

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION  
AT RICHMOND, MARCH 24, 2017

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY  
d/b/a DOMINION VIRGINIA POWER

CASE NO. PUE-2016-00078

For approval and certification of  
Carson-Rogers Road 500 kV Transmission Line  
Rebuild under Va. Code § 56-46.1 and the Utility  
Facilities Act, Va. Code § 56-265.1 *et seq.*

FINAL ORDER

On August 18, 2016, Virginia Electric and Power Company d/b/a Dominion Virginia Power ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") an application for approval and certification of transmission facilities in connection with the proposed rebuild of the 500 kilovolt ("kV") Carson-Rogers Road Line ("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.*

According to the Application, the Company proposes to rebuild, entirely within its existing right-of-way ("ROW"), approximately 27.5 miles of its existing 500 kV Carson-Rogers Road Line #585 in Dinwiddie, Sussex, and Greensville Counties from Structure #3 outside Carson Switching Station to Structure #142 located at a point north of the junction of Line #585 and Line #570, approximately 0.9 mile northwest of the Company's approved Rogers Road Switching Station in Greensville County currently under construction (collectively, the "Rebuild Project").<sup>1</sup>

On September 9, 2016, the Commission issued an Order for Notice and Comment ("Procedural Order") in this proceeding that, among other things, docketed the case; directed the

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

Company to provide notice of its Application; granted the opportunity for interested persons to request a hearing, comment on the Application, and participate in the proceeding; directed the Commission's Staff ("Staff") to investigate the Application and file a report ("Staff Report") containing the Staff's findings and recommendations; and assigned a Hearing Examiner to conduct all further proceedings in this matter. No notices of participation were filed in this proceeding.

As noted in the Procedural Order, the Staff requested the Department of Environmental Quality ("DEQ") to coordinate an environmental review of the proposed Rebuild Project by the appropriate agencies and to provide a report on the review. On October 28, 2016, DEQ filed its report ("DEQ Report") with the Commission. The DEQ Report provides general recommendations for the Commission's consideration that are in addition to any requirements of federal, state, or local law. Specifically, the DEQ Report contains the following Summary of Recommendations regarding the proposed Rebuild Project. The Company should:

- Conduct an on-site delineation of wetlands and streams within the project area with verification by the U.S. Army Corps of Engineers, using accepted methods and procedures, and follow DEQ's recommendations to avoid and minimize impacts to wetlands and streams;
- Conduct project activities in a manner consistent with air pollution control practices for minimizing emissions, especially during periods of high ozone;
- Reduce solid waste at the source, reuse it and recycle it to the maximum extent practicable, and follow DEQ's recommendations to manage waste, as applicable;
- Coordinate with the Department of Conservation and Recreation to determine the need to conduct inventories for the Cuthbert turtlehead, Barking treefrog, rare butterflies and rare dragonflies in the project area;
- Coordinate with the U.S. Fish and Wildlife Service due to the legal status of the Dwarf wedgemussel, Atlantic pigtoe and Roanoke logperch to ensure compliance with protective species legislation;
- Coordinate with the Department of Conservation and Recreation for updates to the Biotics Data System database (if the scope of the project changes or six months pass before the project is implemented);

- Adhere to a time-of-year restriction from March 15 through June 30 of any year for any impacts on Stony Creek and the Nottoway River and/or their tributaries, due to the presence of Roanoke logperch;
- Coordinate with the Department of Game and Inland Fisheries on any needed mussel surveys and relocations for the Dwarf wedgemussel and Atlantic pigtoe in the Nottoway River, Sappony Creek, and Three Creek and/or any of their perennial tributaries;
- Coordinate with the Department of Game and Inland Fisheries regarding its general recommendations to protect wildlife resources;
- Coordinate with the Virginia Department of Transportation on any ongoing road maintenance activities to Route 58 and for permits to work within state maintained ROW;
- Follow the principles and practices of pollution prevention to the extent practicable; and
- Limit the use of pesticides and herbicides to the extent practicable.<sup>2</sup>

On January 11, 2017, the Staff filed its Staff Report, summarizing the results of its investigation of Dominion's Application. The Staff concluded that Dominion had reasonably demonstrated the need for the proposed Rebuild Project.<sup>3</sup>

