

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, OCTOBER 23, 2023

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2022-00198

For approval and certification of electric
transmission facilities: Cirrus – Keyser 230 kV Loop
and Related Projects

FINAL ORDER

On November 21, 2022,¹ Virginia Electric and Power Company ("Dominion" or the "Company") filed with the State Corporation Commission ("Commission") an application ("Application") for approval and certification of electric facilities in Culpeper County, Virginia.² Dominion filed its Application pursuant to § 56-46.1 of the Code of Virginia ("Code"), and the Utility Facilities Act, Code § 56-265.1 *et seq.*

Through its Application, the Company proposes to complete the following which is collectively referred to as the "Project":³

- Construct a new, approximately 5.2-mile overhead 230 kV double circuit transmission line-loop. This 5.2 mile line-loop would be built entirely on the existing 100-foot-wide right-of-way ("ROW") and will result in three separate lines: (i) 230 kV Gordonsville-Cirrus Line #2199, (ii) 230 kV Cirrus-Keyser Line #2278, and (iii) 230 kV Keyser-Germanna Line #2276 (collectively, the "Cirrus-Keyser 230 kV Loop").
- Remove a portion of one existing 115 kV double circuit transmission line (Line #2 and Line #70) located entirely within the existing ROW between existing Structures #2/1201-1253 and Structures #70/53-1 and install a new, overhead single circuit 115 kV line which will require an additional 25 feet of permanent ROW from the edge of the existing 100 feet of ROW for approximately 0.02-miles from proposed

¹ The Company filed an errata page to the Application on August 16, 2023.

² Exhibit 2 (Application) at 2.

³ *Id.* at 2-3 and Appendix at 5-6.

Structure #2/486A to proposed Structure #2/486B to connect Lines #2 and #70 at the Mountain Run Junction.

- Construct two overhead 230 kV transmission lines, Line #2283 and Line #2284. Line #2283 will be 0.15 miles in length, and Line #2284 will be 0.10 miles in length. Both will be built in new ROW provided by a certain Rappahannock Electric Cooperative ("REC") data center customer ("REC Customer") and will run from the proposed Keyser Switching Station ("Keyser Station") to the existing REC Mountain Run Substation ("Mountain Run Substation" or "Mountain Run 1 and 2").
- Construct two overhead 230 kV transmission lines, Line #2288 and Line #2289, approximately 0.01-miles in length. Lines #2288 and #2289 will run from the proposed Cirrus Switching Station ("Cirrus Station") to the proposed REC Mountain Run 3 Substation ("Mountain Run 3 Substation") and will not require any new ROW.
- Build a new section of overhead 115 kV single circuit transmission line (Line #70), approximately 0.07-miles in length in new ROW provided by the REC Customer. This new section of Line #70 will run from the proposed Cirrus Station to existing Structure #70/1255.
- Construct two new 230 kV switching stations located along Frank Turnage Drive, the Cirrus Station and the Keyser Station, on land purchased by the Company from the REC Customer.
- Update line protection settings at the Company's existing Remington, Germanna, Gordonsville, Oak Green, and Culpeper Substations.

On December 20, 2022, the Commission issued an Order for Notice and Hearing that, among other things, docketed the Application; established a procedural schedule; directed Dominion to provide notice of its Application to the public; provided interested persons an opportunity to comment on the Application or participate in the proceeding as a respondent by filing a notice of participation; scheduled public witness and evidentiary hearings; directed the Staff of the Commission ("Staff") to investigate the Application and file testimony and exhibits containing its findings and recommendations thereon; and appointed a Hearing Examiner to conduct all further proceedings in this matter and to file a final report.

Staff requested that the Department of Environmental Quality ("DEQ") coordinate an environmental review of the Project by the appropriate agencies and to provide a report on the

review.⁴ On January 27, 2023, DEQ filed its report on Dominion's Application ("DEQ Report"), which includes the Wetland Impact Consultation provided by DEQ's Office of Wetlands and Stream Protection.

On July 28, 2023, Staff filed its report, and on August 11, 2023, the Company filed its rebuttal testimony.

One public comment was filed in this case. Because no public witnesses signed up to testify, the public witness portion of the hearing on August 29, 2023, was not convened. On August 30, 2023, the Hearing Examiner convened the evidentiary hearing in the Commission's courtroom. Dominion and Staff participated at the hearing. The Culpeper County Board of Supervisors filed a Notice of Participation in the case, but was excused from the evidentiary hearing.⁵

On September 14, 2023, the Hearing Examiner issued the Report of M. Renae Carter, Hearing Examiner ("Report"). In the Report, the Hearing Examiner made the following findings:⁶

- (1) The Project is needed so the Company can continue to provide reliable electric service in the Project area, including supplying new data center load, and comply with North American Electric Reliability Corporation Reliability Standards and with the Company's transmission planning criteria.
- (2) The record supports the Company's plan to construct and energize the temporary 115 kV line to meet area demands and prevent additional outages during Project construction.

