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August 5, 2016

Via Electronic Filing

Joel H. Peck, Clerk
Document Control
State Corporation Commission
1300 E. Main St., Tyler Bldg., 1st Fl.
Richmond, Virginia 23219

Re: Case NO. PUE-2015-00107

**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**

Dear Mr. Peck:

Enclosed please find FST Properties, LLC's Post-Hearing Brief, which has been filed and served electronically.

Please do not hesitate to call me if you have any questions or comments.

Thank you very much for your assistance.

Very truly yours,

WALSH, COLUCCI, LUBELEY & WALSH, P.C.

Wendy A. Alexander

Enclosure

cc: Certificate of Service

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COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF VIRGINIA ELECTRIC)
AND POWER COMPANY (d/b/a DOMINION)
VIRGINIA POWER))
) 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)

FST PROPERTIES, LLC'S POST-HEARING BRIEF

FST Properties, LLC ("FST"), by Counsel, submits its post-hearing brief for consideration by the Hearing Examiner and State Corporation Commission.

I. Background and Summary of FST's Position

FST is a uniquely situated Respondent in this proceeding. Unique in that FST is a property owner surrounded on three sides by parcels that are either currently being used as a data center and/or are slated for the expanded data center (identified in Dominion's Application through Company witness Potter as the "Haymarket Campus") which is at the very core of this proceeding. FST owns the 4.6042 acre property identified as Prince William County GPIN 7298-51-5890, with a physical address of 15405 John Marshall Highway, Haymarket, VA 20169-2706) (the "FST Property" or the "Property"). John Marshal Highway and/or State Route 55 ("SR 55") comprise the fourth boundary line for the Property.¹

In its Rebuttal Testimony and at the hearing, Dominion (the "Company") altered its position as to the preferred route, and modified its initial Proposed Route (as identified in its

¹ Part of Exhibit No. 14, is an aerial photo of the FST Property (FST Properties, LLC, Don Mayer, Exhibit 1).

Application) to advocate for the approval of the Walmart Variation (Exhibit No. 15).² While the Walmart Variation still runs along Interstate 66 ("I-66"), this route now avoids impacting the FST Property by continuing further down I-66 than the Proposed Route, and then travels behind the shopping center anchored by Walmart before crossing SR 55 to come into the proposed substation. Dominion and the SCC staff now both support the Walmart Variation whether the line is approved overhead or underground.³ While FST generally supports this move by Dominion, and FST does not have an objection to the Walmart Variation should Dominion's project be approved; it is FST's position that the need for power in this case is being created by one user, and one user alone should not justify the construction of 230 kV transmission lines through an area where such transmission lines are in direct conflict with existing and planned uses.

In addition, if Dominion's project is approved and should the Commission not approve the Walmart Variation, Dominion should be required to avoid the FST Property by locating its lines, whether overhead or underground, on property owned by the retail electric service customer (identified in Company witness Potter's Pre-filed Testimony as the "Customer") (Exhibit No. 6, pg. 2, line 3) that is in this instance demanding the additional power.⁴

II. Standard of Review

The Commission is well-aware of the standard of review set forth in the Code of Virginia for approval of the facilities at issue. The Commission is also aware of the obligations imposed on Dominion regarding its application in this instance and so they are not reiterated here.

² See Exhibit No. 45, pg. 5, lines 10-19; *see also* Exhibit No. 48, pg. 6, lines 16-21, pg. 7, lines 1-4.

³ See Exhibit No. 48, pg. 7 lines 1-4; *see also* Exhibit No. 17, pg. 21 lines 15-19.

⁴ The owners of the parcels surrounding the FST Property are COPT DC-11, LLC, and VADATA, Inc.; widely believed to be Amazon affiliates and/or the Customer.

III. Need

While the Pre-filed Testimony of Neil Joshipura (Exhibit No. 19, pg. 8, lines 3-5; pg. 6, lines 12-14) abdicated that transmission facilities in the nature of the Project were needed, it is not readily apparent from the record in this matter that the approval of the Project is necessary at this time. In fact, Dominion's witness Gill continually indicated that service in the area today is adequate and only talked about potential future North American Electric Reliability Corporation ("NERC") violations. (Tr. pg. 100, line 25, pg. 101, lines 1-4, 11-13, Tr. pg. 411, lines 17-25, pg. 412 lines 1-14) Dominion's witness Potter testified that up to 80 megawatts of capacity exist at the Gainesville substation. (Tr. pg. 492, lines 13-25) In addition, Dominion's responses to discovery issued by the Coalition to Protect Prince William County in this proceeding also indicate that Dominion did not have plans to construct a 230 kV line into the Haymarket load area. (Exhibit No. 5)

There was some testimony by Dominion witness Gill that the Line might be beneficial because it might be used to serve future users. (Exhibit No. 28, pg. 9, lines 6-13) However, the Commission should not take possible future users into consideration. The need based on future users is not before the Commission and not a part of this hearing and the Commission cannot predict when and where and if such demand for power will actually be necessary. FST leaves it to others to comment more about the need for the Project.

