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July 24, 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 *Motion to Hold Proceeding in Abeyance for 60 Days and for Expedited Consideration*.

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

Highest regards,



Lisa R. Crabtree

Enc.

cc: Hon. Glenn P. Richardson, Hearing Examiner
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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

APPLICATION OF)
)
VIRGINIA ELECTRIC AND POWER COMPANY) Case No. PUE-2015-00107
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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
MOTION TO HOLD PROCEEDING IN ABEYANCE FOR 60 DAYS
AND FOR EXPEDITED CONSIDERATION**

Pursuant to Rule 110 of the Rules of Practice and Procedure of the State Corporation Commission of Virginia (the "Commission"), 5 VAC 5-20-110, Virginia Electric and Power Company ("Dominion Energy Virginia" or the "Company"), by counsel, hereby moves the Commission (the "Motion") to hold the current proceeding and procedural deadlines in abeyance for sixty (60) days in order for the Company to further confer with Prince William County (the "County") and its associated agencies regarding the constructability of the Carver Road Route. 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, 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 230-34.5 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 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. The Company originally selected the Railroad Alternative Route as its preferred option due to the collocation opportunity with an existing railroad corridor and the ability to route the line such that it would have a screen of trees and be less of a visual impact to homeowners, and the public.¹ After revealing this route to the community, however, Somerset Crossing Home Owners Association ("Somerset HOA") acted to donate a parcel of land to the County for the dedication of an open space easement, which the County accepted, and, thereafter, announced its intention of "defending" the property against the transmission line crossing.² In doing so, Somerset HOA and the County appeared to have rendered the Railroad Alternative Route unable to be built.³ The Carver Road and Madison Routes were developed in response to Somerset HOA and the County's actions regarding the Railroad Alternative Route.⁴

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

¹ See, e.g., Exhibit ("Ex.") 3 at 47-48; Transcript 599:1-11.

² See Exhibit 3 (Appendix) at 50.

³ Interim Order at 14-15.

⁴ Ex. 17 (McCoy) at 3:6-8.

the case to a Hearing Examiner to conduct all further proceedings on the Commission's behalf and to file a final report.

4. 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.

5. 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.⁵ The Commission found that the Project is needed,⁶ and that, with respect to routing, "both the Railroad Route and the Carver Road Route meet the statutory criteria in this case."⁷ The Interim Order also explained how, though both routes met the statutory criteria for approval, the Commission found the Railroad Route 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.⁸ Due to the presence of the above-referenced open space easement acquired by the County on property along the Railroad Route, the Commission directed the Company to request the necessary authority from the County to cross that easement, and to report back to the Commission within 60 days.⁹

⁵ Interim Order at 7.

⁶ *Id.* at 10.

⁷ *Id.* at 11.

⁸ *Id.* at 13-14.

⁹ *Id.* at 14-15.

6. Following the issuance of the Interim Order, the Company had discussions with representatives from the County to find potential areas of coordination and agreement. On May 3, 2017, the Company sent a letter to the County formally requesting 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.”

7. On June 1, 2017, the Board of County Supervisors held a meeting to consider Dominion Energy Virginia’s request. At the conclusion of this meeting, the Board of County Supervisors unanimously approved a resolution that, among other things, rejected the Company’s request to remove legal constraints allowing for the construction of the Railroad Route, thereby making that route no longer feasible.

8. On June 5, 2017, the Company notified the Commission that construction of the Railroad Route was not feasible due to the legal inability to procure the necessary rights-of-way. In its June 5, 2017 Update, the Company further stated,

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.¹⁰

9. On June 23, 2017, the Commission entered its Final Order wherein the

¹⁰ June 5, 2017 Update at 4, n.12.

Commission restated “that the proposed Project is needed,”¹¹ and that it “approve[s] construction and operation of the proposed Project along the Carver Road Route.”¹²

10. On July 13, 2017, the Coalition to Protect Prince William County and Somerset HOA filed separate petitions for rehearing or reconsideration (“Requests for Rehearing or Reconsideration”) of the Final Order. The following day, the Commission granted reconsideration “for the purpose of continuing jurisdiction over this matter and considering the above-referenced requests.”¹³ The Commission suspended the Final Order pending its reconsideration.¹⁴

11. On July 24, 2017, the Commission issued its Order Directing Additional Pleadings, in which the Commission directed the Company to file a response to the Requests for Rehearing or Reconsideration on or before August 7, 2017, and for the Coalition to Protect Prince William County and Somerset HOA separately to file a reply on or before August 14, 2017.