On January 25, 2017, Dominion filed rebuttal testimony. In its rebuttal testimony, the Company agreed with the Staff's conclusion that the Company had demonstrated the need for the Rebuild Project and offered testimony clarifying certain factual points.<sup>4</sup>

The Report of Howard P. Anderson, Jr., Hearing Examiner ("Report") was entered on March 10, 2017. In his Report, the Hearing Examiner found that: the proposed Rebuild Project is justified by the public convenience and necessity; the proposed Rebuild Project will maximize

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<sup>2</sup> DEQ Report at 5-6.

<sup>3</sup> Staff Report at 21.

<sup>4</sup> Rebuttal Testimony of Amanda M. Mayhew at 2. The Company did not object to the summary of recommendations contained in the DEQ Report and noted that it would coordinate further with the U.S. Fish and Wildlife Service and the Virginia Department of Game and Inland Fisheries regarding their recommendation to perform mussel surveys and relocations, as the Company would not impact watercourses on the Rebuild Project. *Id.* at 4.

the use of existing ROW; the recommendations contained in the DEQ Report are reasonable and should be adopted by the Commission as conditions of approval; the proposed Rebuild Project is essential to support ongoing economic development and overall system reliability; the proposed Rebuild Project is not suitable for underground construction; and the proposed Rebuild Project, with its use of existing ROW and tower design, reasonably mitigates the overall impact and generally improves the aesthetics of the proposed Rebuild Project.<sup>5</sup>

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the public convenience and necessity require that the Company construct the Rebuild Project and that certificates of public convenience and necessity authorizing the Rebuild Project should be issued subject to the findings and conditions contained herein.

#### Approval

The statutory scheme governing the Company's Application is found in several chapters of Title 56 of the Code.

Section 56-265.2 A 1 of the Code provides that "it shall be unlawful for any public utility to construct, . . . facilities for use in public utility service, . . . without first having obtained a certificate from the Commission that the public convenience and necessity require the exercise of such right or privilege." Code § 56-46.1 further directs the Commission to consider several factors when reviewing the Company's Application. Subsection A of the statute provides that:

Whenever the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the effect of that facility on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact. . . . In every proceeding under this subsection, the Commission shall receive and give consideration to all reports that relate to the proposed facility by state agencies concerned with environmental protection; and if requested by any county or municipality in which the facility is proposed to be built,

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<sup>5</sup> Report at 12.

to local comprehensive plans that have been adopted . . . .  
Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, . . . and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

Code § 56-46.1 B further provides that "[a]s a condition to approval the Commission shall determine that the line is needed and that the corridor or route the line is to follow will reasonably minimize adverse impact on the scenic assets, historic districts and environment of the area concerned."

The Code further requires that the Commission consider existing ROW easements when siting transmission lines. Section 56-46.1 C of the Code provides that "[i]n any hearing the public service company shall provide adequate evidence that existing rights-of-way cannot adequately serve the needs of the company." In addition, § 56-259 C of the Code provides that "[p]rior to acquiring any easement of right-of-way, public service corporations will consider the feasibility of locating such facilities on, over, or under existing easements of rights-of-way."

Need

The Commission finds that the Company's proposed Rebuild Project is needed. No party has challenged the need for the proposed Rebuild Project. The record reflects that completing the Rebuild Project is necessary to ensure compliance with PJM Interconnection, L.L.C. Reliability Standards and the North American Electric Reliability Corporation Reliability Standards and will resolve a long-term need to meet the requirements of the Company's Transmission Planning criteria related to aging infrastructure.<sup>6</sup>

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<sup>6</sup> See, e.g., Staff Report at 5-11; Application, Appendix at 1-7.

### Economic Development

The Commission finds that the proposed Rebuild Project will promote economic development in the Commonwealth of Virginia by maintaining the operations reliability of the transmission line and, in turn, continuing to ensure the delivery of sufficient supplies of electrical power.

