Virginia State Corporation Commission
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Case Number (if already assigned)	PUE-2015-00107
Case Name (if known)	Application of Virginia Electric and Power Company For approval and certification of electric transmission facilities: Haymarket 230 kV Double Circuit Transmission Line and 230-34.5 kV Haymarket Substation
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McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219-3916
Tel 804.775.1000
Fax 804.775.1061
www.mcguirewoods.com

Vishwa B. Link
Direct: 804.775.4330

McGUIREWOODS

vlink@mcguirewoods.com
Direct Fax: 804.698.2151

170181621

June 5, 2017

VIA ELECTRONIC FILING

Joel H. Peck, Clerk
Document Control Center
State Corporation Commission
1300 East Main Street
Tyler Building – 1st Floor
Richmond, VA 23219

Application of Virginia Electric and Power Company
For approval and certification of electric transmission facilities:
Haymarket 230 kV Double Circuit Transmission Line and 230-34.5 kV Haymarket Substation
Case No. PUE-2015-00107

Dear Mr. Peck:

Enclosed for electronic filing in the above-captioned proceeding, please find Virginia Electric and Power Company's *Update to the Commission.*

Please do not hesitate to call if you have any questions in regard to the enclosed.

Highest regards,

Vishwa B. Link

Vishwa B. Link

Enc.

cc: Hon. Glenn P. Richardson, Hearing Examiner
William H. Chambliss, Esq.
Andrea B. Macgill, Esq.
Alisson P. Klaiber, Esq.
Lisa S. Booth, Esq.
David J. DePippo, Esq.
Lisa R. Crabtree, Esq.
Service List

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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	)	

VIRGINIA ELECTRIC AND POWER COMPANY'S
UPDATE TO THE COMMISSION

Pursuant to Ordering Paragraph (1) of the State Corporation Commission's ("Commission") Interim Order issued in the above-captioned proceeding on April 6, 2017 ("Interim Order"), Virginia Electric and Power Company ("Dominion Energy Virginia" or the "Company"),[1] by counsel, hereby submits this Update to the Commission that construction of the Railroad Route is not possible due to the legal inability to procure the necessary rights-of-way. In support thereof, the Company respectfully states as follows:

1. On November 6, 2015, the Company filed an application ("Application") with the Commission for a certificate of public convenience and necessity ("CPCN") for the proposed Haymarket 230 kilovolt ("kV") double circuit transmission line and 230-34.5 kV Haymarket Substation pursuant to Va. § 56-46.1 and the Utility Facilities Act, Va. Code § 56-265.1 *et seq.* The Company proposed to (i) convert its existing 115 kV Gainesville-Loudoun Line #124,

[1] Effective May 10, 2017, Dominion Resources, Inc., the Company's publicly held parent company, changed its name to Dominion Energy, Inc. As part of this corporate-wide rebranding effort, Virginia Electric and Power Company has changed its "doing business as" ("d/b/a") names in Virginia and North Carolina effective May 12, 2017. In Virginia, the Company's d/b/a name has been changed from Dominion Virginia Power to Dominion Energy Virginia, and in North Carolina the d/b/a name has been changed from Dominion North Carolina Power to Dominion Energy North Carolina. The Company's legal corporate entity name "Virginia Electric and Power Company" will not be changing as a result of this rebranding effort.

located in Prince William and Loudoun Counties, to 230 kV operation, (ii) construct in Prince William County, Virginia and the Town of Haymarket, Virginia a new 230 kV double circuit transmission line to run approximately 5.1 miles from a tap point approximately 0.5 mile north of the Company's existing Gainesville Substation on the converted Line #124 to a new 230-35.4 kV Haymarket Substation, and (iii) construct a 230-34.5 kV Haymarket Substation on land in Prince William County to be owned by the Company (collectively, the "Haymarket Project" or "Project").

2. The Company submitted for consideration a total of five fully developed routes, which included: (1) the Proposed I-66 Overhead Route; (2) the Carver Road Alternative Route; (3) the Madison Alternative Route; (4) the I-66 Hybrid Alternative Route; and, (5) the Railroad Alternative Route. Information regarding these different routes was provided in the Application, which included an Environmental Routing Study prepared by Natural Resource Group, LLC with information on routing and electrical constraints.

3. On December 11, 2015, the Commission issued an Order for Notice and Hearing that, among other things, directed the Company to publish notice of its Application including a description and map of the five developed routes, scheduled an evidentiary hearing, and assigned the case to a Hearing Examiner to conduct all further proceedings on the Commission's behalf and to file a final report.

