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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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September 22, 2017

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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 September 22, 2017 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

Enc.

cc: Hon. Glenn P. Richardson, Hearing Examiner

William H. Chambliss, Esq. Andrea B. Macgill, Esq.

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Service List

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	j	

VIRGINIA ELECTRIC AND POWER COMPANY'S SEPTEMBER 22, 2017 UPDATE TO THE COMMISSION

Pursuant to Ordering Paragraph (3) of the State Corporation Commission's ("Commission") Order on Requested Abeyance issued in the above-captioned proceeding on July 25, 2017, Virginia Electric and Power Company ("Dominion Energy Virginia" or the "Company"), by counsel, hereby submits this Update to the Commission that construction of the Carver Road Route is not possible due to the legal inability to procure the necessary rights-ofway.

Because the Commission's approved route is not constructible, the Company respectfully requests the Commission issue an Order approving the I-66 Overhead Route for construction of the proposed Haymarket Project.

In support thereof, the Company respectfully states as follows:

I. Background

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 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 known 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 an 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. 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. The Commission found that the Project is needed, and that, with respect to routing, "both the Railroad Route and the Carver Road Route meet the statutory criteria in this case." 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.
- 7. 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." The Commission further directed that within 60 days from the date of the Interim Order, the Company "shall file written confirmation that any

¹ Interim Order at 7.

² Id. at 7-8.

³ *Id.* at 10.

⁴ Id. at 11.

⁵ Id. at 13-14.

⁶ Id. at 14.

legal constraint's 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."⁷

- 8. 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." 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.
- 9. On June 5, 2017, the Company filed its Update to the Commission notifying the Commission that construction of the Railroad Route was not feasible due to the legal inability to procure the necessary rights-of-way. Therein, the Company noted,

[F]ollowing 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.⁹

10. On June 23, 2017, the Commission entered its Final Order wherein the Commission restated "that the proposed Project is needed," and it "approve[d] construction and

⁷ *Id.* at 14-15.

⁸ Id. at 15.

⁹ Dominion Energy Virginia June 5, 2017 Update to the Commission at 4, n.12.

¹⁰ Final Order at 3.

operation of the proposed Project along the Carver Road Route."11

- 11. On July 24, 2017, the Company filed a Motion to Hold Proceeding in Abeyance for 60 Days and for Expedited Consideration ("Motion for Abeyance"). In its Motion for Abeyance, the Company explained that through the detailed surveying process that typically follows issuance of a Commission Final Order in a transmission CPCN proceeding, the Company has discovered issues related to property interests held by the County or its agencies. ¹² The Company noted that discovery of these types of property interests after the selection of a route by the Commission is "nothing new," but rather something regularly encountered during the actual process of constructing a new transmission line. ¹³
- 12. The Company's long-held experience demonstrates that it has typically been able to work with local authorities to accommodate Commission-selected and approved transmission projects in a reasonable manner. Given the posture of this Application and that of Prince William County, the Company requested a period of 60 days during which it would use its best efforts to coordinate with the County, its agencies, and the Prince William County Service Authority regarding the Carver Road Route, after which the Company would "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." 15

¹¹ Id. at 3-4

¹² Dominion Energy Virginia Motion for Abeyance at 5.

¹³ Id.

¹⁴ Id. at 5, n.15.

¹⁵ Id. at 6-7.

II. Constructability of Carver Road Route

- 13. As depicted in <u>Attachment 1</u>, Prince William County holds a property interest in certain land along the Carver Road Route, which is dedicated for an extension of Somerset Crossing Drive. The Carver Road Route as originally proposed (shown in orange in <u>Attachment 1</u>) crosses this property heading in a north-west direction near the intersection of Venus Court and Haymarket Drive.
- 14. The Company's plan to avoid the County-dedicated property, if necessary, is shown in red on Attachment 1, and essentially involved running the route east across Old Carolina Road and into Somerset Crossings, turning north for approximately 0.3 miles, before turning west on the north side of the County-dedicated property and rejoining the original Carver Road Route at Haymarket Drive.
- 15. Upon further review, however, of the deed of dedication and surveyor's plat (included herewith as <u>Attachment 2</u>), the Company discovered that the County's land interests also run to the north and south parallel to Old Carolina Road approximately 0.2 miles to the north and 0.9 miles to the south. Thus, the Company's planned and Commission-approved variance each require easement rights from Prince William County in order to be constructible.
- 16. The Company corresponded and met with County officials and staff regarding the Carver Road Route in July, August and September 2017. On August 1, 2017, the Prince William Board of County Supervisors ("Board") approved a resolution in which it restated its opposition to the Project being constructed and operated along the Carver Road Route.
- 17. On September 8, 2017, the Company sent a letter to Prince William County, included herewith as <u>Attachment 3</u>, wherein Dominion Energy Virginia formally requested that Prince William County "confirm that it will not approve the grant of an easement to Dominion

Energy Virginia for the construction and operation of the Project along the Commissionapproved Carver Road Route or the Variation."¹⁶ The Company requested a written response on or before September 15, 2017.¹⁷

- 18. The Board held its regularly scheduled meeting on September 12, 2017.

 Following a closed session the Board unanimously passed a resolution to deny the Company's Carver Road easement requests. Attached herewith is an unsigned copy of that resolution. The resolution further reaffirmed sole support for the I-66 Hybrid Route and opposition to all overhead routes.
- 19. Therefore, the Company is unable to comply with the Commission's Final Order issued June 23, 2017, in this proceeding because it cannot "construct and operate the Project, as set forth in the Interim Order, along the Carver Road Route, including the variance identified therein."

III. Remaining Noticed Routes

- 20. The Haymarket Project continues to be needed in order for the Company to meet its statutory duty as a public utility "to furnish reasonably adequate service and facilities at reasonable and just rates to any person, firm or corporation along its lines desiring same."²⁰ The Staff, Hearing Examiner, and Commission have all agreed on this point.²¹
 - 21. The two Commission-approved routes have been rendered unfeasible by Prince

¹⁶ Attachment 3 at p.2.

¹⁷ Id,

¹⁸ <u>Attachment 4.</u> Prince William County Staff informed the Company that a signed version will not be available until on or about October 2, 2017. The Company will supplement the record with the signed version when made available.

¹⁹ Final Order at Ordering Paragraph (2).

²⁰ Va. Code § 56-234 A.

²¹ Ex. 19 (Joshipura Direct) at 6; Tr. 228-29; Interim Order at 10; Final Order at 3.

William County. Of the remaining noticed routes, the I-66 Overhead Route best meets the statutory criteria for approval.

- A. The Commission rejected the I-66 Hybrid Route as being inconsistent with the public interest.
- The Commission soundly rejected the I-66 Hybrid Route, noting that its 22. significantly greater cost than the Railroad and Carver Road Routes - \$167 million versus \$55 million and \$62 million respectively – "is not justified by the record in this case." The Commission also explained how the I-66 Hybrid Route "would be more intrusive to wetlands than an overhead route,"23 and "would not significantly alleviate impacts to historic resources compared to other routes" and may actually "have a slightly greater impact on archeological sites, because construction would likely require trenching through a small portion of an archeological site."24 Additionally, the Commission noted how "the record reflects that the I-66 Hybrid Route would be more difficult to construct than any of the alternative routes considered, more difficult than originally anticipated, and likely subject to the delays that are often attendant to constructing underground transmission lines."²⁵ Finally, the Commission noted that Virginia Code § 56-46.1 A (b) requires the Commission to consider "any improvements in service reliability that may result from the construction of such facility;" and that, "in this regard, if routed along the I-66 Hybrid Route, the Company's evidence reflects than an underground line in this instance would not improve service reliability compared to overhead construction."²⁶
 - 23. For these many reasons, the Commission concluded that "the record does not

²² Interim Order at 15-16.

