

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 5, 2020

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APPLICATION OF

SKIPJACK SOLAR CENTER, LLC *et al.*

CASE NO. PUR-2019-00073

For certificates of public convenience  
and necessity for solar generating  
facilities totaling up to 320 MWac  
in Charles City County, Virginia

ORDER GRANTING CERTIFICATES

On May 2, 2019, pursuant to Virginia Code ("Code") §§ 56-46.1 and 56-580 D and Chapter 20 VAC 5-302 of the Virginia Administration Code, Skipjack Solar Center, LLC ("Skipjack," "Company" or "Applicant")<sup>1</sup> filed an application and supporting documents for Certificates of Public Convenience and Necessity ("CPCNs") with the Commission ("Application").<sup>2</sup> Skipjack explains that the Company and other SPEs would eventually seek to construct and operate solar generating facilities totaling up to 320 megawatts ("MW") in Charles City County, Virginia.<sup>3</sup> However, "[t]his Application initially seeks approval for Phase 1 of the Project, . . ." ("Phase 1" or "Project"),<sup>4</sup> and Skipjack would ". . . develop, construct, own, and operate Phase 1 of the Project . . . ."<sup>5</sup>

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<sup>1</sup>Skipjack initially filed this Application along with certain other special purpose entities ("SPEs"). However, after multiple amendments to this Application, Skipjack remained the only surviving Applicant. *See* Ex. 11 (Saunders Rebuttal) at 2 and Tr. 5, 13, and 14, wherein counsel for Skipjack represented at the hearing that the certification sought in this proceeding covered only the facilities required for Skipjack to build and operate this first phase of the project and that "[a]nything that comes in the future, if that comes, will be a separate approval, as required."

<sup>2</sup> Ex. 3 (Application) at 2.

<sup>3</sup> *Id.* *See also*, Tr. 13-14.

<sup>4</sup> Ex. 3 (Application) at 4; Tr. 13-14.

<sup>5</sup> Ex. 3 (Application) at 1.

Skipjack states that the Project would reside on approximately 2,273 acres of land, with approximately 1,187 acres being used for construction.<sup>6</sup> Phase 1 is slated to have a possible "nameplate capacity of 180 MWac and is anticipated to be in service on or before March 2021."<sup>7</sup>

Per Skipjack, the Project requirements include:<sup>8</sup>

- (1) An approximately 1.4 mile 34.5 kilovolt ("kV") tie line ("Feeder Line") between the northern and southern portions of the Phase 1 site;
- (2) A 230 kV transmission line ("Gen-Tie Line") to interconnect the Project with Virginia Electric and Power Company's transmission system;
- (3) Photovoltaic modules mounted on racking systems supported by a pile-driven foundation design with a single-axis tracking configuration with north-south trending rows tracking the sun from east to west; and
- (4) Shared interconnection facilities with all energy stepped up to 230 kV and routed to the Chickahominy Switching Station via the Gen-Tie Line from the northern portion of the Project with the sale of the electricity generated into the PJM Interconnection, LLC ("PJM") wholesale market.

Skipjack asserts that the Project is not contrary to the public interest.<sup>9</sup> Skipjack represents that it is not a regulated utility and, as such, business risk associated with the Project will be borne solely by Skipjack, with no impact on rates paid by ratepayers in Virginia.<sup>10</sup>

Skipjack further represents that the Project would have no adverse effect on the reliability of electric service provided by any regulated public utility, with only relatively minor upgrades to the transmission system required as a result of the Project.<sup>11</sup> As a condition to the Project's

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<sup>6</sup> *Id.* at 3.

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

<sup>8</sup> *Id.* at 4-5, Appendix at 9, and Appendix Exhibit F at 22; Ex. 12 (Notice Map) at 1; Ex.8 (Essah Direct) at 5.

<sup>9</sup> Ex. 3 (Application) at 8.

<sup>10</sup> *Id.* at 8-9.

