

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2020-00239

For approval and certification of electric
transmission facilities: Allied-Chesterfield 230 kV
Transmission Line #2049 Partial Rebuild Project

FINAL ORDER

On October 14, 2020, Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") an application for approval and a certificate of public convenience and necessity ("CPCN") to construct and operate electric transmission facilities in Chesterfield County, Virginia ("Application"). Dominion filed the Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et seq.*

Dominion seeks to rebuild, entirely within existing right of way, an approximately 2.9 mile section of existing 9.9 mile long 230 kilovolt ("kV") Allied-Chesterfield Line #2049, which is located between Structures #2049/20 and Structure #2049/37 in Chesterfield County, Virginia (the "Rebuild Project").¹ Specifically, the Company states that the Rebuild Project will include the rebuild of 16 existing transmission towers (Structures #2049/21 through #2049/36).² Additionally, between Structures #2049/20 and Structure #2049/37, the Rebuild Project will

¹ Application at 2.

² *Id.*

include the transfer of four of the six existing sub-conductors to the new structures to be re-used, and the installation of two new sub-conductors.³

Dominion states that the Rebuild Project is necessary to maintain the structural integrity and reliability of its transmission system in compliance with mandatory North American Electric Reliability Corporation Reliability Standards.⁴ The Company further states that the Rebuild Project will replace aging infrastructure that is at the end of its service life.⁵

The Company states that the desired in-service date for this project is April 15, 2022.⁶ The Company represents that the estimated conceptual cost of the Rebuild Project (in 2020 dollars) is approximately \$4.8 million, all for transmission-related work.⁷

On November 2, 2020, the Commission issued an Order for Notice and Comment ("Procedural Order"), which, among other things, docketed the Application, directed Dominion to publish notice of its Application, and invited comments, notices of participation, and requests for hearing from interested persons. The Order further directed the Commission Staff ("Staff") to investigate the Application and to file a Staff Report containing Staff's findings and recommendations.

No written public comments, notices of participation, or requests for hearing were filed.

As also directed in the Procedural Order, Staff requested the Department of Environmental Quality ("DEQ") to coordinate an environmental review of the Rebuild Project by

³ *Id.*; Application Appendix II.B.2.

⁴ Application at 2.

⁵ *Id.* at 2-3.

⁶ *Id.* at 3.

⁷ *Id.*

the appropriate agencies and to provide a report on the review. On December 15, 2020, DEQ filed its report ("DEQ Report"), which included a Wetlands Impact Consultation prepared by DEQ. The DEQ Report provides general recommendations for the Commission's consideration that are in addition to any requirements of federal, state, or local law. Specifically, the DEQ Report contains the following Summary of Recommendations regarding the Rebuild Project.

According to the DEQ Report, the Company should:

- Follow DEQ's recommendations for construction activities to avoid and minimize impacts to wetlands to the maximum extent possible;
- Follow the Virginia Marine Resources Commission's recommendation to initiate a new review with the agency, should the proposed project change;
- Follow DEQ's recommendations regarding air quality protection, as applicable;
- Reduce solid waste at the source, reuse it and recycle it to the maximum extent practicable, as applicable;
- Coordinate with the Department of Conservation and Recreation's Division of Natural Heritage to obtain an update on natural heritage information;
- Coordinate with the Department of Wildlife Resources ("DWR") regarding its recommendations to minimize adverse impacts from linear utility projects;
- Coordinate with the Department of Historic Resources regarding whether the steel monopoles will be weatherized brown to minimize impacts further;
- Coordinate with the Department of Health regarding its recommendations to protect public drinking water sources;
- Coordinate with the Virginia Outdoors Foundation if the project area changes or the project does not start for 24 months;
- Follow the principles and practices of pollution prevention to the maximum extent practicable; and

- Limit the use of pesticides and herbicides to the extent practicable.⁸

On February 26, 2021, Staff filed testimony along with an attached report ("Staff Report") summarizing the results of its investigation of Dominion's Application. Staff concluded that Dominion has reasonably demonstrated the need for the proposed Rebuild Project to continue providing reliable electric transmission service.⁹ Staff, therefore, did not oppose the issuance of the CPCN requested in the Company's Application.¹⁰