²³ Id. at 16.

²⁴ Id. at 16-17.

²⁵ Id. at 17.

²⁶ Id.

justify construction of the proposed transmission line along the I-66 Hybrid Route" and that "the costs and adverse impacts attendant to the I-66 Hybrid Route are neither reasonable nor in the public interest." The Commission's determination should not be disturbed.

- B. The I-66 Overhead Route best meets the statutory criteria for approval as compared to the Madison Route.
- 24. Thus, the Commission's consideration at this time should be whether either of the remaining two noticed overhead routes meet the statutory criteria for approval.
- 25. With respect to the I-66 Overhead Route, the Commission found that the "Railroad and Carver Road Routes are preferable to the I-66 Overhead Route," and thus, "the I-66 Overhead Route is not the best alternative when compared to [those] routes." However, the Commission did *not* determine that the I-66 Overhead Route does not meet the statutory criteria for approval, nor that construction of the Haymarket Project along the I-66 Overhead Route would be inconsistent with the public interest, as it did with the I-66 Hybrid Route.
- 26. In the Application and throughout this proceeding, the Company has advocated for approval of the I-66 Overhead Route. The I-66 Overhead Route reasonably minimizes adverse impact on the scenic assets, historic districts and environment of the area concerned; it is the most reliable, least cost solution with the fewest construction impacts and can be constructed in the least time.²⁹ Of all noticed routes, it is the most direct and follows well-established routing principles by collocating with major transportation infrastructure.³⁰
 - .27. In comparing the I-66 Overhead Route relative to the Madison Route, the record

²⁷ Id. at 17-18.

²⁸ Id. at 15.

²⁹ See Dominion Energy Virginia Post-Hearing Brief at 21-31.

³⁰ Id. at 222-23.

demonstrates the following:

I-66 Overhead Route

- Approximately 5.1 miles [H.E. Report at 2]
- Same path as Madison for first 2.2 miles, the majority of which encompasses
 VDOT right-of-way [Appendix at 44]
- No structures will need to be removed [Appendix at 91]

Cost
Archeological,
Scenic, or
Cultural
Impacts

\$51 million [H.E. Report at 2]
No National Natural Landmarks crossed by or in the vicinity of any of the Project components. [Appendix at 102]

Would cross two scenic byways: the James Madison Highway (U.S. 15), also referred to as the Journey Through Hallowed Ground Byway, which is both a Virginia State Scenic Byway and a National Scenic Byway, and parallel it for a distance of about 0.1 mile. The route would also cross the John Marshall Highway (SR 55), which is a Virginia State Scenic Road, and parallel it for about 0.4 mile. The crossings would occur in areas that are commercially and industrially developed on one side of the highway and undeveloped on the other side. The crossing would be visible to drivers heading in both directions along the highway and may slightly alter the scenic quality of the road at the crossing locations depending on exact tower placement. [Appendix at 107]

Recreation,
Agricultural
and Forest
Resources, and
Species

Would not adversely impact natural heritage resources. The FWS determined that the Project area may support potential habitat for northern long-eared bat, dwarf wedgemussel, and harperella, and also determined that species surveys will be required prior to construction to determine if the potential presence for listed species or suitable listed species habitat exists. [DEQ Supplement at 12]

Would cross the Culpeper Loop of the Virginia Birding and Wildlife Trail in four locations. All of the crossings would be spanned and take place in areas with large highways/roads and either high density residential development or commercial/business development. This route is not expected to impact the scenic quality of the trail in these locations. [Appendix at 104]

Madison Route

- Approximately 8.2 miles [H.E. Report at 3]
- Same path as I-66 Overhead for first 2.2 miles, the majority of which encompasses VDOT right-of-way [Appendix at 44]
- One home in right-of-way [Paragraph 29 below]

\$67.8 million [H.E. Report at 3]
No National Natural Landmarks crossed by or in the vicinity of any of the Project components. [Appendix at 102]

Would cross two scenic byways: the John Marshall Highway (SR 55), which is a Virginia State Scenic Road and may slightly alter the scenic quality of the road at the crossing location depending on exact tower placement. The route would also make multiple crossings of the James Madison Highway (U.S. 15), also referred to as the Journey Through Hallowed Ground Byway. which is both a Virginia State Scenic Byway and National Scenic Byway, and parallel the scenic road for about 1.5 miles. This portion of the scenic road is forested and the placement of towers along the highway would alter the scenic quality of the road for these 1.5 miles [Appendix at 108]

Would not adversely impact natural heritage resources. The FWS determined that the Project area may support potential habitat for northern long-eared bat, dwarf wedgemussel, and harperella, and also determined that species surveys will be required prior to construction to determine if the potential presence for listed species or suitable listed species habitat exists. [DEQ Supplement at 13]

Would cross the Culpeper Loop of the Virginia Birding and Wildlife Trail in four locations. All of the crossings would be spanned and take place in areas with large highways/roads and either high density residential development or commercial/business development. This route is not expected to impact the scenic quality of the trail in these locations. [Appendix at 104]

Residential and Land Impacts

Forested lands: crosses 2.8 miles of forested land, 31.3 acres of tree clearing [Routing Study at 73]³¹

Would cross 36 privately-owned properties

Within 500 ft. of centerline

114 single-family homes 109 townhome/condominium structures (total of 565 units)

Within 200 ft. of centerline

15 single-family homes
32 townhome/condominium structures (total of 151 units)

Within 100 ft. of centerline

5 single-family homes 17 townhome/condominium structures (total of 68 units)

Would cross four planned developments for about 0.4 mile

Historical Landmarks

[Appendix at 71; Routing Study at 68] Right-of-way intersects three historic archaeological sites, two of which are not eligible for listing in the NRHP and one of which has not been assessed for NRHP eligibility. [Appendix at 101]

Crosses 3.1 miles of battlefield study area of which 1.0 mile is designated as a potentially eligible NRHP area and 0.4 mile as battlefield core area [Appendix at 71]

Two NRHP-eligible resources, Buckland Mills Battlefield and Manassas Station Operations Battlefield, are located within and adjacent to the I-66 Overhead Route right-of-way. Additionally, there are 10 resources being considered for NRHP eligibility that are located within the tiered study areas for the I-66 Overhead Route. [Appendix at 98]

No historic architectural sites are located within the rights-of-way [Routing Study at 76]

Forested lands: crosses 5.0 miles of forested land, 61.6 acres of tree clearing [Routing Study at 73]

Would cross 75 privately-owned properties

Within 500 ft. of centerline

99 single-family homes

4 townhome/condominium structures (total of 32 units)

9 apartment buildings

Within 200 ft, of centerline

25 single family homes

2 apartment buildings

Within 100 ft, of centerline

3 single family homes

1 apartment building (no unit total available)

Would cross 10 planned developments for about 2.5 miles

[Appendix at 71-72; Routing Study at 68]
Route intersects two historic archaeological sites, neither of which has been assessed for NRHP eligibility. One historic archaeological site is located adjacent to the right-of-way, but has not been assessed for NRHP eligibility. [Appendix at 101]

Crosses 4.9 miles of battlefield study area of which 2.5 miles are designated as a potentially eligible NRHP area and 0.5 mile as battlefield core area [Appendix at 71]

Two NRHP-eligible resources, Buckland Mills Battlefield and Manassas Station Operations Battlefield, are located within and adjacent to the Madison Alternative right-of-way. Additionally, there are 11 resources being considered for NRHP eligibility that are located within the tiered study areas for the Madison Alternative Route

[Appendix at 99]

Would cross two unevaluated architectural properties [Routing Study at 76]

³¹ The amount of tree clearing was calculated prior to Virginia Department of Transportation road widening, such that tree clearing along Interstate 66 could be less than originally shown.

