

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

State Corporation Commission

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## APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2024-00074

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

**REPORT OF KATI DEAN, HEARING EXAMINER**

November 19, 2024

This case concerns a request for approval and certification of transmission facilities in the Counties of Augusta and Rockingham, and the Town of Grottoes, Virginia. The record supports approval of the Project, as modified in the Company's rebuttal testimony. The rebuild Project is needed so the Company can maintain the structural integrity and reliability of its transmission system, consistent with sound engineering judgment.

**HISTORY OF THE CASE**

On April 30, 2024, Virginia Electric and Power Company ("Company" or "Dominion") filed with the State Corporation Commission ("Commission") its application ("Application") for approval and certification of electric transmission facilities in the Counties of Augusta and Rockingham, and the Town of Grottoes, Virginia. Dominion filed its Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et seq.*

Specifically, the Company proposed to complete the following, which are collectively referred to as the "Project":<sup>1</sup>

- (1) Rebuild, entirely within existing right-of-way ("ROW") or on Company-owned property, approximately 10.6 miles of the existing 230 kilovolt ("kV") Line #260 single-circuit weathering wooden H-Frame structures with weathering steel H-frame structures; and
- (2) Rebuild, entirely within existing ROW or on Company-owned property, approximately 11.5 miles of the existing 230 kV Line #272 single-circuit COR-TEN®<sup>2</sup> lattice towers with weathering steel monopole structures.<sup>3</sup>

The Company stated the desired in-service date for the Project is December 31, 2027.<sup>4</sup>

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<sup>1</sup> Application at 2.

<sup>2</sup> Registered trademark of the United States Steel Corporation.

<sup>3</sup> The Company stated that it will also perform minor work associated with the Project at the Grottoes, Harrisonburg, and Dooms Substations to support the new line ratings. The Company stated that this work is not included as part of the Project, although it is discussed in Section ILC of the Appendix to the Application. Application at 2 n.3.

<sup>4</sup> *Id.* at 3. The Company requested that the Commission enter a final order by December 31, 2024, which the Company averred would allow it to begin construction by October 2025, and complete construction by December 2027. *Id.*

On June 14, 2024, the Commission entered an Order for Notice and Comment (“Procedural Order”) that, among other things: docketed the Application; established a procedural schedule; and appointed a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission and file a final report.

On July 15, 2024, Dominion filed the Motion of Virginia Electric and Power Company for Entry of a Protective Ruling along with a proposed Protective Ruling. A Hearing Examiner’s Protective Ruling, dated July 17, 2024, set forth the procedures for the handling of confidential information in this proceeding.

Also on July 17, 2024, the Department of Environmental Quality (“DEQ”) filed the coordinated review of Dominion’s Application (“DEQ Report”), which included a Wetland Impact Consultation provided by DEQ’s Office of Wetlands and Stream Protection.

On August 12, 2024, Dominion filed proof of notice, as required by the Procedural Order.

On September 13, 2024,<sup>5</sup> 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.”<sup>6</sup> The McBride Trust did not file a notice of participation in the case prior to the deadline established by the Procedural Order.

On October 1, 2024, Dominion 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. 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.<sup>7</sup>

On October 15, 2024, I convened a virtual conference with counsel for the Company, Staff, and the McBride Trust to discuss the request for a hearing.

On October 16, 2024, I entered a ruling deferring a decision on the McBride Trust’s request for hearing. In the ruling, I directed Dominion to respond to the McBride Trust’s concerns in rebuttal testimony. I further directed the McBride Trust and Staff to file any response to the rebuttal testimony no later than November 8, 2024. I also directed the McBride

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<sup>5</sup> The comment was entered into the docket on September 16, 2024.

<sup>6</sup> McBride Trust Letter at 2.

<sup>7</sup> Response to Hearing Request at 5.

Trust to file a notice of participation either prior to, or simultaneous with, its response to the Company's rebuttal testimony.<sup>8</sup>

On October 15, 2024, Staff filed its Staff Report on the Application.

On October 29, 2024, Dominion filed its rebuttal testimony.

On November 7, 2024, the McBride Trust filed a notice of participation in accordance with my October 16, 2024 ruling, along with a response to Dominion's rebuttal testimony ("McBride Response"). In its response, the McBride Trust withdrew its request for hearing.

No other parties intervened in this proceeding. In addition to the public comment filed by the McBride Trust, the Commission received a public comment dated August 2, 2024, from David Gray, on behalf of Harrisonburg Public Utilities ("HPU"). Mr. Gray explained that HPU operates a major water transmission line in an easement parallel and abutting the Company's easement between the Harrisonburg Substation and Spaders Church Road. Mr. Gray stated that the HPU waterline is below ground, but includes some structures that are visible on the surface and subject to damage. He noted that HPU has installed access gates at ROW access points which may be convenient for Dominion if approved by the landowners. He requested that the Company inform HPU of the construction schedule in order for HPU to inspect its gates and waterline assets prior to and following construction.

### **SUMMARY OF THE RECORD**

In its Application, the Company explained that it has developed a proactive plan to rebuild electric transmission lines that have: (1) wood pole structures experiencing maintenance and reliability issues, including cracked and decaying wood, severe shell damage, and woodpecker damage; and (2) COR-TEN® structures that are experiencing deterioration due to inherent corrosion. With this 230 kV rebuild Project, the Company proposes to wreck and rebuild approximately 10.6 miles of Line #260 between Harrisonburg and Grottoes Substations, and approximately 11.5 miles of Line #272 between Grottoes and Dooms Substations, in existing ROW. The Company stated that the majority of Line #260 was constructed in 1970 using wooden structures, which have been identified through field inspections to be showing significant deterioration. Dominion stated that the majority of Line #272 was constructed in 1967 and consists of COR-TEN® X-Series lattice-type towers, which have been identified as showing inherent corrosion and continuous deterioration.<sup>9</sup> The Project comprises sections of transmission lines that have been identified for rebuild based on the Company's Planning

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<sup>8</sup> My ruling stated that a notice of participation filed by the McBride Trust in accordance with my directives would be deemed timely. Hearing Examiner's October 16, 2024 Ruling at 2.

<sup>9</sup> Application, Appendix at 3.

Criteria<sup>10</sup> regarding infrastructure to be evaluated under end-of-life criteria, and consistent with sound engineering judgment.<sup>11</sup>

### ***Dominion Direct Testimony***

Dominion offered the direct testimony of three witnesses: **Wesley Strunk**, Transmission Line Design Engineer for the Company; **Charles H. Weil**, Engineer III – Siting and Permitting Group for the Company; and **Zhangxin Zhou**, Engineer III – Electric Transmission Planning for the Company.