<sup>11</sup> *Id.* at 8.

interconnection with the interstate transmission system, Skipjack represents that the Company will be obligated to complete and/or pay for all required upgrades to the system in accordance with agreements that would be entered into among Skipjack, PJM, and the transmission service provider.<sup>12</sup> Skipjack further represents that the Project would be constructed and operated in a way to minimize any adverse environmental impact.<sup>13</sup>

On May 24, 2019, the Commission issued an Order for Notice and Hearing ("Procedural Order") that, among other things, docketed the Application; required Skipjack to publish notice of the Application;<sup>14</sup> gave interested persons the opportunity to comment on, or participate in, the proceeding; scheduled a public hearing; directed Commission Staff ("Staff") to investigate the Application and file testimony and exhibits containing its findings and recommendations; and assigned a Hearing Examiner to conduct all further proceedings in this matter. No notices of participation or comments were filed.

In the Procedural Order, the Commission noted that Staff had requested the Department of Environmental Quality ("DEQ") to coordinate an environmental review of the Project.<sup>15</sup> DEQ filed a report ("DEQ Report") on the proposed Project on July 15, 2019.<sup>16</sup> The DEQ Report

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

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

<sup>14</sup> Both the Application itself and certain dates set in the Procedural Order were later modified. *See*, Report at 2 (*infra.*), regarding additional procedural orders and supplemental application materials: *Motion to Amend Application and Revise Prescribed Notice* (May 29, 2019) and Ruling granting motion (May 30, 2019); *Motion to Temporarily Suspend Procedural Schedule* (Aug. 2, 2019) and Ruling granting motion (Aug. 6, 2019); *Motion to Amend and Supplement Joint Application and to Establish Procedural Schedule* (Oct. 3, 2019) and Ruling granting motion (Oct. 8, 2019); and *Motion to Notice Proposed Routes of Interconnection Facilities* (Nov. 20, 2019) and Ruling granting motion (Nov. 25, 2019).

<sup>15</sup> *See*, Letter from Kelli Cole, Esquire, State Corporation Commission, dated May 6, 2019, to David L. Davis, CPWD, PWS, Director, Office of Wetlands & Stream Protection, DEQ; Letter from Kelli Cole, Esquire, State Corporation Commission, dated May 6, 2019, to Bettina Rayfield, DEQ.

<sup>16</sup> Ex. 9 (DEQ Report).

summarizes the Project's potential impacts, makes recommendations for minimizing those impacts, and outlines the Applicant's responsibilities for compliance with certain legal requirements governing environmental protection.

The DEQ Report contains the following recommendations:<sup>17</sup>

- Follow DEQ's recommendations to avoid and minimize impacts to wetlands and streams . . . .
- Follow DEQ's recommendations to protect groundwater regarding the proposed water withdrawals . . . .
- Follow DEQ's recommendations regarding air quality protection, as applicable . . . .
- Reduce solid waste at the source, reuse it and recycle it to the maximum extent practicable . . . .
- Coordinate with [Virginia] Department of Conservation and Recreation's ["DCR"] Division of Natural Heritage regarding its recommendations to develop an inventory for the New Jersey rush, develop and implement an invasive species plan, and plant Virginia native pollinator plant species as well as for updates to the Biotics Data System database . . . .
- Coordinate with the [Virginia Department of Game and Inland Fisheries] ["DGIF"] regarding its recommendations on facility design and fencing, tree removal, and regional water resources to protect wildlife resources as well as a site visit . . . .
- Coordinate with DGIF regarding its recommendations to implement a monitoring plan on the potential thermal island impacts and lake effect perception by wildlife as a condition of project operation . . . .
- Coordinate with [Virginia] Department of Health regarding recommendations to protect water supplies . . . .
- Coordinate with Charles City County pursuant to DCR's Division of Planning and Recreational Resources recommendation to ensure the protection of Harrison Park . . . .
- Follow the principles and practices of pollution prevention to the maximum extent practicable . . . .

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<sup>17</sup> Ex. 9 (DEQ Report) at 6.

- Limit the use of pesticides and herbicides to the extent practicable . . . .
- Coordinate with the Virginia Outdoors Foundation regarding its recommendation for additional coordination if necessary . . . .

