

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 21, 2017

SCHEIDT & BOND OFFICE
REGULATORY CONTROL CENTER

2017 DEC 21 P 12: 24

1
2
3
4
5
6
7
8
9
10

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUE-2016-00021

For approval and certification of
electric transmission facilities:
Line # 65 rebuild across the
Rappahannock River

ORDER

On February 29, 2016, Virginia Electric and Power Company ("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 an electric transmission line in the counties of Lancaster, Virginia, and Middlesex, Virginia, and across the Rappahannock River. Dominion filed the Application pursuant to Code § 56-46.1 and the Utility Facilities Act, Code § 56-265.1 *et seq.*

In the Application, the Company proposed to rebuild approximately 2.2 miles of the Company's existing 115 kilovolt ("kV") transmission line, Harmony Village-Northern Neck Line #65, located between Harmony Village Substation in Middlesex County and White Stone Substation in Lancaster County ("Proposed Project").¹ The portion of Line #65 that the Company proposed to rebuild included an approximately 1.9-mile crossing of the Rappahannock River at the Robert O. Norris Bridge ("Norris Bridge"), with the remaining 0.3 mile of the Proposed Project on land.

¹ The Commission previously determined that a planned rebuild of this portion of Line #65 requires a certificate of public convenience and necessity. *Petition of William C. Barnhardt, For a declaratory judgment and injunctive relief*, Case No. PUE-2015-00109, Final Order (Dec. 11, 2015).

For the river crossing, the Proposed Project would replace a total of seven existing wooden H-frame electric transmission structures located east of the Norris Bridge in the Rappahannock River, and 14 existing attachments to the Norris Bridge, with 10 galvanized steel H-frame structures that would be located in the Rappahannock River. As proposed, Line #65 would no longer be attached to the Norris Bridge. The new structures would be located approximately 100 feet east of the Norris Bridge in a right-of-way permitted by the Virginia Marine Resources Commission ("VMRC").²

The height of the existing structures in the river is approximately 83 feet, while the heights of the proposed structures in the river range from approximately 102 to 173 feet.³ The new galvanized steel structures would be erected on concrete pilings capped with concrete foundations, the tops of which would be approximately 22 feet above the zero elevation water line.⁴ Additionally, a fender system would be installed in front of the two structures that would be located on either side of and parallel to the navigational channel.⁵

On the Lancaster side of the Rappahannock River, the Company proposes to replace one existing wooden three-pole structure, approximately 48 feet in height, with a galvanized steel three-pole structure, approximately 55 feet in height, that would be located in the existing right-of-way.⁶ On the Middlesex side of the Rappahannock River, the Company proposes to

² Exhibit No. 8 (Application), Appendix at 1-2. The Company's Application indicates that rebuilding Line #65 in the proposed right-of-way required legislative action to vacate public oyster grounds, also known as Baylor Grounds. *Id.* at 126 (citing 2015 Va. Acts Ch. 377).

³ *Id.*, Appendix at 129-30.

⁴ *Id.*, Virginia Department of Environmental Quality ("DEQ") Supplement at 3.

⁵ *Id.* at 3.

⁶ *Id.*, Appendix at 1, 129-30.

replace four existing wooden monopole structures, with heights ranging from approximately 61 to 70 feet, with one double deadend galvanized steel monopole and two weathering steel monopoles, with heights ranging from 79 to 82 feet, that would be located in the existing right-of-way.⁷

As part of the Proposed Project, Dominion would also replace 2.2 miles of existing conductor and one static wire on Line #65 with approximately 2.2 miles of new conductor and two shield wires.⁸ The Company estimates the total cost of the Proposed Project to be approximately \$26.2 million.⁹ According to the Application, the Proposed Project is needed to maintain electric transmission system reliability and to address structural and operational deficiencies associated with the existing structures and bridge attachments identified in the Application. The Application indicates that the existing structures and bridge attachments, which were originally installed in 1962, must be replaced to address the risk associated with their age, condition, and proximity to the Norris Bridge.¹⁰

In addition to the Proposed Project, which Dominion requests Commission approval of, the Application indicates that the Company has identified a 230 kV overhead alternative and an underground alternative for the Commission's consideration.¹¹ According to the Company, 230 kV construction would require, among other things, structures taller than would be

⁷ *Id.*

⁸ *Id.* at 2. The Proposed Project would replace three-phased 477 ACSR (24/7) conductor with three-phased 900 ACSS/TW/HS-285/MM (20/7) conductor. *Id.*

⁹ *Id.* at 3. This estimate includes the cost to relocate an approximately 0.2-mile distribution line that the Company indicates would be necessary as part of the Proposed Project. *Id.* at 4.

