



Commonwealth of Virginia

STATE CORPORATION COMMISSION

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October 31, 2025

BY ELECTRONIC MAIL

The Honorable R. Creigh Deeds
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The Honorable T. Travis Hackworth
Member, Senate of Virginia
Patron of SB 1022
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The Honorable Susan Clarke Schaar
Clerk of the Senate of Virginia
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Dear Chairman Deeds, Senator Hackworth and Ms. Schaar:

This correspondence provides the background and conclusions of a comprehensive study performed by the Division of Public Utility Regulation (“Division”) of the State Corporation Commission (“SCC” or “Commission”) on the subject matter contained in [Senate Bill 1022](#) and the efficiencies and effectiveness of the current process for obtaining a Certificate of Public Convenience and Necessity (“CPCN”) for transmission projects in Southwest Virginia Planning Districts 1, 2, and 3 at the request of the Senate Committee on Commerce and Labor and Senator Travis Hackworth.

Background

On January 23, 2025, Senator Hackworth submitted a letter to Senator Creigh Deeds, Chair of the Senate Committee on Commerce and Labor, requesting that Senate Bill 1022 (“SB 1022”) be continued to the 2026 legislative session. As stated in that letter, SB 1022 pertained to efficiencies in the processes for

obtaining a CPCN for transmission development in Southwest Virginia. Specifically, SB 1022 sought to limit such CPCN proceedings to nine months.¹

In addition to requesting its continuance, Senator Hackworth recommended that the bill be referred to the Commission for a comprehensive study on the efficiency and effectiveness of the CPCN process within Planning Districts 1, 2, and 3.² The letter cited a need to evaluate whether the current CPCN process adequately balances equitable energy access with the timely and efficient review of necessary projects in Southwest Virginia.

In response to Senator Hackworth's letter, on March 7, 2025, the Chair of the Senate Committee on Commerce and Labor submitted a letter to the Commission, formally requesting a review of the issues contained in SB 1022, and to provide any written reports to the appropriate committee chair and bill patron, by November 1, 2025.

Copies of both letters are provided as Attachment 1 to this document.

The Commission provides the instant report, which is organized as follows:

1. Relevant Code of Virginia ("Code") statutes and Commission Staff Guidelines pertinent to Commission review of transmission line CPCN cases.
2. Application of the Division of Public Utility Regulation's ("PUR" or the "Division") *Guidelines for Transmission Line Applications_Filed Under Title 56 of the Code of Virginia* ("Filing Guidelines").³
3. The Commission's review process for transmission line CPCN cases.
4. Analysis of historical CPCN case timelines.
5. Transmission line proceedings in Southwest Virginia Planning Districts 1, 2, and 3 that involved extended procedural timelines.
6. Balancing equitable energy access with the Commission's timely and efficient review of necessary CPCN transmission Projects.
7. Conclusions

Existing Statutes and the Commission Staff's Guidelines

The review and approval of electric transmission lines in Virginia, particularly those that operate at 138 kilovolts ("kV") voltage level and above, are governed by several statutes in the Code. Code § 56-265.2 A 2 affords operators of proposed transmission lines in Southwest Virginia operating at exactly

¹ To Staff's understanding, this bill provision would apply to transmission line projects located throughout the Commonwealth, and not only to those located in Southwestern Virginia.

² Planning District 1 includes Lee, Wise, and Scott counties. Planning District 2 includes Dickenson, Buchanan, Russell, and Tazewell counties. Planning District 3 includes Washington, Smyth, Bland, Wythe, Grayson, and Carroll counties.

³ Guidelines for Transmission Line Applications_Filed Under Title 56 of the Code of Virginia, dated August 10, 2017. <https://www.scc.virginia.gov/media/sccvirginiagov-home/regulated-industries/utility-regulation/responsibilities/guidance-documents/guidelines-for-transmission-line-applications.pdf>. CPCN applicants commonly follow this guidance to ensure their filings include sufficient information for Commission review of their applications.

