

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 17, 2019

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2019-00191

For approval and certification of electric facilities: Evergreen Mills 230 kV Line Loops and Evergreen Mills Switching Station

ORDER FOR NOTICE AND HEARING

On December 2, 2019, Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") an application for approval and for a certificate of public convenience and necessity to construct and operate electric transmission facilities in Loudoun County, Virginia ("Application"). Dominion 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.*

Dominion proposes to construct: (i) a new 230 kilovolt ("kV") switching station on land owned by the Customer ("Evergreen Mills Switching Station"); (ii) a new approximately 0.6-mile 230 kV double-circuit loop of the Company's existing 230 kV Brambleton-Yardley Ridge Line #2172 on new right-of-way ("ROW"), supported by seven structures, from a tap point along those lines (the "Evergreen Mills Junction") to Evergreen Mills Switching Station (the "#2172 Loop"); and (iii) a new approximately 0.6-mile 230 kV double-circuit loop of the Company's existing 230 kV Brambleton-Poland Road Line #2183 on new ROW, supported by nine structures, from Evergreen Mills Junction to Evergreen Mills Switching Station (the "#2183 Loop") (collectively, the "Project" or "Rebuild Project").¹

¹ Application at 2.

The Company proposes to construct the proposed Project in two parts. The Company proposes to first acquire the 160-foot ROW for the full Project, construct the Evergreen Mills Switching Station, and construct the #2172 Loop ("Part A"). The second part of the proposed Project will consist of the construction of the #2183 Loop and the installation of the remaining breakers at the Evergreen Mills Switching Station ("Part B").²

Dominion states that the proposed Project is to serve load growth of "Data Center Alley" in Loudoun County; maintain reliable service for the overall growth in the Project area; and to comply with mandatory North American Electric Reliability Corporation Reliability Standards.³

The Company states that the expected in-service date for the proposed Project is May 1, 2021, for Part A, and in 2025 for Part B.⁴ The Company states that the estimated cost of Part A is approximately \$21.2 million, including approximately \$11.4 million for transmission-related work and approximately \$9.8 million for substation-related work.⁵ The Company states that the estimated cost of Part B is approximately \$9.1 million, which includes \$4.1 million for transmission-related work and \$5.0 million for substation-related work.⁶

As provided by Code § 62.1-44.15:21 D 2, 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

² *Id.*

³ *Id.* at 3; Application Appendix at 1.

⁴ Application at 4.

⁵ *Id.*

⁶ *Id.*

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.⁷ The Staff of the Commission ("Staff") has requested the Office of Wetlands & Stream Protection at the DEQ to provide a Wetland Impacts Consultation for the Rebuild Project.⁸

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

NOW THE COMMISSION, upon consideration of the Application and applicable statutes, finds that: this matter should be docketed; Dominion should give notice of its Application to interested persons and the public; a public hearing should be scheduled for the

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

⁸ Letter from Alisson Klaiber, Esquire, State Corporation Commission, dated December 5, 2019, to David L. Davis, Department of Environmental Quality, filed in Case No. PUR-2019-00191.

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

¹⁰ Letter from Alisson Klaiber, Esquire, State Corporation Commission, dated December 5, 2019, to Bettina Rayfield, Department of Environmental Quality, filed in Case No. PUR-2019-00191.

purpose of receiving testimony and evidence on the Application; interested persons should have an opportunity to file comments on the Application or participate as a respondent in this proceeding; and the Staff should be directed to investigate the Application and file testimony and exhibits containing its findings and recommendations thereon. 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. PUR-2019-00191.