12. Prior to and separate from the Requests for Rehearing or Reconsideration, the Company has begun the detailed surveying process that typically follows the issuance of a Commission Final Order in a transmission CPCN proceeding. During this process, the Company has discovered certain issues with the Carver Road Route related to land transfers, dedications, easements, and similar property interests held by the County or its agencies.¹⁵ It now appears

¹¹ Final Order at 3.

¹² *Id.* at 3-4. The Commission further noted that, as stated in the Interim Order, it also approved the described variation to the Carver Road Route, if needed.

¹³ July 14, 2017 Order Granting Reconsideration.

¹⁴ *Id.*

¹⁵ The Company’s discovery of these types of property interests after the selection of a route by the Commission is nothing new. Instead, the Company regularly encounters these types of property interests held by counties or incorporated cities, and its long-held experience demonstrates that it has been able to work with local authorities to accommodate Commission-selected and approved transmission projects in a reasonable manner. As such, the

that any variation to the Carver Road Route in the area of the Somerset Drive extension, including the variation described in the Company's Comments to the Hearing Examiner's Report¹⁶ and depicted in the Company's June 5, 2017 Update to the Commission,¹⁷ will require affirmative County approval before construction can commence, thereby creating a new situation where the County can thwart another Commission-chosen route. In addition, there are several areas along the entire Carver Road Route where the transmission line will cross property where the County's agencies hold easements and other rights related to stormwater management and the Prince William County Service Authority ("Authority") holds easements for water and sewer lines.¹⁸ The Company will confer with the County and its agencies' officials and with the Authority for the necessary easements, permits, approvals, or confirmations regarding whether the transmission line right-of-way is a compatible use in these areas.¹⁹ Finally, the Company is investigating whether there are additional cultural and potentially historic resources along the Carver Road Route that were not included in publicly available datasets or public comments, and not otherwise raised during the case, but nevertheless have been brought to the Company's attention since entry of the Commission's Interim Order.

13. For these reasons, Dominion Energy Virginia respectfully requests that the Commission hold the current proceeding, including the new deadlines for responses and replies to the Requests for Rehearing or Reconsideration set forth in the July 24, 2017 Order Directing Additional Pleadings, and suspension of the Final Order, in abeyance for 60 days. During this

Company's initial due-diligence when developing transmission line routes, and alternatives thereto, has never considered such interests as "show-stoppers."

¹⁶ Virginia Electric and Power Company Comments to the Report of Glenn P. Richardson (Dec. 6, 2016) at 25.

¹⁷ June 5, 2017 Update at Attachment 1.

¹⁸ Because the Madison Route follows the same path as the Carver Road Route for nearly one-half of its length, these same issues may impact the continued viability of that route.

¹⁹ In so doing, the Company also will confer with the County, its agencies, and the Authority regarding the Madison Route, as well as the other remaining, viable routes.

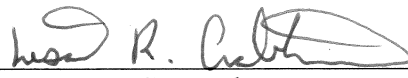
time, the Company will coordinate with the County, its agencies, and the Authority regarding the necessary approvals and confirmations. The Company anticipates that, within 60 days of a subsequent Commission order granting this Motion, it will be able to report to the Commission regarding the constructability of the Carver Road Route or not and/or proceed with any requests for variations to the Carver Road Route or reconsideration of alternative noticed routes. Because the Company's deadline to file a response to the Requests for Rehearing or Reconsideration is in 10 business days, the Company requests expedited consideration of this Motion.

CONCLUSION

Wherefore, for the reasons stated herein, Dominion Energy Virginia respectfully requests the Commission (i) hold the current proceeding in abeyance for a period of 60 days from the date of a subsequent Commission order granting this Motion; (ii) hold the directives set forth in the July 24, 2017 Order Directing Additional Pleadings in abeyance pending the Company's update to the Commission following this 60 day period; and, (iii) grant any such other relief as deemed necessary and appropriate.

Respectfully submitted,

VIRGINIA ELECTRIC AND POWER COMPANY

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July 24, 2017

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of July 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:

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