**Mr. Strunk** described the design characteristics of the transmission facilities for the proposed Project, and also discussed electric and magnetic field (“EMF”) levels.<sup>12</sup> He sponsored Sections I.I, I.L, II.A.5, II.B.1 to II.B.3, II.C, and IV of the Company’s Appendix, and co-sponsored the Executive Summary and Sections I.A, I.F, and II.B.5 of the Company’s Appendix.<sup>13</sup>

**Mr. Weil** provided an overview of the route and permitting for the proposed Project.<sup>14</sup> He sponsored Sections II.A.1, II.A.2, II.A.6 to II.A.8, II.A.9, II.A.11, II.A.12, II.B.6, III, and V of the Company’s Appendix, and co-sponsored the Executive Summary and Sections II.A.3 and II.B.5 of the Company’s Appendix.<sup>15</sup> In addition, he affirmed Dominion’s compliance with § 15.2-2202 E of the Code by providing a copy of a letter sent to local officials advising them of the Company’s intention to file its Application and inviting them to consult with Dominion about the Project.<sup>16</sup>

**Dr. Zhou** described the Company’s electric transmission system and the need for, and benefits of, the proposed Project.<sup>17</sup> He sponsored Sections I.B, I.C, I.D, I.E, I.G, I.H, I.J, I.K, I.M, I.N, and II.A.10 of the Company’s Appendix, and co-sponsored the Executive Summary and Sections I.A, I.F, and II.A.3 of the Company’s Appendix.<sup>18</sup>

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<sup>10</sup> The Company describes the relevant sections of its Planning Criteria in Section I.A. of the Appendix to the Application. *Id.*, Appendix at 3-6. The Company indicates that a copy of the Planning Criteria can be found in Attachment 1 of the Company’s Facility Interconnection Requirements document, which is available online at <https://www.dominionenergy.com/-/media/pdfs/virginia/parallel-generation/facility-connection-requirements.pdf>. Staff attached to its Report relevant pages of the Planning Criteria. Staff Report at Appendix A.

<sup>11</sup> Application, Appendix at 4.

<sup>12</sup> Direct Testimony of Wesley Strunk at 2.

<sup>13</sup> *Id.*

<sup>14</sup> Direct Testimony of Charles H. Weil at 2.

<sup>15</sup> *Id.* at 2.

<sup>16</sup> *Id.* at 2-3.

<sup>17</sup> Direct Testimony of Zhangxin Zhou Direct at 2.

<sup>18</sup> *Id.* Although not noted in the body of Dr. Zhou’s direct testimony, in the one-page summary it states that he sponsors Sections I.D, I.K, I.M, and I.N.

### *DEQ Report*

On July 17, 2024, DEQ filed the DEQ Report summarizing the Project's potential impacts to natural and cultural resources in Virginia.<sup>19</sup> DEQ stated that the following agencies joined with DEQ in review of the Project:

- Department of Conservation and Recreation (“DCR”);
- Department of Health (“VDH”);
- Department of Historic Resources (“DHR”);
- Department of Aviation (“DOAV”);
- Virginia Outdoors Foundation (“VOF”); and
- Marine Resources Commission (“MRC”).<sup>20</sup>

The DEQ Report listed numerous permits and approvals that are likely prerequisites to the Project's construction.<sup>21</sup> In addition to these requirements of local, state, or federal law, the DEQ Report included several recommendations made by the reviewing agencies for the Commission's consideration. These are:<sup>22</sup>

- Prior to commencing project work, all surface waters on the project site should be delineated by a qualified professional and verified by the U.S. Army Corps of Engineers or DEQ. Follow DEQ's recommendations to avoid and minimize impacts to wetlands and streams;
- Follow DEQ's recommendation to evaluate the identified petroleum release, and reduce solid waste at the source, reuse it and recycle it to the maximum extent practicable;
- Coordinate with DCR's Division of Natural Heritage (“DCR-DNH”) on its recommendations to protect a natural heritage conservation site and rare plant(s) in the project area, conduct an inventory for the Sessile-leaf Tick-trefoil, develop and implement an invasive species management plan, and enhance ROW restoration and maintenance practices;
- Coordinate with DCR-DNH on its recommendations to submit project updates; protect ecological cores, listed species and karst features; and conduct an inventory of karst features along the ROW;
- Coordinate with DHR regarding its recommendations to protect historic and archaeological resources;
- Coordinate with VDH, if necessary, regarding its recommendations to protect water supplies;
- Follow the principles and practices of pollution prevention to the maximum extent practicable;
- Limit the use of pesticides and herbicides to the extent practicable; and

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<sup>19</sup> DEQ Report, at Cover Letter, p. 1 (unnumbered).

<sup>20</sup> *Id.* at 1.

<sup>21</sup> *Id.* at 3-5.

<sup>22</sup> *See generally, id.* at 6-7.

- Coordinate with VOF regarding its recommendation on replacement structures and associated project components.

### *Commission Staff Direct Testimony*

The Commission Staff presented a Staff Report evaluating the project sponsored by **Jay-Ar C. Llamido**, of the Commission’s Division of Public Utility Regulation.

The Staff Report provided a detailed overview of the Project, including: (1) a description of the existing facilities impacted by the Project;<sup>23</sup> (2) a summary of the Company’s described need for the Project;<sup>24</sup> (3) an explanation of the demand side management (“DSM”) considerations for the Project;<sup>25</sup> (4) a detailed description of the Project and its components;<sup>26</sup> (5) a discussion of the proposed route for the Project, including the Project’s use of existing ROW;<sup>27</sup> (5) identification of the proposed construction schedule;<sup>28</sup> (6) identification of the estimated costs of the Project and the allocation of such costs;<sup>29</sup> (7) a discussion of environmental, scenic, and historic impacts relating to the Project;<sup>30</sup> (8) a discussion of the Project’s economic development benefits, environmental justice, and the coordinated environmental review and wetlands impacts consultation;<sup>31</sup> and (9) Staff’s conclusions and recommendations regarding the Project.<sup>32</sup>

Among other things, Staff agreed with the Company’s assessment of the need for the Project consistent with sound engineering judgment.<sup>33</sup> However, Staff did not take a position on whether the Company demonstrated the necessity for the Project based, specifically, on Dominion’s end-of-life criteria.<sup>34</sup> Staff explained that, according to the Application, the end-of-life criteria determination is based on satisfying two metrics:

1. Facility is nearing, or has already passed, its end-of-life, and
2. Continued operation risks negatively impacting reliability of the transmission system.<sup>35</sup>

Staff agreed with the Company’s assertion that the structures on Lines #272 and #260 show serious deterioration and need to be replaced, thus satisfying the first metric.<sup>36</sup> However, Staff noted that the retirement of either Line #272 or Line #260 coupled with certain N-1-1 contingency events occurring would not constitute a violation of either the Company’s Planning Criteria or North American Electric Reliability Corporation (“NERC”) reliability standards.<sup>37</sup>

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<sup>23</sup> Staff Report at 2-3.

<sup>24</sup> *Id.* at 3-8.

<sup>25</sup> *Id.* at 8-9.

<sup>26</sup> *Id.* at 9-10.

<sup>27</sup> *Id.* at 11-12.

<sup>28</sup> *Id.* at 12.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* at 13-15.

<sup>31</sup> *Id.* at 15-17.

<sup>32</sup> *Id.* at 17-18.

<sup>33</sup> *Id.* at 8.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 4.

<sup>36</sup> *Id.* at 7.