No county designated historic districts are crossed or adjacent to any of the Project components. A single city-designated historic district, the Old and Historic Town of Haymarket, is crossed by the I-66 Overhead Route [Appendix at 100]

No underwater historic properties designated by the VDHR crossed or adjacent to any of the Project components. [Appendix at 101] No city or county designated historic districts are crossed or adjacent the Madison Alternative Route [Appendix at 100]

Waterbodies

Five waterbody crossings, all of which are intermittent streams. Crossings include Young's Branch, a tributary to Rocky Branch, and multiple tributaries to Little Bull Run. Crossing widths are expected to be minimal (approximately 5 feet) and are not visible on aerial photography [DEQ Supplement at 6]

There are no state scenic rivers crossed by or in the vicinity of any of the Project components. [Appendix at 103]

Would not cross any Resource Protection Areas (RPAs) [Routing Study at 73]

Wetlands

Will cross about 0.5 mile of wetland habitat and will require the clearing and/or disturbance of up to approximately 5.9 acres of wetland area, of which:

- Approx. 3.9 acres consist of forested wetlands (66%);
- 1.4 acre consists of emergent wetlands (24%); and
- 0.6 acre consists of unconsolidated wetlands (10%)

[DEQ Supplement at 7]

No underwater historic properties designated by the VDHR crossed or adjacent to any of the Project components. [Appendix at 101]

Nine waterbody crossings, two of which are perennial, five of which are intermittent streams, and two of which are open water crossing. Crossings include Young's Branch, a tributary to Rocky Branch, two crossings of North Fork Broad Run, and two crossings of tributaries to North Fork Broad Run. The largest waterbody crossing along the route is an unnamed pond located just east of Carver Road with a crossing width of approximately 110 feet [DEQ Supplement at 6]

There are no state scenic rivers crossed by or in the vicinity of any of the Project components. [Appendix at 103]

Crosses 0.8 mile (9.4 acres) of RPAs [Routing Study at 73]

Will cross about 0.9 mile of wetland habitat and will require the clearing and/or disturbance of up to approximately 11.3 acres of wetland area, of which:

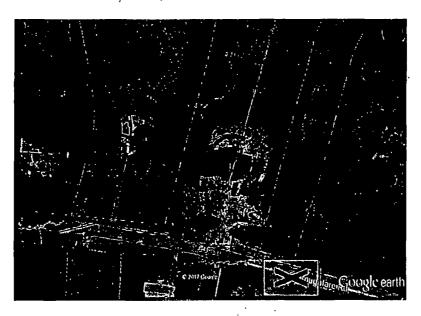
- Approx. 7.8 acres consist of forested wetlands (69%);
- 2.7 acres consist of emergent wetlands (24%); and
- 0.8 acre consists of unconsolidated wetlands (7%)

[DEQ Supplement at 7-8]

28. In sum, the I-66 Overhead Route is shorter, less costly, crosses fewer forested lands and results in dramatically less clearing, crosses fewer privately-owned parcels, crosses less battlefield study area, involves fewer waterbody crossings, and impacts less wetland habitat. The I-66 Overhead Route also more closely follows existing infrastructure than the Madison

Route (90% collocation versus 70%).32

29. Additionally, as a result of recent surveying efforts the Company has learned that since the time of filing the Application for the Haymarket Project, a residence has been constructed (or is in the process of being constructed) within the proposed right-of-way for the Madison Route at 15308 Thoroughfare Road, as seen in this Google Earth image (the red line represents the noticed route for Madison):



This location is approximately at mile 5.4 of the Madison Route. It is also depicted in Attachment 5.

30. Beyond this new residential construction, and as discussed in the chart above, the Company notes that the Madison Route crosses 10 planned developments over 2.5 miles (as contrasted with the I-66 Overhead Route's crossing of 4 such areas over only 0.4 miles). Thus, it can be expected that impacts to new residences and property along the Madison Route will increase substantially as compared to the minimized impacts of the I-66 Overhead Route.

³² Ex. 3 (Environmental Routing Study) at 85.

- 31. Finally, the Company notes that following approval of the Carver Road Route, a number of public comments were submitted to the Commission's docket that focused on additional cultural and potentially historic resources along that route that were not included in publicly available datasets or public comments, and not otherwise raised during the case.³³

 Because the Carver Road and Madison Routes follow the same path for the first approximately 4.7 miles of each route, many of the same cultural and potentially historic resources will also exist on the Madison Route.
- 32. After consideration of the record, the Company believes the I-66 Overhead Route adequately meets the statutory criteria for approval under Virginia Code §§ 56-265.2 and 56-46.1. The record further demonstrates that the I-66 Overhead Route is superior to the Madison Route in terms of cost and impacts. Therefore, the Company respectfully requests the Commission amend its Final Order and approve construction of the Haymarket Project via the I-66 Overhead Route.
 - C. The I-66 Overhead Route is constructible with certain minor, route variations.
- 33. As part of its due diligence in undertaking detailed design and surveying following issuance of a CPCN for the Haymarket Project, the Company has evaluated currently known potential impediments to the I-66 Overhead Route. For the Commission's awareness, the Company has not identified any impediments to the construction of the I-66 Overhead Route like those that existed on the Carver and Railroad Routes. As of the date of this pleading, the Company believes it can build the I-66 Overhead Route without further authorization from Prince William County for the line itself, with certain, minor route variations discussed below.

³³ See Memorandum from K. Schrad to Document Control Center attaching 133 emails sent to the Commission between July 7, 2017 and July 24, 2017.

The Company still needs to seek authorization from Prince William County for the Haymarket Substation and has had a preliminary meeting with County Planning staff.

- 34. The Company specifically contemplates construction along the I-66 Overhead Route with two variations, which were addressed in this proceeding:
 - 35. Jordan Lane Variation:³⁴ As described in the Application,

In contrast to the rest of 1-66 that the Proposed Route parallels, approximately 675 feet of existing roadway along Jordan Lane within Haymarket Township was not established as VDOT right-ofway. This stretch of Jordan Lane near the eastern end currently remains a county road dedicated to the Town of Haymarket and Prince William County via Piedmont Mews, LLC subdivision. Dominion Virginia Power will work with these localities to negotiate an overhang easement within the dedicated road easement. However, in the event that these negotiations are unsuccessful, the Jordan Lane Variation would eliminate the need for the Company to obtain an easement from the Town of Haymarket or Prince William County. The Jordan Lane Variation would involve the location of one structure inside the proposed sound wall along 1-66. The Company does not anticipate that this single structure will unnecessarily burden construction or operation of the transmission line or impede construction or vehicle operations within the existing 1-66 right-of-way. This variation does not materially affect the length or impacts of the Proposed Route except to the extent it eliminates a crossing of the Jordan Lane dedicated road parcel.

Through further survey, the Company has also discovered a DEQ/Army Corps of Engineers conservation easement in this area at Jordan Lane. In order to avoid this conservation easement,³⁵ the Company expects it would cross inside of the VDOT sound wall approximately 650 feet earlier (at approximate mile post 3.44 rather than 3.56) and place a total of three

³⁴ Described in Appendix Section II.A.7 and depicted in II.A.7.2.