¹⁰ *Id.*, Appendix at 1-6.

¹¹ *Id.* at 4. The Company's Application indicates that, pursuant to Code § 15.2-2202 D, the Company has advised Lancaster and Middlesex officials of its intention to file the Application. *Id.*, Appendix at 151, 154-57.

constructed for the 115 kV Proposed Project.¹² The Company indicates that an underground crossing of the Rappahannock River would require, among other things, two transition stations, one on each side of the river crossing in Lancaster and Middlesex Counties.¹³ The Company estimates that the cost of the 230 kV and underground alternatives would be approximately \$26.3 million and \$83.6 million, respectively.¹⁴

On March 18, 2016, the Commission entered its Order for Notice and Hearing in which, among other things, the Commission scheduled public hearings to be held at Lancaster Middle School in Kilmarnock, Virginia, on July 6, 2016; scheduled a public hearing in Richmond to begin on September 20, 2016; and appointed a Hearing Examiner to conduct all further proceedings in this matter and to file a final report.

On April 21, 2016, the County of Lancaster, Virginia ("Lancaster County") filed its Notice of Participation. On May 18, 2016, William C. Barnhardt ("Barnhardt") filed his Notice of Participation. On May 27, 2016, Old Dominion Electric Cooperative ("ODEC") filed its Notice of Participation. On June 3, 2016, the Save the Rappahannock Coalition, Inc. ("Coalition"), filed its Notice of Participation.

On June 22, 2016, Barnhardt filed his Motion to Require Applicant to Supplement Application with Additional Alternatives ("Alternatives Motion"). Specifically, Barnhardt asked that Dominion be directed to supplement its Application to address the following three alternatives: (i) installing a set of insulated transmission lines on the Norris Bridge ("Barnhardt Option 1"); (ii) installing insulated transmission lines in a shallow trench across the river in

¹² Exhibit No. 34 (Mayhew Direct) at 5-7.

¹³ *Id.* at 7-9.

¹⁴ *Id.* at 6, 9.

conjunction with horizontally drilled pathways from the north and south banks traversing shallow depths adjacent to the banks ("Barnhardt Option 2"); and (iii) laying insulated cables on the river bottom itself, in conjunction with horizontally drilled pathways from the north and south banks traversing shallow depths adjacent to the banks ("Barnhardt Option 3"). On July 8, 2016, responses to the Alternatives Motion were filed by Dominion, Lancaster County, the Coalition, and Staff. Barnhardt filed his reply on July 15, 2016.

In a Senior Hearing Examiner's Ruling dated July 22, 2016, Dominion was directed to conduct further study of Barnhardt Option 1 and Barnhardt Option 2, and the procedural schedule was continued pending further Commission ruling or order. The procedural schedule was revised in a Hearing Examiner's Ruling dated August 3, 2016, which, among other things, established March 1, 2017, as the date for the public hearing in this matter. Additionally, in a Senior Hearing Examiner's Ruling dated August 24, 2016, the end of the period for public comment was extended to March 1, 2017.

On November 16, 2016, Barnhardt filed his Motion for Prehearing Conference asking that a prehearing conference be held "for the purpose of considering the effect, if any, that the [Virginia Department of Transportation ("VDOT")] response can and should have on the currently scheduled proceedings in this case." In a Senior Hearing Examiner's Ruling dated November 18, 2016, a telephonic prehearing conference was scheduled for December 8, 2016. On November 30, 2016, Lancaster County filed its Motion to Further Revise Procedural Dates in which it proposed new procedural dates to provide the respondents and Staff with an opportunity to address input from VDOT on the feasibility of Barnhardt Option 1. On December 7, 2016, Barnhardt filed a Motion Relating to Virginia Department of Transportation, asking that VDOT

be invited to participate as a party or, in the alternative, that Staff be directed to forward additional questions and concerns to VDOT.