4. The Commission held hearings specifically for public comments in Haymarket, Virginia on February 24, 2016, March 14, 2016, and May 2, 2016; and at the Commission in Richmond, Virginia on May 10, 2016.

5. The evidentiary hearing commenced on June 21, 2016, at the Commission before the Honorable Glenn P. Richardson. The Hearing Examiner issued his Report on November 15,

2016, which recommended to the Commission, among other things, that there is a need for the Project, that the overhead Carver Road Alternative Route reasonably minimizes impacts and should be the approved route, and to issue Dominion Energy Virginia a CPCN to construct and operate the Project.

6. On April 6, 2017, the Commission entered its Interim Order, which, among other things, found that the public convenience and necessity require the Company to construct the Haymarket Project and that a CPCN should be issued authorizing the Project as set forth in the Interim Order.[2] The Commission emphasized that it had developed a comprehensive record, fully considered all of the evidence presented, and carefully weighed the relevant expected impacts of alternatives before ruling.[3] The Commission found that the Project is needed,[4] and that, with respect to routing, "both the Railroad Route and the Carver Road Route meet the statutory criteria in this case."[5] In support of the Carver Road Route, the Commission noted that it "finds it significant that (after the Railroad Route) the Carver Road Route has the least amount of residences within 200 feet of the line . . . [and] was also designed specifically to avoid crossing through certain residential areas and reasonably collocates with existing infrastructure."[6] The Interim Order also explained how, though both routes met the statutory criteria for approval, the Commission found the Railroad preferable to the Carver Road Route due to its lesser impact on local residences at a cost that is comparable (and actually $7 million less) than the Carver Road Route.[7]

7. Though fully noticed to the public, it was well documented in this proceeding that

[2] Interim Order at 7.
[3] Interim Order at 7-8.
[4] Interim Order at 10.
[5] Interim Order at 11.
[6] Interim Order at 13.
[7] Interim Order at 13-14.

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the Railroad Route was not constructible due to the existence of an open space easement held and controlled by Prince William County.[8] Accordingly, in order to implement the Railroad Route, the Commission directed the Company "to request Prince William County to take the actions necessary to remove any legal constraints blocking construction of the Railroad Route."[9] The Commission further directed that within 60 days from the date of the Interim Order, the Company "shall file written confirmation that any legal constraints blocking construction of the Railroad Route have been removed, or in the alternative, notice that construction of the Railroad Route is not possible due to the legal inability to procure necessary rights-of-way."[10]

8. Finally, the Commission noted that "[i]f Prince William County does not grant Dominion [Energy Virginia's] request to permit construction of the Railroad Route, we necessarily find that such route is unfeasible. . . [and] the proposed Project would need to be constructed along the Carver Road Route."[11] For the Carver Road Route, the Commission further granted a necessary routing variance proposed by the Company to avoid a County-dedicated parcel if the Company is unable to obtain an easement from Prince William County within a reasonable time.[12]

9. Following the issuance of the Interim Order, the Company had discussions with representatives of Prince William County to find potential areas of coordination and agreement. On May 3, 2017, the Company sent a letter request to Prince William County, included herewith

[8] *See* Interim Order at 14, 14 n.41.
[9] Interim Order at 14.
[10] Interim Order at 14-15.
[11] Interim Order at 15.
[12] Interim Order at 15, n.45. The Company notes that following its receipt of the Interim Order it began surveying and further investigating the Carver Road Route. As a result, the Company has discovered additional land transfers, dedications and easements held by Prince William County that may pose issues to the constructability of the Carver Road Route and approved variation. If these issues turn into impediments, the Company anticipates it may have to return to the Commission for an amendment to the CPCN, as appropriate. The Company will continue with surveying efforts and further investigation of the Carver Road Route once a Final Order is issued.

as Attachment 1, wherein Dominion Energy Virginia formally requested that Prince William County "take, or provide a written commitment to take and expeditiously complete, the necessary actions to remove any legal constraints to the construction and operation of the Project on the Railroad Route."[13] The Company requested a written response on or before May 22, 2017.[14]

10. On June 1, 2017, the Board of Supervisors of Prince William County held a meeting to consider Dominion Energy Virginia's request. At the conclusion of this meeting, the Board of Supervisors unanimously approved a resolution that, among other things, rejects the Company's request to remove legal constraints allowing for the construction of the Railroad Route. An unsigned copy of this resolution is included herewith as Attachment 2. A copy of an article that appears on the Prince William County website at http://www.pwcgov.org/news/pages/boarddeniesdominion.aspx confirming this vote is included as Attachment 3.

