

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUE-2014-00025

For approval and certification of electric transmission facilities for the Remington CT-Warrenton 230 kV Double Circuit Transmission Line, Vint Hill-Wheeler and Wheeler-Loudoun 230 kV Transmission Lines, 230 kV Vint Hill Switching Station, and 230 kV Wheeler Switching Station

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HEARING EXAMINER'S RULING

October 1, 2014

On March 31, 2014, Virginia Electric and Power Company ("Dominion Virginia Power" or "Company") filed with the State Corporation Commission ("Commission") an application for a certificate of public convenience and necessity ("Certificate") for the Remington CT-Warrenton 230 kilovolt ("kV") double circuit transmission line, Vint Hill-Wheeler and Wheeler-Loudoun 230 kV transmission lines, 230 kV Vint Hill Switching Station, and the 230 kV Wheeler Switching Station ("Application").

On May 29, 2014, the Commission entered its Order for Notice and Hearing in which, among other things, the Commission docketed the Application; scheduled public hearings to be held at Patriot High School in Nokesville, Virginia, on August 20, 2014; scheduled a public hearing in Richmond to begin on September 30, 2014; and appointed a Hearing Examiner to conduct all further proceedings in this matter and to file a final report.

On August 22, 2014, Staff, by counsel, filed a Motion for Order ("Motion"), requesting that Dominion Virginia Power be directed to (i) conduct further study, in coordination with Staff, to develop additional Option A Warrenton-Wheeler transmission alternatives; (ii) give notice to the public of a set of buildable Option A Warrenton-Wheeler alternatives; and (iii) continue the procedural schedule in this case to give the Company sufficient time to study Option A, give notice, supplement the record, and provide interested persons the opportunity to comment or participate. In support of its Motion, Staff attached the Affidavit of Michael W. Martin concerning the reliability and cost benefits of Option A; and the Affidavit of Wayne D. McCoy concerning the need for more route studies. Staff contended that Option A is electrically superior and less costly than the Company's proposed Projects.<sup>1</sup> Moreover, Staff questioned the validity of the routing constraints that caused the Company to dismiss Option A.<sup>2</sup>

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<sup>1</sup> Motion at 6-7.

<sup>2</sup> *Id.* at 7.

The date for the Company and Respondents to file a response to Staff's Motion was set as Friday, August 29, 2014, and the date for Staff's reply concerning its Motion was set for Wednesday, September 3, 2014, in a Hearing Examiner's Ruling dated August 25, 2014.

On August 26, 2014, Dominion Virginia Power and Staff filed a Joint Motion for Extension requesting: (i) an extension of the deadline to file a response to Staff's Motion from August 29, 2014, to September 5, 2014; (ii) an extension of the deadline for Staff to file a reply concerning its Motion from September 3, 2014, to September 11, 2014; (iii) an extension of time for Staff to file its testimony from September 5, 2014, to a date in the future depending upon whether additional notice of Option A is necessary; (iv) an extension of time for the filing of Company rebuttal testimony to eleven days after the filing deadline for Staff's testimony; and (v) an extension of the start of the evidentiary hearing to fourteen days after the deadline for the Company's rebuttal testimony. The Joint Motion for Extension was granted in a Hearing Examiner's Ruling dated August 27, 2014, which retained the hearing scheduled for September 30, 2014, for the sole purpose of receiving the testimony of public witnesses, and advised that the dates for (i) the evidentiary hearing, (ii) the filing of Staff testimony, and (iii) the filing of the Company's rebuttal testimony would be directed in a subsequent ruling.

On September 5, 2014, Dominion Virginia Power filed its Motion for Extension in which it requested a further two-week extension to respond to Staff's Motion. The Company advised that Staff and Piedmont Environmental Council ("Piedmont") did not oppose the Motion for Extension. The Motion for Extension was granted in a Hearing Examiner's Ruling dated September 5, 2014.

On September 19, 2014, Dominion Virginia Power filed its Response to Staff's Motion. The Company noted that subsequent to the filing of Staff's Motion, it met with Staff and provided a preliminary study of a new route called "Alternate A-2/3 Staff Route." Nonetheless, Dominion Virginia Power opposed Staff's Motion and filed the affidavits of Mark R. Gill, Douglas J. Lake, and Timothy J. Sargeant in support of its Response. Dominion Virginia Power maintained that Option A is not as electrically robust and is more costly than its proposed Projects.<sup>3</sup> Dominion Virginia Power contended that there is sufficient information on record regarding the lack of viability of Option A alternatives.<sup>4</sup> The Company took the position that it should not be directed to develop additional Option A alternatives.<sup>5</sup> Finally, the Company asserted that the procedural delay to provide notice could jeopardize the construction schedule for the Projects, which are needed in 2017 and 2018.<sup>6</sup>

On September 19, 2014, Piedmont filed its Response to Staff's Motion. Piedmont stated that Staff's Motion should be denied.<sup>7</sup> Piedmont objected to Staff's request that Dominion Virginia Power be directed to develop a route in coordination with Staff.<sup>8</sup> Piedmont maintained that Staff should present its case at an evidentiary hearing.