138 kV the discretion in whether to obtain a CPCN from the Commission.⁴ Code § 56-265.2 requires that a proposed transmission line operating above 138 kV obtain a CPCN from the Commission prior to construction. Code § 56-265.2 exempts proposed transmission lines that are “ordinary extensions or improvements in the usual course of business” from having to obtain a CPCN. Commission Staff has authored a guidance document to assist utilities in making this determination.⁵

In addition to Code § 56-265.2, the Commission’s review of CPCN applications must also evaluate the following factors outlined in Code § 56-46.1:

- Consider the environmental impact of the proposed transmission line and establish conditions to minimize adverse effects on the environment, scenic assets, historic and cultural resources, including those identified by federally recognized Tribal Nations.
- Determine that the transmission line is needed and whether the chosen corridor or route reasonably minimizes adverse impacts to the greatest extent practicable on the scenic assets, historic and cultural resources recorded with the Department of Historic Resources, cultural resources identified by federally recognized Tribal Nations in the Commonwealth, and environment of the area concerned.
- Verify the applicant’s technical justification, including load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation.
- Consider reports from state environmental agencies and local comprehensive plans where requested by affected localities.
- Evaluate, upon request by local governments, the costs and economic benefits associated with underground placement of the line as well as potential impediments to timely construction.
- Consider the adequacy of existing rights-of-way for meeting the utility’s needs before approving new construction.
- Evaluate compliance with notice and hearing requirements to ensure affected property owners and localities receive appropriate notification and opportunity to comment on the project and any significantly altered routes.
- Consider the effect of the proposed facility on economic development in the Commonwealth, including furtherance of the economic and job creation objectives of the Commonwealth Clean Energy Policy (Code § 45.2-1706.1).
- Consider any improvements in service reliability that would result from construction of the facility.

When the SCC issues a CPCN for a transmission line pursuant to Code §§ 56-46.1 and 56-265.2, the project is by statute deemed to have satisfied any applicable local zoning ordinances and the requirements of Code § 15.2-2232. Although the statutory requirements do not require proceedings to be

⁴ A public utility seeking to construct a transmission line and associated facilities at *exactly* 138 kV line has the option to alternatively obtain approval pursuant to the requirements of (a) Code § 15.2-2232 and (b) any applicable local zoning ordinances by the locality or localities in which the transmission line will be located.

⁵ Staff Guidance on Ordinary vs. Non-Ordinary Extension Projects, dated July 6, 2017.
<https://www.scc.virginia.gov/media/sccvirginiagov-home/regulated-industries/utility-regulation/responsibilities/guidance-documents/staffguidanceordvsnonord.pdf>

completed within a specific timeframe, the Commission typically decides these types of cases, which require public notice, opportunities for public participation, coordination with the Department of Environmental Quality, as well as verification of load flow modeling, contingency analyses, and reliability needs and proposed method of installation, within nine months or less. Further, applicants also can – and sometimes do – request expedited consideration of their CPCN applications.

Importantly, it must be noted that the Commission’s CPCN review process is the same process used for all transmission line projects throughout the Commonwealth, with no unique processes applicable to those located specifically in Planning Districts 1, 2, and 3 in Southwestern Virginia.

Transmission Line Cases and Staff’s Filing Guidelines

Types of Transmission Line Cases

The Commission regularly reviews various types of transmission line cases under its jurisdiction. These reviews typically include new line builds required to support load growth or expand transmission capacity, as well as rebuilds of aging or inadequate infrastructure to maintain system reliability. In addition, some projects are proposed to ensure compliance with North American Electric Reliability Corporation (NERC) reliability standards, which govern the safe and reliable operation of the national bulk electric system. Another common case type involves generation interconnection tie lines (“Gen-Tie Lines”) needed to connect new electric generating facilities such as solar, wind, and offshore wind resources, to the transmission grid. Transmission line projects proposed for Southwestern Virginia may fall under one or more of the above case types.

These cases vary in scope and complexity but are all evaluated with consideration of public need, system reliability, environmental impact, and applicable regulatory requirements. For all case types, the Commission considers the applicant’s requested date for issuance of a CPCN for the proposed project.

