

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 23, 2017

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APPLICATION OF

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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

FINAL ORDER

On November 6, 2015, Virginia Electric and Power Company ("Dominion Energy Virginia" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission") for a certificate of public convenience and necessity for the proposed Haymarket 230 kilovolt ("kV") double circuit transmission line and 230-34.5 kV Haymarket Substation ("Project") pursuant to Code of Virginia ("Code") § 56-46.1 and the Utility Facilities Act, § 56-265.1 *et seq.* On April 6, 2017, the Commission issued an Interim Order on the Company's Application. In its Interim Order, the Commission made certain findings related to the proposed Project and, in Ordering Paragraph (1), directed Dominion Energy Virginia, within 60 days of the Interim Order, to "file in this docket 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."¹

On April 26, 2017, Somerset Crossing Homeowners Association ("Somerset") filed a Motion for Rehearing or Reconsideration ("Motion") of the Interim Order. Specifically,

¹ *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, Doc. Con. Cen. No. 170420047, Interim Order at Ordering Paragraph 1 (Apr. 6, 2017).*

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Somerset requested that the Commission reconsider Ordering Paragraph (1) of the Interim Order.² In the alternative, Somerset requested rehearing for the following reasons:

- (1) The Order is contrary to the evidence presented to the Hearing Examiner including the recommendations and testimony of the Commission's own staff;
- (2) The Commission denied Somerset due process by selecting a route that Somerset could not reasonably anticipate was under consideration due to its withdrawal; and
- (3) The Order contravenes Virginia statutory and constitutional law to the extent it authorizes the taking of private property when the Commission has found that the "need" for the Transmission Line is driven by a single retail customer.³

On May 16, 2017, Dominion Energy Virginia filed a response to Somerset's Motion ("Response") as permitted by Rule 5 VAC 5-20-110 of the Commission's Rules of Practice and Procedure ("Rules of Practice"). In its Response, Dominion Energy Virginia requested that the Commission deny Somerset's Motion as procedurally improper and premature pursuant to Rule 5 VAC 5-20-220 of the Commission's Rules of Practice.⁴ In the alternative, Dominion Energy Virginia requested the opportunity to submit further briefing on the substance of Somerset's Motion within 14 business days, should the Commission treat the Motion under Rule 5 VAC 5-20-110 of the Commission's Rules of Practice.⁵ Somerset did not file a reply as permitted under Rule 5 VAC 5-20-110 of the Commission's Rules of Practice.

On June 5, 2017, Dominion Energy Virginia, pursuant to Ordering Paragraph (1) of the Interim Order, filed its Update to the Commission ("Update"). In its Update, Dominion Energy

² Motion at 1.

³ *Id.* at 1-2.

⁴ Response at 1, 7-8.

⁵ *Id.* at 8.

Virginia, among other things, informed the Commission that it had had discussions with the representatives of Prince William County to find potential areas of coordination and agreement.⁶ In addition, on May 3, 2017, the Company sent a letter to Prince William 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 The Company requested a written response to its letter from Prince William County on or before May 22, 2017.⁸ Dominion Energy Virginia further informed the Commission, through its Update, that on June 1, 2017, the Board of Supervisors of Prince William County 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.⁹

NOW THE COMMISSION, upon consideration of this matter, finds as follows.

Dominion Energy Virginia has fulfilled the requirement set forth in Ordering Paragraph (1) of the Interim Order. As such, Somerset's Motion to reconsider Ordering Paragraph (1) of the Interim Order is rendered moot. Further, we deny the remainder of Somerset's Motion based upon Rule 5 VAC 5-20-220 of the Commission's Rules of Practice.

For reasons stated in the Interim Order, we find that the proposed Project is needed and hereby approve construction and operation of the proposed Project along the Carver Road Route. As referenced in the Interim Order, we further approve the variance to the Carver Road Route

⁶ Update at 4.

⁷ *Id.* at 4-5, Attachment 1 at 1.

⁸ *Id.* at 5, Attachment 1 at 2.

⁹ *Id.* at 5, Attachment 2. It does not appear Dominion Energy Virginia received any written response to its letter from Prince William County.

identified therein, if Dominion Energy Virginia is unable to obtain an easement from Prince William County. In addition, we remain sensitive to the fact that while we have found constructing the proposed Project along the Carver Road Route satisfies the statutory requirements, such finding does not mean there will be no visual impact.¹⁰ To further mitigate visual impact, we will require the chemical dulling of the structure finish for this particular Project, consistent with our findings in recent transmission line orders.¹¹

Accordingly, IT IS ORDERED THAT:

(1) Somerset's Motion to reconsider Ordering Paragraph (1) of the Interim Order is moot. The remainder of Somerset's Motion is denied as stated herein.

(2) Dominion Energy Virginia is authorized to construct and operate the Project, as set forth in the Interim Order, along the Carver Road Route, including the variance identified therein, if the Company is unable to obtain an easement from Prince William County. We further direct Dominion Energy Virginia to utilize chemical dulling of the structures to minimize visual impact.

(3) Pursuant to Code §§ 56-46.1, 56-265.2, and related provisions of Title 56 of the Code, the Company's request for a certificate of public convenience and necessity to construct and operate the Project is granted subject to the requirements set forth in the Interim Order, as incorporated and made final herein.

¹⁰ See, e.g., Ex. 10 (NRG Environmental Routing Study) at 60-65 (Table 4-1).

¹¹ *Application of Virginia Electric and Power Company d/b/a Dominion Virginia Power, For approval and certification of Cunningham-Dooms 500 kV Transmission Line Rebuild under Va. Code § 56-46.1 and the Utility Facilities Act, Va. Code § 56-265.1 et seq.*, Case No. PUE-2016-00020, Doc. Con. Cen. No. 170530027, Final Order at 8-9 (May 5, 2017); *Application of Virginia Electric and Power Company d/b/a Dominion Energy Virginia, For approval and certification of electric transmission facilities under Va. Code § 56-46.1 and the Utility Facilities Act, Va. Code § 56-265.1 et seq.*, Case No. PUE-2016-00135, Doc. Con. Cen. No. 170610186, Final Order at 9 (June 6, 2017). The Company states that all aboveground structures in this case would be constructed of galvanized steel. See, e.g., Ex. 10 (NRG Environmental Routing Study) at 7.

(4) Pursuant to the Utility Facilities Act, Code § 56-265.1 *et seq.*, the Commission issues the following certificates of public convenience and necessity:

Certificate No. ET-105ad, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Prince William County, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUE-2015-00107, cancels Certificate No. ET-105ac, issued to Virginia Electric and Power Company in Case No. PUE-2014-00025 on February 11, 2016.

Certificate No. ET-91ab, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Loudoun County, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUE-2015-00107, cancels Certificate No. ET-91aa, issued to Virginia Electric and Power Company in Case No. PUE-2015-00053 & PUE-2015-00054 on August 23, 2016.

(5) This matter is dismissed.

AN ATTESTED COPY hereof shall be sent 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, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219. A copy also shall be sent to the Commission's Office of General Counsel and Divisions of Public Utility Regulation and Utility Accounting and Finance.