On December 8, 2016, a telephonic prehearing conference was held as scheduled. Based on the discussions during the prehearing conference, the procedural schedule was revised to provide respondents with additional time to address input from VDOT in a Senior Hearing Examiner's Ruling dated December 12, 2016. This ruling rescheduled the public hearing in this matter from March 1, 2017, to March 15, 2017, and provided for an invitation to VDOT to provide a witness for the public hearing.

On March 6, 2017, certain respondents filed a Joint Motion to Hold Date for Evidentiary Hearing in Abeyance, to Conduct a Prehearing Conference, and for Expedited Consideration. Among other things, these respondents asked that the hearing be held in abeyance pending the outcome of a prehearing conference, and that the prehearing conference be scheduled for the week of March 6, 2017. In a Senior Hearing Examiner's Ruling dated March 6, 2017, a prehearing conference was scheduled for March 7, 2017. On March 7, 2017, a prehearing conference was held as scheduled. Based on the discussions during the prehearing conference, a Senior Hearing Examiner's Ruling dated March 8, 2017, revised the procedural schedule to: (i) retain the currently scheduled hearing date of March 15, 2017, for the purpose of receiving the testimony of public witnesses; (ii) schedule the public hearing for this matter to begin on April 18, 2017; (iii) end discovery on March 24, 2017; and (iv) extend the deadline for public comments concerning this matter to April 18, 2017.

Senior Hearing Examiner Alexander F. Skirpan, Jr., convened the hearing in this matter as scheduled on April 18, 2017. Pursuant to the Senior Hearing Examiner's direction at the close of the hearing, post-hearing briefs were filed by the parties on June 13, 2017.

The Senior Hearing Examiner issued a 115-page Report in this matter on August 21, 2017. In his Report, the Senior Hearing Examiner recommended the Commission find that:

1. There is a need to replace the aging and deteriorating transmission Line #65 as it crosses the Rappahannock River at and on the Norris Bridge;
2. None of the on-bridge variations met the identified needs for the project;
3. The Underground Option and Trenching Options should be sized base on a design starting point of 217 MVA to satisfy the identified need;
4. The Underground Option or Soleski Variation 3 best satisfies the statutory requirement 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; and
5. The recommendations contained in the Second DEQ Report, filed on January 12, 2017, should be adopted by the Commission as conditions of approval.¹⁵

Comments on the Senior Hearing Examiner's Report were filed on September 18, 2017 by the Company, Barnhardt, Lancaster County, ODEC and the Coalition.

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds as follows.

Code of Virginia

The statutory scheme governing the Company's Application is found in several chapters of the Code, including Code §§ 56-265.2 A, 56-46.1 A, B, C, and D, and 56-259 C.

Code § 56-265.2 A 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."

¹⁵ Senior Hearing Examiner's Report at 114.

Code §§ 56-46.1 A, B, C, and D further direct the Commission to consider several factors when reviewing the Company's Application. Subsection A of the statute provides, in part, 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, 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.

Subsection B of this statute further provides, in part, that:

As 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 In making the determinations about need, corridor or route, and method of installation, the Commission shall verify the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation Additionally, the Commission shall consider, upon the request of the governing body of any county or municipality in which the line is proposed to be constructed, (a) the costs and economic benefits likely to result from requiring the underground placement of the line and (b) any potential impediments to timely construction of the line.

Subsection D directs that "'[e]nvironment' or 'environmental' shall be deemed to include in meaning 'historic,' as well as a consideration of the probable effects of the line on the health and safety of the persons in the area concerned."

The Code also requires that the Commission consider existing right-of-way easements when siting transmission lines. Code § 56-46.1 C 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, Code § 56-259 C states 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."

