

**APPLICATION OF**

**HECATE ENERGY PULASKI LLC**

**CASE NO. PUR-2024-00107**

**For approval and certification of  
certain electrical facilities associated  
with a small renewable (solar) energy  
project**

**HEARING EXAMINER'S RULING**

**October 24, 2024**

On July 5, 2024, Hecate Energy Pulaski LLC ("Applicant") filed an Application with the State Corporation Commission ("Commission") for a certificate of public convenience and necessity ("CPCN") pursuant to §§ 56-265.2 A 1 and 56-46.1 of the Code of Virginia to construct, own, and operate the following facilities in Pulaski County, Virginia: (i) a collection substation and other electrical facilities by which solar power would be stepped up from 34.5 kilovolts ("kV") to 138 kV; and (ii) an approximately 6.4-mile 138 kV overhead generation tie line and associated facilities, extending from the collection substation to the transmission grid at a point of interconnection with Appalachian Power Company's transmission facilities (collectively, the "Project").<sup>1</sup>

On July 30, 2024, the Commission entered an Order for Notice and Comment ("Order"), which among other things: docketed the Application; established a procedural schedule; required the Applicant to provide public notice of its Application; allowed interested persons opportunities to submit comments on the Application and to request a hearing; directed Commission Staff ("Staff") to investigate the Application; and assigned the case to a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission and file a final report.

The Commission's Order allowed any public comments to either be (a) filed in hard copy with the Clerk's Office or (b) submitted electronically through a public comment portal on the Commission's website.<sup>2</sup>

The Order directed any hearing requests to be filed, on or before October 22, 2024, with the Clerk's Office and served simultaneously on counsel for the Applicant.<sup>3</sup> The Order also provided the Applicant the opportunity to respond to any such hearing request(s) on or before October 29, 2024.<sup>4</sup>

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<sup>1</sup> Application at 1.

<sup>2</sup> Order at ¶(11).

<sup>3</sup> *Id.* at ¶(14).

<sup>4</sup> *Id.* at ¶(15).

On September 9, 2024, Billy and Kelli Giles submitted a public comment through the Commission's website stating as follows, with emphasis added:

We have concerns about this project. Hecate had to get a special zoning permit with our agriculture base county. We chose to live in this county for the agriculture and never thought we would have an industrial scale power facility within 200 feet of our home. The 138Kv line is proposed to be 200 - 280 feet from our house (not our property line). There are concerns about this affecting internet, satellite, cell phones and many health concerns due to the AC current according to our attorney. Initially these lines were supposed to be underground *when our county approved them*. Now that they have been changed to overhead this project has met plenty of opposition. The county administrators ignored the concerns in exchange for \$500,000 toward a recreation center if the project is allowed. *We would like another public hearing to discuss these concerns*. Hecate sent a CEO to our home to provide us with a "Good Neighbor Agreement" that is for their benefit and told us if we signed, we could not speak of it and it would not be recorded. We can provide document upon request. We have been concerned with the project as it's close to us. Its uphill from our water source for our farm animals. We have concerns of future erosion and pollution. The county approved a 100 foot right away through the adjoining land without checking to see how close this was. The county administrators stated they didn't even realize how close it was to our home when they approved this right away. We have asked to run the lines underground to help with our health, farm animals, the buzzing sound and property value. We have been told this is not possible and they can't move the lines further from our home due to them having to get new permits. The farmer that is allowing Hecate to lease his land for this project owns 300 acres and we feel there is room to move these lines away from our home.

As shown in the public comment printout, the Commission's public comment portal automatically copied counsel for the Applicant with the submission of the Giles' written comment.

On October 22, 2024, Staff filed a Motion requesting that the Commission consider the Giles' written comment a request for hearing "and set an appropriate procedural schedule...."

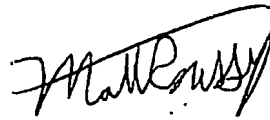
Based on the foregoing, I find that an oral argument and/or prehearing conference should be convened. However, before entertaining a potential hearing in this matter, clarity on the Commission's jurisdiction over the Application is needed. Accordingly, I direct the Applicant to address in a consolidated response<sup>5</sup> filed on or before October 29, 2024, the following:

- (1) Whether the special use permit approved by Pulaski County encompasses, among other things, the 138 kV transmission line for which the Applicant seeks a CPCN, as suggested by the Giles' written comment; and
- (2) Whether the Department of Environmental Quality's permit by rule obtained by the Applicant encompasses the collection substation, other step-up electrical facilities, or other parts of the Project for which the Applicant seeks a CPCN.

<sup>5</sup> This filing should consolidate the Applicant's responses to: (i) the Giles' written comment requesting a hearing; and (ii) Staff's Motion.

A virtual oral argument and/or prehearing conference is also hereby scheduled for October 31, 2024, at 10:00 a.m. Oral argument may be necessary if the Commission's jurisdiction is not sufficiently clarified by the Applicant's pleading directed herein. If the Commission's jurisdiction is sufficiently clarified, either by pleading or argument, the participants should be prepared to address Staff's Motion and to potentially discuss a procedural schedule in this case that includes a hearing. Accordingly, **IT IS DIRECTED THAT:**

- (1) On or before October 29, 2024, the Applicant shall file a consolidated response as set forth herein; and
- (2) On October 31, 2024, at 10:00 a.m., an oral argument and/or prehearing conference will be convened, using Microsoft Teams. Prior to the Teams meeting, a link allowing participation, either by computer (with or without video) or by telephone, will be emailed to the counsel for the Applicant, Staff, and to Billy and Kelli Giles.



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D. Mathias Roussy, Jr.  
for  
Michael D. Thomas  
Senior Hearing Examiner

Document Control Center is requested to electronically send a copy of this Ruling to all persons on the official Service List in this matter and to Billy and Kelli Giles ([gilesbr43@yahoo.com](mailto:gilesbr43@yahoo.com)). 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, VA 23219.