

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2024-00181

For approval and certification of electric transmission
facilities: 230 kV Line #2090 Extension and
Tributary Switching Station

FINAL ORDER

On October 1, 2024, Virginia Electric and Power Company (“Dominion” or “Company”) filed with the State Corporation Commission (“Commission”) an application (“Application”) for approval and certification of electric transmission facilities in the County of Spotsylvania, Virginia.¹ 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.*

Through its Application, the Company proposed to complete the following (collectively, “Project”):²

- Construct a new 230 kilovolt (“kV”) delivery point (“DP”) switching station (“Tributary Station”), which will provide interconnection to Rappahannock Electric Cooperative (“REC”) to serve its customer, the SpotsyTech Campus, a planned mixed-use technology park which includes a data center; and
- Extend the Company’s existing 230 kV Line #2090 (Fredericksburg — Ladysmith combustion-turbine (“CT”)) by constructing a new double circuit overhead 230 kV line on new approximately 100-foot-wide right-of-way by cutting the Company’s existing 230 kV Line #2090 (Fredericksburg — Ladysmith CT) at the

¹ Ex. 2 (Application) at 3.

² *Id.* at 3-4.

proposed Structure #2090/91A³ (“#2090 Tap”) (the new double circuit overhead 230 kV line is referred to as “230 kV Line #2090 extension”). The cut in will result in (i) new 230 kV Line #2404 from New Post to Tributary Station, and (ii) 230 kV Line #2090 from Ladysmith CT to Tributary Station.⁴ From the cut-in location at the #2090 Tap, the 230 kV Line #2090 extension will extend for approximately 2.4 miles to the Tributary Station.

Dominion asserted that the Project is necessary to provide requested transmission service to REC to serve the planned SpotsyTech Campus in Spotsylvania; to maintain reliable service for the overall growth in the load area; and to comply with mandatory North American Electric Reliability Corporation (“NERC”) Reliability Standards.⁵ Dominion represented that on November 21, 2023, the Company received a DP request from REC for a new 230 kV DP to serve the SpotsyTech Campus, and that the DP request ultimately projects a load of 295 megawatts (“MW”) by 2032, with the initial load being 7 MW.⁶

Dominion stated that the Company identified an approximately 2.4-mile overhead proposed route from Structure #2090/91A to the proposed Tributary Station (the “Proposed Route”), as well as two overhead alternative routes (“Alternative Route 3” and “Alternative Route 4”).⁷ The Company represented that the total length of Alternative Route 3 is

³ According to the Application, “Structure #2090/91A is a proposed structure to be constructed between existing Structures #2090/91 and #2090/92 of Line #2090.” *Id.* at 3 n.1.

⁴ Dominion represents that segments of Line #2090 (Fredericksburg — Ladysmith CT) will be renumbered several times because of other projects in the Fredericksburg — Ladysmith CT corridor. *Id.* at 3 n.2. Specifically, the Company stated that Line #2090 will be renumbered to 230 kV Line #2301 between Fredericksburg and Lee’s Hill Substations, and to 230 kV Line #2335 between Lee’s Hill and New Post Substations. *Id.* Dominion further states that after the Project is completed, 230 kV Line #2090 will again be renumbered to Line #2404 between New Post and Tributary Stations, with existing 230 kV Line #2090 extending between Tributary Station and Ladysmith CT only. *Id.*

⁵ *Id.* at 4.

⁶ *Id.*

⁷ *Id.*

approximately 2.8 miles from the #2090 Tap to the Tributary Station, and that the total length of Alternative Route 4 is approximately 3.0 miles from Structure #2090/82 of existing 230 kV Line #2090 to the Tributary Station.⁸

The Company's desired in-service target date for the Project is April 1, 2027.⁹ The Company estimated that it will take approximately 21 months after a final order from the Commission for detailed engineering, materials procurement, permitting, real estate, and construction of the Project.¹⁰ Dominion represented that the total estimated conceptual cost of the Project along the Proposed Route is approximately \$32.3 million, which includes approximately \$20.6 million for transmission-related work and approximately \$11.7 million for station-related work (in 2024 dollars).¹¹

On October 31, 2024, the Commission issued an Order for Notice and Hearing, which, among other things: docketed the Company's Application; established a procedural schedule; directed Dominion to provide notice of its Application to interested persons and the public; scheduled a public witness hearing and an evidentiary hearing for the purpose of receiving testimony and evidence on the Application; provided interested persons an opportunity to file comments on the Application or participate as respondents; directed the Commission's Staff ("Staff") to investigate the Application and file testimony and exhibits containing its findings and recommendations; and appointed a Hearing Examiner to conduct all further proceedings in this matter on behalf of the Commission and file a final report.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

Staff requested that the Department of Environmental Quality (“DEQ”) coordinate an environmental review of the proposed Project by the appropriate agencies and provide a report on the review.¹² On November 27, 2024, DEQ filed its report on Dominion’s Application (“DEQ Report”), which includes the Wetland Impact Consultation provided by DEQ’s Office of Wetlands and Stream Protection.