(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"),¹¹ 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 evidentiary hearing on the Application shall be convened on April 14, 2020, 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 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 evidentiary 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, David J. DePippo, Esquire, Dominion Energy Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219. If acceptable to the requesting party, the Company may

¹¹ 5 VAC 5-20-10 *et seq.*

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 January 13, 2020, 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 of property within the route of the proposed line, as of the date of this Order and as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance, treasurer, or other officer of the county or municipality designated as provided by Code § 58.1-3100 *et seq.*

(6) On or before January 13, 2020, the Company shall publish in two (2) successive weeks the sketch map of the proposed route, as shown on page 132 of the Appendix to the Application, and the following notice as display advertising (not classified) in a newspaper or newspapers of general circulation in Loudoun County, Virginia:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
VIRGINIA ELECTRIC AND POWER COMPANY
FOR APPROVAL AND CERTIFICATION OF ELECTRIC
FACILITIES: EVERGREEN MILLS 230 KV LINE LOOPS
AND EVERGREEN MILLS SWITCHING STATION
CASE NO. PUR-2019-00191

On December 2, 2019, Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") an application for approval and for a certificate of public convenience and necessity to construct and operate electric transmission facilities in Loudoun County, Virginia

("Application"). Dominion 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.*

Dominion proposes to construct: (i) a new 230 kilovolt ("kV") switching station on land owned by the Customer ("Evergreen Mills Switching Station"); (ii) a new approximately 0.6-mile 230 kV double circuit loop of the Company's existing 230 kV Brambleton-Yardley Ridge Line #2172 on new right-of-way ("ROW"), supported by seven structures, from a tap point along those lines (the "Evergreen Mills Junction") to Evergreen Mills Switching Station (the "#2172 Loop"); and (iii) a new approximately 0.6-mile 230 kV double circuit loop of the Company's existing 230 kV Brambleton-Poland Road Line #2183 on new ROW, supported by nine structures, from Evergreen Mills Junction to Evergreen Mills Switching Station (the "#2183 Loop") (collectively, the "Project").

The Company proposes to construct the proposed Project in two parts. The Company proposes to first acquire the 160-foot ROW for the full Project, construct the Evergreen Mills Switching Station, and to construct the #2172 Loop ("Part A"). The second part of the proposed Project will consist of the construction of the #2183 Loop and the installation of the remaining breakers at the Evergreen Mills Switching Station ("Part B").

Dominion states that the proposed Project is to serve the load growth of "Data Center Alley" in Loudoun County; maintain reliable service for the overall growth in the Project area; and to comply with mandatory North American Electric Reliability Corporation Reliability Standards.

The Company states that the expected in-service date for the proposed Project is May 1, 2021, for Part A, and in 2025 for Part B. The Company states that the estimated cost of Part A is approximately \$21.2 million, including approximately \$11.4 million for transmission-related work and approximately \$9.8 million for substation-related work. The Company states that the estimated cost of Part B is approximately \$9.1 million, which includes \$4.1 million for transmission-related work and \$5.0 million for substation-related work.

Description of the Proposed Project

The Proposed Route would originate from the existing Brambleton-Yardley Ridge Line #2172 / Brambleton-Poland Road Line #2183 double circuit system at a tap point approximately 0.1

mile west of the Yardley Ridge Switching Station, which is located near Loudoun County Parkway and Evergreen Mills Road. The new 230 kV double circuit transmission lines would extend approximately 0.6 mile to the proposed Evergreen Mills Switching Station, with the circuits being constructed in two parts as further described in the Appendix to the Application. From the tap point, the Proposed Route would extend for approximately 0.3 mile southwest to Evergreen Mills Road within a forested stream valley associated with an unnamed intermittent tributary to Broad Run. The alignment in this section is constrained by planned commercial development to the east and an existing sanitary easement to the west that parallels the stream. Angling to the south, the Proposed Route would span Evergreen Mills Road and extend for approximately 0.3 mile to the proposed Evergreen Mills Switching Station. This segment would span two unnamed intermittent tributaries to Broad Run and a storm water management basin, then extend into the proposed station adjacent to the Customer's data center facility within Arcola Center. The minimum, maximum, and average proposed structure heights are 35', 130', and 100', respectively.

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

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

A more complete description of the Project may be found in the Company's Application.

