

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, AUGUST 12, 2016

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APPLICATION OF

THE POTOMAC EDISON COMPANY

CASE NO. PUE-2016-00077

For approval and certification of  
the Double Toll Gate-Riverton 138 kV Transmission  
Line Rebuild under Va. Code  
§ 56-46.1 and the Utility Facilities Act,  
Va. Code § 56-265.1 *et seq.*

ORDER FOR NOTICE AND COMMENT

On July 21, 2016, The Potomac Edison Company ("Potomac Edison" or "Company") filed with the State Corporation Commission ("Commission") an application for approval and certification for transmission facilities in connection with the proposed rebuild of the Double Toll Gate-Riverton 138 kV Transmission Line ("Application"). Potomac Edison filed the Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et seq.*

According to the Application, the Company proposes to rebuild, entirely within its existing right-of-way, approximately 6.3 miles of its existing 138 kV Double Toll Gate-Riverton Transmission Line ("Double Toll Gate-Riverton Line") in Clarke and Warren Counties ("Rebuild Project").<sup>1</sup> The Company anticipates that less than a quarter acre of tree clearing will be required in an area adjacent to the existing right-of-way, at structure 38F, to accommodate a work area.<sup>2</sup>

Potomac Edison states the Double Toll Gate-Riverton Line is a critical component of the electric transmission grid that serves Virginia.<sup>3</sup> The Company asserts the proposed Rebuild

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

<sup>2</sup> DEQ Supplement at 7.

<sup>3</sup> Application at 2.

Project is necessary so the Company can continue to provide adequate and reliable electric service and to continue to comply with North American Electric Reliability Corporation Reliability Standards for transmission facilities and the Company's internal reliability standards.<sup>4</sup> The Company states that a thermal violation identified in planning studies could impact reliability as early as June 2017.<sup>5</sup> The Company further asserts the proposed Rebuild Project provides the benefit of replacing aging transmission facilities that are reaching the end of their useful lives or have become structurally inadequate or damaged.<sup>6</sup> The Company states that failure to address projected thermal violations could potentially damage the Company's electrical facilities, which would be detrimental to the reliability of the grid.<sup>7</sup>

The Company proposes to replace 52 of the 60 structures comprising the Double Toll Gate-Riverton Line.<sup>8</sup> The Company states the new structures will be installed in approximately the same locations as the existing poles.<sup>9</sup> The Company states the existing structures average approximately 70 feet in height.<sup>10</sup> The Company proposes approximate structure heights ranging between 70 feet and 90 feet, which are subject to change based on final engineering design.<sup>11</sup>

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<sup>4</sup> *Id.* at 3.

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

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

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

<sup>8</sup> *Id.* at 4.

<sup>9</sup> Appendix at 7.

<sup>10</sup> Application at 5.

<sup>11</sup> Prefiled Direct Testimony of Lawrence P. Mattei, Exhibits LPM-1, LPM-2, LPM-3, and LPM-4.

The Company states the proposed Rebuild Project will use a combination of single, two pole, and three pole wood structures.<sup>12</sup>

The Company anticipates an in-service date for the proposed Rebuild Project of June 1, 2017, and states that it will need approximately three to four months for construction of the Rebuild Project.<sup>13</sup> The estimated cost of the Rebuild Project is approximately \$6.1 million.<sup>14</sup>

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 required by the Code and Sections 2 and 3 of the Department of Environmental Quality - State Corporation Commission Memorandum of Agreement Regarding Consultation on Wetland Impacts.<sup>15</sup> The Staff of the Commission ("Staff") has requested the Office of Wetlands & Stream Protection at the DEQ to provide a Wetland Impacts Consultation for this Rebuild Project.<sup>16</sup>

As provided by §§ 10.1-1186.2:1 B and 56-46.1 A of the Code, the Commission and the DEQ must coordinate reviews of the environmental impact of electric 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

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<sup>12</sup> *Id.* at 3.

<sup>13</sup> Appendix at 2.

<sup>14</sup> Application at 4; Appendix at 2.

<sup>15</sup> *In re Receiving comments on a draft memorandum of agreement between the State Water Control Board and the State Corporation Commission*, Case No. PUE-2003-00114, 2003 S.C.C. Ann. Rept. 474, Order Distributing Memorandum of Agreement (July 30, 2003).