IV. Route Selection

If the Commission finds that the need has been shown, the location of the Line would still need to be determined in a manner that minimizes the adverse impact on the scenic assets, historic districts and environment of the area concerned..." and whether the Line should be required to be placed underground. Virginia Code § 56-46.1 B. It is important to note that no

Respondent who introduced evidence at the hearing advocated for any of the main alternative routes put forth in Dominion's Application—other than the I-66 Hybrid Alternative Route.

While Dominion's Pre-filed Testimony focused on its Proposed Route, in the Company's Rebuttal Testimony and at the hearing, Dominion requested the Walmart Variation be used and approved as part of the routing. Company witnesses proposed the Walmart Variation whether the Line was approved overhead (as requested in its Proposed Route) or underground (as set forth in Dominion's I-66 Hybrid Alternative Route) *See* Exhibit Nos. 46, 48. The SCC's Pre-filed Testimony also advocated for the approval of the Walmart Variation and the Hearing Testimony confirmed that this route variation was supported whether the Proposed Route (overhead) or the I-66 Hybrid Alternative Route (underground) was selected.⁵

FST's position is that the Walmart Variation appears viable based on the testimony of both Dominion's and the SCC's witnesses. The Walmart Variation creates less of an eye-sore when you enter the gateway, if you will, into the historic Town of Haymarket at the intersection of SR 55 and James Madison Highway ("SR 15"). Tr. pg. 179, lines 22-25, pg. 180, lines 1-16. The Walmart Variation also minimizes the environmental impact in that it maximizes co-location with existing infrastructure.⁶

If, however, the Commission determines that the Walmart Variation cannot be approved, FST points to other testimony on the record, which would allow the Commission to select a route that continues to avoid FST's property.⁷ FST provided an alternate route for the Line (identified as the "FST Route Variation"). (Exhibit No. 14, FST Properties, LLC Don Mayer Ex. 2) The testimony by all witnesses at the hearing was that this route was viable as an alternative. (Tr. pg.

⁵ Tr. pg. 117, lines 1-7; *see also* Exhibit No. 17, pg. 21, lines 15-21.

⁶ Exhibit No. 17, pg. 21, lines 15-21; *see also* Exhibit No. 48, pg. 6, lines 16-21, pg. 7, lines 1-5.

⁷ On May 6, 2016, the Hearing Examiner issued a ruling that the FST Route Variation and the FST Optimization Route should be considered as alternatives in the proceeding.

180 lines 17-21; pg. 224, lines 23-25, pg. 224, lines 1-5) Additionally, Dominion prepared a third possible option for circumventing the FST Property (identified as the “FST Optimization Route”) (Exhibit No. 14, FST Properties, LLC Don Mayer Ex. 3) and neither FST, nor any other party at the hearing objected to the FST Optimization Route. (Tr. pg. 180, lines 22-25, pg. 181 lines 1-7; pg. 224, lines 6-10) Again, FST’s Property should not bear the burden of the Project due to the fact that it is surrounded on all sides by the Customer that is the singular reason behind Dominion’s Application in this case.

V. Cost Allocation

It is not readily apparent from the record why Dominion couldn’t be required to ask its Customer to pay for any cost differences between undergrounding the Line and the overhead construction costs.⁸ Especially in this instance, when without the request for service by the Customer, it is clear from the record that the Project would not be needed. (Tr. pg. 22 line 21; *see also* Exhibit No. 5) Again, FST leaves that issue for others to more fully address.

VI. Conclusion

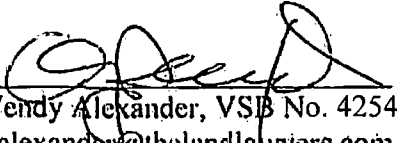
If transmission lines must be built in this instance, FST supports the Walmart Variation. As outlined above, FST’s support of this route is based on more than the simple fact that this route minimizes the impact on its property. In the event that the Walmart Variation is not seen as the best alternative, the Commission should approve the FST Route Variation or the FST Optimization Route.

Respectfully Submitted,

FST Properties, LLC
By Counsel

⁸ Dominion is purchasing the land where the proposed Substation is being built, which shouldn’t on its face eliminate the possibility that this equates to a Transmission Facility, which could require customer payment.

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CERTIFICATE OF SERVICE

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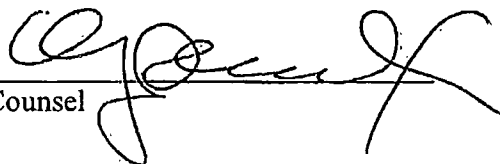
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