³⁵ While the Company currently has no reason to believe it would not be able to work with the DEQ and Army Corps on a suitable arrangement for the line to cross the conservation area, the Company believes the better course is to slightly modify the noticed and reviewed Jordan Lane Variation to avoid any potential impacts to the conservation area.

structures (rather than one as described above) inside of the sound wall.³⁶ In total, this engineering change results in approximately 1,050 feet of the proposed transmission line being located on the I-66 side of the sound wall whereas the original design contemplated 886 feet. All structures within the VDOT right-of-way would be located by VDOT permit rather than easement. This area of the I-66 Overhead Route is depicted on <u>Attachment 6</u>.

- 36. No party to the proceeding opposed the Jordan Lane Variation.
- 37. FST Optimization:³⁷ As part of this proceeding, Respondent FST Properties, LLC ("FST") requested that the I-66 Overhead Route and I-66 Hybrid Route be adjusted to avoid FST's 4.6 acre parcel by turning sharply south on the eastern side of the parcel and continuing until the property line, and then turning sharply west past the southern border of FST's property until making a final sharp turn north and terminating at the proposed Haymarket Substation ("FST Variation").³⁸ To eliminate the additional heavy angles in the FST Variation, the Company offered the FST Optimization Variation. From the southwest intersection of Route 55 and Route 15, the FST Optimization Variation runs southwest and parallel to FST's southern property line until making a final sharp turn north and terminating at the proposed Haymarket Substation.³⁹ For ease of reference, a depiction of the FST Optimization Variation is included herewith as Attachment 7.
- 38. As shown in <u>Attachment 7</u>, the Company's conceptual design for the FST Optimization Variation requires a minor adjustment as a result of further engineering analysis

³⁶ The three structures inside the sound wall are not contiguous. There is one inside the wall, then one outside the wall and then two more inside the wall.

³⁷ See Ex. 14. This FST Optimization was also detailed in the Company's Response to the Motion of Respondent FST Properties to Consider Adjustment to Certain Routes (May 3, 2016).

³⁸ Motion of Respondent FST Properties to Consider Adjustment to Certain Routes (April 22, 2016) at Exhibit 1.

³⁹ Response of Dominion Energy Virginia to the Motion of Respondent FST Properties to Consider Adjustment to Certain Routes (May 3, 2016) at Attachment A.

and detailed survey work. Specifically, at the intersection of Route 55 and Route 15, it was necessary to shift the angle structure location approximately 55 feet southwest in order to avoid an existing 20-foot Washington Gas and Light Company gas line easement. The hard angle structure location just south of the proposed Haymarket Substation was also moved approximately 75 feet south in order to avoid existing electrical duct banks. The combination of these two adjustments caused the entire alignment to shift approximately 50 feet to the south (i.e., the change between the red and orange lines depicted on Attachment 7.)

- 39. Although the Company supported the Walmart Variation in its post-hearing submissions, detailed survey and engineering has found the existence of a strip of property on the south side of Route 55 (north of the proposed Haymarket Substation), which is dedicated to Prince William County for future use as a public roadway. Prince William County's authorization would be required in order for the transmission line to cross this strip of property if the Walmart Variation was chosen by the Commission. Thus, the Company now requests approval of the FST Optimization Variation as its preferred route segment within the Route 55 corridor of the I-66 Overhead Route.⁴⁰
- 40. No party to the proceeding opposed the FST Optimization Variation. Indeed, as noted by FST in its post-hearing brief, "Additionally, Dominion prepared a third possible option for circumventing the FST Property... and neither FST, nor any other party at the hearing objected to the FST Optimization Route."
 - 41. Accordingly, as part of its request for approval of the I-66 Overhead Route, the

⁴⁰ The FST Optimization Variation has the proposed transmission line entering Haymarket Substation from the south and, therefore, does not implicate the road dedication. The FST Optimization is preferred over the FST Variation in order to allow the transmission structures to be located in an area that is not encumbered with numerous underground utilities along Route 55, as was found with the FST Variation.

⁴¹ FST Post-Hearing Brief at 5 (citations omitted).

Company further requests the approval by the Commission to use the Jordan Lane Variation as modified herein and the FST Optimization Variation as also modified herein.

IV. CONCLUSION

Wherefore, for the reasons stated herein, Dominion Energy Virginia respectfully requests the Commission amend its Final Order and approve construction of the Haymarket Project via the I-66 Overhead Route with the Jordan Lane Variation as modified herein and the FST Optimization Variation as also modified herein.

Respectfully submitted,

VIRGINIA ELECTRIC AND POWER COMPANY

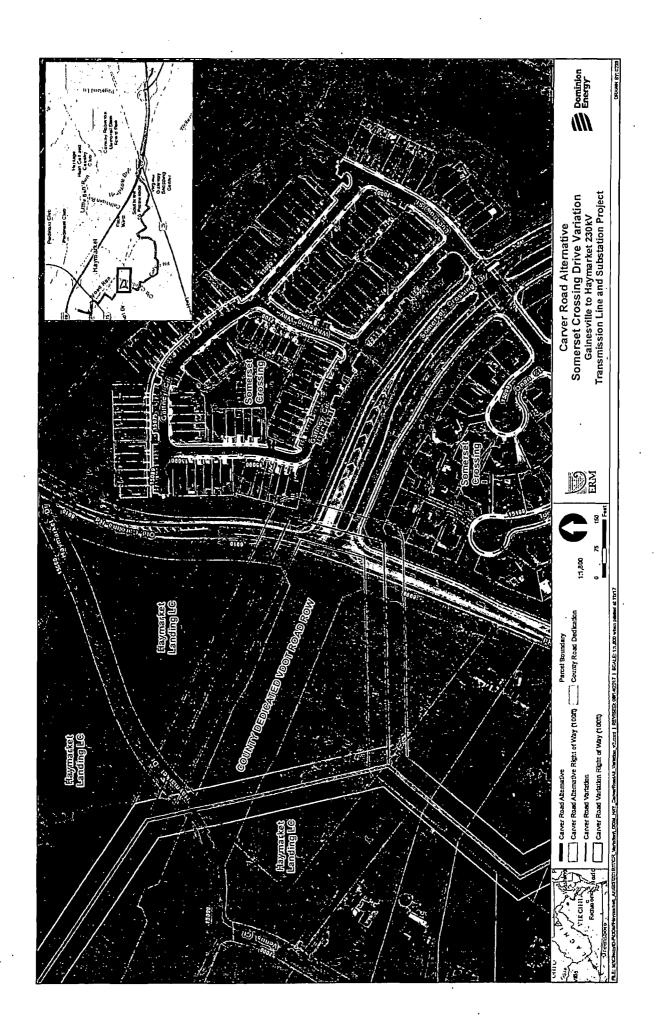
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Counsel for Virginia Electric and Power Company