<sup>16</sup> Letter from William Henry Harrison, IV, Esquire, State Corporation Commission, dated July 27, 2016, to David L. Davis, Department of Environmental Quality, filed in Case No. PUE-2016-00077.

the Environmental Impacts of Proposed Electric Generating Plants and Associated Facilities (August 2002),<sup>17</sup> the Commission must receive and consider reports on the proposed facilities from state environmental agencies. The Staff has requested the DEQ to coordinate an environmental review of this Application by the appropriate agencies and to provide a report on the review.<sup>18</sup>

NOW THE COMMISSION, upon consideration of the Application and applicable statutes, finds that this matter should be docketed; that Potomac Edison should give notice of its Application to interested persons and the public; that interested persons should have an opportunity to comment and request a hearing on the Application; and that the Staff should investigate the Application and file a report containing the Staff's findings and recommendations.

Accordingly, IT IS ORDERED THAT:

- (1) This matter is docketed and assigned Case No. PUE-2016-00077.
- (2) As provided by § 12.1-31 of the Code and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"),<sup>19</sup> 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 copy of the Application may be obtained by submitting a written request to counsel for the Company, Timothy E. Biller, Esquire, Hunton & Williams, LLP, 951 East Byrd Street, Richmond, Virginia 23219. If acceptable to the requesting party, the Company may provide the

<sup>17</sup> *In re Receiving comments on a draft memorandum of agreement between the Department of Environmental Quality and the State Corporation Commission*, Case No. PUE-2002-00315, Order Distributing Memorandum of Agreement, 2002 S.C.C. Ann. Rept. 559 (Aug. 14, 2002).

<sup>18</sup> Letter from William Henry Harrison, IV, Esquire, State Corporation Commission, dated July 27, 2016, to Bettina Sullivan, Department of Environmental Quality, filed in Case No. PUE-2016-00077.

<sup>19</sup> 5 VAC 5-20-10 *et seq.*

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>.

(4) On or before September 8, 2016, the Company shall cause to be sent by first class mail a copy of the notice and sketch map prescribed in Ordering Paragraph (5) to all owners, as of the date of this Order, of property within the route of the line affected by the Application. This requirement shall be satisfied by mailing the notice 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.

(5) On or before September 8, 2016, the Company shall publish in two (2) successive weeks the following notice, and the sketch map of the proposed route, as shown in Attachment V.A of the Appendix to the Application, as display advertising (not classified) in a newspaper or newspapers of general circulation in Clarke and Warren Counties:

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
THE POTOMAC EDISON COMPANY  
FOR APPROVAL AND CERTIFICATION OF THE DOUBLE  
TOLL GATE-RIVERTON 138 KV TRANSMISSION LINE  
REBUILD IN CLARKE AND WARREN COUNTIES  
CASE NO. PUE-2016-00077

On July 21, 2016, The Potomac Edison Company ("Potomac Edison" or "Company") filed with the State Corporation Commission ("Commission") an application for approval and certification for transmission facilities in connection with the proposed rebuild of the Double Toll Gate-Riverton 138 kV Transmission Line ("Application"). Potomac Edison filed the

Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et seq.*

According to the Application, the Company proposes to rebuild, entirely within its existing right-of-way, approximately 6.3 miles of its existing 138 kV Double Toll Gate-Riverton Transmission Line ("Double Toll Gate-Riverton Line") in Clarke and Warren Counties ("Rebuild Project"). The Company anticipates that less than a quarter acre of tree clearing will be required in an area adjacent to the existing right-of-way, at structure 38F, to accommodate a work area.

Potomac Edison states the Double Toll Gate-Riverton Line is a critical component of the electric transmission grid that serves Virginia. The Company asserts the proposed Rebuild Project is necessary so the Company can continue to provide adequate and reliable electric service and to continue to comply with North American Electric Reliability Corporation Reliability Standards for transmission facilities and the Company's internal reliability standards. The Company states that a thermal violation identified in planning studies could impact reliability as early as June 2017. The Company further asserts the proposed Rebuild Project provides the benefit of replacing aging transmission facilities that are reaching the end of their useful lives or have become structurally inadequate or damaged. The Company states that failure to address projected thermal violations could potentially damage the Company's electrical facilities, which would be detrimental to the reliability of the grid.

The Company proposes to replace 52 of the 60 structures comprising the Double Toll Gate-Riverton Line. The Company states the new structures will be installed in approximately the same locations as the existing poles. The Company states the existing structures average approximately 70 feet in height. The Company proposes approximate structure heights ranging between 70 feet and 90 feet, which are subject to change based on final engineering design. The Company states the proposed Rebuild Project will use a combination of single, two pole, and three pole wood structures.

The Company anticipates an in-service date for the proposed Rebuild Project of June 1, 2017, and states that it will need approximately three to four months for construction of the Rebuild Project. The estimated cost of the Rebuild Project is approximately \$6.1 million.