On October 3, 2019, Skipjack supplemented its Application with additional testimony on the revised PJM Generation System Impact Study and the finalized routes and maps for the Feeder and Gen-Tie Lines.<sup>18</sup>

On November 22, 2019, Staff filed its testimony and supporting exhibits. Staff gave an overview of the proposed Project;<sup>19</sup> the statutory standard therefor;<sup>20</sup> and Staff's conditional recommendation that the Project is in the public interest<sup>21</sup> and could bring economic benefits to the area.<sup>22</sup> Staff discussed the environmental impacts<sup>23</sup> of the Project, specifically recommending the proposed Project follow all of DEQ's recommendations.<sup>24</sup>

Regarding the technical aspects of the Project, Staff testified to the distribution and transmission tie lines necessary for the Project; the solar generation technology used for the Project; related easements/permits necessary for the proposed Project; and the Project's possible impacts on the electrical grid's reliability.<sup>25</sup> Staff testified that the power flow analysis (conducted by PJM and replicated by Staff) determined that the energized Project could, under

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<sup>18</sup> Motion to Amend and Supplement Joint Application and to Establish Procedural Schedule at 3.

<sup>19</sup> Ex. 7 (Samuel Testimony) at 1-3.

<sup>20</sup> *Id.* at 3-4.

<sup>21</sup> *Id.* at 10-11. *See also*, Tr. 15.

<sup>22</sup> *Id.* at 8-9.

<sup>23</sup> *Id.* at 4-8.

<sup>24</sup> *Id.* at 6-8.

<sup>25</sup> Ex. 8 (Essah Testimony) at 10-11.

certain contingency events, contribute to thermal overloads of certain transmission facilities.<sup>26</sup> Staff further noted that PJM had assigned the costs of the necessary network upgrades required to address those overloads to all queued interconnection projects contributing to these overloads.<sup>27</sup> Staff provided Skipjack's allocated costs for those upgrades, plus other costs estimated by PJM to be required for the solar facility's interconnection.<sup>28</sup> Staff noted its understanding that: (i) the Applicant will pay for all necessary upgrades; and (ii) all such upgrades will be completed before the Project's desired in-service date.<sup>29</sup>

Staff conditionally recommended granting the following three CPCNs for the Project.<sup>30</sup>

- (1) A CPCN for the solar generating facility;
- (2) A CPCN for the proposed 34.5/230 kV step-up substation and the 230 kV Gen-Tie Line that interconnects the generation facility to Dominion's Chickahominy Station; and
- (3) A CPCN for the 34.5 kV Feeder Line consisting of eight conductors that interconnect the two parcels of the solar generating facility.

Staff specifically conditioned the three recommended CPCNs on *inter alia*: (1) the requirement that the Applicant pay for all network upgrade costs PJM assigns to Skipjack or its designated representative at PJM; (2) that the Applicant be required to file the final Interim Interconnection Services Agreement ("ISA") for the Project with the Commission within thirty (30) days of its execution (consistent with precedent); (3) Skipjack or related SPEs seek additional CPCN's, in a separate Commission proceeding by the constructing entity, for the

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<sup>26</sup> *Id.* at 11.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.* at 12.

<sup>29</sup> *Id.* at 12-13.

<sup>30</sup> *Id.* at 13.

construction of any future system upgrades that may be required due to the Project pursuant to PJM's electric reliability studies or otherwise.<sup>31</sup> Staff also made several unopposed safety recommendations for the Project.<sup>32</sup>

On December 6, 2019, Skipjack filed its rebuttal testimony responding to recommendations made by Staff and DEQ.<sup>33</sup> Skipjack did not oppose any of the recommendations made by Staff but noted Staff's recommendation to issue three separate CPCNs for the Project seemed to be unnecessary since similar projects had been approved by the Commission in the past with only one CPCN.<sup>34</sup> Regarding DEQ's requirements, Skipjack generally agreed to comply with them, with two exceptions. The Company disagreed with the granting of its CPCNs conditioned upon DGIF's time-of-year restriction on tree removal due to the fact that "no Northern Long-Eared Bat ("NLEB") winter hibernaculum or maternity roost trees were known to be within the study area, referenced ranges, or a [two] mile radius."<sup>35</sup> Skipjack did testify however, that should the Commission deem it necessary, the Company would investigate trees for threatened or endangered species (in particular, the NLEB) during the months of June and July, and forgo removal of such trees at that time should any such species be found.<sup>36</sup>

Skipjack next testified that there was little available scientific data regarding the "thermal island" effect noted in the DEQ Report, and what data was available indicated that there would

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<sup>31</sup> *Id.* at 13-14.