<sup>37</sup> *Id.*

According to Staff, the potential reliability impacts posited by the Company would only occur if three lines were lost. Staff stated that the loss of Line #272 or Line #260 individually would not cause any reliability issues by themselves. Staff further stated that, “[i]t does not appear...that the scenarios provided by the Company fully satisfy the second metric of its [e]nd-of-[l]ife criteria.”<sup>38</sup> Nevertheless, Staff acknowledged that retiring one of the lines could compromise the integrity of the 230 kV network in the area. Therefore, Staff found the Project to be consistent with sound engineering judgment, and did not oppose it.<sup>39</sup>

Staff agreed with Dominion’s assessment that no amount of localized DSM could eliminate the need for the Project.<sup>40</sup> Furthermore, Staff recognized (and did not affirmatively dispute) estimated conceptual costs of the Project in the amount of approximately \$57 million.<sup>41</sup> Staff also believed the Project would support economic development in the Commonwealth,<sup>42</sup> and agreed with the Company’s assessment that the Project is not expected to result in disproportionately high or adverse impacts on environmental justice (“EJ”) populations.<sup>43</sup> Finally, Staff did not oppose the Company’s request that the Commission issue the CPCN necessary for construction and operation of the Project as proposed.<sup>44</sup>

### *Dominion Rebuttal Testimony*

On October 29, 2024, the Company filed the rebuttal testimony of four witnesses: **Zhangxin Zhou**, Engineer III – Electric Transmission Planning for the Company; **Virginia B. Gills**, Environmental Specialist III for the Company; **Wesley Strunk**, Transmission Line Design Engineer for the Company; and **Michael Dyson**, Electric Transmission & Distribution Project Manager for the Company.

**Dr. Zhou** provided one clarification and general comments in support of the conclusions and recommendations in the Staff Report. Dr. Zhou noted that, with the exception of Staff’s characterization of the Company’s representations as to the second metric of its end-of-life criteria, the Company agreed with Staff’s conclusions. Dr. Zhou explained that contrary to Staff’s assessment, the Company believed it satisfied the second metric of its end-of-life criteria. He noted that the second metric of the end-of-life criteria states that, “[t]he reliability impact of continued operation of a facility will be determined based on a planning assessment and operational performance considerations. The end-of-life determination for a facility to be tested for reliability impact will be assessed by evaluating the impact on short term and long term reliability with and without the facility in service.” Dr. Zhou averred that, if Line #272 was retired and removed from service, the Harrisonburg-Verona Line #43 would be projected to experience a thermal overload for the N-1-1 loss of the Harrisonburg-Valley Line #253 and Dayton-Valley Line #2109. Dr. Zhou stated that this would be a violation of NERC Reliability

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<sup>38</sup> *Id.* at 7-8.

<sup>39</sup> *Id.* at 8.

<sup>40</sup> *Id.* at 9.

<sup>41</sup> *Id.* at 12.

<sup>42</sup> *Id.* at 15.

<sup>43</sup> *Id.* at 16.

<sup>44</sup> *Id.* at 18.

Standards and was validated in the PJM RTEP<sup>45</sup> winter 2025 model. He further represented that the Company provided this information to Staff in discovery.<sup>46</sup>

**Ms. Gills** addressed certain recommendations in the DEQ Report. She noted that the Company appreciated the coordinated review by DEQ, and did not object to the “Summary of Findings and Recommendations” identified on pages 6-7 of the DEQ Report and including coordination with identified agencies.<sup>47</sup> However, the Company asked the Commission to reject the following:

- *DEQ’s Division of Land Protection and Revitalization’s (“DEQ-DLPR’s”) requirement related to the generation or recovery of hazardous waste materials.* Ms. Gills specifically referenced DEQ-DLPR’s requirement that, “[t]he generation or recovery of any hazardous waste materials... be tested and removed in accordance with the Virginia Hazardous Waste Management Regulations (9 VAC 20-60) and/or the Virginia Solid Waste Management Regulations (9 VAC 20-81).”<sup>48</sup> Ms. Gills asked that the Commission reject this requirement, to the extent it would be applicable to the Project, as needlessly duplicative. She explained that the Company has a comprehensive Environmental Management System (“EMS”) Manual in place that ensures the Company is committed to complying with environmental laws and regulations, reducing risk, minimizing adverse environmental impacts, setting environmental goals, and achieving improvements in its environmental performance, consistent with the Company’s core values.<sup>49</sup>
- *DCR-DNH’s recommendation related to the development and implementation of an invasive species management plan.* Ms. Gills cited to DCR-DNH’s recommendation that the Company “develop [] and implement [] an invasive species plan to be included as part of the maintenance practices for the right-of-way.”<sup>50</sup> She asked the Commission to reject this recommendation as needlessly duplicative and potentially leading to significant Project cost increases and construction delays. She explained that the Company has an existing, robust Integrated Vegetation Management Plan (“IVMP”) in place that utilizes mechanical, chemical, and cultural methods for controlling vegetation, including invasive species. She noted that, based on discussions between the Company and DCR-DNH representatives, the Company reviewed its IVMP for application to both woody and herbaceous species based on the species list available on the DCR website. She represented that the Company continues to coordinate with DCR-DNH on an addendum to the IVMP<sup>51</sup> to further explain how the Company’s Operations and Maintenance Forestry Program addresses invasive species. Ms. Gills further noted that the Company’s IVMP is consistent with the standards for utility ROW developed by the American National Standards Institute, as well as the NERC Vegetation Management Standards, for all regions in the Company’s service territory. She stated that the IVMP is administered

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<sup>45</sup> As defined above, “RTEP” refers to PJM’s Regional Transmission Expansion Plan.

<sup>46</sup> Rebuttal Testimony of Zhangxin Zhou at 3.

<sup>47</sup> Rebuttal Testimony of Virginia B. Gills (“Gills Rebuttal”) at 2.

<sup>48</sup> DEQ Report at 16.

<sup>49</sup> Gills Rebuttal at 3.

<sup>50</sup> DEQ Report at 20.

<sup>51</sup> In the rebuttal testimony, Ms. Gills noted that the Company had scheduled a meeting with DCR-DNH to discuss the Company’s IVMP on November 11, 2024. Gills Rebuttal at 4.



by the Company's Forestry section and is staffed with experienced, graduate-level foresters and International Society of Arboriculture Certified Arborists. These personnel conduct and/or supervise surveys in each of the Company's transmission corridors and implement programs that allow access to the Company's facilities, while protecting environmentally sensitive areas, identifying species composition and density, and detecting pest infestations and diseases prior to the commencement of maintenance operations. According to Ms. Gills, pursuant to the IVMP, the Company uses mowing and selective approved herbicide applications to eliminate vegetation that threatens the transmission system, while promoting the retention of compatible and desirable plant species. She stated that the Company's restoration and maintenance practices include appropriate revegetation and the use of native species of grasses and vegetation. Given the foregoing, Ms. Gills requested that the Commission reject this recommendation, as it has done in other cases.<sup>52</sup>

- *DCR-DNH's recommendation related to rare planet species surveys and coordination efforts.* Ms. Gills specifically cited to DCR-DNH's recommendations regarding the documented occurrence of the Sessile-leaf Tick-trefoil within the ROW, including recommendations that the Company conduct a "survey of the documented occurrence" and "conduct an inventory for the Sessile-leaf Tick-trefoil in the study area and submit the results to DCR-DNH."<sup>53</sup> She asked the Commission to reject these recommendations as unnecessarily duplicative and potentially leading to significant cost increases and construction delays. She again referred to the Company's already-existing IVMP that includes procedures to protect environmentally sensitive areas and identify species composition and density, among others. She also represented that the Company continues to coordinate with DCR-DNH, and stated that, upon receiving the final order for this Project, the Company will coordinate with the agencies as required in the

