

COMMONWEALTH OF VIRGINIA  
STATE CORPORATION COMMISSION

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APPLICATION OF

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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**

**August 20, 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[;]"<sup>1</sup> and appointed a Hearing Examiner to conduct all further proceedings in the Combined Cases. By Hearing Examiner's Ruling of May 15, 2024 ("May 15<sup>th</sup> Ruling"), certain procedural deadlines initially established by the Commission for the Combined Cases were modified. Among other things, the May 15<sup>th</sup> Ruling postponed to September 18, 2024, the portion of the hearing wherein Dominion, the Staff of the Commission ("Staff"), 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");

<sup>1</sup> 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; 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 August 14, 2024, respondent testimony was due to be filed in the Combined Cases. This ruling addresses two motions related to the filing of respondent testimony.

*Loudoun County Motion to Cure*

On August 15, 2024, Loudoun County filed its Motion for Leave to Cure Defects in Prefiled Testimony (“Motion to Cure”). Therein, Loudoun County explained two issues with the testimonies of four witnesses that Loudoun County pre-filed, or attempted to pre-file, the previous day. First, due to technical difficulties with the Commission’s Case eFiling System, Loudoun County was unable to file, before the Commission’s Clerk’s Office closed on August 14, 2024, two witnesses’ testimonies in Case No. PUR-2024-00032 and all the testimonies in Case No. PUR-2024-00044. The Motion to Cure explained Loudoun County’s attempts to timely file the testimony, including consultation with the Commission’s Clerk’s Office about the eFiling issues, which were resolved around 5:10 p.m. on August 14, 2024. As a result, pursuant to Rule 140 of the Commission’s Rules of Practice and Procedure, 5 VAC 5-20-10 *et seq.* (“Rules of Practice”), most of the testimonies were considered filed on August 15, 2024.<sup>2</sup> Additionally, the Motion to Cure explained that late on August 14, 2024, Loudoun County became aware the attorney signature page and certificate of service had been inadvertently left out of all the testimonies, whether or not timely filed, contrary to Rule 20 of the Rules of Practice.<sup>3</sup> With the Motion to Cure, Loudoun County refiled all its direct testimonies and exhibits, with the previously missing attorney signature and certificate of service. Loudoun County requested the Commission grant the Motion to Cure and to accept the cured testimonies as timely filed and without defect.<sup>4</sup>

In support of its request, Loudoun County referenced § 8.01-271.1(G) of the Code of Virginia, which governs civil procedures in circuit court and provides that “[i]f a signature defect is timely and properly cured, the pleading, motion, or other paper shall be valid and relate back to the date it was originally served or filed.” Loudoun County also referred, among other things, to Rule 10 of the Commission’s Rules of Practice, which reads, “When necessary to serve the ends of justice in a particular case, the [C]ommission may grant, upon motion or its own initiative, a waiver or modification of any of the provisions of these rules, . . .”<sup>5</sup> Loudoun County reported that respondents, including Dominion, received Loudoun County’s pre-filed testimonies by email on August 14, 2024. Finally, Loudoun County reported that Staff; Visa U.S.A., Inc.; Lansdowne Conservancy; NA Dulles Real Estate Investor, LLC; Allan Myers VA, Inc.; JK Land Holdings, LLC; Leesburg Pike Community Church; and Dominion have no objections to the granting of the Motion to Cure and the relief sought therein.<sup>6</sup>

<sup>2</sup> Motion to Cure at 3-4.

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

<sup>4</sup> *Id.* at 5.

<sup>5</sup> *Id.* at 2-3.

<sup>6</sup> *Id.* at 5.

*Loudoun Water Motion to Certify Testimony*

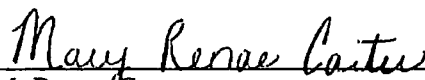
On August 16, 2024, Loudoun Water filed its Motion for Leave to Certify Pre-Filed Direct Testimony (“Motion to Certify Testimony”). Therein, Loudoun Water explained that on August 14, 2024, it pre-filed the testimonies of three witnesses, unintentionally omitting the attorney signature page and certificate of service from those testimonies, contrary to Rule 20 of the Rules of Practice.<sup>7</sup> Loudoun Water attached the attorney signature and certificate of service to the Motion to Certify Testimony, and requested the Commission grant the Motion to Certify Testimony and accept the attorney signature and certificate of service under Rules 20 and 140 of the Rules of Practice.<sup>8</sup>

In support of its request, Loudoun Water asserted no prejudice would result from the granting of the Motion to Certify Testimony since all parties were sent copies of the pre-filed testimony on August 14, 2024. Loudoun Water also reported that Staff; NA Dulles Real Estate Investor, LLC; Allan Myers VA, Inc.; JK Land Holdings, LLC; Leesburg Pike Community Church; Philadelphia-Baltimore-Washington Laborers’ District Council; and Dominion do not object to the granting of the Motion to Certify Testimony.<sup>9</sup>

Having considered these matters, I find that no party or Staff would be prejudiced by, and the ends of justice would be served by, the granting of the Motion to Cure and the Motion to Certify Testimony.<sup>10</sup> Accordingly,

**IT IS DIRECTED THAT:**

1. The Motion to Cure is granted, and Loudoun County’s pre-filed testimonies in the Combined Cases are accepted as timely filed and without defect; and
2. The Motion to Certify Testimony is granted, and Loudoun Water’s pre-filed testimonies in the Combined Cases are accepted as without defect.

  
 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

<sup>7</sup> Motion to Certify Testimony at 1-2 (unnumbered).

<sup>8</sup> *Id.* at 2 (unnumbered) and Attached Exhibit 1.

<sup>9</sup> *Id.* at 2 (unnumbered).

<sup>10</sup> The Office of Hearing Examiners received confirmation that Staff, whose testimony is due August 21, 2024, was not prejudiced by the filing defects.

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.

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