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<sup>3</sup> Company Response at 5-9.

<sup>4</sup> *Id.* at 9-10.

<sup>5</sup> *Id.* at 10-15.

<sup>6</sup> *Id.* at 16-17.

<sup>7</sup> Piedmont Response at 4.

<sup>8</sup> *Id.* at 3.

On September 25, 2014, Staff filed its reply, including additional affidavits of Michael Martin and Wayne McCoy. Staff stated that the purpose of its Motion was to:

ensure that [Dominion Virginia Power] devoted additional, serious effort to the study of Option A alternatives (which it has done) and to preserve consideration of a potential solution to the reliability needs driving this proceeding. As a result of discussions with the Company, two potentially viable alternative routes have been discovered and designated by the Company as ‘Alternate A-2/3 Staff Route’ and ‘Hybrid Route.’ Staff did not co-develop either particular routing, may or may not ultimately support these routes, and may suggest further route refinements over the course of this proceeding.<sup>9</sup>

Staff maintained that if Option A is terminated at the Gainesville Substation, instead of bypassing the Gainesville Substation and terminating at the Loudoun Substation as proposed by the Company, the reliability constraints identified in the Application would be resolved and provide several other reliability benefits.<sup>10</sup> Staff contended that there is a need for further review of the environmental impacts for Alternate A-2/3 Staff Route and original A-2/3 Route, based on current environmental information and compared to all current environmental impacts for all components of the routes currently under consideration.<sup>11</sup> In addition, Staff asserted that a Hybrid Route for Option A, which would use a combination of overhead and underground Option A routes, could address concerns raised by the Board of Supervisors of Fauquier County.<sup>12</sup> Staff advised that notice of the Hybrid Route is necessary to keep this route available for the Commission’s substantive consideration in this proceeding.<sup>13</sup>

Section 56-46.1 E of the Code of Virginia (“Code”) provides that “[i]n the event that . . . it appears to the Commission that consideration of a route or routes significantly different from the route described in the notice is desirable, the Commission shall cause notice of the new route or routes to be published and mailed in accordance with subsection B.” Dominion Virginia Power argued that notice of Option A alternatives is not desirable. The Company contended that Staff failed to identify a specific route and that Staff’s Motion is premature. Nonetheless, the Company acknowledged that Staff could be permitted to further develop its routing ideas through its Staff Report and during the evidentiary hearing.

Staff asserted that it has specifically identified three additional routes, Alternate A-2/3 Staff Route, original Alternate A-2/3 Route, and Hybrid Route, to be noticed.<sup>14</sup> Moreover, Staff

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<sup>9</sup> Reply at 4.

<sup>10</sup> *Id.* at 6-9.

<sup>11</sup> *Id.* at 9-13.

<sup>12</sup> *Id.* at 13.

<sup>13</sup> *Id.* at 14.

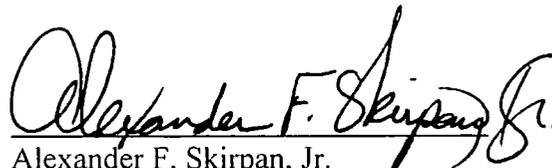
<sup>14</sup> Staff noted that if notice for these routes is directed, an appropriate description of these routes would need to be developed.

contended that publishing notice of these routes “does not require the Hearing Examiner or the Commission to predetermine whether Option A is the preferred alternative, it simply keeps Option A available for further consideration.”<sup>15</sup>

Based on the Company’s Application, the pleadings, and the testimony of public witnesses received to date in this proceeding, I find that publishing notice for the routes identified by Staff is not desirable at this time. Indeed, Staff is not recommending any of these routes. This finding does not preclude Staff from continuing to develop a record for these or other alternative routes throughout the course of this proceeding. With further development of the record for an alternative route, additional notice may become desirable even if such notice causes a delay in the procedural schedule. Therefore, Staff’s Motion is hereby denied at this time.

To restart the procedural schedule of this case, I find that a telephonic prehearing conference should be scheduled in this matter. Accordingly,

**IT IS DIRECTED THAT** a telephonic prehearing conference among all parties and Staff is hereby scheduled for Monday, October 6, 2014, at 4:00 p.m. The dial-in number for the conference is 866-842-5779 and the passcode is 8043719406.

  
Alexander F. Skirpan, Jr.  
Senior Hearing Examiner

Document Control Center is requested to mail or deliver a copy of the above Ruling to: Vishwa B. Link, Esquire, and Jennifer D. Valaika, Esquire, McGuireWoods LLP, One James Center, 901 East Cary Street, Richmond, Virginia 23219-4030; Lisa S. Booth, Esquire, and Charlotte P. McAfee, Esquire, Dominion Resources Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219; Morris Farm LLP, 14458 Broadwinged Drive, Gainesville, Virginia 20155; Robert G. Marmet, Esquire, and Diana E. Norris, Esquire, Piedmont Environmental Council, 45 Horner Street, P.O. Box 460, Warrenton, Virginia 20188; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219.

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<sup>15</sup> Reply at 14.