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<sup>52</sup> *Id.* at 4-5, citing *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: 230 kV Elmont-White Oak Line #2075, 230 kV Chickahominy-White Oak Line #2294, and White Oak Substation Expansion*, Case No. PUR-2023-00110, Final Order at 4-5 (March 25, 2024); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: 230 kV Finneywood-Jeffress Lines and Jeffress Switching Station Conversion*, Case No. PUR-2023-00088, Final Order at 5 (Jan. 16, 2024); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Suffolk-Structure #246/94 230 kV Transmission Line #246 Virginia Rebuild Project*, Case No. PUR-2023-00203, Final Order at 5 (June 11, 2024); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Lines #2019 and #2007 Rebuild Project*, Case No. PUR-2023-00023, 2023 S.C.C. Ann. Rep. 386, 391; *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: 500-230 kV Unity Switching Station, 230 kV Tunstall-Unity Lines #2259 and #2262, 230.36.5 kV Tunstall, Evans Creek, Raines Substations, and 230 kV Substation Interconnect Lines*, Case No. PUR-2022-00167, 2023 S.C.C. Ann. Rep. 269, 276; *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: 230 kV Altair Loop and Altair Switching Station*, Case No. PUR-2022-00197, 2023 S.C.C. Ann. Rep. 310, 316 ("Altair Final Order"); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Butler Farm to Clover 230 kV Line, Butler Farm to Finneywood 230 kV Line and Related Projects*, Case No. PUR-2022-00175, 2023 S.C.C. Ann. Rep. 280, 287-88; *Application of Virginia Electric and Power Company, For Approval and certification of electric transmission facilities: Line #183 Partial Rebuild Project*, Case No. PUR-2022-00123, 2023 S.C.C. Ann. Rep. 212, 216.

<sup>53</sup> DEQ Report at 20.

necessary permits and corresponding regulations needed to complete construction of the Project.<sup>54</sup>

- DCR DNH's recommendations related to ROW restoration and maintenance practices.* Ms. Gills first referenced DCR-DNH's recommendation that the Company's "ROW restoration and maintenance practices planned include appropriate revegetation using a native species in a mix of grasses and forbs, robust monitoring, and an adaptive management plan to provide guidance if initial revegetation efforts are unsuccessful or if invasive species outbreaks occur,"<sup>55</sup> and that the Company "[c]oordinate with DCR regarding its recommendation."<sup>56</sup> Ms. Gills asked the Commission to reject this recommendation as unnecessarily duplicative and potentially costly. She referred to the Company's existing IVMP, which addresses revegetation and maintenance of transmission ROWs, and also noted that the Commission has rejected similar recommendations in past cases.<sup>57</sup> Ms. Gills also objected to DCR-DNH's recommendations for ROW maintenance due to the presence of rare plants, including, "documenting and avoiding Natural Heritage Resources," "[m]arking all rare plant sites," "maintaining vegetation with annual mowing . . . and minimal to no use of chemicals," "carefully treat[ing] [any] woody species with herbicide," and "[m]onitoring a subset of the rare plant populations carefully."<sup>58</sup> Ms. Gills stated that during the permitting phase of the Project, the Company identifies species with regulated protections as outlined in the permits associated with completing the project and ensures required protective measures are instituted in the Project development. She argued that any additional monitoring or management plans for non-regulated species would require additional time, potential Project delays, and unjustified Project costs that would be unnecessarily passed on to rate payers. She also stated that maintenance of transmission ROWs is completed on a maintenance schedule and limiting those activities only to the suggested time of year restriction (between October 15 through April 1) would result in the Company's inability to maintain and ensure the infrastructure safely and reliably. She represented that the Company only utilizes U.S. Environmental Protection Agency-approved herbicides as a component of the Company's IVMP and aligns with best management practices of the NERC Standard FAC 003-4 with application to woody species completed by experienced foresters and International Society of Arboriculture Certified Arborists. Accordingly, to the extent DCR-DNH is asking the Commission to require that the Company implement atypical procedures for the Project, Ms. Gills requested that the Commission reject these suggestions.<sup>59</sup>
- DEQ's Office of Pollution Prevention's ("DEQ-OPP's") recommendation related to the development of an Environmental Management System ("EMS").*<sup>60</sup> Ms. Gills requested that the Commission reject this recommendation as unnecessarily duplicative. She noted that the Company already has a comprehensive EMS Manual in place that commits the

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<sup>54</sup> Gills Rebuttal at 6.

<sup>55</sup> DEQ Report at 20.

<sup>56</sup> *Id.* at 32.

<sup>57</sup> Gills Rebuttal at 7, citing *Altair Final Order*, 2023 S.C.C. Ann. Rep. 314-16.

<sup>58</sup> DEQ Report at 20-21.

<sup>59</sup> Gills Rebuttal at 7-8.

<sup>60</sup> DEQ Report at 29.

Company to comply with environmental laws and regulations, reducing risk, minimizing adverse environmental impacts, setting environmental goals, and achieving improvements in its environmental performance, consistent with the Company's core values. Accordingly, Ms. Gills requested that the Commission reject this suggestion, consistent with previous cases.<sup>61</sup>

Additionally, Ms. Gills provided clarification regarding the following recommendations from the DEQ Report:

- *DEQ-DLPR's recommendation related to the implementation of pollution prevention principles.*<sup>62</sup> Ms. Gills reiterated that the Company has a comprehensive EMS Manual in place that would address this recommendation.<sup>63</sup>
- *DEQ-DLPR's requirement related to checking demolished structures for asbestos-containing materials ("ACM") and lead-based paint ("LBP") prior to demolition.*<sup>64</sup> Ms. Gills clarified that the scope of the Project does not include demolishing any structures that would reasonably be expected to contain ACM or LBP, but stated that the Company's standard practice is to comply with applicable waste-related regulations.<sup>65</sup>
- *DCR-DNH's recommendations relating to the Company's coordination efforts with respect to karst features.*<sup>66</sup> Ms. Gills clarified that no "filling" or "improvement" of sinkholes or cave openings are proposed as part of the Project. However, should improvement of karst features become necessary, Ms. Gills represented that the Company would coordinate directly with DCR-DNH.<sup>67</sup>
- *DCR-DNH's recommendation related to avoidance of impacts to ecological cores.*<sup>68</sup> Ms. Gills clarified that the Company has already made reasonable efforts to avoid and minimize impacts to ecological cores by proposing to construct the Project within existing, cleared ROW. While the Company does not anticipate any significant tree

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<sup>61</sup> Gills Rebuttal at 8, citing *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Chesterfield- Hopewell Lines #211 and #228 Partial Rebuild Project*, Case No. PUR-2023-00054, Final Order at 5 (Jan. 22, 2024); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: 230 kV Line #293 and 115 kV Line #83 Rebuild Project*. Case No. PUR-2021-00272, 2022 S.C.C. Ann. Rep. 406, 410; *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Beaumeade-Belmont 230 kV Transmission Line #227 Reconductor and Partial Rebuild*, Case No. PUR-2021-00100, Final Order at 11 (February 8, 2022); *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Allied Chesterfield 230 kV Transmission Line #2049 Partial Rebuild Project*. Case No. PUR-2020-00239, 2021 S.C.C. Ann. Rep. 312, 15.