<sup>32</sup> *Id.* at 14-15.

<sup>33</sup> Ex. 11 (Saunders Rebuttal) at 4-7.

<sup>34</sup> *Id.* at 3.

<sup>35</sup> *Id.* at 4-5.

<sup>36</sup> *Id.* at 5.

be minimal effect and that workers and neighbors would never be exposed to unsafe temperatures.<sup>37</sup> Skipjack testified that the Company would coordinate with DEQ on any such effects, should the Commission make this a conditional requirement of the CPCN.<sup>38</sup>

Skipjack confirmed in its rebuttal testimony that while it was originally contemplated that there would be multiple project phases constructed and operated by separate special purpose entities,<sup>39</sup> only Skipjack is actively developing and seeking certification for Phase 1.<sup>40</sup>

The evidentiary hearing took place on December 16, 2019, before Hearing Examiner Mary Beth Adams. Staff and Skipjack attended the hearing. No members of the public attended this hearing.<sup>41</sup> At the hearing, it was noted that DGIF was satisfied with Skipjack's rebuttal position regarding protection of endangered species and thermal island effect monitoring.<sup>42</sup>

At the hearing, Staff and Skipjack offered oral argument on the number of CPCNs that should be issued for the Project.<sup>43</sup> The Company argued that issuance of one global CPCN was sufficient.<sup>44</sup> Staff disagreed, arguing that three separate CPCNs were needed based on *inter alia*, the three separate functions of the facilities being certificated and the need for specific

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<sup>37</sup> *Id.* at 5-6.

<sup>38</sup> *Id.* at 7.

<sup>39</sup> *Id.* at 2.

<sup>40</sup> *Id.* at 2. *See also*, Tr. At 5 and 13. In addition, counsel for Skipjack represented at the hearing that the certification sought in this proceeding covered only the facilities required for Skipjack to build and operate this first phase of the Project, and that "[a]nything that comes in the future, if that comes, will be a separate approval, as required." Tr. At 14.

<sup>41</sup> Report of Mary Beth Adams, Hearing Examiner ("Report"), at 12.

<sup>42</sup> Tr. at 26-27; Ex. 10 (DGIF Response to Saunders Rebuttal).

<sup>43</sup> Tr. at 6-19.

<sup>44</sup> *Id.* at 6-13.



delineation of ownership and responsibility for all such facilities, especially given the high likelihood of additional project phases and outside ownership in the future.<sup>45</sup>

On January 27, 2019, Hearing Examiner Adams issued her Report. Based on the evidence presented and the statutes pertinent thereto, the Hearing Examiner found that:<sup>46</sup>

1. Phase 1 of the Project will not have a material adverse effect upon the reliability of electric service provided in Virginia by a regulated utility, if all the upgrades are constructed;
2. The CPCN(s) for Phase 1 should be conditioned upon Skipjack paying for all network upgrade costs PJM assigns to Skipjack, or their designated representative at PJM;
3. Skipjack should be required to file the ISA for Phase 1 within thirty (30) days of its execution;
4. Phase 1 will provide economic benefit to Charles City County and the Commonwealth;
5. The unopposed recommendations in the DEQ Report should be adopted by the Commission as conditions of approval;
6. Construction and operation of Phase 1 is not otherwise contrary to the public interest;
7. Staff's unopposed recommendations should be adopted by the Commission as conditions of approval;
8. The specific facts in this case support the issuance of three separate CPCNs in this proceeding; and
9. A sunset provision should be attached to any CPCN issued in this proceeding.

As relates to the environmental impacts and the DEQ recommendations thereon, the Hearing Examiner found DGIF's recommendation regarding time-of-year restrictions on tree removal unnecessary, largely due to DGIF's email response agreeing to the Company's proposal

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<sup>45</sup> *Id.* at 14-19.

