

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

March 31, 2015

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; and appointed a Hearing Examiner to conduct all further proceedings in this matter and to file a final report.

On March 19, 2015, Staff, by counsel, filed a Motion for Notice (“Motion”), requesting that Dominion Virginia Power be directed to give notice to the public of two Option A Warrenton-Wheeler alternatives, Alternative Route A 2/3 and Alternative Route A 2/3 Staff. In support of its Motion, Staff stated that it “will now unequivocally recommend Option A as the superior reliability solution that is also less expensive than Option C and constructible along two carefully analyzed, specific and likewise fully developed routes.”¹

Staff pointed to § 56-265.2 and § 56-46.1 of Code of Virginia (“Code”) and maintained that without notice, the Commission cannot consider or approve Option A, even if Option A proves to be the superior alternative.² Staff argued that the standard for directing additional notice is “if an alternative route is developed and presented with reasonable analysis, the record and the final decision may well be served by requiring additional notice and consideration of that alternative

¹ Motion at 6.

² *Id.* at 4.

route even if it results in a delay of the procedural schedule then in effect.”³ Staff contended that Option A should be noticed because it has determined that Option A offers an electrically superior solution to the Company’s reliability concerns, would be less expensive than Dominion Virginia Power’s proposed Option C, and is constructible along Alternative Route A 2/3 and Alternative Route A 2/3 Staff.

On March 23, 2015, Morris Farm LLP (“Morris Farm”) filed its response in support of Staff’s Motion and requested that the Commission require the Company to provide the required public notice. Morris Farm maintained that denying the Motion “would foreclose an alternative that would be in the best interest of Virginia consumers.”⁴

On March 26, 2015, Dominion Virginia Power filed its response in opposition to Staff’s Motion. The Company asserted that Staff has failed to recommend a specific route and has failed to provide any evidence that such a route reasonably minimizes adverse impacts. Dominion Virginia Power maintained that it has provided uncontested evidence that Alternative Route A 2/3 is not a viable route due to its required permission from Fauquier County and its significant adverse impacts. As for Alternative Route A 2/3 Staff, the Company argued that it has significantly more adverse impacts than Option C-Gainesville using Route C-1.1c. In addition, the Company maintained that Alternative Route A 2/3 Staff would be more difficult and time consuming to construct than Option C-Gainesville using Route C-1.1c. Indeed, Dominion Virginia Power stated that Alternative Route A 2/3 Staff “could take anywhere from eight to 20 months longer than the proposed Projects and would not be in service in time to resolve the Gainesville NERC violation.”⁵

Dominion Virginia Power contended that because Staff fails to provide a showing that the Option A routes meet the requirements of § 56-46.1 B of the Code, the procedural schedule should not be disrupted to provide notice. The Company stated that it is strongly opposed to a further extension of the procedural schedule.

On March 30, 2015, Staff filed its reply. Staff contended that both Alternative Route A 2/3 and Alternative Route A 2/3 Staff can be constructed in time to satisfy NERC reliability concerns and will reasonably minimize adverse impact on the scenic assets, historic districts and environment of the area concerned.⁶ Staff emphasized that the statutory criteria is “reasonably minimize.” Staff maintained that the recommended routes may have more impacts than Alternative Route C-1.1c, and still comply with the statute. Staff stated that the Commission must balance an option’s electrical value to the overall electrical system with its impacts to determine if the option reasonably minimizes adverse impacts.⁷

³ *Id.* at 6, quoting from *Application of Virginia Electric and Power Company d/b/a Dominion Virginia Power, For a certificate of public convenience and necessity for facilities in Loudoun County: Brambleton-Greenway 230 kV Transmission Line*, Case No. PUE-2002-00702, Hearing Examiner’s Ruling at 4 (August 22, 2003).

⁴ Morris Farm Response at 1.

⁵ Company Response at 20.

⁶ Staff Reply at 5-6.

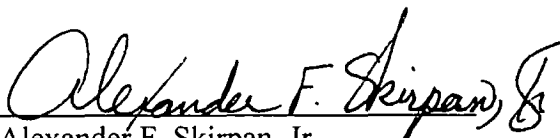
⁷ *Id.* at 7.

Staff maintained that it has satisfied the Brambleton-Greenway standard for additional notice by extensively developing Alternative Route A 2/3 and Alternative Route A 2/3 Staff. Based on this further development, Staff now asserts unequivocally that these options are electrically superior and less expensive than Option C, and can be constructed in such a manner as to reasonably minimize adverse impacts.⁸ Staff also contended that the consequences of a delay in the procedural schedule would pose no reliability concerns at this stage in the proceeding.⁹

Based on the further development of both Alternative Route A 2/3 and Alternative Route A 2/3 Staff, and based on Staff's support and recommendation of these routes, I find that publishing notice for these routes is now desirable and is required for the full development of the record for the Commission's ultimate consideration. Therefore, Staff's Motion is hereby granted.

Because providing additional notice impacts the procedural schedule of this proceeding, 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 Thursday, April 2, 2015, at 3:00 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; D. Alexy, Partner, 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.

⁸ *Id.* at 8-9.

⁹ *Id.* at 9.