11. Accordingly, the Company hereby notifies the Commission that construction of the Railroad Route is not feasible due to the legal inability to procure the necessary rights-of-way.

CONCLUSION

Wherefore, for the reasons stated herein, Dominion Energy Virginia respectfully requests the Commission issue a Final Order that (i) approves the Carver Road Route, with the noted variation as necessary; (ii) issues a certificate of public convenience and necessity to the Company to construct and operate the Project; and (iii) grants any such other relief as deemed necessary and appropriate.

[13] Attachment 1 (letter to PWC) at 1.
[14] Attachment 1 at 2.

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Respectfully submitted,

VIRGINIA ELECTRIC AND POWER COMPANY

By: _____
Counsel

Lisa S. Booth
David J. DePippo
Dominion Energy Services, Inc.
120 Tredegar Street
Richmond, Virginia 23219
(804) 819-2288
(804) 819-2411
lisa.s.booth@dominionenergy.com
david.j.depippo@dominionenergy.com

Vishwa B. Link
Lisa R. Crabtree
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219-3916
(804) 775-4330 (VBL)
(804) 775-1327 (LRC)
vlink@mcguirewoods.com
lcrabtree@mcguirewoods.com

Counsel for Virginia Electric and Power Company

June 5, 2017

17061016 1

Attachment 1

Dominion Resources Services, Inc.
Law Department
120 Tredegar St. Richmond, VA 23219
dom.com

David J. DePippo
Senior Counsel
Direct: (804) 819-2411
Facsimile: (804) 819-2183
david.j.depippo@dom.com

Dominion®

May 3, 2017

VIA First Class Mail and Email

Mr. Christopher E. Martino
County Executive
Prince William County
1 County Complex Court
Prince William, Virginia 22192

Re: Haymarket 230 kV Double Circuit Transmission Line – Request for Removal of Legal Constraints to Implement the State Corporation Commission-Approved Railroad Route

On April 6, 2017, the Virginia State Corporation Commission ("Commission") issued an Interim Order in Virginia Electric and Power Company's ("Dominion" or "Company") application for approval of its Haymarket 230 kV Double Circuit Transmission Line project, Case number PUE-2015-00107 ("Project"), in Prince William County (the "County"). In compliance with the Interim Order, this letter constitutes Dominion's formal request to the County to take the actions necessary to remove any legal constraints to the construction and operation of the Project on the Railroad Route as it pertains to the Open Space Easement, if the County is inclined to do so.

Dominion's Request

Dominion requests that the County take, or provide a written commitment to take and expeditiously complete, the necessary actions to remove any legal constraints to the construction and operation of the Project on the Railroad Route by:

> Communicating to Dominion its willingness to enter into discussions that, in the County's opinion and in good faith, would lead to the County providing the written authorization and approvals under Sections II.1 and .2 of the Open Space Easement that Dominion may clear the existing vegetation and grade the land within the Open Space Easement as necessary to construct the Project using the Railroad Route, and to proceed with the construction, operation, and maintenance (including access) of the Project within the Open Space Easement; and,
>
> To the extent the County believes it would be required to comply with Section III.11 of the Open Space Easement, taking the actions initiating and completing the conversion/diversion process to locate and obtain substitute real property for the Open Space Easement property in compliance with the Open-Space Land Act (Virginia Code §

10.1-1704) including authorizing County Staff to explore possible substitute properties in coordination with Dominion.

Response Requested

Consistent with the Commission's Interim Order, Dominion requests a written response from the County on or before May 22, 2017. This would allow time for any necessary follow-up discussions and completion of the necessary documentation to occur between the County and Dominion prior to the Commission's deadline for Dominion to report on these issues by Monday, June 5, 2017.

Related Considerations

In the Interim Order, the Commission found that two routes, the Railroad Route and the Carver Road Route, meet the statutory criteria for approval of a transmission line route for the Project. The Commission concluded, based on information presented in the record, that the "Railroad Route is preferable because it has a lesser impact on local residences at a cost that is comparable to . . . the Carver Road Route." Interim Order at 13-14 (the Railroad Route will have "significantly fewer impacts to local residents"). For ease of reference, we have attached maps of the Carver Road and Railroad Routes. Among other things, the maps show fewer residences near the Railroad Route, and that the Railroad Route could be located in the heavily wooded area. In addition, the Project could be on weathering steel H-frame structures that could be designed to be lower in overall height than the single shaft steel poles included in the application (see enclosure showing structure options for the Railroad Route), and be collocated with the existing railroad line, in ways the Carver Road Route would not. The Commission's decision appears to be driven by a sensitivity of impacts of transmission lines in close proximity to residential areas. That is a sensitivity we share, and one that, in this circumstance, appears most equitably addressed by the Railroad Route.