<sup>62</sup> DEQ Report at 16.

<sup>63</sup> Gills Rebuttal at 9.

<sup>64</sup> DEQ Report at 16.

<sup>65</sup> Gills Rebuttal at 9.

<sup>66</sup> DEQ Report at 21.

<sup>67</sup> Gills Rebuttal at 10.

<sup>68</sup> DEQ Report at 22.

removal or other impacts to ecological cores, Ms. Gills stated that the Company would coordinate with DCR-DNH to minimize impacts, as practicable and deemed necessary.<sup>69</sup>

- *DCR's requirement related to compliance with local floodplain ordinances.*<sup>70</sup> Ms. Gills clarified that, because the Project is proposed to be largely located within an area of minimal flood hazard, coordination with local floodplain administrators is expected to be minimal. Nevertheless, for the identified locations where floodplains do cross the transmission corridor, Ms. Gills stated that the Company will coordinate with local floodplain coordinators as required.<sup>71</sup>
- *VOF's recommendation related to replacement structures.*<sup>72</sup> Ms. Gills clarified that the Project does not cross VOF property. She further stated that the Project is designed to minimize scenic impacts and impacts to historical resources and open-space properties.<sup>73</sup>

**Mr. Strunk** provided information and an exhibit updating the Appendix to reflect a revised construction plan based on Project updates. Mr. Strunk described changes that have been made to the proposed Project structures since the filing of the Application. He noted that, in the updated proposed Project, structure types have been changed for three structures outside the Grottoes Substation (Structures #260/80, #260/81, and #260/82) and an additional structure has been added (Structure #260/83). The backbone structure in Grottoes Substation will become Structure #260/84 instead of Structure #260/83. Additionally, Mr. Strunk explained that further progress towards detailed engineering design has necessitated design changes on Line #272 and Line #260 including raising two structures on Line #272, and converting three Line #260 structures (Structures #260/7, #260/11, and #260/30) from steel H-frame tangent structures to steel H-frame double deadend structures. Mr. Strunk noted that once these engineering changes are implemented, the average proposed structure height will increase by approximately one foot from what was originally proposed.<sup>74</sup>

Mr. Strunk pointed out that one of the structures modified in the revised construction plan, Structure #260/7, is the structure with the initial proposed height the McBride Trust objected to in its public comment and request for hearing. Mr. Strunk noted that, in the Company's initial response to the McBride Trust's Request for Hearing, the Company had identified the option of modifying Structure #260/7 from a steel H-frame tangent structure to a steel H-frame double deadend structure, reducing its height from 97 feet to approximately 72 feet, without violating National Electrical Safety Code required clearances. Mr. Strunk explained that, subsequently, progression towards final engineering design led the Company to conclude that it was necessary to change the structure type of Structures #260/7, #260/11, and #260/30, as described above. As a result, Structure #260/7 will be changed from a steel H-frame tangent structure to a steel H-frame double deadend structure. Mr. Strunk stated that the incremental cost of the single circuit steel H-frame double deadend structure is approximately

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<sup>69</sup> Gills Rebuttal at 10.

<sup>70</sup> DEQ Report at 26.

<sup>71</sup> Gills Rebuttal at 10-11.

<sup>72</sup> DEQ Report at 30.

<sup>73</sup> Gills Rebuttal at 11-12.

<sup>74</sup> Rebuttal Testimony of Wesley Strunk ("Strunk Rebuttal") at 2-3.

\$215,000 compared to the steel H-frame tangent structure initially proposed for Structure #260/7. He further stated that the overall Project cost estimate has increased by approximately \$1.3 million as a result of the above-described modifications, bringing the total estimated conceptual cost of the Project to \$58.3 million.<sup>75</sup>

**Mr. Dyson** provided a response to the public comment submitted by David Gray, on behalf of HPU. Mr. Dyson stated that, in response to HPU's request to be informed of the Project's construction schedule, the Company shared the current schedule with HPU on September 20, 2024.<sup>76</sup>

### ***Response to Rebuttal***

In its November 7, 2024, response to the Company's rebuttal testimony, the McBride Trust confirmed its satisfaction with the Company's plan to modify Structure #260/7 from a steel H-frame tangent structure to a steel H-frame double deadend structure, reducing its height from 97 feet to approximately 72 feet. Accordingly, the McBride Trust withdrew its request for hearing.<sup>77</sup>

Staff did not respond to the Company's rebuttal.<sup>78</sup>

### **CODE**

The statutory scheme governing the Application is found in several chapters of Title 56 of the Code. Code § 56-265.2 A provides that "it shall be unlawful for any public utility to construct . . . any facilities for use in public utility service, except ordinary extensions or improvements in the usual course of business, without first having obtained a certificate from the Commission that the public convenience and necessity require the exercise of such right or privilege."

Code § 56-46.1 A<sup>79</sup> requires the Commission to consider environmental reports issued by other state agencies, local comprehensive plans, the impact on economic development, and improvements in reliability before approving construction of electrical utility facilities:

Whenever the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the effect of that facility on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact. . . . In every proceeding under this subsection, the Commission shall receive and give consideration to all reports that

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<sup>75</sup> *Id.* at 3-5.

<sup>76</sup> Rebuttal Testimony of Michael Dyson at 2.

<sup>77</sup> McBride Response at 1.

<sup>78</sup> I note that Staff was permitted, but not required, to file a response.

<sup>79</sup> Effective July 1, 2024, Code § 56-46.1 was amended to, among other things, include references to impacts on cultural resources identified by federally recognized Tribal Nations in the Commonwealth. *See* 2024 Va. Acts ch. 830. The language quoted in this Report denotes the applicable Code sections at the time the Application was filed, prior to the 2024 amendments. However, the filings in this case identified no such impacts from the Project. *See* Application, Appendix at 238-243.

relate to the proposed facility by state agencies concerned with environmental protection; and if requested by any county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted pursuant to Article 3 (§ 15.2-2223 et seq.) of Chapter 22 of Title 15.2. Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, including but not limited to furtherance of the economic and job creation objectives of the Commonwealth Clean Energy Policy set forth in § 45.2-1706.1, and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

Code § 56-46.1 B further provides:

As a condition to approval the Commission shall determine that the line is needed and that the corridor or route chosen for the line will avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Historic Resources, and environment of the area concerned. . . . In making the determinations about need, corridor or route, and method of installation, the Commission shall verify the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation.

As provided in Code § 56-46.1 D, the term “[e]nvironment” or “environmental” used in Code § 56-46.1 “shall be deemed to include in meaning ‘historic,’ as well as a consideration of the probable effects of the line on the health and safety of the persons in the area concerned.”

