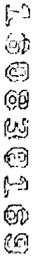


Virginia State Corporation Commission eFiling CASE Document Cover Sheet



Case Number (if already assigned)	PUE-2015-00107
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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUE-2015-00107

For approval and certification of electric transmission
Facilities: Haymarket 230 kV Double Circuit
Transmission Line and 230-34.5 kV Haymarket Substation

**SOMERSET CROSSING HOMEOWNERS ASSOCIATION'S
REPLY BRIEF TO VIRGINIA DOMINION POWER COMPANY'S MOTION**

COMES NOW, Somerset Crossing Home Owners Association ("Somerset" or "Association"), by counsel, and presents the following arguments in response to Virginia Electric and Power Company's "Motion" dated August 18, 2016.

The basis of Virginia Electric and Power Company's ("Dominion") objections, as outlined in its Motion, is that State Corporation Commission Staff ("Staff") presented new evidence in its closing brief in a manner that violated the rules governing Commission hearings. Dominion's Motion relies upon an apparent misunderstanding of the role of Staff in Commission hearings as well as a grossly inaccurate statement of the facts presented at the Hearing on June 21 and 22, 2016.

A. Role of Commission Staff

Dominion's Motion relies heavily on the premise that "Staff did not present any evidence regarding rate treatment." Mot. 2. The premise is fundamentally flawed because the Staff is not required to "present evidence" of every finding that it makes. Staff is, unequivocally, an investigative entity. Under the Virginia Administrative Code, Part II, Commencement of Formal

Proceedings, the Staff has the following role,

Commission staff. The commission staff may appear and participate in any proceeding in order to see that pertinent issues on behalf of the general public interest are clearly presented to the commission. The staff may, inter alia, conduct investigations, and discovery, evaluate the issues raised, testify and offer exhibits, file briefs and make argument, and be subject to cross-examination when testifying. Neither the commission staff collectively nor any individual member of the commission staff shall be considered a party to the case for purpose by virtue of participation in a proceeding. 5 VAC 5-20-80 (D).

In plain terms, the Staff has the legal right and responsibility to evaluate every bit of evidence presented, regardless of which entity presents it. Further, the Staff evaluates the evidence for the purpose of ensuring that “pertinent issues on behalf of the general public interest are clearly presented to the commission.” The Staff is not limited to the evidence that Staff presents to form opinions regarding the general public interest. Dominion’s characterization of Staff’s role, and limits of that role, is intellectually dishonest, as it is clear that the public interest must be at the forefront of any Commission proceedings. Accordingly, it is clear that the staff has the legal right and, indeed, responsibility, to bring to the attention of the Hearing Examiner any issues of law or fact that it believes are pertinent to the evaluation of Dominions application.

B. Evidence Presented at the Hearing

Dominion creates a statement of facts which is wholly inaccurate. First, Dominion states that there was no evidence presented at the Hearing concerning the cost recovery issue. This is a plainly false statement. Staff pre-filed testimony of Mr. Neil Joshipura provided two pages of opinion as to whether or not Dominion’s characterization of this application as a “line extension” was factually accurate, whether or not Dominion’s characterization of a “transmission facility” was factually accurate, and depending upon those factual determinations, the appropriate applicability of either Dominion’s rate policy or NITS. Mr. Joshipura Pre-filed

Testimony, 19-21.

At the Hearing, Mr. Joshipura was questioned extensively about those two pages of his opinion by several different Respondents’ counsel, counsel for Dominion, and the Hearing Examiner himself.

HE: Let me understand you, Mr. Joshipura. You're not recommending that the customer or that Section XXII I guess the line -- you're not recommending that it be applied; you're just raising the issue of whether it should be applied and allowing the Commission to make that determination?

Joshipura: Correct. The Staff essentially believes the Commission has with respect to cost allocation and cost recovery roughly three options, which is, one, the project is not deemed a line extension and cost assignments are assigned through NITS; or option two would be the Commission deems it as a line extension and subject to Section XXII; and the third one would be the Commission deems it a line extension, but Section XXII is not applicable for a transmission facility. So it's roughly three options for the Commission to decide on.

Tr. 259-261. After the Hearing Examiner’s question, Mr. Joshipura continued to be questioned *at length* on the subject of cost recovery and cost allocation, closing out the first day of testimony at almost 9:00 pm. In fact, Mr. Joshipura was questioned on the issue of cost allocation well into the second day of testimony as well. Thereafter, Dominion presented rebuttal testimony on the issue of cost allocation during the second day of testimony. Accordingly, there was extensive testimony presented through direct examination, cross examination and documentary evidence of cost allocation and cost recovery.

Second, Staff’s final brief was an analysis of the evidence presented at the Hearing which provided the Hearing Examiner and Commission with questions about and analysis of the issue of cost allocation, which is quite pertinent to the public interest. Dominion quotes from Staff’s brief to demonstrate the alleged “new evidence”, but, despite Dominion’s misleading statements to the contrary, there is no new evidence presented in Staff’s arguments. In fact, every line of the Staff’s brief contains information presented at the Hearing in some form and

available at the Hearing for cross examination. If Dominion missed an opportunity for cross examination of evidence related to cost allocation or determined that it did not sufficiently cover the subject in its own closing argument, their real concern is their own failure to adequately address the issue before the Hearing examiner. Staff has not submitted any "new evidence", and, therefore, the final brief is not objectionable. Instead, Dominion's "Motion" is a blatant attempt by Dominion to get a second bite at the apple.

WHEREFORE, Somerset requests that the Dominion's motion be denied.

Respectfully Submitted,

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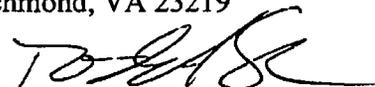
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