Dominion stands ready to work with the County regarding the location and identification of substitute real property for the Open Space Easement, and is willing to provide funding for the acquisition of such property. Dominion believes that the Trail Easement set forth in the Open Space Easement (page 4) is compatible with the Project, and otherwise could remain in place within the existing wooded Open Space Easement area. As part of the construction and operation of the Project, Dominion would be willing to work with the County to effectuate and enhance the trail. Thus, in pursuing the Railroad Route, Dominion would anticipate the County being able to retain nearly all of the positive aspects of the Open Space Easement, as well as obtaining additional, dedicated open space to benefit County residents.

If the County declines Dominion's request related to the Railroad Route, it is anticipated that the Commission will enter a final order approving the Project on the Carver Road Route. Interim Order at 15. Should this occur, Dominion will contact the County to begin discussions to secure any necessary permissions or authorizations for that route. This would include Dominion's ability to cross the property dedicated to the County for use as a public roadway for the future extension of Somerset Crossing Drive, west of Old Carolina Road. Without the ability to cross this dedicated property, the Company would have to utilize the approved route variance for the

Carver Road Route detailed in footnote 45 of the Interim Order. For your convenience, a map of the approved route variance is enclosed. Dominion believes that crossing the dedicated property is superior to the approved route variance because, among other reasons, it would have less impacts on the western entrance to the Somerset Crossing community.

Dominion is committed to working with the County to find a mutually acceptable resolution regarding the requests set forth herein, and stands ready to continue discussions and answer any questions the County may have.

Warm regards,

Valerie M. Chafee
for
David J. DePippo
Senior Counsel

Enclosures

cc: Prince William County Board of County Supervisors
J. Chris Price, Deputy County Executive, Prince William County
Michelle Robl, County Attorney, Prince William County
Curt Spear, Assistant County Attorney, Prince William County
Bill Chambliss, General Counsel, Virginia State Corporation Commission
Deborah Tompkins Johnson, Regional Policy Director, Dominion Resources
Christopher Behrens, Project Manager, Dominion

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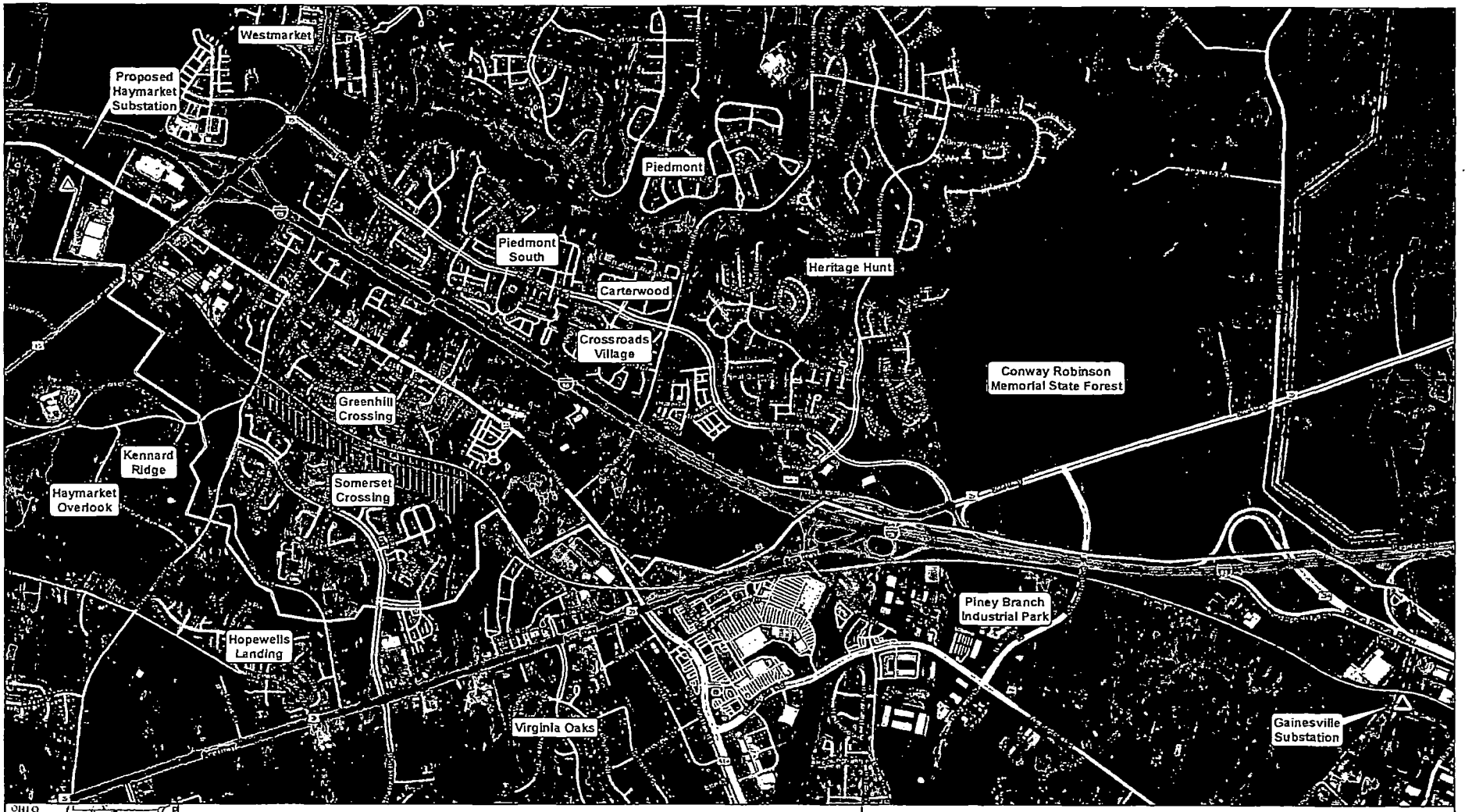