The Code also requires the Commission to consider existing ROW easements when siting transmission lines. Code § 56-46.1 C provides that “[i]n any hearing the public service company shall provide adequate evidence that existing rights-of-way cannot adequately serve the needs of the company.” In addition, Code § 56-259 C provides, “Prior to acquiring any easement of right-of-way, public service corporations will consider the feasibility of locating such facilities on, over, or under existing easements of rights-of-way.”

Code § 2.2-235 of the Virginia Environmental Justice Act (“VEJA”) provides that “[i]t is the policy of the Commonwealth to promote environmental justice and ensure that it is carried out throughout the Commonwealth, with a focus on environmental justice communities and fenceline communities.”

Code § 2.2-234 defines the following terms, among others, used in the VEJA:

“Community of color” means any geographically distinct area where the population of color, expressed as a percentage of the total population of such area, is higher than the population of color in the Commonwealth expressed as a percentage of the total population of the Commonwealth.

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“Environmental justice” means the fair treatment and meaningful involvement of every person, regardless of race, color, national origin, income, faith, or disability, regarding the development, implementation, or enforcement of any environmental law, regulation, or policy.

“Environmental justice community” means any low-income community or community of color.

“Fair treatment” means the equitable consideration of all people whereby no group of people bears a disproportionate share of any negative environmental consequence resulting from an industrial, governmental, or commercial operation, program, or policy.

“Fenceline community” means an area that contains all or part of a low-income community or community of color and that presents an increased health risk to its residents due to its proximity to a major source of pollution.

“Low income” means having an annual household income equal to or less than the greater of (i) an amount equal to 80 percent of the median income of the area in which the household is located, as reported by the Department of Housing and Urban Development, and (ii) 200 percent of the Federal Poverty Level.

“Low-income community” means any census block group in which 30 percent or more of the population is composed of people with low income.

## ANALYSIS

### *Need*

As detailed above, the Company identified the need for the Project in order to maintain the structural integrity and reliability of its transmission systems in compliance with the Company’s Planning Criteria and consistent with sound engineering judgment.<sup>80</sup> Although Staff questioned whether the Project is needed specifically to comply with the Company’s end-of-life Planning Criteria, Staff nevertheless agreed that the Project is needed in order to avoid compromising the integrity of the 230 kV network in the Project area, consistent with sound engineering judgment.<sup>81</sup> I find that the Commission need not decide whether the Company satisfied all of its own end-of-life Planning Criteria metrics, since the record demonstrates a need for the Project regardless.

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<sup>80</sup> Application, Appendix at i.

<sup>81</sup> Staff Report at 8.

I note further that Dominion analyzed the impacts of DSM resources on the need for the Project in accordance with Commission Orders in Case Nos. PUE-2012-00029<sup>82</sup> and PUR-2018-00075<sup>83</sup> and concluded the Project is needed despite accounting for DSM consistent with PJM methods.<sup>84</sup> Furthermore, Staff agrees with the Company's conclusion that no amount of localized DSM could eliminate the need for the Project.<sup>85</sup>

Based on the foregoing, I find a demonstrated need for the Project.

### ***Economic Development***

The evidence also demonstrates the Project will enhance reliable bulk electric power delivery, thereby supporting economic development in the Project area.<sup>86</sup>

### ***Cost***

The estimated total conceptual cost of the Project, as modified in the Company's rebuttal, is \$58.3 million.<sup>87</sup> The conceptual cost estimates associated with the Project were not questioned in this case.

### ***Route/Right-of-Way***

The route and the ROW required for the Project are discussed in Sections II.A.1 through IIA.12 of the Appendix. The total length of the existing ROW for the Project is approximately 22.1 miles between the Harrisonburg and Dooms Substations. The ROW is located within Augusta and Rockingham Counties, as well as the Town of Grottoes.<sup>88</sup> The Project is located within existing ROWs or on Company-owned property and no additional ROWs are needed.<sup>89</sup> The entire 100-foot width of the existing transmission line corridor is currently cleared and maintained for operation of the existing transmission facilities.<sup>90</sup> There may be some tree trimming along the edge of the ROW to support access and construction of the Project. Any clearing or tree limbing will be done in accordance with the Company's IVMP. The ROW will continue to be maintained on a regular cycle to prevent interruptions to electric service and provide ready access to the ROW in order to patrol and make emergency repairs.<sup>91</sup> Since the existing ROW and Company-owned property are adequate to construct the Project, and since

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<sup>82</sup> *Application of Virginia Electric and Power Company, d/b/a Dominion Virginia Power, For approval and certification of electric facilities: Surry-Skiffes Creek 500 kV Transmission Line, Skiffes Creek-Wheaton 230 kV Transmission Line, and Skiffes Creek 500 kV-230 kV-115 kV Switching Station*. Case No. PUE-2012-00029, 2013 Ann. Rep. 240.

<sup>83</sup> *Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities under Va. Code § 56-46.1 and the Utility Facilities Act, Va. Code § 56-265.1 et seq.*, Case No. PUR-2018-00075, 2018 Ann. Rep. 431.

<sup>84</sup> Application, Appendix at 42.

<sup>85</sup> Staff Report at 9.

<sup>86</sup> *Id.* at 15.

<sup>87</sup> Strunk Rebuttal at 5.

<sup>88</sup> Application, Appendix at 73.

<sup>89</sup> *Id.* at 99.

<sup>90</sup> *Id.* at 115.

<sup>91</sup> *Id.*



there is a statutory preference for using existing ROWs, and because additional costs and environmental impacts would be associated with the acquisition of and construction on new ROW, the Company did not consider any alternate routes requiring new ROW for the Project.<sup>92</sup> The Company does not anticipate a need for new easements associated with the Project.<sup>93</sup> Furthermore, the Company stated that no portion of the ROW is proposed to be quitclaimed or relinquished.<sup>94</sup>

I find the Company reasonably considered the use of existing ROW for the Project.

### ***Environmental, Scenic, and Historic Impacts***

According to the Application, most of the land within the existing ROW is zoned as agricultural.<sup>95</sup> The Company further stated that there are approximately 472 dwellings located within 500 feet of the ROW centerline, 256 dwellings located within 250 feet of the centerline, 111 dwellings located within 100 feet of the centerline, and four dwellings located within the existing ROW.<sup>96</sup> The Company confirmed through a field study that there is only one unauthorized dwelling located within the existing ROW.<sup>97</sup> The unauthorized dwelling is a corner of a condominium/apartment building located at 15415 South East Side Highway in Grottoes, Virginia. The Company will contact the property owner of the condominium/apartment building to initiate its encroachment process, and the Company does not anticipate demolishing the dwelling.<sup>98</sup> During initial review of the existing ROW, the Company stated that it identified approximately 85 unauthorized encroachments, which include sheds, barns, dilapidated vehicles and RVs, landscaping, plantings, etc. The Company asserted that these encroachments will be addressed with the respective property owners as the Company continues to investigate the ROW.<sup>99</sup>

The Project is located within the following watersheds: Shenandoah River, South Fork Shenandoah River, Potomac Intake, and Potomac River Intake.<sup>100</sup> The rebuild Project would potentially impact 16.58 acres of potential Palustrine Emergent and Scrub/Shrub Non-tidal wetlands.<sup>101</sup> The Company has stated that, prior to construction, the Company will delineate wetlands and other waters of the United States using the *Routine Determination Method*, as outlined in the *1987 Corps of Engineers Wetland Delineation Manual* and methods described in the *2012 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (Version 2.0)*, or other applicable guidance. Prior to construction, the Company also represented that it would obtain any necessary permits to impact jurisdictional waters.<sup>102</sup>

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<sup>92</sup> *Id.* at 117.