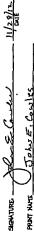
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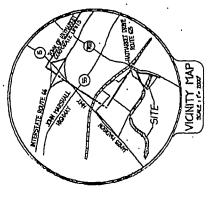
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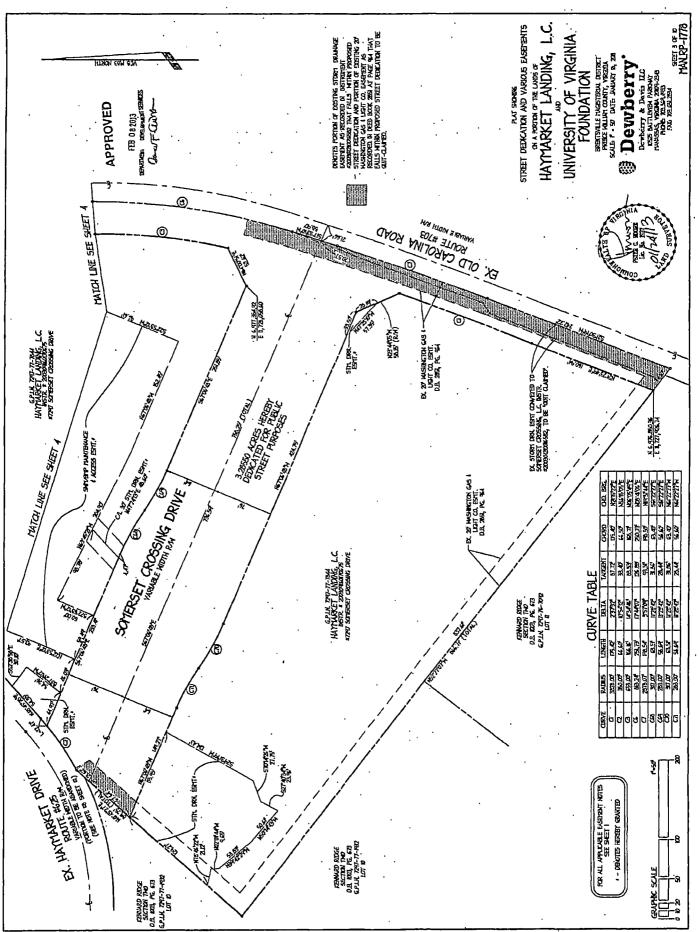
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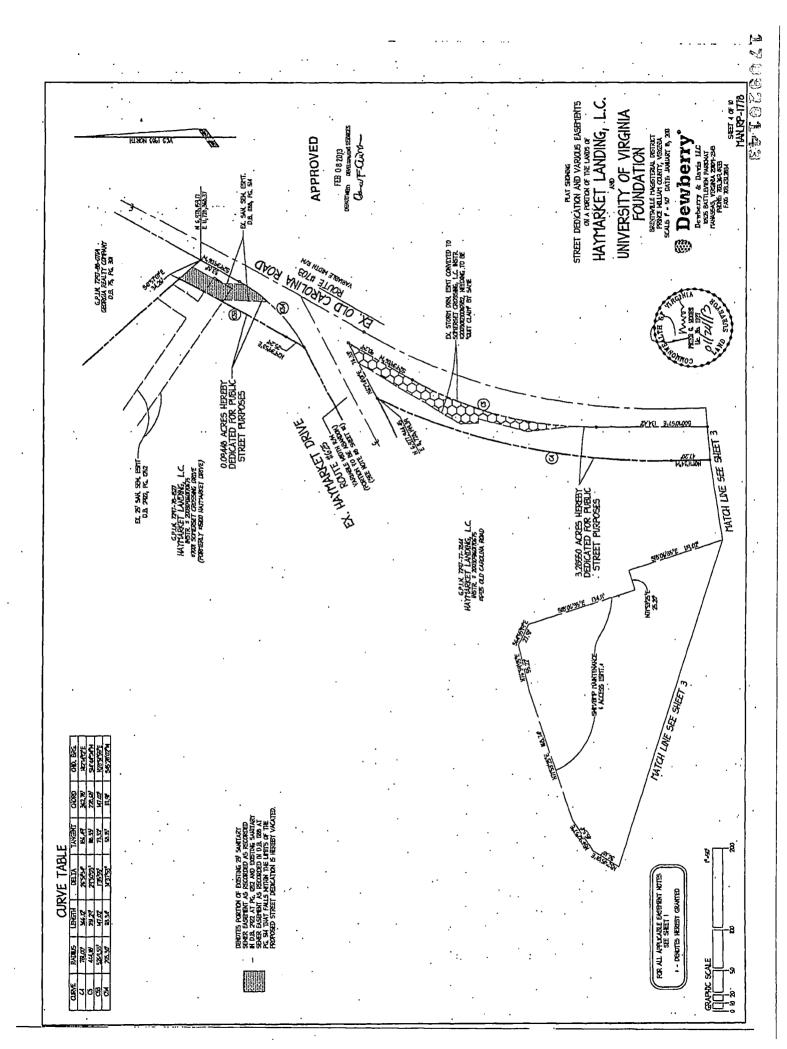