Proposed Project

The Commission finds that there is a need to replace the 2.2-mile segment of Line #65, which includes an approximately 1.9-mile crossing of the Rappahannock River at the Norris Bridge, that is the subject of this proceeding. As exemplified by the detailed analysis presented in the Senior Hearing Examiner's Report, there are distinctive characteristics attendant to this particular project. Unlike many other transmission line projects, this one is not requested in order to meet an expanding electrical load. Rather, as found by the Senior Hearing Examiner, this segment of Line #65 needs to be replaced because of its extensive out-of-service conditions.¹⁶

The Senior Hearing Examiner summarized the current configuration of this segment of Line #65 as follows:

The Rappahannock River crossing segment of Line # 65 was built in 1962, is suspended by wooden structures in the river, and attached to the Norris Bridge, which was completed in 1957. This segment of Line # 65 is part of a transmission network serving approximately 19,000 customers in the Northern Neck. When the Rappahannock River crossing segment of Line # 65 is out of service, these customers are served by a 29.4-mile radial line. If an outage also occurs on the radial line, customers would experience outages for a longer duration. Moreover, radial operation makes it more difficult to schedule maintenance to maintain reliability on line.¹⁷

¹⁶ *Id.* at 91-93.

¹⁷ *Id.* at 92.

Since 2010: (i) the Rappahannock River crossing segment of Line #65 has been de-energized over 50% of the time due to VDOT maintenance;¹⁸ and (ii) there have been at least seven unplanned outage events that have also occurred on this line.¹⁹ Inspection reports and photographic evidence also illustrate the deterioration on this segment.²⁰ The existing wood pile foundations exhibit hour glassing, checking and splitting, and the insulators on the bridge davit arms have reached the end of their service lives.²¹

Having determined that this segment needs to be replaced, the Commission now turns to the needed capacity, and the route, for such replacement. In this regard, the Supreme Court of Virginia has explained that the Commission is not required to consider need and route in separate, independent vacuums:

Next, BASF argues that the Commission erred as a matter of law by weighing the need . . . against the adverse impacts of [the route]. . . . The adverse impacts of a proposed project are not to be considered in a vacuum. When presented with an application for transmission line construction, the Commission must balance adverse impacts along with other factors and traditional considerations. Then the Commission, as a tribunal informed by experience, must decide within the parameters of the statute what best serves the total public interest. We conclude that the use of the word reasonably demonstrates the General Assembly's recognition of the multifactorial balancing that goes into such an investigation, and we find that the Commission did not err.²²

As noted above, the segment of Line #65 that crosses the Rappahannock River is currently operated at 115 kV. As to needed capacity, the current capacity of this 115 kV

¹⁸ *Id.* (citing Company's Post-Hearing Brief at 9; Exhibit No. 16 at 5).

¹⁹ *Id.* at 92-93 (citing Exhibit No. 16 at 5).

²⁰ *Id.* at 93 (citing Exhibit No. 23, Attached Supplemental Direct Schedule 1).

²¹ *Id.* (citing Exhibit No. 84 at 8; Staff's Post-Hearing Brief at 9).

²² *BASF Corp. v. State Corp. Com'n*, 289 Va. 375, 394-95 (2015) (citations and internal quotation marks omitted).

segment has a summer rating of 147 megavolt amperes ("MVA") and a winter rating of 185 MVA.²³ At its current capacity, this segment can carry approximately double the power of recent historic peak loads and three times the capacity needed to handle recent summer peaks.²⁴ The following chart, taken from the Senior Hearing Examiner's Report, shows the current capacity for the entirety of Line #65.²⁵

Line Conductor	Mileage and Percent of Total Line Length	Summer Emergency Rating
1033 ACSR (45/7) @ 150C	0.04 miles (0.1%)	353 MVA
1534 ACAR (42/19) @ 90C	3.34 miles (9.1%)	292 MVA
477 ACSR (24/7) @ 90C	2.20 miles (6.0%)	147 MVA
477 ACSR (24/7) @ 90C	1.77 miles (4.8%)	147 MVA
1534 ACAR (42/19) @ 75C	4.30 miles (11.7%)	274 MVA
477 ACSR (24/7) @ 150C	25.05 miles (68.3%)	217 MVA

Dominion confirmed that its transmission planning department specified a rating of 217 MVA for the rebuild of the Rappahannock River segment of Line #65.²⁶ The actual alternatives proposed by the Company for this project are higher, ranging from 340 MVA to 437 MVA.²⁷ The Senior Hearing Examiner, however, found that such an increase in capacity was not required based on the record.²⁸ We agree. This segment of the line is not being replaced due to a capacity problem. The current capacity of the Rappahannock River crossing is adequate

²³ Senior Hearing Examiner's Report at 94 (citing Exhibit No. 60). Staff witness Cizenski also explained that in evaluating capacity requirements "[f]or transmission lines, capacity or apparent power is usually expressed in units of megavolt amperes, or MVA. Power in MVA is defined as the line-to-line voltage, times the current, times the square root of 3." Tr. 1065.