<sup>93</sup> *Id.* at 113.

<sup>94</sup> *Id.* at 74.

<sup>95</sup> *Id.* at 164.

<sup>96</sup> *Id.* at 166.

<sup>97</sup> Staff Report at 13.

<sup>98</sup> *Id.*

<sup>99</sup> Application, Appendix at 230.

<sup>100</sup> DEQ Report at 28.

<sup>101</sup> *Id.* at 9.

<sup>102</sup> Application, Appendix at 165.

Stantec Consulting Services Incorporated (“Stantec”) completed the Stage I Pre-Application Analysis for the Company.<sup>103</sup> No previously recorded archeological resources were identified within the transmission corridor.<sup>104</sup> Stantec identified four Virginia Landmarks Register (“VLR”) and National Register of Historic Places (“NRHP”) listed individual architectural resources; eight VLR/NRHP-eligible resources; and one potentially VLR/NRHP-eligible battlefield, within the Project study area.<sup>105</sup> The Company indicated that there will be minimal or no visual impacts to historic properties and resources from the proposed Project, and DHR concurred for all resources that it has assessed.<sup>106</sup>

Based on preliminary engineering for the rebuild Project, the average structure heights for Line #260 and #272 would increase by 7 feet from 77 feet to 85 feet.<sup>107</sup> Height differences would vary per structural location.<sup>108</sup>

Based on the record, including the extensive use of existing ROW that currently contains transmission line infrastructure, I conclude the Company has established the proposed route will avoid or reasonably minimize to the greatest extent reasonably practicable the impact on the environment, scenic assets, and historic resources.

### ***DEQ Report***

I recommend that Dominion be required to comply with the uncontested summary recommendations of the DEQ Report. For the recommendations that Dominion sought to clarify in rebuttal testimony, I recommend that the Commission accept the clarifications and require the Company to comply with those recommendations accordingly. Finally, I conclude that Dominion’s request for the Commission to reject certain specific recommendations or requirements should be addressed as explained below:

- DEQ-DLPR noted a requirement that, “[t]he generation or recovery of any hazardous waste materials... be tested and removed in accordance with the Virginia Hazardous Waste Management Regulations (9 VAC 20-60) and/or the Virginia Solid Waste Management Regulations (9 VAC 20-81).”<sup>109</sup> The Company objected to this as “needlessly duplicative.”<sup>110</sup> The Commission need not accept or reject this requirement. To the extent these regulations apply to the Project, the Company has a legal obligation to comply. This is consistent with the Company’s representation that its EMS Manual

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<sup>103</sup> *Id.*

<sup>104</sup> DEQ Report at 24.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.* at 24-25. According to the DEQ Report, the DHR requested additional information on the impacts to Cross Keys Battlefield and the German Reformed Church Parsonage in order to understand impacts.

<sup>107</sup> Application, Appendix at 141. The Company noted in rebuttal that, under the revised construction plan, the average structure height will increase by approximately one foot. Strunk Rebuttal at 3.

<sup>108</sup> While preliminary engineering indicates that most structures would be within ten feet taller or shorter than the existing structures they would replace, some new structures are expected to be as much as 30 feet taller or shorter than existing structures. Application, Appendix at 136-41.

<sup>109</sup> DEQ Report at 16.

<sup>110</sup> Gills Rebuttal at 3.

“ensures that the Company is committed to complying with environmental laws and regulations.”<sup>111</sup>

- DCR-DNH’s recommendation<sup>112</sup> related to the development and implementation of an invasive species plan should be rejected as unnecessarily duplicative and burdensome given the Company’s existing IVMP.<sup>113</sup>
- DCR-DNH’s recommendations relating to the documented occurrence of the Sessile-leaf Tick-trefoil, including that the Company conduct a “survey of the documented occurrence” and “conduct an inventory for the Sessile-leaf Tick-trefoil in the study area and submit the results to DCR-DNH”<sup>114</sup> should be rejected as being unnecessarily duplicative and potentially leading to significant cost increases and construction delays. The Company’s existing IVMP appears to provide sufficient protection and guidance regarding environmentally sensitive areas. Moreover, the Company represented that it plans to continue to coordinate with DCR-DNH, and stated that, upon receiving the final order for this project, it will coordinate with the agencies as required in the necessary permits and corresponding regulations needed to complete construction of the Project.<sup>115</sup>
- DCR-DNH’s recommendations related to ROW restoration and maintenance practices should be rejected. Specifically, DCR-DNH’s recommendations that the Company’s “ROW restoration and maintenance practices planned include appropriate revegetation using a native species in a mix of grasses and forbs, robust monitoring, and an adaptive management plan to provide guidance if initial revegetation efforts are unsuccessful or if invasive species outbreaks occur,”<sup>116</sup> and that the Company “[c]oordinate with DCR DNH . . . regarding its recommendation,”<sup>117</sup> are unnecessarily duplicative and potentially costly given the Company’s existing IVMP and ongoing coordination efforts with DCR-DNH.<sup>118</sup> Similarly, DCR-DNH’s recommendations for ROW maintenance due to the presence of rare plants, including, “documenting and avoiding Natural Heritage resources,” “[m]arking all rare plant sites,” “maintaining vegetation with annual mowing . . . and minimal to no use of chemicals,” “carefully treat[ing] [any] woody species with herbicide,” and “[m]onitoring a subset of the rare plant populations carefully,”<sup>119</sup> should be rejected. As noted by Company witness Gills, during the permitting phase of the Project, the Company identifies species with regulated protections as outlined in the permits associated with completing the Project and ensures required protective measures are instituted in the Project development.<sup>120</sup> I find that any additional monitoring or

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<sup>111</sup> *Id.*

<sup>112</sup> DEQ Report at 20.

<sup>113</sup> This is consistent with Commission precedent. *See, e.g., Application of Virginia Electric and Power Company, For approval and certification of electric transmission facilities: Daves Store 230 kV Line Extension*, Case No. PUR-2024-00021, Final Order at 4-5 (October 28, 2024) (“*Daves Store Final Order*”).

<sup>114</sup> DEQ Report at 20.

<sup>115</sup> Gills Rebuttal at 6.

<sup>116</sup> DEQ Report at 20.

<sup>117</sup> *Id.* at 32.

<sup>118</sup> This is consistent with Commission precedent. *See, e.g., Daves Store Final Order* at 4-5.

<sup>119</sup> DEQ Report at 21.

<sup>120</sup> Gills Rebuttal at 6-8.

management plans for non-regulated species would require additional time, potential Project delays, and unjustified Project costs. Accordingly, to the extent DCR-DNH is asking the Commission to require that the Company implement atypical procedures for the Project, I recommend that the Commission reject these suggestions.