On March 12, 2021, Dominion filed its rebuttal testimony. In its rebuttal, the Company did not object to most of the recommendations included in the DEQ Report but requested that the Commission reject two of DEQ's recommendations.¹¹

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that the public convenience and necessity require that the Company construct the Rebuild Project. The Commission finds that a CPCN authorizing the Rebuild Project should be issued subject to certain findings and conditions contained herein.

Approval

The statutory scheme governing the Company's Application is found in several chapters of Title 56 of the Code.

Section 56-265.2 A 1 of the Code provides that "it shall be unlawful for any public utility to construct . . . facilities for use in public utility service . . . without first having obtained a

⁸ DEQ Report at 5-6.

⁹ Staff Report at 21.

¹⁰ *Id.*

¹¹ *See* Studebaker Rebuttal at 2.

certificate from the Commission that the public convenience and necessity require the exercise of such right or privilege."

Section 56-46.1 of the Code further directs the Commission to consider several factors when reviewing the Company's Application. Subsection A of the statute provides that:

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 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 Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, . . . and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

Section 56-46.1 B of the Code further provides that "[a]s a condition to approval the Commission shall determine that the line is needed and that the corridor or route the line is to follow will reasonably minimize adverse impact on the scenic assets, historic districts and environment of the area concerned."

The Code further requires that the Commission consider existing right of way ("ROW") easements when siting transmission lines. Section 56-46.1 C of the Code 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, § 56-259 C of the Code provides that "[p]rior 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."

Public Convenience and Necessity

Dominion represents that the Rebuild Project is necessary to replace aging infrastructure that is at the end of its service life to comply with the Company's mandatory transmission planning criteria, thereby enabling the Company to maintain the overall long-term reliability of its transmission system.¹² Based on information provided by the Company, Staff agreed with the Company that the Rebuild Project is needed in order to continue providing reliable electric transmission service.¹³ The Commission finds that the Company's proposed Rebuild Project is needed to replace aging infrastructure, thereby enabling the Company to maintain the overall long-term reliability of its transmission system.

Economic Development

The Commission finds that the evidence in this case demonstrates that the Rebuild Project will support reliable power throughout Virginia, thereby facilitating economic growth in the Commonwealth by continuing to provide reliable electric service.¹⁴

Rights-of-Way and Routing

Dominion has adequately considered usage of existing ROW. The Rebuild Project, as proposed, would be constructed on existing ROW or on Company-owned property, with no additional ROW required.¹⁵

¹² See Application at 2-3.

¹³ Staff Report at 3-10.

¹⁴ See *id.* at 20.

¹⁵ See Application Appendix at 47. The Company represented that no alternative routes were thus proposed for the Rebuild Project. *Id.* at 51.

Scenic Assets and Historic Districts

As noted above, the Rebuild Project would be constructed on existing ROW already owned and maintained by Dominion. The Commission finds that this will minimize adverse impacts on scenic assets and historic districts in the Commonwealth of Virginia as required by § 56-46.1 B of the Code.¹⁶

Environmental Impact

Pursuant to § 56-46.1 A and B of the Code, the Commission is required to consider the Rebuild Project's impact on the environment and to establish such conditions as may be desirable or necessary to minimize adverse environmental impacts. The statute further provides that the Commission shall receive and give consideration to all reports that relate to the Rebuild Project by state agencies concerned with environmental protection.

The Commission finds that there are no adverse environmental impacts that would prevent the construction or operation of the Rebuild Project. This finding is supported by the DEQ Report, as nothing therein suggests that the Rebuild Project should not be constructed.

There are, however, recommendations included in the DEQ Report for the Commission's consideration.¹⁷ The Company filed a response opposing several of these recommendations.