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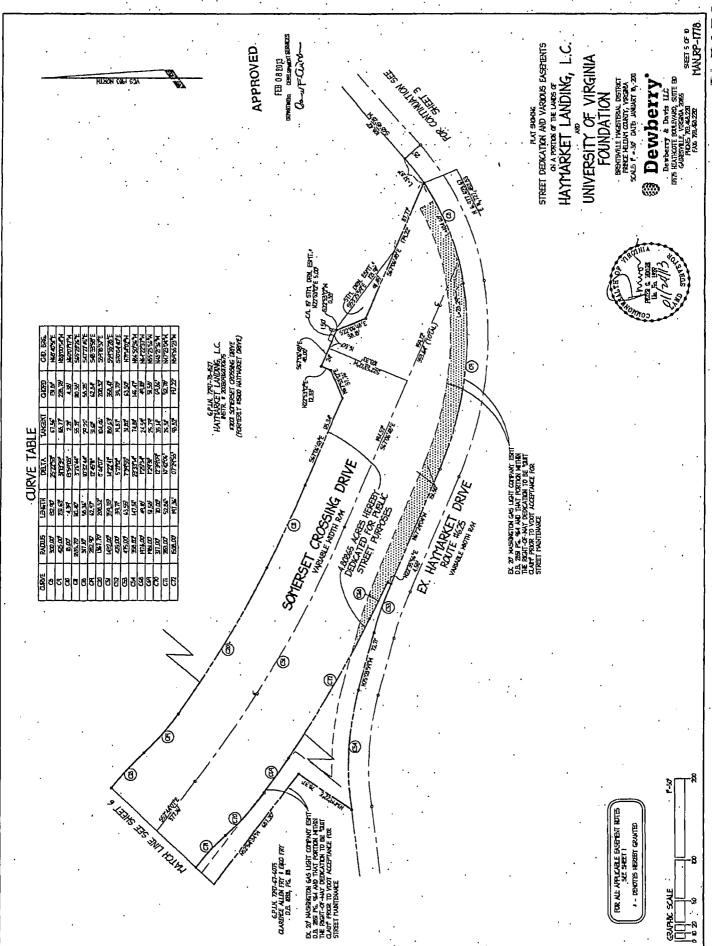
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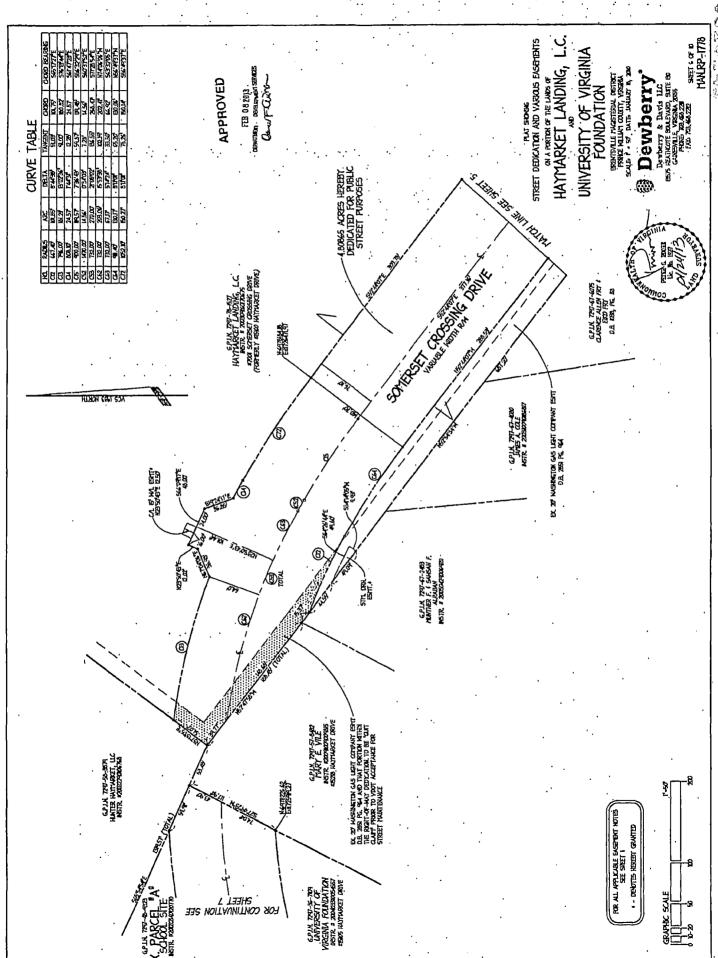
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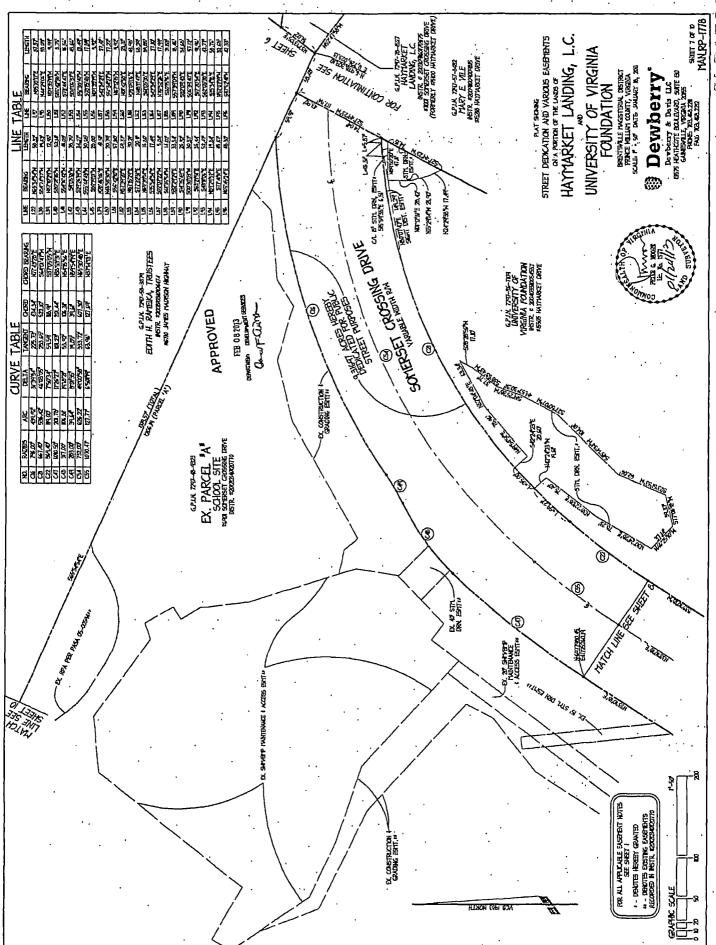
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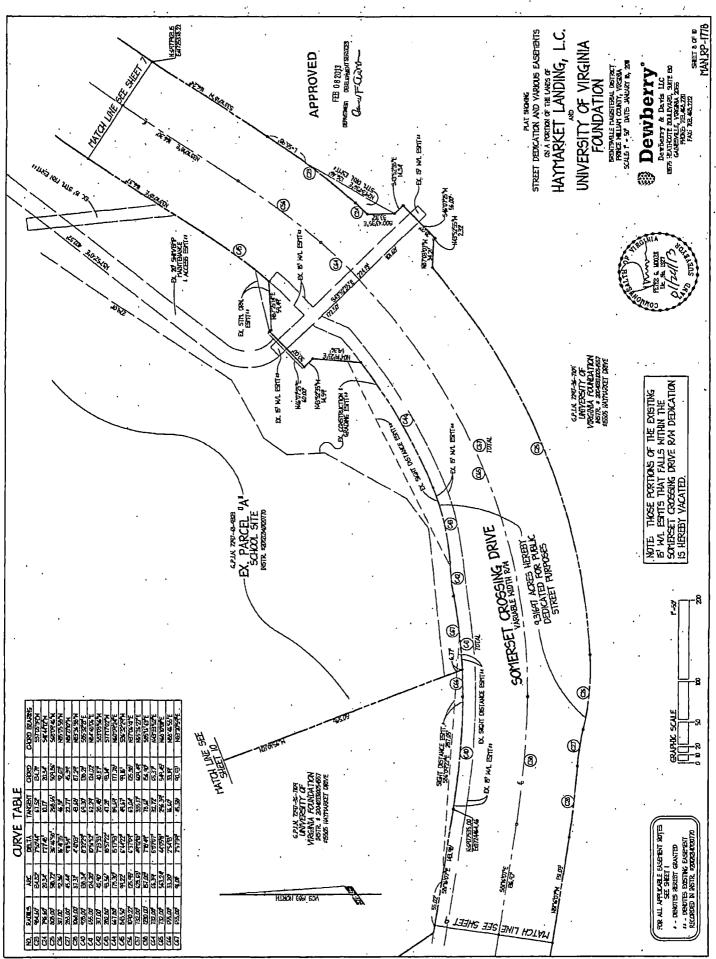