²⁴ Senior Hearing Examiner's Report at 94 (citing Staff's Post-Hearing Brief at 12, 16).

²⁵ *Id.* (citing Exhibit No. 84, Attached Appendix A, Staff Interrogatory 10-71). The 2.2-mile segment at issue in this proceeding is shown on the third row of the chart.

²⁶ *Id.* (citing Exhibit No. 95 at 9).

²⁷ *Id.* at 95.

²⁸ *Id.*

to meet existing and projected load.²⁹ Accordingly, the Commission finds that the minimum summer rating for the replacement line need not be greater than 217 MVA, which was specified by the Company's transmission planning department and recommended by the Senior Hearing Examiner.³⁰ The replacement line will continue to be operated at 115 kV.

As to route, the specific characteristics of this segment differentiate it from other transmission line proposals and informs the multifactorial balancing that the Commission undertakes herein. Due in part to the uniqueness of this particular project, no less than 15 alternatives for rebuilding this segment were evaluated in this proceeding.³¹ Based on the totality of the circumstances established in the record of this case, the Commission finds that underwater construction designed for 217 MVA as directed herein satisfies the statutory requirements and best serves the total public interest within the parameters of the statute.³² This finding includes consideration of, among other things: need; cost; reliability; the environment; scenic assets; historic districts; health and safety of the persons in the area; economic development; local comprehensive plans; proposed method of installation; possible impediments to timely construction; and rights-of-way.³³

²⁹ As further noted by the Senior Hearing Examiner, Coalition witness Ormesher also adjusted the highest peak demand for an annual growth of 1.5% (from Dominion's Integrated Resource Plan) for 40 years and found that peak demand remained well under a capacity of 147 MVA. *Id.* (citing Coalition's Post-Hearing Brief at 43; Exhibit No. 61; Ormesher, Tr. at 789-90).

³⁰ *Id.*

³¹ *Id.* at 88-89.

³² As recommended by the Senior Hearing Examiner, the recommendations contained in the Second DEQ Report are adopted as requirements of our approval herein. *Id.* at 114.

³³ *See, e.g.*, Code §§ 56-46.1 A, B, C, and D; 56-259 C; and 56-265.2 A. For additional explanation of these considerations under the statute, see the Senior Hearing Examiner's Report at 88-114.

This particular line segment possesses additional attributes, which have gone into the Commission's multifactorial balancing, that further distinguish this project from other transmission line requests. For example, unlike other cases, the health and safety of the public would be directly impacted by introducing fixed objects (transmission towers and fenders) in the river at this location adjacent to the Norris Bridge, where boating is so prevalent that it is considered a cornerstone of the local economy.³⁴ This segment is also uncommon in that it runs alongside a bridge that not only serves as a principal entrance to the Northern Neck, but that also stands at a substantial height and length. In addition, this area is significantly impacted by this river, and this bridge, at this location.

There is another factor that distinguishes this particular project. This is not a new transmission line, but a replacement of an existing line that for decades has been attached to a highway bridge rather than being suspended from free-standing towers across the Rappahannock River. The current configuration of the line – attached to an existing bridge of substantial height and length – has served to minimize the impacts of the line. As found by the Senior Hearing Examiner, however, attachment of the replacement line to the Norris Bridge is no longer feasible in that it does not meet the need identified herein.³⁵ Increased maintenance, inspections, and superstructure study by VDOT will result in extended outages of the line if attached to the bridge, which may further result in violation of mandatory North American Reliability Corporation ("NERC") reliability standards.³⁶ Given that attachment to the Norris Bridge is no

³⁴ See, e.g., Senior Hearing Examiner's Report at 108.