### Rights-of-Way and Routing

Dominion has adequately considered existing ROW. If approved, the proposed Rebuild Project would be located entirely within existing ROW.<sup>7</sup>

### Scenic Assets and Historic Districts

Due to the fact that the Rebuild Project will be located within existing ROW, the Commission finds that adverse impacts on scenic assets and historic districts in the Commonwealth will be minimized as required by Code § 56-46.1 B.

### Environmental Impact

Pursuant to Code § 56-46.1 A and B, the Commission is required to consider the proposed Rebuild Project's impact on the environment and to establish such conditions as may be desirable or necessary to minimize adverse environmental impacts. The statute further provides that the Commission shall receive, and give consideration to, all reports that relate to the proposed Rebuild Project by state agencies concerned with environmental protection.

The Commission finds that there are no adverse environmental impacts that would prevent the construction or operation of the proposed Rebuild Project. The DEQ Report supports a finding that the Company's proposed route reasonably minimizes adverse environmental impacts, provided that the Company complies with the recommendations set forth in the DEQ

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<sup>7</sup> Application, Appendix at 31.

Report.<sup>8</sup> Therefore, the Commission finds that, as a condition to approval herein, Dominion must comply with all of DEQ's recommendations as provided in the DEQ Report. Further, Dominion should be required to obtain all necessary environmental permits and approvals needed to construct and operate the Rebuild Project.

Accordingly, IT IS ORDERED THAT:

(1) Dominion is authorized to construct and operate the Rebuild Project, as proposed in its Application, subject to the findings and conditions imposed herein.

(2) Pursuant to Code §§ 56-46.1, 56-265.2 and related provisions of Title 56 of the Code, the Company's request for certificates of public convenience and necessity to construct and operate the Rebuild Project is granted as provided for herein, subject to the requirements set forth herein.

(3) Pursuant to the Utility Facilities Act, Code § 56-265.1 *et seq.*, the Commission issues the following certificates of public convenience and necessity to Dominion:

Certificate No. ET-76k, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated facilities in Dinwiddie County, all as shown on the detailed map attached to the Certificate, and to construct and operate facilities as authorized in Case No. PUE-2016-00078; Certificate No. ET-76k cancels Certificate No. ET-76j issued to Virginia Electric and Power Company on October 31, 2008, in Case No. PUE-2007-00020.

Certificate No. ET-83i, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated facilities in Greensville County, all as shown on the detailed map attached to the Certificate, and to construct and operate facilities as authorized in Case No. PUE-2016-00078; Certificate No. ET-83i cancels Certificate No. ET-83h issued to Virginia Electric and Power Company on April 12, 2016, in Case No. PUE-2015-00075.

<sup>8</sup> The DEQ recommendations are set forth above and discussed in the DEQ Report.

Certificate No. ET-112f, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated facilities in Sussex County, all as shown on the detailed map attached to the Certificate, and to construct and operate facilities as authorized in Case No. PUE-2016-00078; Certificate No. ET-112f cancels Certificate No. ET-112e issued to Virginia Electric and Power Company on October 31, 2008, in Case No. PUE-2007-00020.

(4) Within thirty (30) days from the date of this Final Order, the Company shall provide to the Commission's Division of Public Utility Regulation three (3) copies of appropriate maps that show the routing of the transmission line approved herein in addition to the facilities shown on the maps for cancelled Certificate Nos. ET-76j, ET-83h, and ET-112e.

(5) Upon receiving the maps directed in Ordering Paragraph (4), the Commission's Division of Public Utility Regulation forthwith shall provide the Company copies of the certificates of public convenience and necessity issued in Ordering Paragraph (3) with the appropriate maps attached.

(6) The Rebuild Project approved herein must be constructed and in service by December 31, 2018. The Company, however, is granted leave to apply for an extension for good cause shown.

(7) This matter is dismissed.

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

Lisa S. Booth, Esquire, Dominion Resources Services, Inc., 120 Tredegar Street, Richmond, Virginia 23219; Bernard L. McNamee, Esquire, McGuireWoods LLP, Gateway Plaza, 800 E. Canal Street, Richmond, Virginia 23219; and C. Meade Browder, Jr., Senior Assistant Attorney General, Office of the Attorney General, Division of Consumer Counsel, 202 N. 9th Street, 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.