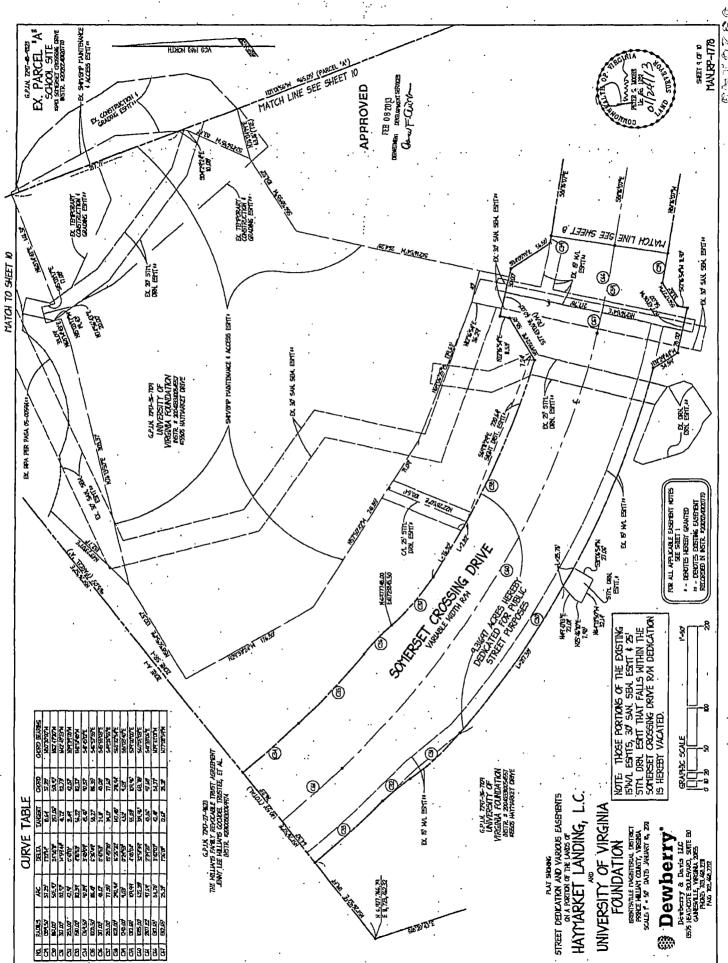




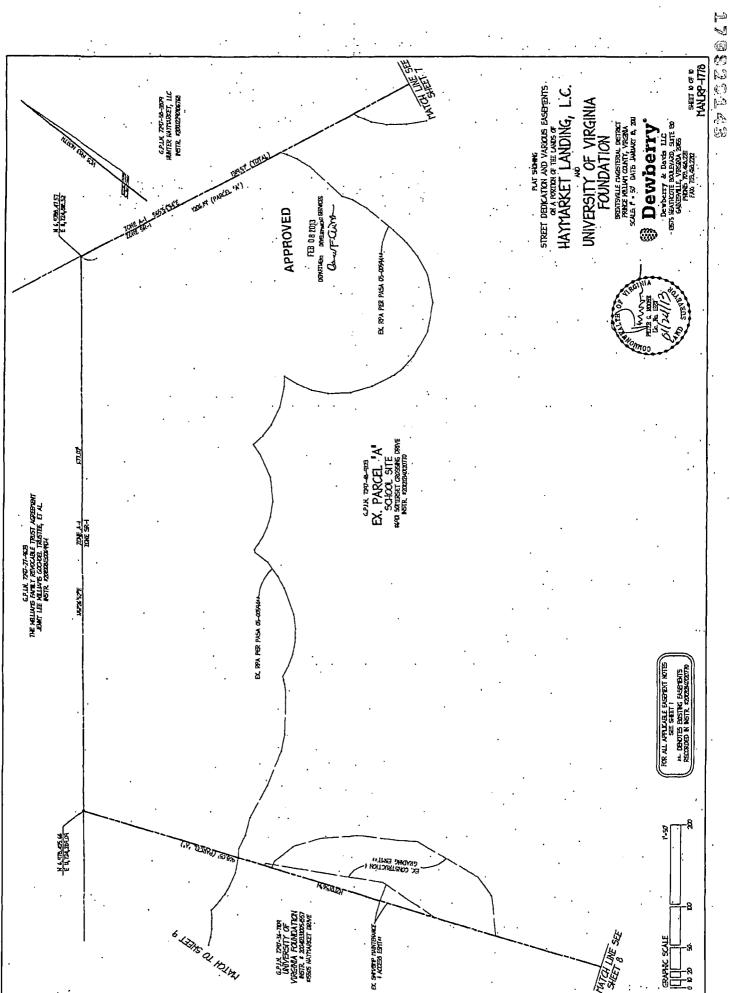








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David J. DePippo Senior Counsel Direct: (804) 819-2411 Facsimile: (804) 819-2183 david.j.depippo@dominionenergy.com

September 8, 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 – Carver Road Route Required Communication to Prince William County

Dear Mr. Martino:

As you know, on April 6, 2017, the Virginia State Corporation Commission ("Commission") issued an Interim Order on Virginia Electric and Power Company's ("Dominion Energy Virginia" 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 ("County"). Therein, the Commission approved the Project along the Railroad Route, and as an alternative, along the Carver Road Route. In a June 1, 2017, resolution, the Board of County Supervisors ("Board") denied the Company's request for the County to take all necessary actions to remove the legal constraints related to an Open Space Easement to allow the Company to construct and operate the Project along the Railroad Route, the Commission's preferred route. In that resolution, the Board also stated its opposition to the Project being constructed and operated along the Carver Road Route.

On June 23, 2017, the Commission issued a Final Order regarding the Project, ordering that: "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 [the] County." Final Order at 4. Relevant to this letter, in the Interim Order, the Commission noted that the "Carver Road Route crosses a small portion of a parcel dedicated to [the] County to build an extension to Somerset Crossing Drive," and identified the routing variance proposed by the Company to avoid the County-dedicated parcel ("Variation"). Interim Order at 15 n. 45.

Christopher Martino, County Executive Page 2 September 8, 2017

On July 24, 2017, the Company filed a motion to hold in abeyance the Commission's consideration of two Petitions to Reconsider the Final Order, and therein informed the Commission that crossing the parcel contemplated by the approved Variation also would require an easement from the County. This is because the land involved in the Variation also is part of a parcel dedicated to the County for future road expansions or extensions. Enclosed for your reference is a map identifying the areas where the approved Carver Road Route and the approved Variation cross the parcels dedicated to the County for road expansions and extensions. Also enclosed for your reference is a copy of the deed of dedication, as well as the related plat.

Thereafter, the Company met with and talked to you and other County officials and staff regarding the Commission's Final Order and the Carver Road Route. On August 1, 2017, the Board approved a resolution in which it restated its opposition to the Project being constructed and operated along the Carver Road Route.

Dominion Energy Virginia's Required Communication

Because the Commission selected and approved the Project along the Carver Road Route, the Company is obliged to clarify whether the Board remains opposed to the construction and operation of the Project along the Carver Road Route. With that in mind, the Company formally requests that the County specifically confirm that it will not approve the grant of an easement to Dominion Energy Virginia for the construction and operation of the Project along the Commission-approved Carver Road Route or the Variation, both as discussed above.

Response Requested

Consistent with the Commission's Order on Requested Abeyance (July 25, 2017), the Company requests a written response from the County on or before September 15, 2017. This would allow time for any necessary follow-up discussions prior to the Commission's deadline for the Company to report on these issues by September 22, 2017.

Dominion Energy Virginia continues to be committed to working with the County to meet its energy needs in a manner that balances costs and impacts, consistent with the Commission's orders. To that end, we stand ready to continue discussions and answer any questions the County may have.

Warm regards,

/s/David J. DePippo

David J. DePippo Senior Counsel

Enclosures

Christopher Martino, County Executive Page 3 September 8, 2017

cc: Prince William County Board of County Supervisors
Christopher Price, Deputy County Executive, Prince William County
Michelle Robl, County Attorney, Prince William County
Curt Spear, Senior Assistant County Attorney, Prince William County
Bill Chambliss, General Counsel, Virginia State Corporation Commission
Deborah Tompkins Johnson, Regional Policy Director, Dominion Energy
Bob McGuire, Director Electric Project Development & Execution, Dominion Energy
Chris Behrens, Project Manager, Dominion Energy

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September 12, 2017 Regular Meeting Res. No. 17-432

RE:

DENY DOMINION ENERGY'S REQUEST FOR GRANT OF

EASEMENT ACROSS COUNTY-OWNED RIGHT-OF-WAY FOR DOMINION'S PROPOSED HAYMARKET 230 kV DOUBLE CIRCUIT TRANSMISSION LINE ALONG THE CARVER ROAD ROUTE AND REAFFIRM COMMITMENT TO SUPPORT THE I-66 HYBRID ALTERNATIVE ROUTE – BRENTSVILLE AND GAINESVILLE

MAGISTERIAL DISTRICTS

ACTION: APPROVED

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 a Final Order on June 23, 2017, authorizing Dominion to construct and operate the Project along the Carver Road Route, including a variation from the proposed route if Dominion were unable to obtain any necessary easement from the Board of County Supervisors ("the Board"); and

WHEREAS, on July 24, 2017, Dominion filed a motion with the SCC asking the SCC to hold the proceeding in abeyance, and informed the SCC that in addition to the originally-proposed Carver Road Route, the approved variation would also require an easement from the Board; and

WHEREAS, it appears that either the originally proposed Carver Road Route or the approved variation would cross right-of-way owned by the Board, requiring Dominion to obtain an easement from the Board to cross said right-of-way in order to construct and operate the Project along the Carver Road Route or the approved variation; and

WHEREAS, on September 8, 2017, Dominion made a written request asking the Board for a response by September 15, 2017, and specifically asking the Board to confirm whether it will grant an easement to Dominion for the construction and operation of the Project along the Carver Road Route or the approved variation;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby deny Dominion's request for the grant of an easement across county-owned right-of-way for Dominion's proposed Haymarket 230 kV double circuit transmission line along the Carver Road Route or the approved variation; and

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September 12, 2017 Regular Meeting Res. No. 17-432 Page Two

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors does hereby reaffirm its commitment to support the I-66 Hybrid Alternative Route as the only acceptable route; and

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors does hereby restate its opposition to the Railroad Alternative Route, the Carver Road Alternative Route, the Madison Alternative Route, the I-66 Overhead Route and all routes other than the I-66 Hybrid Alternative Route.