Staff Filing Guidelines

The Staff Filing Guidelines provide CPCN applicants with the standard information required in transmission line applications submitted to the SCC such that the Commission may determine, evaluate, or consider the necessary statutory factors. Notable information required includes a justification of need for the proposed project, such as identified reliability issues, projected violations of utility and NERC reliability planning standard, and increased load forecasts. Other information required includes detailed descriptions of the proposed route, right-of-way acquisition, environmental and visual impacts, and line design.⁶ Applicants must also evaluate potential effects on scenic, historic, and natural resources, and coordinate the review thereof with relevant local, state, and federal agencies. The Filing Guidelines further emphasize minimizing disruption to surrounding areas through considerate design that considers environmental protection, electromagnetic field analysis, and adherence to environmental best practices.

Staff has also developed Supplemental Guidelines to the Staff Guidelines for Transmission Line Applications Applicable only to Projects Pursuant to Chapter 488 of the 2022 Virginia Acts of Assembly in furtherance of economic development and to expedite infrastructure investments in industrial sites

⁶ Although not explicitly requested in the Staff Filing Guidelines, applicants also include a discussion on environmental justice pursuant to Code § 2.2-234.

determined to be relevant and in high demand by the Virginia Economic Development Partnership.⁷ This process is available for transmission line projects proposed in Southwestern Virginia, to accelerate their CPCN review process, and potentially their overall deployment timelines.

SCC's CPCN Approval Process

The SCC's CPCN approval process begins once an applicant submits a formal application with the Commission. The Commission establishes a unique docket, the application is made available on the SCC website, and the Commission issues a scheduling order that outlines key procedural deadlines and imposes public notice obligations on the applicant. The Commission's scheduling order typically comes in one of two forms. Both require public notice of the Application, pursuant to applicable law. Publication of notice is typically prescribed at least three weeks after the scheduling order is issued to satisfy publication requirements at local newspapers. For applications where the project's impacts appear minimal,⁸ the Commission may issue an Order for Notice and *Comment*. For all other case types, the Commission issues an Order for Notice and *Hearing*. Proceedings established via an Order for Notice and Comment generally result in shorter procedural timelines as the proceeding does not initially include a formal evidentiary hearing, although such procedural orders note that interested persons may request one in the case. In contrast, an Order for Notice and Hearing includes a formal evidentiary hearing as part of the initial established procedural schedule. The public notice obligations described in each scheduling order typically include newspaper advertisements, direct mail to property owners, and updates posted to a project-specific website hosted by the applicant. At this stage, members of the public and interested stakeholders may submit written comments or file a notice of participation to become formal parties in the case.

Following issuance of the Commission's order establishing the proceeding, the discovery process begins. During this period, case participants such as Commission Staff and respondents may submit data requests to the applicant and other parties. At this time, the Staff also initiates an environmental review process through the DEQ, which coordinates input from multiple state agencies such as the Department of Historic Resources ("DHR"), the Department of Conservation and Recreation, and the Department of Wildlife Resources. These agencies evaluate potential impacts on natural resources, historic properties, recreational areas, and conservation lands. As part of a memorandum of agreement with the SCC, the DEQ has 60 days to complete its review and submit a report that is ultimately filed in the case docket. As directed by the procedural order, Staff conducts a thorough review of the technical, environmental, and legal aspects of the application. Such review includes Staff's verification of the applicant's power flow analysis performed by the applicant or PJM Interconnection, LLC⁹ ("PJM"), to support the need for the project and Staff's review of the DEQ's report.¹⁰ Other formal participants may submit testimony in support of, or in opposition to, the proposed project. Such participants are permitted sufficient time to review the DEQ

⁷ <https://www.scc.virginia.gov/media/sccvirginiagov-home/regulated-industries/utility-regulation/responsibilities/guidance-documents/894-supplemental-guidelines.pdf>

⁸ For example, a rebuild of a line in existing right-of-way with structures of approximately the same size.

⁹ PJM is the regional transmission organization that coordinates the movement of wholesale electricity and manages the reliability of the transmission grid serving Virginia and much of the mid-Atlantic region. PJM provides open access to the transmission system, centrally dispatches electric generation, oversees long-term transmission system planning, and operates competitive wholesale energy and capacity markets that Virginia utilities participate in as part of the broader PJM footprint.