³⁵ Senior Hearing Examiner's Report at 94.

³⁶ *Id.*

longer feasible, the Commission finds that the underwater construction as approved herein reasonably minimizes adverse impacts of the replacement line.

In approving underwater construction, the Commission further notes that it has both rejected and approved prior proposals for underwater river crossings. For example, the Commission rejected an underwater crossing of the James River when it was not technically viable to construct and operate the 4,300 MVA of needed capacity underwater.³⁷ Conversely, the Commission approved a lower-capacity (230 kV), 3-mile underwater crossing of the York River.³⁸ In the instant proceeding, as in the York River case, it is technically viable to construct and operate the needed transmission line under the Rappahannock River. The underwater route approved herein shall utilize the technology recommended by Dominion for this purpose, which has been previously used by the Company for other underwater crossings, including the York River crossing.³⁹ Specifically, this technology utilizes high-pressure, fluid-filled ("HPFF") cables installed below the riverbed by a horizontal directional drill ("HDD") construction method.⁴⁰

³⁷ *Application of Virginia Electric and Power Company d/b/a Dominion Virginia Power, For approval and certification of electric facilities: Surry-Skiffes Creek 500 kV Transmission Line, Skiffes Creek-Wheaton 230 kV Transmission Line, and Skiffes Creek 500 kV-230 kV-115 kV Switching Station*, Case No. PUE-2012-00029, Final Order (Nov. 26, 2013).

³⁸ *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities under Va. Code § 56-46.1 and the Utility Facilities Act, Va. Code § 56-265.1 et seq., Hayes-Yorktown 230 kV transmission line*, Case No. PUE-2009-00049, Final Order (June 18, 2010). In the York River proceeding, Dominion explained that "aesthetic and transportation concerns led the Company to proceed with a plan for the submarine crossing of the York River," and that authorization for the underwater crossing of the York River was also provided by the Virginia General Assembly and VMRC. *See id.*, Exhibit No. 8 at 3.

³⁹ *See, e.g.*, Senior Hearing Examiner's Report at 100; Dominion's Sep. 18, 2017 Comments at 27-28.

⁴⁰ As approved herein, this option will have a design capacity of 217 MVA operated at 115 kV and, based on the Company's preferred technology, would also be capable of operating at 230 kV.

The Commission has also fully considered the facts and argument in opposition to underwater construction, including but not limited to adverse impacts, additional cost estimates, reliability differences, NERC requirements, Baylor Grounds, additional construction, transition stations, and rights-of-way. The Commission concludes, however, that there is evidence in the record to support our finding that the transmission line approved herein, among other things, complies with statutory requirements, reasonably minimizes adverse impacts as directed by statute, and best serves the total public interest within the parameters of the statute.⁴¹

Finally, the Commission's approval herein is conditioned upon Dominion receiving the additional approvals necessary for underwater construction. This may include, among others, authorization from the VMRC, the United States Army Corps of Engineers, and the Virginia General Assembly.⁴²

Accordingly, IT IS ORDERED THAT:

- (1) The Company's Application is approved to the extent provided herein.
- (2) Within one hundred twenty (120) days from the date of this Order, the Company shall file in this docket an update on the status of any additional approvals necessary for the project approved herein. Such update shall be served on all parties to this proceeding and the Commission's Staff pursuant to 5 VAC 5-20-140 of the Commission's Rules of Practice and Procedure.
- (3) This matter is continued pending further order of the Commission.

⁴¹ See, e.g., *BASF Corp.*, 289 Va. at 402 ("Here, the record is not without evidence to support the Commission's choice of location for the route in light of all competing considerations under the governing legal standards – including but not limited to adverse impacts on the scenic assets, historic districts and environment of the affected area."). See also *Board of Supervisors of Loudoun County v. State Corp. Comm'n*, 292 Va. 444, 454 n.10 (2016) ("We note that even in the absence of this representation by the Commission, pursuant to our governing standard of review, the Commission's decision comes to us with a presumption that it considered all of the evidence of record.").

⁴² See, e.g., Senior Hearing Examiner's Report at 109.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219. A copy also shall be sent to the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Utility Accounting and Finance.