Votes:

Ayes: Anderson, Caddigan, Candland, Jenkins, Lawson, Nohe, Principi, Stewart

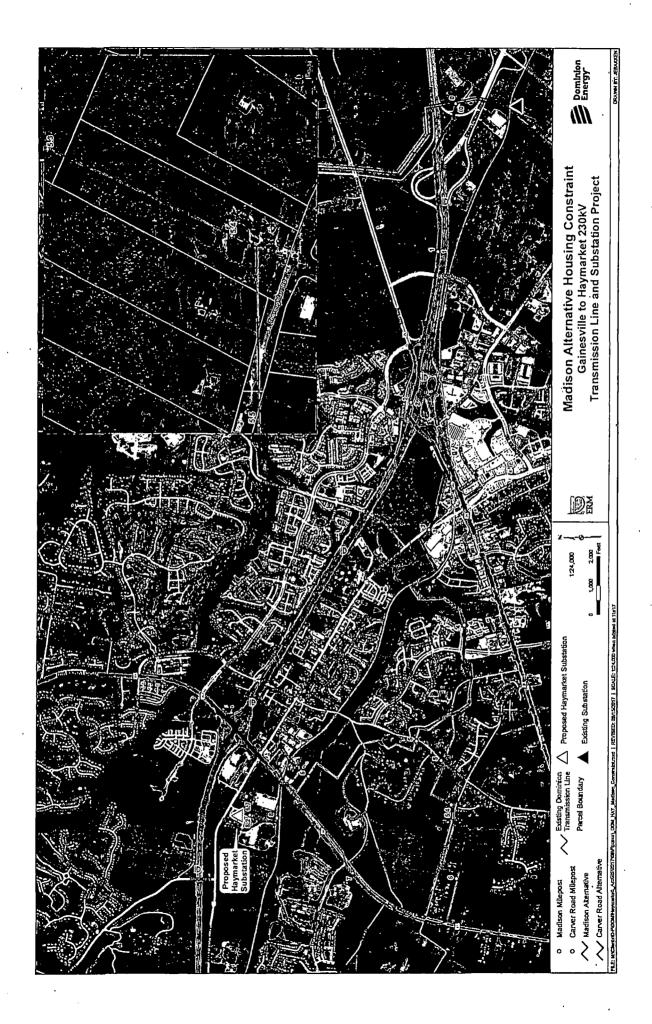
Nays: None

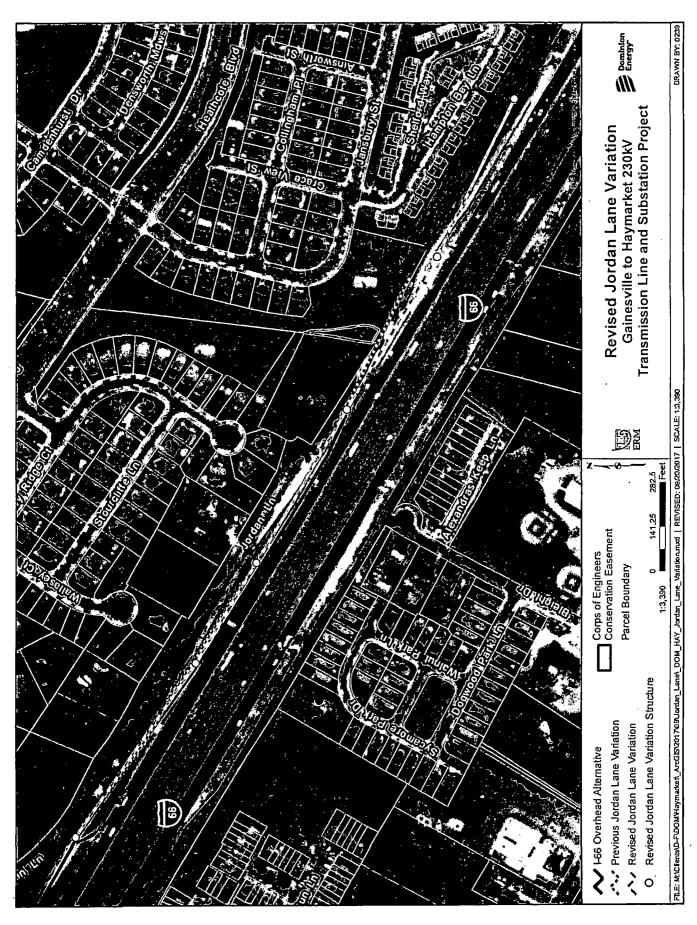
Absent from Vote: None Absent from Meeting: None

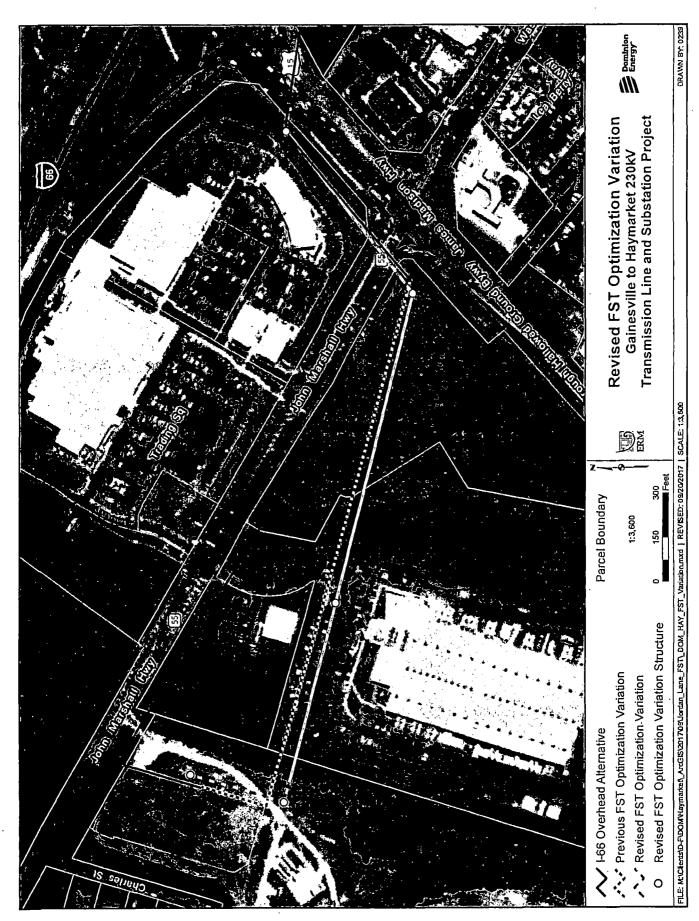
For Information:

County Attorney Planning Director

ATTEST: Clerk to the Board







CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of September 2017, a true and accurate copy of the foregoing filed in Case No. PUE-2015-00107 was sent via electronic mail and 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

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Counsel