<sup>46</sup> Report at 19-20.

for mitigating its tree removal concerns.<sup>47</sup> She further found that the thermal island monitoring recommendation was also unnecessary based on the Applicant's testimony and DGIF's response (although the Hearing Examiner recommended that the Applicant should still be required to provide meteorological data to DGIF upon request).<sup>48</sup>

As it pertains to the sunset clause for Phase 1, the Hearing Examiner took judicial notice of the Pleinmont Case<sup>49</sup> and recommended that in Skipjack's case the Commission attach a sunset provision of five years to the CPCN(s), as it had done in the Pleinmont Case.<sup>50</sup> The Hearing Examiner specifically recommended that should the Commission grant the CPCN(s) for Phase 1, this authority expire five years from the date of Order granting the CPCN's, if construction of Phase 1 has not commenced.<sup>51</sup> She further recommended that the Commission permit Skipjack to petition the Commission for an extension of this sunset provision for good cause shown.<sup>52</sup>

Staff filed comments to the Report on February 4, 2020, and Skipjack filed comments on February 3, 2020. Staff supported the recommendations set forth in the Report as well as the Hearing Examiner's judicial notice of the Pleinmont Case and her sunset provision recommendation based thereon.<sup>53</sup> Skipjack opined that because the Hearing Examiner's findings

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<sup>47</sup> Report at 17; Exs. 9 (DEQ Report) and 10 (DGIF Response to Saunders Rebuttal); Tr. at 26-27.

<sup>48</sup> Report at 16.

<sup>49</sup> *Application of Plienmont Solar, LLC, et. al., For certificates of public convenience and necessity for a 500 MW solar generating facility in Spotsylvania County pursuant to §§ 56-46.1 and 56-580 D of the Code of Virginia*, PUR-2017-00162, 2018 S.C.C. Ann. Rep. 310, Final Order (Aug. 8, 2018) ("Pleinmont Case").

<sup>50</sup> Report at 19.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> Staff's Comments to the Hearing Examiner's Report at 1.

". . . appear[ed] to be based on the specific facts in the record of this proceeding," it did not oppose the finding that three separate CPCNs should be issued; Skipjack asked that such a finding be "specifically limited to the facts of this proceeding and that the Commission not set any generally applicable, broad precedent that could potentially add additional burden for seeking approval of future generation projects."<sup>54</sup> Skipjack further requested expedited review of this proceeding and issuance of an order as soon as possible, given the Company's plan to begin construction of the Project in March 2020.<sup>55</sup>

NOW THE COMMISSION, having considered this matter, is of the opinion and finds that the findings and recommendations of the Hearing Examiner should be adopted.

Specifically, we find as follows:

Code of Virginia

Section 56-580 D of the Code provides in part:

The Commission shall permit the construction and operation of electrical generating facilities in Virginia upon a finding that such generating facility and associated facilities (i) will have no material adverse effect upon reliability of electric service provided by any regulated public utility, . . . and (iii) are not otherwise contrary to the public interest.

Further, with regard to generating facilities, § 56-580 D of the Code directs that "the Commission shall give consideration to the effect of the facility and associated facilities on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact as provided in § 56-46.1, . . . ." Section 56-46.1 A of the Code provides in part:

Whenever the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the

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<sup>54</sup> Skipjack's Comments to the Hearing Examiner's Report at 1.

<sup>55</sup> *Id.* at 2.

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 pursuant to Article 3 (§ 15.2-2223 *et seq.*) of Chapter 22 of Title 15.2.

Subsection 56-46.1 A also provides:

In order to avoid duplication of governmental activities, any valid permit or approval required for an electric generating plant and associated facilities issued or granted by a federal, state or local governmental entity charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans, and public safety, whether such permit or approval is granted prior to or after the Commission's decision, shall be deemed to satisfy the requirements of this section with respect to all matters that (i) are governed by the permit or approval or (ii) are within the authority of, and were considered by, the governmental entity in issuing such permit or approval, and the Commission shall impose no additional conditions with respect to such matters.