¹⁰ Code § 56-46.1 B requires, among other things, that the Commission verify the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation.

report and Application and are typically directed to submit testimony approximately 6 weeks prior to the hearing, if scheduled, or the end of the comment period. The Commission's procedural Order directs Staff to file its testimony or a Staff Report containing its findings and recommendations approximately two to three weeks after formal participants have had an opportunity to file their testimony. The Commission's procedural order typically sets a deadline approximately two weeks later for the applicant to respond by submitting rebuttal testimony.

In addition to receiving written comments and testimony, the SCC may hold one or more local public hearings in communities affected by the proposed transmission line. In situations where a proposed transmission line is likely to be contentious, the Commission may schedule a local public hearing in its initial procedural order. Otherwise, in accordance with § 56-46.1 C, the Commission will hold a local public hearing if requested by the local governing body or by 20 or more residents of the area. These local hearings provide a more convenient opportunity for residents and local officials to express their views on a proposed project. If the case is scheduled for a formal evidentiary hearing, testimony is presented under oath and witnesses are subject to cross-examination. A Hearing Examiner often presides over this hearing and will request briefs or oral arguments before issuing a written report containing findings of fact and recommendations to the Commission. If briefs are directed, they are typically due a few weeks after the hearing to permit the court reporter to publish the transcript of the hearing, which the participants can use in such briefs.

Once the Hearing Examiner's report is issued, which is usually at least three weeks after the hearing and longer if the Hearing Examiner directed briefs, the applicant, Staff, and other parties have an opportunity to submit written comments within twenty-one days addressing the report's findings and recommendations. After considering the full case record, including the application, agency input, public comments, testimony, legal briefs, and the Hearing Examiner's Report, the Commission issues a Final Order. If the project is approved, the Order includes the issuance of a CPCN, which grants the petitioner legal authority to construct and operate the proposed transmission facilities, usually within a prescribed sunset period.

Transmission Line CPCN Case Timelines

Staff performed an analysis of transmission line case timelines over the last four years. Between 2021 and 2024, the Commission received a total of 52 transmission line applications. Of these, 38 were submitted by Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion"), four by Appalachian Power Company ("APCo"), and ten by third-party solar developers. The Commission issued an "Order for Notice and Comment" in 14 cases and an "Order for Notice and Hearing" in 38 cases.

For these 52 cases, the average time duration from application filing date at the Commission to issuance of a Final Order was approximately 8 months and 18 days.¹¹

Of these 52 cases, 16 cases, or approximately 31%, exceeded a 9-month time frame between the application filing date and the date of issuance of a Final Order.

¹¹ Two cases have not received a Final Order as of the date of this letter. Two additional cases have been excluded: PUR-2024-00092 due to the withdrawal of the application by the applicant, and PUR-2021-00085 because the schedule was suspended and only reinitiated after the applicant filed an amended application following a nine-month delay.

The information below outlines the procedural schedule duration for each of the 16 cases that exceeded a 9-month time frame:

1. Six cases exceeded the 9-month time frame by less than a month:
 - PUR-2023-00110: 9 months and 3 days (Dominion – Henrico County)
 - PUR-2022-00163: 9 months and 14 days (APCo – Roanoke and Bedford Counties)
 - PUR-2023-00054: 9 months and 18 days (Dominion – Chesterfield County)
 - PUR-2021-00272: 9 months and 19 days (Dominion – Augusta County)
 - PUR-2024-00074: 9 months and 23 days (Dominion – Augusta and Rockingham Counties)
 - PUR-2022-00012: 9 months and 26 days (Dominion – Loudoun County)
2. Two cases exceeded the 9-month time frame by one to two months:
 - PUR-2024-00044: 10 months and 10 days (Dominion – Loudoun County)
 - PUR-2022-00179: 10 months and 23 days (Chester Solar – Chesterfield County)
3. The remaining eight cases exceeded the 9-month time frame by more than two months:
 - PUR-2024-00032: 11 months (Dominion – Loudoun County)
 - PUR-2024-00035: 11 months and 1 day (Dominion – Stafford County)
 - PUR-2022-00198: 11 months and 2 days (Dominion – Culpeper)
 - PUR-2023-00024: 11 months and 6 days (APCo – Patrick, Carroll, Floyd, and Henry Counties)
 - PUR-2021-00082: 12 months and 2 days (Dominion – Hanover and Caroline Counties)
 - PUR-2024-00135: 12 months and 13 days (Dominion – Fairfax County)
 - PUR-2024-00107: 13 months and 8 days (Pulaski Solar – Pulaski County)
 - PUR-2023-00029: 14 months and 27 days (Dominion – Prince William County)