- DEQ-OPP’s recommendation related to the development of an EMS<sup>121</sup> should be rejected as unnecessarily duplicative and burdensome given the Company’s existing EMS Manual.<sup>122</sup>

### ***Public Health and Safety***

The Company considered the health aspects of EMF in relation to the Project and determined that no significant health effects would result from the construction and operation of the transmission line.<sup>123</sup> Based upon the evidence, I conclude completion of the Project will not adversely impact the health and safety of the persons in the area concerned.

### ***Other Resources***

The Company reviewed the Federal Aviation Administration’s (“FAA”) website to identify airports within 10.0 nautical miles of the proposed Project. The following airports were identified:

- Shenandoah Valley Regional Airport (SHD) is approximately 3.9 miles from Structure 260/69.
- Bridgewater Air Park (VBW) is approximately 4.5 miles from Structure 260/15.<sup>124</sup>

In an email dated March 29, 2024, the Virginia Department of Aviation stated that a Form 7460 would need to be submitted to the FAA to initiate an aeronautical study to ensure that the Project would not constitute a hazard to air navigation. The Company confirmed that it would submit Form 7460 to the FAA prior to construction to initiate aeronautical studies and would design the proposed structures to avoid interference with air navigation.<sup>125</sup>

I find the Company reasonably addressed the Project’s impact on aviation resources.

### ***Environmental Justice***

The Company addressed environmental justice in Section III.B of the Appendix.<sup>126</sup> As part of preparing its Application, the Company researched the demographics of the surrounding communities using the U.S. Environmental Protection Agency’s EJ mapping and screening tool, EJScreen 2.2, and census data from the U.S. Census Bureau 2017-2021 American Community

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<sup>121</sup> DEQ Report at 29.

<sup>122</sup> This is consistent with Commission precedent. *See, e.g., Daves Store Final Order* at 4-5.

<sup>123</sup> Application, Appendix at 253.

<sup>124</sup> *Id.* at 236.

<sup>125</sup> *Id.*

<sup>126</sup> *Id.*, Appendix at 190.

Survey data. This information revealed that there are 24 Census Block Groups within the Project area that fall within one mile of the existing transmission line corridor. A review of ethnicity, income, age, and education census data identified populations within the study area that meet the VEJA threshold to be defined as Environmental Justice Communities (“EJ Communities”). Communities of color have been identified in fourteen Census Block Groups within the one-mile search area. Eight of twenty-four Census Block Groups within the one-mile search area appear to be low-income as defined by the VEJA. No Census Block Groups lack available income data.<sup>127</sup>

Pursuant to Code §§ 56-46.1 C and 56-259 C, there is a strong preference for the use of existing utility ROW whenever feasible. The Project is within the existing ROW or on Company-owned property and will not require any of the following: additional permanent or temporary ROW; the construction of a temporary line; or an increase in operating voltage.<sup>128</sup> As discussed above, the average structure height would increase by 7 feet from 77 feet to 85 feet, although height differences would vary per structural location. Based on the analysis of the rebuild Project, the Company does not anticipate disproportionately high or adverse impacts to the surrounding community and the EJ Communities located within the study area, consistent with the Project design to reasonably minimize impacts.<sup>129</sup>

In addition to its evaluation of impacts, the Company confirmed that it would continue to engage the EJ Communities and others affected by the Project in a manner that allows them to meaningfully participate in the Project development and approval process so that their views and input can be taken into consideration.<sup>130</sup>

Staff agrees with the Company’s assessment that the Project is not expected to result in disproportionately high or adverse impacts on EJ Communities.<sup>131</sup> Based upon the evidence, I conclude completion of the Project will not adversely impact any goal established by the VEJA.

### ***Revised Construction Plan***

The Company stated in rebuttal that, since filing the Application, further progress towards engineering design has necessitated a slightly revised construction plan. Staff did not note any objections to the Company’s revised plan, and the McBride Trust supported the plan, insofar as it affected Structure #260/7. The revised construction plan does not appear to materially alter the overall analysis of the Project, and I recommend that the Project be approved, as modified in the Company’s rebuttal.

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<sup>127</sup> *Id.*, Appendix at 191. As defined above, “VEJA” refers to the Virginia Environmental Justice Act.

<sup>128</sup> *Id.*

<sup>129</sup> Application, Appendix at 191.

<sup>130</sup> *Id.*

<sup>131</sup> Staff Report at 16.

## **FINDINGS AND RECOMMENDATIONS**

Based on the evidence received in this case, I **FIND** that:

(1) The 230 kV rebuild Project is needed so the Company can maintain the structural integrity and reliability of its transmission systems, consistent with sound engineering judgment;

(2) The Project will enhance reliable electric power delivery, thereby supporting economic development in the Project area;

(3) The Company reasonably considered the use of existing right-of-way for the Project;

(4) The Company reasonably demonstrated the proposed route – which uses only existing ROW and Company-owned property – avoids or reasonably minimizes impacts on scenic, historic, and environmental resources to the greatest extent reasonably practicable;

(5) The uncontested recommendations in the DEQ Report should be adopted by the Commission as conditions of the Project's approval;

(6) For any recommendations that Dominion sought to clarify in rebuttal, I recommend that the Commission accept the clarifications and require the Company to comply with those recommendations accordingly;

(7) The Company has a legal obligation to comply with all applicable state and federal laws and regulations.

(8) The Company should not be required to develop an invasive species management plan in addition to its already-existing IVMP;

(9) The Company should not be required to follow DCR-DNH's recommendations relating to the documented occurrence of the Sessile-leaf Tick-trefoil, including that the Company "conduct a survey of the documented occurrence" and "conduct an inventory for the Sessile-leaf Tick-trefoil in the study area and submit the results to DCR-DNH;"

(10) The Company should not be required to perform ROW restoration and maintenance beyond what is already required by its IVMP and standard maintenance practices;

(11) The Company should not be required to develop an EMS in addition to its already-existing EMS Manual;

(12) The Project does not represent a hazard to public health or safety;

(13) The Company reasonably considered the requirements of the VEJA in its Application; and

(14) The Project should be approved, as modified in the Company's rebuttal.

In accordance with the above findings, ***I RECOMMEND*** that the Commission enter an order:

1. ***ADOPTING*** the findings in this Report;
2. ***GRANTING*** the Company's Application to construct the proposed Project as specified above;
3. ***APPROVING*** the Company's request for a CPCN to authorize construction of the proposed Project as specified; and
4. ***DISMISSING*** this case from the Commission's docket of active cases.

### **COMMENTS**

The parties and Staff are advised that, pursuant to Rule 5 VAC 5-20-120 C of the Commission's Rules of Practice and Procedure ("Rules of Practice") and § 12.1-31 of the Code, any comments to this Report must be filed on or before December 3, 2024. To promote administrative efficiency, the parties are encouraged to file electronically in accordance with Rule 5 VAC 5-20-140 of the Commission's Rules of Practice. If not filed electronically, an original and fifteen (15) copies must be submitted in writing to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Any party filing such comments shall attach a certificate to the foot of such document certifying that copies have been served by electronic mail to all counsel of record and any such party not represented by counsel.

Respectfully submitted,




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Kati Dean  
Hearing Examiner

The Clerk of the Commission is requested to send a copy of this Report 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.