On February 18, 2025, Staff filed the testimony of Schuyler M. Ingram with an attached Staff Report. On March 4, 2025, Dominion filed its rebuttal testimony.¹³ No notices of participation were filed. The Commission received two timely public comments on the Company’s Application.

A public evidentiary hearing was convened in the Commission’s courtroom on March 18, 2025, to receive testimony and evidence offered by Dominion and Staff on the Application. No public witnesses signed up to testify.¹⁴

On April 21, 2025, the Hearing Examiner issued the Report of Bryan D. Stogdale, Hearing Examiner (“Report”). In the Report, the Hearing Examiner made the following findings:¹⁵

- (1) The Company established the need for the Project to provide interconnection to REC to serve its customer, the SpotsyTech Campus; to maintain reliable

¹² Letter from Michael Zielinski, State Corporation Commission, dated October 8, 2024, to David L. Davis, Department of Environmental Quality, filed in Case No. PUR-2024-00181; Letter from Michael Zielinski, State Corporation Commission, dated October 8, 2024, to Bettina Rayfield, Department of Environmental Quality, filed in Case No. PUR-2024-00181.

¹³ On March 7, 2025, Bettina Rayfield, Manager, Environmental Impact Review and Long-Range Priorities Program for DEQ, filed a letter with the Commission providing “additional clarification” regarding the appropriate Virginia Stormwater Management Program (“VSMP”) authority for the Project. According to Ms. Rayfield, DEQ is the VSMP authority for the Project unless the Company chooses not to submit DEQ Standards and Specifications for the Project, in which case the locality (Spotsylvania County) would be the VSMP authority. Ex. 10 (DEQ Clarification Letter).

¹⁴ Tr. at 6.

¹⁵ Report at 25.

service for the overall load growth in the Project area; and to comply with mandatory NERC Reliability Standards.

- (2) The Project will assure reliable bulk electric power delivery and result in positive economic impacts associated with the construction and operation of the SpotsyTech Campus, thereby supporting economic development in the Project area.
- (3) Existing rights-of-way cannot adequately serve the identified need for the Project.
- (4) The Proposed Route constitutes the preferred routing alternative for the transmission line component of the Project and should be approved by the Commission.
- (5) The Company reasonably demonstrated the Project, using the Proposed Route, avoids or reasonably minimizes impacts on scenic assets, and historic, cultural, and environmental resources to the greatest extent reasonably practicable.
- (6) There is sufficient record evidence that the Project does not represent a hazard to public health or safety.
- (7) The uncontested recommendations in the DEQ [Report's] Summary of Findings and Recommendations should be adopted by the Commission as conditions of the Project's approval.
- (8) As an additional condition of approval, the Commission should require the Company to ensure that wells on private property are plotted and called out on the erosion and sediment control plan for the Project.
- (9) The Company reasonably considered the requirements of the [Virginia Environmental Justice Act]¹⁶ in its Application.
- (10) The Commission should approve a Project in-service date of April 1, 2027. For good cause shown, the Company [should] be granted leave to apply to the Commission for an extension of the approved in-service date no later than 90 days before the approved in-service date.

On May 12, 2025, Staff filed a letter stating that Staff had reviewed the Report and supports the findings and recommendations therein.

¹⁶ Code § 2.2-234.

Also on May 12, 2025, Dominion filed comments (“Dominion Comments”) on the Report. In its comments, Dominion stated that the Company agrees with the Hearing Examiner’s recommendations with one exception.¹⁷ Dominion clarified that the Company contested one of the DEQ Report’s recommendations—specifically, the Department of Wildlife Resources’ (“DWR”) recommendation that tree removal and ground clearing activities related to the Project should adhere to time of year restrictions (“TOYR”) outside of the primary songbird nesting season, which lasts from March 15 to August 15.¹⁸ Dominion noted that although its rebuttal testimony set forth the Company’s objections to being subject to such TOYR, the Report did not explicitly address the Company’s request that the Commission reject this particular recommendation.¹⁹ The Company noted that the Commission has rejected comparable TOYR recommendations in prior cases.²⁰

NOW THE COMMISSION, having considered this matter, is of the opinion and finds as follows.