Transmission Line Cases in Planning Districts 1, 2, and 3

Given the limited number of CPCN transmission line cases in Planning Districts 1, 2, and 3, Staff extended the range of its comprehensive timeline review of such applications from the past 4 years to the past 10 years, *i.e.*, to cases filed since 2015. This review identified that:

- Six were located in Planning Districts 2 and 3 as follows:
 - Tazewell-Bearwallow 138 kV Rebuild Project (Case No. PUE-2015-00021) (“Tazewell-Bearwallow Project”), located in Tazewell County; and
 - Bland Area Improvements 138 kV Transmission Line Project (Case No. PUE-2015-00090) (“Bland Area Project”), located in Bland, Tazewell, and Wythe Counties.¹²
 - South Abingdon 138 kV Transmission Line Project (Case No. PUE-2016-00011) (“South Abingdon Project”), located in the Town of Abingdon and Washington County;
 - Glendale Area Improvements 138 kV Transmission Line Project (Case No. PUR-2018-00188) (“Glendale Area Project”), located in Carroll County and the City of Galax;
 - Stuart Area Transmission Improvements Project¹³ (Case No. PUR-2023-00024) (“Stuart Area Project”) located in Patrick, Carroll, Floyd, and Henry Counties; and
 - Abingdon 138 kV Substation Transmission Project (Case No. PUR-2024-00169) (“Abingdon Project”) located in Washington County.

¹² The Bland Area Project impacts Planning Districts 2 and 3.

¹³ This project also impacted Planning Districts 4 and 12.

- No projects were located in Planning District 1.

All of the above projects were submitted by APCo.

Staff's Analysis of the Transmission Line Cases in Planning Districts 1, 2, and 3

The application for the Tazewell-Bearwallow Project was filed on March 15, 2015. This case was not set for an evidentiary hearing. The project involved rebuilding approximately 12.5 miles of an existing 69 kV transmission line to 138 kV, with about 7.8 miles located in Virginia, along with associated substation improvements at APCo's existing Tazewell and Bearwallow Substations. Approximately six months elapsed between the filing of the application and the issuance of a Final Order on September 14, 2015. APCo had not requested a specific date for the issuance of the Final Order.

The application for the Bland Area Project was filed on September 15, 2015, and the case was set for an evidentiary hearing. The project involved constructing 25.2 miles of new 138 kV transmission line and replacing an existing 69 kV substation with a new 138 kV substation. Approximately nine months elapsed between the filing of the application and the issuance of a Final Order on June 7, 2016. APCo had not requested a specific date for issuance of a Final Order.

The application for the South Abingdon Project was filed on March 7, 2016, and the case was set for local and evidentiary hearings. This highly controversial project involved constructing a new 3.8-mile-long 138 kV double circuit transmission line across an active local airport runway, and it ultimately required partial underground construction. Approximately 19 months elapsed between the filing of the application and the issuance of a Final Order on October 20, 2017. APCo had not requested a specific date for issuance of a Final Order.

The application for the Glendale Area Project was filed on December 20, 2018, and the case was set for a hearing. The project included construction of a new 2.0-mile 138 kV transmission line, a new substation, a 0.5-mile relocation and extension of a 69 kV transmission line, and substation work at two existing substations. Approximately nine months elapsed between the filing of the application and the issuance of a Final Order on September 13, 2019. APCo had not requested a specific date for issuance of a Final Order.