Section 56-580 D of the Code contains language that is nearly identical to the language set forth in Code § 56-46.1 A.

The Code also directs the Commission to consider the effect of a proposed Project on economic development in Virginia. Section 56-46.1 A of the Code states in part:

Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, including but not limited to furtherance of the economic and job creation objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

Similarly, § 56-596 A of the Code provides that "[i]n all relevant proceedings pursuant to [the Virginia Electric Utility Regulation] Act, the Commission shall take into consideration, among other things, the goal of economic development in the Commonwealth."

As relates to transmission facilities, Section 56-46.1 B of the Code states in part:

[N]o electrical transmission line of 138 kilovolts or more shall be constructed unless the State Corporation Commission shall, after at least 30 days' advance notice by (i) publication in a newspaper or newspapers of general circulation in the counties and municipalities through which the line is proposed to be built, (ii) written notice to the governing body of each such county and municipality, and (iii) causing to be sent a copy of the notice by first class mail to all owners of property within the route of the proposed line, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing the notice to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance or treasurer of the county or municipality, approve such line. Such notices shall include a written description of the proposed route the line is to follow, as well as a map or sketch of the route including a digital geographic information system (GIS) map provided by the public utility showing the location of the proposed route. The Commission shall make GIS maps provided under this subsection available to the public on the Commission's website.

### Reliability

The Commission agrees with the Hearing Examiner and finds that this Project will have no adverse effect on reliability of electric service provided in Virginia by a regulated public utility, provided that all upgrades identified by PJM as necessary are made.<sup>56</sup> We therefore condition the three CPCNs granted to Skipjack herein on the Applicant paying for all Phase 1 network upgrade costs PJM assigns to the Applicant, or their designated representative at PJM,

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<sup>56</sup> Report at 15.

that PJM concludes are necessary to ensure reliable operation of the transmission system; and we find that the Applicant shall file the ISA for the Project within 30 days of its execution.<sup>57</sup>

Economic Development

The Commission further agrees with the Hearing Examiner and finds that the Project will likely generate direct and indirect economic benefits to Charles City County as a result of employment and spending from construction and operation of the Project.<sup>58</sup> It is estimated that the Project will create approximately 300-500 jobs during the construction period and thereafter approximately 16 full-time jobs.<sup>59</sup> Additionally, Charles City County will likely benefit from an increase in the local tax base.<sup>60</sup>

Environmental Impact

The statutes direct that the Commission "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."<sup>61</sup> As noted above, DEQ coordinated an environmental review of the proposed Project and submitted a DEQ Report that, among other things, set forth recommendations for the proposed Project.<sup>62</sup> The Applicant objected to DEQ's time-of-year restriction on tree removal and provided testimony that there would be no adverse thermal island

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<sup>57</sup> *Id.* 16.

<sup>58</sup> *Id.* 15-16.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* at 16.

<sup>61</sup> Code § 56-46.1 A. *See also* Code § 56-580 D (stating that "the Commission shall give consideration to the effect of the facility and associated facilities on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact as provided in § 56-46.1 . . .").

<sup>62</sup> Report at 16. *See also*, Ex. 9 (DEQ Report) at 6.

effect due to the Project.<sup>63</sup> Based in large part on DGIF's response to Skipjack's rebuttal and in which DGIF withdrew its objections based on Skipjack's agreement to minimize environmental impacts related to tree removal and coordinate with DEQ regarding any thermal island effects, the Hearing Examiner subsequently found that these two DEQ requirements were unnecessary.<sup>64</sup>

The Commission agrees with the Hearing Examiner. While the CPCNs granted in this matter are not conditioned on the DEQ requirements pertaining to time-of-year tree removal or thermal island effects, the Commission directs Skipjack to maintain its commitment to coordinate with DEQ on these two recommendations. The CPCNs granted in this proceeding are conditioned on the Applicant following all other DEQ recommendations, coordinating with DEQ to implement those recommendations, providing data gathered by the Project's meteorological station to DGIF upon request, and obtaining all other necessary environmental permits and approvals necessary to construct the Project.