¹⁷ Dominion Comments at 3.

¹⁸ *Id.* (citing Ex. 9 (DEQ Report) at 24).

¹⁹ *Id.* (citing Ex. 11 (Dupont Rebuttal) at 10-12).

²⁰ *Id.* at 3-4 (citing *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. Rept. 269, 275, Final Order (June 14, 2023); *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. Rept. 280, 286-87, Final Order (May 31, 2022)).

Hearing Examiner's Report

After analyzing the law and weighing the evidence – and providing a thorough and detailed analysis thereof – the Hearing Examiner recommended that the Commission enter an order that:²¹

- (1) **ADOPTS** the findings in [the] Report;
- (2) **AUTHORIZES** Dominion to construct and operate the proposed Project subject to the conditions recommended [in the Report];
- (3) **ISSUES** the appropriate [certificates of public convenience and necessity “CPCN(s)”] for the Project;
- (4) **DIRECTS** the Project to be constructed and in service by April 1, 2027; and
- (5) **DISMISSES** this case from the Commission’s docket of active cases.

Upon consideration of this matter, the Commission concludes that the Hearing Examiner’s findings and recommendations are supported by the law and the evidence, have a rational basis, and should be adopted. Additionally, the Commission finds, consistent with prior cases, that the Company should not be required to adhere to the DWR’s recommended TOYR outside the songbird nesting season.²² The Commission further finds that the public convenience and necessity requires the construction of the Project and that a CPCN authorizing the Project should be issued, subject to the recommended findings and conditions contained in the Report.²³

²¹ Report at 25-26.

²² Dominion Comments at 3-4 (citing *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. Rept. 269, 275, Final Order (June 14, 2023); *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. Rept. 280, 286-87, Final Order (May 31, 2022)).

²³ The Commission has fully considered the evidence and arguments in the record. *See also Board of Supervisors of Loudoun County v. State Corp. Comm’n*, 292 Va. 444, 454 n.10 (2016) (“We note that even in the absence of this

Accordingly, IT IS ORDERED THAT:

(1) The Commission adopts the Hearing Examiner's findings and recommendations in the Report.

(2) The Hearing Examiner's recommendations as set forth in the Report are ordered.

(3) Dominion is not required to adhere to the DWR's recommended TOYR outside the songbird nesting season in connection with the Project.

(4) Dominion is authorized to construct and operate the Project as proposed in its Application.

(5) Pursuant to §§ 56-46.1, 56-265.2, and related provisions of Title 56 of the Code, the Company's request for approval of the necessary CPCN to construct and operate the Project is granted as provided for herein.

(6) Pursuant to the Utility Facilities Act, § 56-265.1 *et seq.* of the Code, the Commission issues the following CPCN to Dominion:

Certificate No. ET-DEV-FBX/SPO-2025-D, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines in Spotsylvania County and the City of Fredericksburg, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUR-2024-00181 and cancels Certificate No. ET-DEV-FBX/SPO-2025-C, issued to Virginia Electric and Power Company in Case No. PUR-2024-00159 on May 28, 2025.

(7) Within thirty (30) days from the date of this Final Order, the Company shall provide to the Commission's Division of Public Utility Regulation electronic maps for the foregoing Certificate Number that show the routing of the transmission lines approved herein. Maps shall

representation by the Commission, pursuant to our governing standard of review, the Commission's decision comes to us with a presumption that it considered all of the evidence of record.") (citation omitted).

be submitted to Michael Cizenski, Deputy Director, Division of Public Utility Regulation,
mike.cizenski@scc.virginia.gov.

(8) Upon receiving the maps directed in Ordering Paragraph (7), the Commission's Division of Public Utility Regulation forthwith shall provide the Company copies of the CPCN issued in Ordering Paragraph (6) with the maps attached.

(9) The Project approved herein must be constructed and in service by April 1, 2027. No later than ninety (90) days before the in-service date approved herein, for good cause shown, the Company is granted leave to apply, and to provide the basis, for any extension requested.

(10) This matter is dismissed.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.