

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

2024 JUL 29 A 9:59

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2024-00032

For approval and certification of electric transmission facilities: 500-230 kV Aspen Substation, 500 kV Aspen-Goose Creek Line #5002, 500 kV and 230 kV Aspen-Golden Lines #5001 and #2333, 500-230 kV Golden Substation, and Lines #2081/#2150 Loop

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2024-00044

For approval and certification of electric transmission facilities: 230 kV Apollo-Twin Creeks Lines, and Twin Creeks, Sycolin Creek, Starlight, Lunar, and Apollo Substations

HEARING EXAMINER'S RULING

July 29, 2024

On March 7, 2024, Virginia Electric and Power Company ("Dominion") filed the Aspen-Golden Application with the State Corporation Commission ("Commission"). The Commission docketed the Aspen-Golden Application as Case No. PUR-2024-00032.

On March 27, 2024, Dominion filed the Apollo-Twin Creeks Application with the Commission. The Commission docketed the Apollo-Twin Creeks Application as Case No. PUR-2024-00044.

On April 17, 2024, the Commission issued an Order for Notice and Hearing in which, among other things, it combined the procedural schedules of Case Nos. PUR-2024-00032 and PUR-2024-00044 "[t]o the extent practicable, for all purposes including discovery, pre-filed testimony, and hearing dates[;]"¹ and appointed a Hearing Examiner to conduct all further proceedings in the Combined Cases. By Hearing Examiner's Ruling of May 15, 2024 ("May 15th Ruling"), certain procedural deadlines initially established by the Commission for the Combined Cases were modified. Among other things, the May 15th Ruling postponed to September 18, 2024, the portion of the hearing wherein Dominion, the Staff of the Commission, and respondents will be afforded an opportunity to provide evidence concerning the Combined Cases.

The following have filed a notice of participation in one or both of the Combined Cases: Lansdowne Conservancy; Theresa Ghiorzi; Loudoun County, Virginia ("Loudoun County");

¹ Order for Notice and Hearing at 11, ¶ 4. Case Nos. PUR-2024-00032 and PUR-2024-00044 are referred to as the "Combined Cases."

JK Land Holdings, LLC; NA Dulles Real Estate Investor, LLC (“Kincora”); Leesburg Pike Community Church; Visa U.S.A. Inc.; Loudoun County Sanitation Authority (“Loudoun Water”); Philadelphia-Baltimore-Washington Laborers’ District Council; Piedmont Environmental Council; and Allan Myers VA, Inc.

On July 9, 2024, Kincora filed NA Dulles Real Estate Investor, LLC’s Motion for Partial Summary Judgment (“Motion for Partial Summary Judgment”). By Hearing Examiner’s Ruling of July 15, 2024, I declined to certify to the Commission the Motion for Partial Summary Judgment. I also set July 30, 2024, as the deadline for any response to the Motion for Partial Summary Judgment, and August 14, 2024, as the deadline for Kincora’s reply to any response.

On July 25, 2024, counsel for Dominion filed the Motion of Virginia Electric and Power Company for Extension of Time and Expedited Consideration (“Motion for Extension”). Therein, Dominion requested the due date for the filing of all parties’ responsive briefs to the Motion for Partial Summary Judgment be extended to August 14, 2024, and the due date for Kincora’s reply brief be extended to August 28, 2024.² The Motion for Extension asserted that Dominion’s undersigned counsel were only recently retained, having entered their appearances in the Combined Cases on July 22, 2024, “due to a conflict of interest that has arisen with the Company’s previously retained counsel in these proceedings arising from Kincora’s motion and relating to the same subject matter only.”³ The Motion for Extension alleged that Dominion and its counsel “require[] additional time to become familiar with the facts and arguments involved and coordinate with the parties on the issues raised by Kincora’s [Motion for Partial Summary Judgment].”⁴ Additionally, Dominion agreed with Kincora that the Motion for Partial Summary Judgment appears to raise “a legal issue of first impression.”⁵ Dominion claimed “additional time for detailed briefing would benefit both the parties and the Commission.”⁶

Dominion indicated the following parties do not object to the Motion for Extension: Lansdowne Conservancy; Kincora; Visa U.S.A. Inc.; Loudoun Water; Philadelphia-Baltimore-Washington Laborers’ District Council; and Allan Myers VA, Inc. Dominion further indicated the following parties indicated they have no position on the Motion for Extension: Loudoun County; Leesburg Pike Community Church; and Piedmont Environmental Council. Dominion stated that, as of the time the Motion for Extension was filed, no other party had taken a position on the Motion for Extension.⁷

Upon consideration, I find that no party or Staff would be prejudiced by the granting of the Motion for Extension, and that it should be granted, with one exception. After the listing of parties who do not object to the Motion for Extension, Dominion stated in a footnote that “Kincora specifically requests at least two weeks to file a reply brief to any other parties’ responses.”⁸ To the extent this is a request for an additional two weeks beyond August 28, 2024, for Kincora to file a reply to the responses of any parties other than those who do not object to

² Motion for Extension at 2 (unnumbered).

³ *Id.*

⁴ *Id.* at 2-3 (unnumbered).

⁵ *Id.* at 3 (unnumbered).

⁶ *Id.*

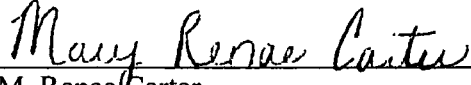
⁷ *Id.*

⁸ *Id.* at 3 n.1.

the Motion for Extension, such request is denied at this time. No reason for this request was provided. Further, multiple parties' responses may lend themselves to similar arguments in reply by Kincora. Accordingly, I conclude Kincora should reply to all parties' responses by August 28, 2024. Should Kincora find it requires further additional time to reply to specific parties' responses, based on the issues raised in those responses, Kincora may renew its request.

Accordingly, **IT IS DIRECTED THAT:**

1. Any response to the Motion for Partial Summary Judgment shall be filed on or before August 14, 2024;
2. Any reply by Kincora to any response(s) to the Motion for Partial Summary Judgment shall be filed on or before August 28, 2024; and
3. In keeping with the Commission's Order for Notice and Hearing in the Combined Cases, a copy of each filing made with the Clerk of the Commission in these dockets shall also be sent electronically to the Office of Hearing Examiners at: OHEparalegals@scc.virginia.gov.



M. Renae Carter
Senior Hearing Examiner

The Clerk of the Commission is requested to send a copy of this Ruling to all persons on the official Service Lists in Case Nos. PUR-2024-00032 and PUR-2024-00044. The Service Lists are 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.