The Company recommends rejection of DWR's recommendation to conduct significant tree removal and ground clearing activities outside of the primary songbird nesting season.¹⁸

¹⁶ Application Appendix at 106-124; Staff Report at 15-17.

¹⁷ DEQ Report at 5-6. Dominion shall comply with all uncontested recommendations included in the DEQ Report. However, to the extent that Dominion and DEQ, or other appropriate state agency or municipality, reach agreement that certain recommendations included in the DEQ Report are not necessary or have been adequately addressed elsewhere, we find that Dominion need not comply with those specific recommendations.

¹⁸ DEQ Report at 16; Studebaker Rebuttal at 2-3.

Dominion states that it does not expect any ground clearing activities to be "significant."¹⁹ The Company agrees, however, to survey the relevant area for songbird nesting colonies if any significant clearing occurs during nesting season and will coordinate with DWR if any colonies are found.²⁰ We find that the Company shall coordinate with DWR to create appropriate construction restrictions in the event significant clearing activities occur and songbird colonies are found during a Company survey of the Rebuild Project area.

The Company also requests rejection of the DEQ recommendation to consider the development of an effective Environmental Management System ("EMS").²¹ The Company asserts that it already has a comprehensive 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."²² We find that the Company's existing EMS achieves the purpose of this recommendation.

Regarding the DEQ recommendation for the Company to coordinate with the Department of Historic Resources regarding whether the steel monopoles will be weatherized brown to minimize impacts further, the Company represents that it has reached out to the DHR to clarify that the Company's proposal is to use weathering steel structures.²³ We find, therefore, that this recommendation is not necessary.

¹⁹ Studebaker Rebuttal at 2.

²⁰ *Id.* at 2-3.

²¹ Studebaker Rebuttal at 3.

²² *Id.*

²³ Reid Rebuttal at 2.

Environmental Justice

In its Application, Dominion states that it reviewed minority, income, and education census data to identify populations within the study area that meet the U.S. Environmental Protection Agency thresholds for Environmental Justice protections ("EJ Communities").²⁴ The Company further asserts that the Rebuild Project will be constructed entirely within existing ROW and will not require additional temporary ROW, the construction of a temporary line, or an increase in operating voltage.²⁵ The Company states it does not anticipate disproportionately high or adverse impacts to the surrounding EJ communities.²⁶ In response to a concern noted in the Staff Report, the Company states that it will be prepared to provide additional details about how it addresses environmental justice concerns in the planning of transmission projects for which it seeks CPCNs.²⁷

Accordingly, IT IS ORDERED THAT:

(1) Dominion is authorized to construct and operate the Rebuild Project as proposed in its Application, subject to the findings and conditions imposed herein.

(2) 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 CPCNs to construct and operate the Rebuild Project is granted as provided for herein, subject to the requirements set forth herein.

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

²⁴ Application Appendix at 91.

²⁵ *Id.*

²⁶ *Id.*

²⁷ Parker Rebuttal at 4.

Certificate No. ET-DEV-CHE-2021-A, which authorizes Virginia Electric and Power Company under the Utility Facilities Act to operate certificated transmission lines and facilities in Chesterfield County, all as shown on the map attached to the certificate, and to construct and operate facilities as authorized in Case No. PUR-2020-00239, cancels Certificate No. ET-73x, issued to Virginia Electric and Power Company in Case No. PUR-2020-00014 on June 8, 2020.

(4) Within thirty (30) days from the date of this Final Order, the Company shall provide to the Commission's Division of Public Utility Regulation three copies of an appropriate map for each Certificate that shows the routing of the transmission lines approved herein.

(5) Upon receiving the maps directed in Ordering Paragraph (4), the Commission's Division of Public Utility Regulation forthwith shall provide the Company copies of the CPCNs issued in Ordering Paragraph (3) with the maps attached.

(6) The Rebuild Project approved herein must be constructed and in service by May 1, 2022. No later than 90 days before the in-service date approved herein, except for good cause shown, the Company is granted leave to apply, and to provide the basis, for any extension request.

(7) 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.