OHIO
VIRGINIA
Richmond
Norfolk
Greensboro

Sommerset Crossing Road County Land
Conservation Easement
Haymarket Township Boundary
Carver Road Alternative
Railroad Alternative
Existing Dominion Transmission Line
Proposed Haymarket Substation
Existing Substation

1:20,000

0 0.25 0.5 Miles

ERM

Carver Road and Railroad Alternatives
Gainesville to Haymarket 230kV
Transmission Line and Substation Project
Prince William County, Virginia

Dominion

M:\Clients\D-F\DOM\Haymarket_Arc\GIS\2017\04\Carver_Railroad_DOM_HAY_Carver_RR_11x17_v2.mxd | REVISED: 05/01/2017 | SCALE: 1:20,000 when printed at 11x17

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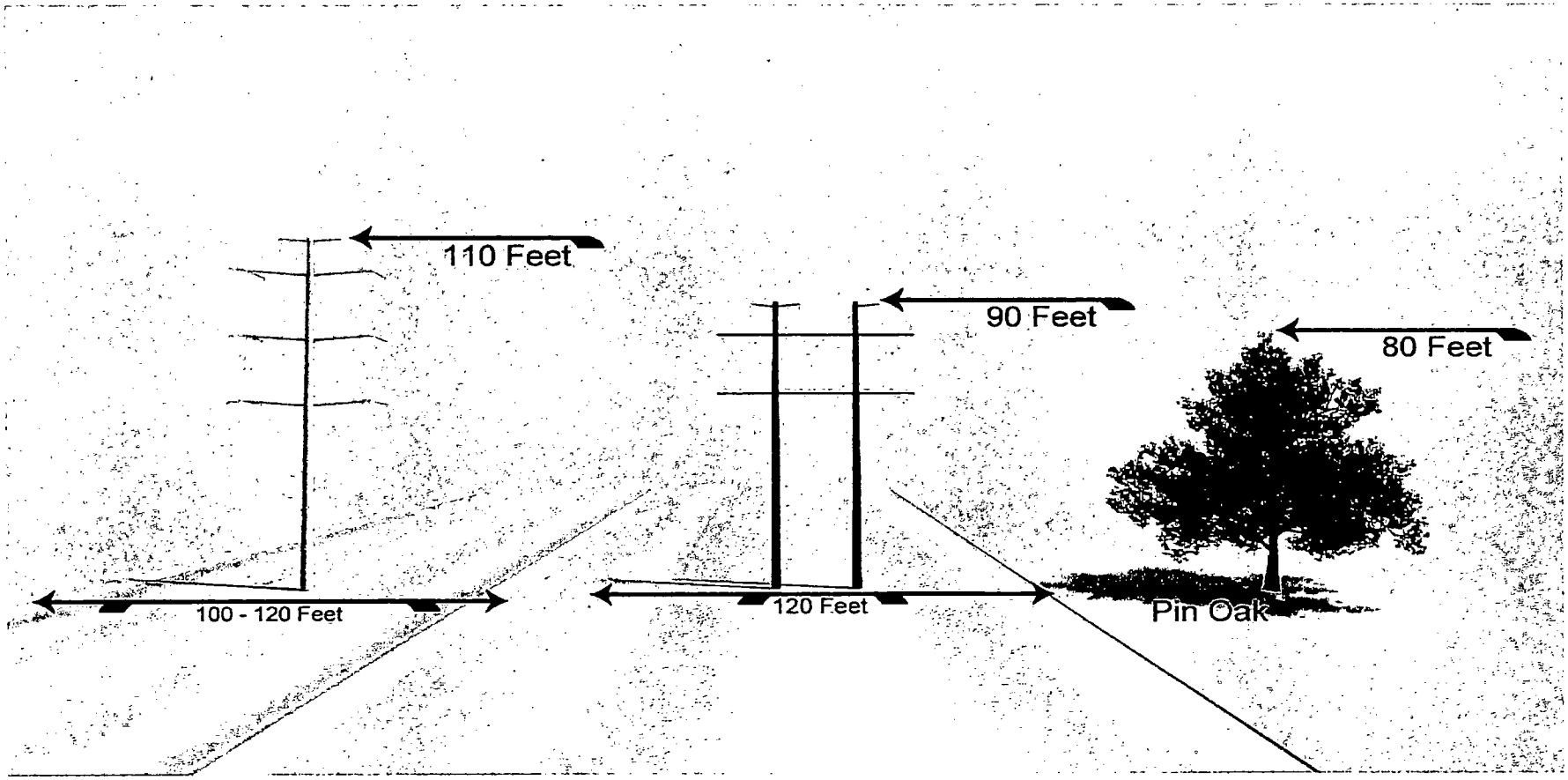
Proposed Structure Options for Railroad Route on HOA/PWC Easement



Railroad Alternative
Carver Road Alternative
Madison Alternative
Right of Way
Planned Development
Stream
Haymarket Township Boundary

1:4,600

Railroad Alternative Map Set
Gainesville to Haymarket 230kV
Transmission Line and Substation Project
Page 4 of 5
FILED - November 5, 2015

Dominion

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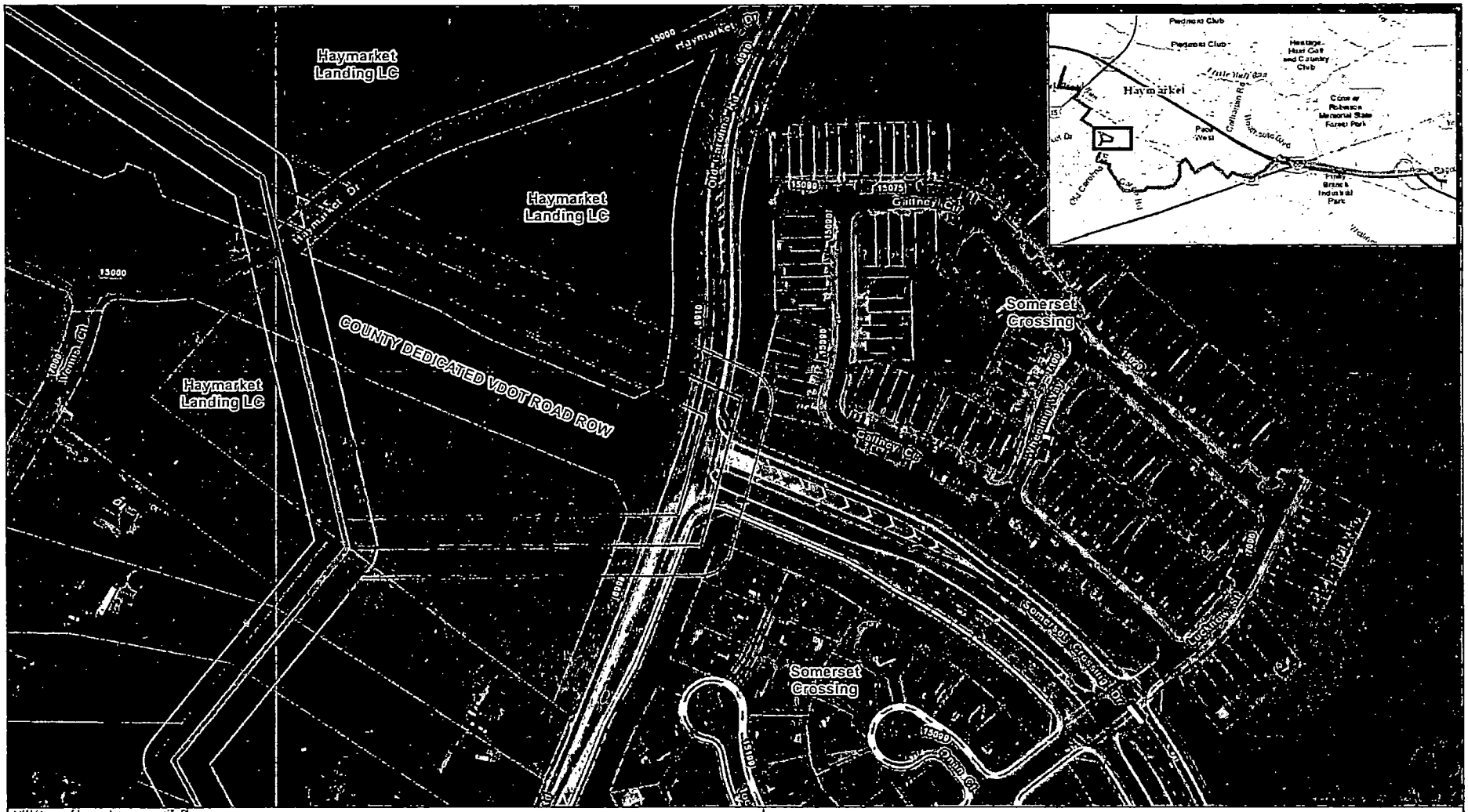