### **Route for the Proposed Project**

The proposed route is an existing northeast to southwest transmission line that is located between existing Double Toll Gate and Riverton Substations. Double Toll Gate Substation is located in Clarke County, Virginia and Riverton Substation is in Warren County, Virginia. The line is approximately 7.07 miles in length, of which 6.3 miles are proposed to be rebuilt. The line generally parallels State Route 522 to the west. Riverton Substation is located about 3 miles north of Front Royal, Virginia.

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 Company's Application and related documents are available for review in the Commission's Document Control Center, Office of the Clerk of the Commission, 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-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 locations:

Hunton & Williams LLP  
951 East Byrd Street  
Richmond, Virginia 23219

Copies of the Application and related documents also may be obtained by submitting a written request to counsel for the Company, Timothy E. Biller, Esquire, Hunton & Williams, LLP, 951 East Byrd Street, Richmond, Virginia 23219. If acceptable to the requesting party, the Company may provide the documents by electronic means.

On or before October 12, 2016, any interested person may file written comments on the Application with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Interested persons desiring to submit comments electronically may do so on or before October 12, 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 written comments. All comments shall refer to Case No. PUE-2016-00077.

On or before October 12, 2016, 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 filed with the Clerk of the Commission at the address set forth above. Pursuant to 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 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUE-2016-00077.

On or before October 12, 2016, any interested person may request a hearing in this matter by filing an original and fifteen (15) copies of a request for hearing. Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed without a hearing. All such requests for hearing shall be filed with the Clerk of the Commission at the address set forth above, or filed electronically by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. Copies of any such filings shall refer to Case No. PUE-2016-00077.

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

The Commission's Rules of Practice may be viewed at <http://www.scc.virginia.gov/case>. A printed copy of the Commission's Rules of Practice and an official copy of the Commission's Order for Notice and Comment in this proceeding

may be obtained from the Clerk of the Commission at the address set forth above.

THE POTOMAC EDISON COMPANY

(6) On or before September 8, 2016, the Company shall serve a copy of this Order on the chair of the board of supervisors of Clarke and Warren Counties. Service shall be made by first class mail or delivery to the customary place of business of the person served.

(7) On or before October 6, 2016, the Company shall file proof of the notice and service required by Ordering Paragraphs (5) and (6), 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.

(8) On or before October 6, 2016, the Company shall file with the Clerk of the Commission at the address set forth in Ordering Paragraph (7) a certificate of the mailing of notice to owners of property prescribed by Ordering Paragraph (4). The certificate shall not include the names and addresses of the owners of property served, but the Company shall maintain a record of this information.

(9) On or before October 12, 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 (7). Any interested person desiring to submit comments electronically may do so on or before October 12, 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 comments shall refer to Case No. PUE-2016-00077.

(10) On or before October 12, 2016, 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 filed with the Clerk of the Commission at the address set forth in Ordering Paragraph (7), and the respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company at the address set forth in Ordering Paragraph (3). Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Commission's Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Commission's Rules of Practice. All filings shall refer to Case No. PUE-2016-00077.

(11) 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 the Application and all materials filed by the Company with the Commission in this case, unless these materials have already been provided to the respondent.

(12) On or before October 12, 2016, any interested person may file a written request for a hearing. If not filed electronically, an original and fifteen (15) copies of the hearing request shall be filed with the Clerk of the Commission at the address set forth in Ordering Paragraph (7), and a copy of the request for hearing shall also be sent to counsel to the Company at the address in Ordering Paragraph (3). Any request for hearing shall state with specificity why the issues raised in the request for hearing cannot be adequately addressed without a hearing. All requests for hearing shall refer to Case No. PUE-2016-00077.

(13) The Staff shall investigate the Company's Application. On or before November 15, 2016, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of

a Staff Report containing its findings and recommendations and promptly shall serve a copy of the same on counsel for the Company and all respondents.

(14) On or before November 29, 2016, the Company may file with the Clerk of the Commission and serve on the Staff and all parties any response in rebuttal to the Staff Report and any comments filed by interested persons in this proceeding.

(15) The Company shall respond to interrogatories and requests for production of documents within seven (7) calendar days after receipt of same. In addition to the service requirements of Rule of Practice 5 VAC 5-20-260, 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 the Staff.<sup>20</sup> 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.*

(16) This matter is continued pending further order of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Timothy E. Biller, Esquire, Hunton & Williams, LLP, 951 East Byrd Street, Richmond, Virginia 23219; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 North Ninth Street, Richmond, Virginia 23219. A copy also shall be delivered to the Commission's Office of General Counsel and Divisions of Energy Regulation and Utility Accounting and Finance.

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<sup>20</sup> The assigned Staff attorney is identified on the Commission website: <http://www.scc.virginia.gov/case> by clicking "Docket Search," then "Search Cases" and entering the case number, PUE-2016-00077, in the appropriate box.