.scc.virginia.gov/case>.

Copies of the Application and other supporting materials also may be inspected during regular business hours at the following location:

Bland County Library
 697 Main Street
 Bland, Virginia 24315
 Phone: (276) 688-3737

Interested persons also may obtain a copy of the Application by submitting a written request to counsel for the Company, H. Allen Glover, Jr., Esquire, and George J.A. Clemo, Esquire, Woods Rogers PLC, Wells Fargo Tower, Suite 1400, P.O. Box 14125, Roanoke, Virginia 24038-4125. If acceptable to the requesting party, the Company may provide the documents by electronic means.

On or before February 16, 2016, interested persons may file written comments on APCo's Application with Joel H. Peck, Clerk, State Corporation Commission, P.O. Box 2118, Richmond, Virginia 23218-2118. Interested persons desiring to submit comments electronically may do so on or before February 16, 2016, by following the instructions found on the Commission's website, <http://www.scc.virginia.gov/case>. Compact discs or any other form of electronic storage medium may not be filed with the comments. All comments shall refer to Case No. PUE-2015-00090.

Any person or entity may participate as a respondent in this proceeding by filing, on or before December 2, 2015, a notice of participation. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be filed with the Clerk of the Commission at the address set forth above. Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"), any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by Rule 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUE-2015-00090.

A copy of any written comments, requests for hearing, and notices of participation simultaneously shall be sent to counsel for the Company at the address set forth above.

APPALACHIAN POWER COMPANY

(7) On or before November 6, 2015, the Company shall serve a copy of this Order on the chairman of the board of supervisors or mayor of every county, city, and town through which the proposed Project is to be built. Service shall be made by first class mail or delivery to the customary place of business or residence of the person served.

(8) On or before November 20, 2015, the Company shall file proof of the notice and service required by Ordering Paragraphs (6) and (7), including the name, title and address of each official served, with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.

(9) On or before November 20, 2015, the Company shall file a certificate of the mailing of notice to owners of property prescribed by Ordering Paragraph (5) with the Clerk of the Commission at the address set forth in Ordering Paragraph (8). The certificate shall not include the names and addresses of the owners of property served, but the Company shall maintain a record of such information.

(10) On or before February 16, 2016, any interested person may file written comments on the Application with the Clerk of the Commission at the address set forth in Ordering Paragraph (8). Any interested person desiring to submit comments electronically may do so on or before February 16, 2016, by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. Compact disks or any other form of electronic storage medium may not be filed with the comments. All correspondence and comments shall refer to Case No. PUE-2015-00090.

(11) On or before December 2, 2015, any person or entity may participate as a respondent in this proceeding by filing a notice of participation. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be submitted to the Clerk of

the Commission at the address set forth in Ordering Paragraph (8), and the respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company at the address in Ordering Paragraph (4). Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUE-2015-00090.

(12) Within five (5) business days of receipt of a notice of participation as a respondent, the Company shall serve upon each respondent a copy of this Order for Notice and Hearing, a copy of the Application, and all materials filed by the Company with the Commission, unless these materials have already been provided to the respondent.

(13) On or before December 30, 2015, each respondent may file with the Clerk of the Commission at the address set forth in Paragraph (8) and serve on the Staff, the Company, and all other respondents, any testimony and exhibits by which the respondent expects to establish its case, and each witness's testimony shall include a summary not to exceed one page. If not filed electronically, an original and fifteen (15) copies of such testimony and exhibits shall be submitted to the Clerk of the Commission. In all filings, the respondent shall comply with the Commission's Rules of Practice, including, but not limited to: 5 VAC 5-20-140, *Filing and service*; 5 VAC 5-20-150, *Copies and format*; and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUE-2015-00090.

(14) The Staff shall investigate the Application. On or before January 19, 2016, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of testimony and exhibits, and each Staff witness's testimony shall include a summary not to exceed one page. The Staff shall serve a copy thereof on counsel to the Company and all respondents.

(15) On or before February 9, 2016, the Company shall file with the Clerk of the Commission: (a) any rebuttal testimony and exhibits that it expects to offer, and each rebuttal witness's testimony shall include a summary not to exceed one page; and (b) a summary not to exceed one page of each direct witness's testimony if not previously included therewith. The Company shall serve a copy on the Staff and all respondents. If not filed electronically, an original and fifteen (15) copies of such rebuttal testimony and exhibits shall be submitted to the Clerk of the Commission at the address set forth in Ordering Paragraph (8).

(16) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically, or by facsimile, on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to Staff.²³ Except as modified above, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(17) This matter is continued.

²³ The assigned Staff attorney is identified on the Commission's website, <http://www.scc.virginia.gov/case>, by clicking "Docket Search" and entering the case number, PUE-2015-00090, in the appropriate box.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:

George J.A. Clemo, Esquire, and H. Allen Glover, Jr., Esquire, Woods Rogers PLC, Wells Fargo Tower, Suite 1400, 10 South Jefferson Street, P.O. Box 14125, Roanoke, Virginia 24038-4125;

C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 900 East Main Street, Second Floor, Richmond, Virginia 23219.

A copy also shall be delivered to the Commission's Office of General Counsel and Division of Energy Regulation.