Carver Road Alternative
Carver Road Alternative Right of Way (100ft)
Carver Road Variation
Carver Road Variation Right of Way (100ft)
Somerset Crossing Subdivision
Haymarket Landing LC
Parcel Boundary
1:1,800
0 150 300 Feet

Carver Road Alternative
Somerset Crossing Drive Variation
Gainesville to Haymarket 230kV Transmission Line and Substation Project

Dominion

FILE: M:\Clients\D-F\DOM\Haymarket\8_Arc\GIS\2018\11\CR_Variation_DOM_HAY_CarverRoadAlt_Variation.aprx | REVISED: 11/13/2018 | SCALE: 1:1,800 when plotted at 11x17

DRAWN BY: DZB

17961016.1

Attachment 2

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MOTION: CANDLAND

SECOND: LAWSON

June 1, 2017
Special Meeting
Res. No. __-___

RE: **DENY DOMINION'S REQUST TO TAKE THE ACTIONS NECESSARY TO REMOVE ANY LEGAL CONSTRAINTS TO THE CONSTRUCTION AND OPERATION ON THE RAILROAD ROUTE AND REAFFIRM COMMITMENT TO SUPPORT THE I-66 HYBRID ALTERNATIVE ROUTE FOR THE PROPOSED HAYMARKET 230 kV DOUBLE CIRCUIT TRANSMISSION LINE – BRENTSVILLE AND GAINESVILLE MAGISTERIAL DISTRICTS**

WHEREAS, on December 16, 2014, the Board of County Supervisors ("the Board") accepted Open-Space and Trail Easements from the Somerset Crossing Homeowners Association across 52 acres of property located at 14601 Washington Street, 6831 Jefferson Street, 14780 Links Pond Circle, 7299 Traphill Way, 10522 Turning Grass Way, 10526 Turning Grass Way, 7197 Bladen Place, 7024 Luck Now Street and 7024 Wheeling Way; and

WHEREAS, the 52 acres of the Open-Space and Trail Easements support the Comprehensive Plan Open Space Policy to retain a minimum of 39% of the total area in the County as protected open space; support the Comprehensive Plan Trails Standard of one mile of trail per 1,500 population; and preserve 52 acres of open space located within a significant environmental corridor, the North Fork Corridor; and

WHEREAS, on November 6, 2015, Dominion Energy, formerly Dominion Resources Services, Inc., ("Dominion"), filed an application with the State Corporation Commission, ("SCC"), for a 230 kV Double Circuit Transmission Line in Haymarket ("the Project"), with one of the proposed routes for the line being the Railroad Route, which would cross the County's Open-Space and Trail Easements; and

