

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

REGULATORY OFFICE
1000 BANKERS BUILDING

241070055

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

2024 OCT 16 A 11: 21
CASE NO. PUR-2024-00074

For approval and certification of electric
Transmission facilities: Dooms-Harrisonburg
230 kV Lines #260 and #272 Rebuild Project

HEARING EXAMINER'S RULING

October 16, 2024

On April 30, 2024, Virginia Electric and Power Company ("Company") filed with the State Corporation Commission ("Commission") its application ("Application") for approval and certification of electric transmission facilities pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et. seq.* for the Dooms-Harrisonburg 230 kV Lines #260 and #272 Rebuild Project ("Project").

On June 14, 2024, the Commission issued an Order for Notice and Comment ("Procedural Order") appointing a Hearing Examiner to conduct all further proceedings in this matter. Among other things, the Procedural Order also set a deadline of August 20, 2024 for any person or entity to file a notice of participation in the case, a deadline of September 17, 2024 for any interested person or entity to file a request that the Commission convene a hearing on the Application, and a deadline of September 24, 2024 for any interested person to submit comments on the Application. The Procedural Order directed that the Company respond to any request for hearing by October 1, 2024. The deadline for the Company to submit rebuttal testimony is October 29, 2024.

On September 13, 2024,¹ Trustees of the Henry Talmage McBride, Jr. Trust ("McBride Trust") filed a public comment with the Commission regarding a proposed Project structure (Structure 260/7) located on land owned by the McBride Trust. On September 17, 2024, the McBride Trust filed a letter with the Commission requesting a hearing "to preserve [its] rights for thorough vetting of its concerns and questions" if not otherwise resolved. The McBride Trust stated that it is "our sincere hope that McBride's concerns can be and are adequately addressed as part of the public comment and rebuttal process, without the need for a hearing." The McBride Trust did not file a notice of participation in the case.

On October 1, 2024, the Company filed a Response to Hearing Request proposing an alternative procedural approach to the McBride Trust's request for a hearing. Specifically, the Company represented its intention to coordinate with the McBride Trust and to address the McBride Trust's concerns in rebuttal testimony. The Company further suggested that, in lieu of a hearing, the McBride Trust be given the opportunity to file a response to the rebuttal testimony by November 5, 2024. The Company requested that the Commission deny the McBride Trust's request for hearing, or, in the alternative, defer a decision on the request pending the Company's rebuttal testimony.

¹ The comment was entered into the docket on September 16, 2024.

On October 15, 2024, I convened a video conference with counsel for the Commission's Staff ("Staff"), counsel for the Company, and counsel for the McBride Trust. During the conference, the McBride Trust indicated support for the Company's proposed procedural approach, and Staff indicated no objection. The McBride Trust also agreed to file a notice of participation either prior to, or simultaneous with, its response to the Company's rebuttal, and Staff and the Company indicated that they would not object to this late-filed notice of participation. Staff requested the opportunity to respond to the Company's rebuttal as well, and neither the Company nor the McBride Trust objected. Staff, the Company, and the McBride Trust raised no objections to my proposal of November 8, 2024,² as the deadline for any responses to the Company's rebuttal.

Having considered the foregoing, I find it appropriate to defer a decision on the McBride Trust's request for hearing until after the McBride Trust and Staff have had the opportunity to respond to the Company's rebuttal testimony.

Accordingly, **IT IS DIRECTED THAT:**

- (1) The Company respond to the issues raised in the McBride Trust's public comment and request for hearing as part of the Company's rebuttal testimony.
- (2) The McBride Trust and Staff file any response to the Company's rebuttal testimony no later than November 8, 2024. Any response filed by the McBride Trust should include its position on whether it maintains or withdraws its request for hearing.
- (3) The McBride Trust file a notice of participation in this case either prior to, or simultaneous with, its response to the Company's rebuttal testimony. A notice of participation filed by the McBride Trust in accordance with this ruling shall be deemed timely.



Kati Dean
Hearing Examiner

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

² The Company originally proposed November 5, 2024 as the response deadline, but during the video conference, I noted that November 5, 2024 is a state holiday. I also wanted to ensure adequate time for Staff and the McBride Trust to respond to the Company's rebuttal, while remaining cognizant of the Company's request for entry of a final order in this case by December 31, 2024.