The Commission entered an Order for Notice and Hearing in this proceeding that, among other things, scheduled a public hearing in Richmond, Virginia, on April 14, 2020, 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 locations:

Dominion Energy Virginia
10900 Nuckols Road, Suite 400
Glen Allen, Virginia 23060
Attn: Laura Meadows

Dominion Energy Virginia
Lincoln Park II
3072 Centreville Road
Herndon, Virginia 20171
Attn: Tim Sargeant

Loudoun County
Planning Department
1 Harrison Street, S.E.,
Leesburg, Virginia 20175
Attn: Alaina Ray, Director

Interested persons also may obtain a copy of the Application by submitting a written request to counsel for the Company, David J. DePippo, Esquire, Dominion Energy Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219. If acceptable to the requesting party, the Company may provide the documents by electronic means.

Any person or entity may participate as a respondent in this proceeding by filing, on or before February 28, 2020, a notice of participation. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be submitted to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. A copy of the notice of participation as a respondent also must be sent to counsel for the Company 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. All filings shall refer to Case No. PUR-2019-00191. For additional information about participation as a respondent, any person or entity should obtain a copy of the Commission's Order for Notice and Hearing.

On or before April 7, 2020, any interested person wishing to comment on the Application shall file written comments on the Application with the Clerk of the Commission at the address set forth above. Any interested person desiring to file comments electronically may do so on or before April 7, 2020, by following the instructions 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 such comments shall refer to Case No. PUR-2019-00191.

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

The 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 Hearing in this proceeding may be obtained from the Clerk of the Commission at the address set forth above.

VIRGINIA ELECTRIC AND POWER COMPANY

(7) On or before January 13, 2020, the Company shall serve a copy of this Order for Notice and Hearing on the following local officials, to the extent the position exists, in each county, city, and town through which the Rebuild Projects are proposed to be built: the chairman of the board of supervisors of each county; the mayor or manager (or equivalent official) of every city and town; and the county, city, or town attorney. Service shall be made by either first

class mail or personal delivery to the customary place of business or residence of the person served.¹²

(8) On or before January 27, 2020, 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 January 27, 2020, the Company shall file with the Clerk of the Commission a certificate of the mailing of notice to owners of property prescribed by Ordering Paragraph (5). 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 April 7, 2020, 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 April 7, 2020, 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. PUR-2019-00191.

(11) On or before February 28, 2020, 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

¹² Service may also be made electronically if a locality has submitted a written request to the Company for electronic service, pursuant to the Commission's April 19, 2016 Order in Case No. PUE-2016-00039. See *Petition of Virginia Electric and Power Company, For a continuing waiver of 20 VAC-5-501-10 J of the Rules Governing Utility Rate Applications and Annual Informational Filings to permit electronic service to local officials upon request*, Case No. PUE-2016-00039, Doc. Con. Cen. No. 160420194, Order (Apr. 19, 2016).

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 Commission's Rules of Practice. All filings shall refer to Case No. PUR-2019-00191.

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

(13) On or before February 28, 2020, each respondent may file with the Clerk of the Commission at the address set forth in Ordering 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*, and 5 VAC 5-20-240, *Prepared testimony and exhibits*. All filings shall refer to Case No. PUR-2019-00191.

(14) The Staff shall investigate the Application. On or before March 13, 2020, 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 March 31, 2020, 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) All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(17) The Company and respondents shall respond to written interrogatories and requests for production of documents within seven (7) calendar days after receipt of the same. In addition to the service requirements of Rule 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 on the assigned Staff attorney if the interrogatory or request for production is directed to the Staff.¹³ 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.*

(18) This matter is continued.

¹³ The assigned Staff attorney is identified on the Commission's website, <http://www.scc.virginia.gov/case>, by clicking "Docket Search," then "Search Cases," and entering the case number, PUR-2019-00191, in the appropriate box.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: David J. DePippo, Esquire, Dominion Energy Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219; Vishwa B. Link, Esquire, Sarah R. Bennett, Esquire, and April M. Jones, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond, Virginia 23219-3424. A copy also shall be delivered to the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Utility Accounting and Finance.