WHEREAS, the SCC issued an Interim Order on April 6, 2017, directing Dominion to make a formal request to the County to take the necessary actions to remove any legal

constraints to the construction and operation of the Project on the Railroad Route as it pertains to the Open Space and Trail Easements, if the County is inclined to do so; and

WHEREAS, by letter dated September 2, 2015, the County previously informed Dominion that it intended to defend any County property interest even if Dominion attempted to take it through eminent domain, and that the Board planned to vigorously defend the Open-Space and Trail Easements that would be impacted by the proposed Railroad Route; and

WHEREAS, in response to a previous request by Dominion, on May 26, 2016, the Board informed Dominion it does not intend to give the permission necessary for installation of an overhead transmission line within the Open-Space and Trail Easements, as this would be contrary to the spirit and purpose of such easement;

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Board of County Supervisors does hereby deny Dominion's request to take the actions necessary to remove any legal constraints to the construction and operation of the Project through the Railroad Route as it pertains to the Open-Space Easement; and

BE IT FURTHER RESOLVED that the Board does reaffirm its commitment to support the I-66 Hybrid Alternative Route; and

BE IT FURTHER RESOLVED that the Board opposes the Railroad Route and the Carver Road Route.

Votes:
Ayes: Anderson, Jenkins, Nohe, Principi, Stewart
Nays:
Absent from Vote:
Absent from Meeting: Caddigan

For Information:
County Attorney
Planning Director

170610161

CERTIFIED COPY _____
Clerk to the Board

17061161

Attachment 3

17061051

170616161

PRINCE WILLIAM COUNTY
VIRGINIA

News

Home / PWC News

Board Denies Dominion Request

Thursday, 1 June 2017 | County News & Features | Like 0 | Tweet | 0 Comments

Board of County Supervisors Denies Dominion's Request on Transmission Line Route

The Prince William Board of County Supervisors voted unanimously to deny Dominion Virginia Power access to build an overhead transmission line across property at Somerset Crossing, which is protected by an Open-Space Easement held by the county.

The SCC issued an Interim Order on April 6, 2017, which ordered Dominion Virginia Power to respond within 60 days as to whether the county would remove legal barriers to constructing the "Railroad Route," which is the preferred route of the SCC.

In the Interim Order, the SCC rejected the "I-66 Hybrid Route," which proposes burying portions of the transmission line in the neighborhoods effected by the new line, ignoring the unanimous position of the Board of County Supervisors and the overwhelming citizen support for that route.

The order instead intimated that it would only support two potential routes – the "Railroad Route" and the "Carver Road Route." .The order acknowledges that the "Carver Road Route," will have a greater impact on local residences, but believes the cost is too high to implement the I-66 Hybrid route.

The Board's resolution formally "[denies] Dominion's request to take the actions necessary to remove any legal constraints to the construction and operation of the Project through the Railroad Route as it pertains to the Open-Space easement." It further "reaffirms its commitment

to support the I-66 Hybrid Alternative Route," and "opposes both the Railroad Route and the Carver Road Route."

The board committed to taking all available actions and called upon its Virginia delegation and Federal lawmakers for further support in stopping the SCC and Dominion from moving this project forward on any route other than the I-66 Hybrid Route.

The SCC will rule on the transmission line after it receives response from Dominion as directed in the Interim Order.

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June 2017, a true and accurate copy of the foregoing filed in Case No. PUE-2015-00107 was hand-delivered or mailed first class, postage pre-paid, to the following:

C. Meade Browder, Jr., Esq.
Insurance & Utilities Regulatory Section
Office of the Attorney General
202 North Ninth Street
Richmond, VA 23219

Mr. Michael J. Coughlin, Esq.
Wendy Alexander, Esq.
Walsh Colucci Lubeley & Walsh, P.C.
4310 Prince William Parkway, Suite 300
Woodbridge, VA 22192

John A. Pirko, Esq.
LeClairRyan
4201 Dominion Blvd., Suite 200
Glen Allen, VA 23060

Kristen Buck, Esq.
Todd A. Sinkins, Esq.
Courtney B. Harden, Esq.
Rees Broome, PC
1900 Gallows Rd., Suite 700
Tysons Corner, VA 22182

Brian R. Greene, Esq.
Eric J. Wallace, Esq.
William T. Reisinger, Esq.
GreeneHurlocker, PLC
1807 Libbie Ave., Suite 102
Richmond, VA 23226

Counsel