#### Public Interest

The Commission further agrees with the Hearing Examiner and finds that the Project is not "contrary to the public interest" as contemplated by § 56-580 D of the Code. Among other things, the record in this case establishes that construction and operation of the proposed Project will: (i) have no material adverse effect on reliability, if the Applicant funds and completes the upgrades PJM finds necessary for the Project; (ii) provide local economic benefits; and (iii) have a minimal adverse effect on the environment during construction and operation.<sup>65</sup> Additionally, as recognized by the Applicant and confirmed by Staff, the business risk associated with

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<sup>63</sup> Report at 16.

<sup>64</sup> *Id.* at 16.

<sup>65</sup> *Id.* at 17.

constructing, owning, and operating the Project, which will not provide retail electric service in the Commonwealth and will not be included in the rate base of any incumbent electric utility, rests solely with the Applicant.<sup>66</sup>

### Certification

The Commission agrees with the Hearing Examiner that, based on the foregoing findings, Skipjack should be granted three separate CPCNs for the generation, transmission and distribution, respectively, required to construct and operate the Project, as follows:<sup>67</sup>

1. A CPCN for the solar generating facility;
2. A CPCN for the proposed 34.5/230 kV step-up substation and the 230 kV Gen-Tie Line; and
3. A CPCN for the 34.5 kV Feeder Line consisting of eight conductors that interconnect the two parcels of the solar generating facility.

The Commission further agrees with the Hearing Examiner and finds that all such certificates are expressly conditioned upon the following:<sup>68</sup>

1. Skipjack should pay the cost of all network upgrades PJM assigns to Skipjack or its designated representative;
2. Skipjack should be required to file with the Commission the ISA for Phase I within thirty (30) days of its execution or this Order, whichever is sooner.
3. Skipjack should comply with the unopposed recommendations in the July 15, 2019 DEQ Report as well as the modifications agreed to by Applicant for the two opposed recommendations; and
4. Skipjack should comply with Staff's remaining, unopposed recommendations.

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<sup>66</sup> *Id.*

<sup>67</sup> *Id.* at 15-18.

<sup>68</sup> *Id.*



### Sunset Provision

Lastly, the Commission agrees with the Hearing Examiner that, consistent with our precedent in the Pleinmont Case<sup>69</sup> and as a requirement of our approval herein, the authority granted by this Order Granting Certificates for Phase 1 shall expire five years from the date hereof if construction has not commenced.<sup>70</sup> Skipjack may petition the Commission for an extension of this sunset provision for good cause shown.<sup>71</sup>

Accordingly, IT IS ORDERED THAT:

(1) Subject to the findings and requirements set forth in this Order Granting Certificates, Skipjack is granted approval for the following CPCNs to construct and operate Phase 1 (the 180 MW Project) as set forth in this proceeding:

- Skipjack Solar Center, LLC: Generation Certificate No. EG-224
- Skipjack Solar Center, LLC: Distribution Certificate No. ED-1
- Skipjack Solar Center, LLC: Transmission Certificate No. ET-213

(2) Skipjack shall file forthwith three map copies for each of the three above-granted CPCNs. Specifically, three copies of a map for Generation Certificate No. EG-224 displaying the solar generation facilities; three copies of a map for Distribution Certificate No. ED-1 displaying the distribution facilities;<sup>72</sup> and three copies of a map for Transmission Certificate No. ET-213 displaying the transmission facilities.<sup>73</sup>

(3) This case is dismissed.

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<sup>69</sup> *Id.* at 19.

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> The 34.5 kV Feeder Line consisting of eight conductors that interconnect the two parcels of the solar generating facility.

<sup>73</sup> The 34.5/230 kV step-up substation and the 230 kV Gen-Tie Line that interconnects the generation facility to Dominion's Chickahominy Station.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to:  
John J. Beardsworth, Esquire, Timothy E. Biller, Esquire and A. Christopher Alderman, Esquire,  
Hunton Andrews Kurth, LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond,  
Virginia 23219; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of  
Consumer Counsel, Office of the Attorney General, 202 N. 9th Street, 8th Floor, Richmond,  
Virginia 23219-3024. 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.