⁴ Letter from Kati K. Dean, Esquire, State Corporation Commission, dated November 29, 2022, to David L. Davis, Department of Environmental Quality, filed in Case No. PUR-2022-00198; Letter from Kati K. Dean, Esquire, State Corporation Commission, dated November 29, 2022, to Bettina Rayfield, Department of Environmental Quality, filed in Case No. PUR-2022-00198.

⁵ Tr. at 6.

⁶ Report at 23-24.

- (3) The record supports the proposal to construct the Cirrus and Keyser Stations to accommodate future load growth expected to materialize between 2026 and 2030.
- (4) Anticipated load reductions from demand-side management will not obviate the need for the Project.
- (5) The Project supports economic development in Culpeper County, Virginia.
- (6) The Company has reasonably considered the feasibility of locating Project facilities on existing rights-of-way, as required by law.
- (7) The Project avoids or reasonably minimizes adverse impacts to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Human Resources, and environment of the area concerned.
- (8) The recommendation that Dominion develop a separate Project-related invasive species management plan is duplicative and unwarranted.
- (9) Dominion should be required to comply with the uncontested summary recommendations of the Department of Environmental Quality Report.
- (10) There are no feasible alternatives to the Project.
- (11) The Project does not represent a hazard to public health or safety.
- (12) The Company has reasonably addressed the impact of the Project on aviation resources.
- (13) The Company reasonably considered the requirements of the Virginia Environmental Justice Act in its Application.

On September 26, 2023, Dominion filed comments on the Report, and on September 28, 2023, Staff filed comments on the Report.

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

Hearing Examiner's Report

After analyzing the law and weighing the evidence – and providing a thorough and detailed analysis thereof – the Hearing Examiner recommended the Commission enter an Order that:⁷

- (1) *ADOPTS* the findings and recommendations contained in the Report;
- (2) *ISSUES* a certificate of public convenience and necessity to the Company to construct and operate the Project; and
- (4) *DISMISSES* this case from the Commission's docket of active cases.

Upon consideration of this matter, the Commission concludes that the Hearing Examiner's findings and recommendations are supported by law and evidence, have a rational basis, and are adopted herein. The Commission finds that the public convenience and necessity requires the construction of the Project and that a certificate of public convenience and necessity ("CPCN") authorizing the Project should be issued subject to the recommended findings and conditions contained in the Report.

Accordingly, IT IS ORDERED THAT:

- (1) The Commission adopts the Hearing Examiner's findings and recommendations.
- (2) The Hearing Examiner's recommendations, set forth herein, are hereby ordered.
- (3) Dominion is authorized to construct and operate the Project as proposed in its Application, subject to the findings and conditions imposed herein.
- (4) Pursuant to §§ 56-46.1, 56-265.2, and related provisions of Title 56 of the Code, the Company's request for approval of the necessary CPCN to construct and operate the Project is granted as provided for herein.

⁷ *Id.* at 24.

(5) Pursuant to the Utility Facilities Act, § 56-265.1 *et seq.* of the Code, the Commission issues the following CPCN to Dominion:

Certificate No. ET-DEV-CUL-2023-A, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Culpeper County, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUR-2022-00198, cancels Certificate No. ET-74f, issued to Virginia Electric and Power Company in Case No. PUE-2015-00117 on August 9, 2017.

(6) Within thirty (30) days from the date of this Final Order, the Company shall provide to the Commission's Division of Public Utility Regulation an electronic map for the Certificate Number that shows the routing of the transmission line approved herein. Maps shall be submitted to Michael Cizenski, Deputy Director, Division of Public Utility Regulation, mike.cizenski@scc.virginia.gov.

(7) Upon receiving the maps directed in Ordering Paragraph (6), the Commission's Division of Public Utility Regulation forthwith shall provide the Company copies of the CPCN issued in Ordering Paragraph (5) with the maps attached.

(8) The Project approved herein must be constructed and in service by December 30, 2025. No later than ninety (90) days before the in-service date approved herein, for good cause shown, the Company is granted leave to apply, and to provide the basis, for any extension requested.

(9) This matter is dismissed.

Commissioner James C. Dimitri participated in this matter.

A COPY hereof shall be sent electronically 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.