

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

APPLICATION OF

CPV COUNTY LINE SOLAR, LLC

CASE NO. PUR-2024-00092

For certificates of public convenience and necessity for a solar generating facility totaling 150 MWac in Charlotte County, Virginia

HEARING EXAMINER'S RULING

September 25, 2024

On May 23, 2024, CPV County Line Solar, LLC ("CPV"), filed with the State Corporation Commission ("Commission") an application and supporting documents ("Application") for certificates of public convenience and necessity for a solar generating facility, transmission lines, and associated facilities in Charlotte County, Virginia. CPV filed the Application pursuant to §§ 56-46.1, 56-265.2, and 56-580 D of the Code of Virginia ("Code") and the Commission's Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility.<sup>1</sup>

On July 2, 2024, the Commission issued an Order for Notice and Hearing in this proceeding ("Procedural Order") that, among other things, docketed the matter; established a procedural schedule for the filing of notices of participation, comments, and prefiled testimony; scheduled a public hearing for November 21, 2024; and assigned a Hearing Examiner to conduct further proceedings in this matter.

The Procedural Order designated August 27, 2024, as the deadline to file notices of participation in this proceeding. No notices of participation were filed.

On September 5, 2024, CPV filed a Motion to Amend Application, Extend Certain Procedural Dates, and Request for Expedited Review ("Motion"). In its Motion, CPV represented that a recently completed boundary survey revealed that 27 acres were inadvertently omitted from the project's layout. In order to incorporate this omitted acreage into the project's preliminary layout, "CPV requests leave to amend the Application to include the revised size, provide an updated Environmental Justice Screen[], and update any further environmental information related to the new acreage, as may be necessary."<sup>2</sup> CPV acknowledged that its requested relief will require the reissuance of notice as prescribed by the Procedural Order and additional time for Staff to analyze and review the Application. Thus, CPV proposed certain modifications to the procedural schedule in this case.<sup>3</sup>

<sup>1</sup>For the Filing Requirements in Support of Applications for Authority to Construct and Operate an Electric Generating Facility, *see* 20 VAC 5-302-10 *et seq.*

<sup>2</sup> Motion at 2.

<sup>3</sup> *Id.* at 3.

2024 SEP 25 P 4:41

REC - PURING OFFICE  
DEPARTMENT OF PUBLIC UTILITIES

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On September 10, 2024, I issued a ruling setting a pre-hearing conference on the Motion for September 11, 2024. Counsel for Staff and CPV attended the pre-hearing conference as scheduled. Among other things, the pre-hearing conference addressed whether, under the circumstances, the Application should continue to be deemed complete as of its filing on May 23, 2024,<sup>4</sup> or, rather, whether it should be reviewed for completeness as of the date CPV files amendments to its Application as described in its Motion (“Amended Application”). Counsel for CPV and Staff agreed that the filing date of a complete Amended Application should be used to calculate the statutory deadline set forth in § 56-580 D of the Code.

On September 24, 2024, CPV filed a Revised Motion to Amend Application, Extend Certain Procedural Dates, and Request for Expedited Review (“Revised Motion”). In its Revised Motion, CPV represented that CPV and Staff (“Parties”) conferred, and they propose the following modifications to the procedural schedule in this case:<sup>5</sup>

Action Item	Current Deadline	Proposed New Date
CPV to File Amended Application	-	September 27, 2024
Notice pursuant to Paragraphs (8) and (9) of the Order for Notice and Hearing	July 30, 2024	October 18, 2024
Proof of Publication	August 20, 2024 (Filed July 23, 2024)	October 25, 2024
Notices of Participation	August 27, 2024	November 13, 2024
Respondent Testimony	September 25, 2024	December 3, 2024
Staff Testimony	October 9, 2024	December 16, 2024
CPV Rebuttal Testimony	October 23, 2024	December 30, 2024
Pre-Filed Public Comment and Public Testimony	November 14, 2024	January 22, 2025
Evidentiary Hearing	November 21, 2024	January 29, 2025

As Exhibit A to its Revised Motion, CPV attached a proposed public newspaper notice that incorporates the omitted acreage described in its Motion and the Parties’ proposed revisions to the procedural schedule set forth in the Revised Motion. In its Revised Motion, CPV requested leave to amend its Application and requested that the procedural schedule in this case be modified as proposed by the Parties.<sup>6</sup>

Having considered the foregoing, I find that the Revised Motion is hereby **GRANTED** and that the Procedural Order should be revised as described herein. I further find that:

1. The filing date of a complete Amended Application should be used to calculate the statutory deadline set forth in § 56-580 D of the Code.

<sup>4</sup> The Application was initially deemed complete as May 23, 2024, by a Memorandum of Completeness/Incompleteness issued by Staff on June 3, 2024. However, circumstances described in the Motion necessitating an Amended Application and notice thereof indicate that the Application was not, in fact, complete when filed.


<sup>5</sup> Revised Motion at 1. I note that “Public Testimony” referenced in the next to last row of the table above refers to the registration deadline to provide public witness testimony in this proceeding.

<sup>6</sup> *Id.* at 2.

2. Based on representations made by the Parties at the pre-hearing conference, the agreed-upon revised procedural schedule proposed in the Revised Motion, and CPV's request for expedited relief, I find that responsive pleadings to the Revised Motion are not warranted.

Accordingly, **IT IS DIRECTED THAT:**

1. On or before October 18, 2024, CPV shall provide notice of the Amended Application as set forth in Exhibit A of the Revised Motion in accordance with Paragraphs (8) and (9) of the Procedural Order, as revised herein.
2. On or before October 18, 2024, CPV shall serve a copy of this Hearing Examiner's Ruling and the notice of the Amended Application set forth as Exhibit A of the Revised Motion on the following officials, to the extent the position exists in Charlotte County: the chairman of the board of supervisors of the county; the mayor or manager (or equivalent official) of every city and town; and the county attorney. Service shall be made electronically where possible; if electronic service is not possible, service shall be made by either personal delivery or first class mail to the customary place of business or residence of the person served.
3. All other provisions of the Commission's Procedural Order shall remain in full force and effect.

  
Bryan D. Stogdale  
Hearing Examiner

The Clerk of the Commission is requested to send a copy of this Ruling to all persons on the official Service List. The Service List is available from the Clerk of the State Corporation Commission, c/o Document Control Center, 1300 East Main Street, First Floor, Tyler Building, Richmond, Virginia 23219.