The application for the Stuart Area Project was filed on July 7, 2023, and the case was set for evidentiary hearing. The project involved rebuilding/upgrading approximately 47.5 miles of transmission lines, constructing approximately 24.5 miles of new transmission lines and four substations, retiring four substations and one switching station, and retiring approximately 32 miles of existing transmission lines. Approximately 11 months elapsed between the filing of the application and the issuance of a Final Order on June 24, 2024. APCo had not requested a specific date for issuance of a Final Order.

The application for the Abingdon Project was filed on October 29, 2024. This case was not set for evidentiary hearing. The project involved upgrading an existing substation, rebuilding approximately 1 mile of transmission lines, and terminating an existing transmission line that previously bypassed a substation. Approximately six months elapsed between the filing of the application and the issuance of the Final Order on April 22, 2025. APCo had not requested a specific date for issuance of a Final Order.

Cases involving Timeline Extensions

Among the transmission line cases noted above in Planning Districts 1, 2, and 3, three involved some form of procedural schedule extension: Case Nos. PUE-2015-00021, PUE-2015-00090, and PUE-2016-00011. A more detailed discussion of each case is provided below.

Case No. PUE-2015-00021 (Tazewell-Bearwallow Project)

On March 15, 2015, APCo submitted an application for a CPCN to construct and operate the Virginia portion of the Tazewell-Bearwallow Project, which spans Tazewell County, Virginia, and McDowell County, West Virginia.

An Order for Notice and Comment was issued on April 20, 2015, which did not schedule an evidentiary hearing. The Order set a deadline of July 14, 2015, for the Staff Report. On July 9, 2015, Staff filed a motion requesting a four-week extension, citing the need for additional time to complete the report. The motion also requested a corresponding extension for APCo's response deadline. On July 13, 2015, the Commission granted the requested extension, moving the Staff Report deadline to August 11, 2015.

As previously noted, a Final Order was issued on September 14, 2015, 6 months and 1 day after the application was filed.

Case No. PUE-2015-00090 (Bland Area Project)

On September 15, 2015, APCo submitted an application for a CPCN to construct and operate transmission facilities in Bland and Wythe Counties. The project involved rebuilding the Virginia portion of the existing South Bluefield–Bland–Wythe 69 kV transmission line to 138 kV standards.

An Order for Notice and Hearing was issued on October 9, 2015, initially scheduling the evidentiary hearing for February 23, 2016. On November 12, 2015, APCo filed a Motion for a Revised Procedural Schedule after discovering that the newspaper notice had inadvertently omitted the sketch map of the proposed route. APCo requested a revised schedule to address this oversight. The Hearing Examiner granted the request on November 16, 2015, and rescheduled the evidentiary hearing for April 12, 2016.

Separately, on January 19, 2016, a group of 36 individuals (collectively referred to as "Local Residents") filed a Motion to File a Late Notice and Notice of Participation in the case. In response, the Hearing Examiner issued a ruling on February 2, 2016, recognizing the motion as indicative of substantial local interest. As a result, a local hearing was scheduled in Bland County, Virginia, on April 7, 2016, to receive public witness testimony.

As previously mentioned, a Final Order was issued on June 7, 2016, approximately 9 months and 4 days after the application was filed.

Case No. PUE-2016-00011 (Glendale Area Project)

On March 7, 2016, APCo submitted an application for a CPCN to construct and operate transmission facilities in Washington County and the Town of Abingdon. The project included the construction of a new 3.8-mile, 138 kV transmission line and a new South Abingdon Substation.

An Order for Notice and Hearing was issued on April 5, 2016, initially scheduling the evidentiary hearing for September 7, 2016, and a local public hearing for June 27, 2016. On June 29, 2016, APCo filed a Motion for a Revised Procedural Schedule after discovering that the required newspaper notice had not

been published in the primary newspapers of general circulation in the Town of Abingdon and Washington County. The Hearing Examiner granted the motion on July 16, 2016, and rescheduled the evidentiary hearing for October 26, 2016.

On August 24, 2016, Washington County filed an Objection to the Applicant's Defective Notice and a Petition for a Second Local Public Hearing, asserting that the June 27, 2016, hearing was held before proper public notice had been issued. On August 31, 2016, the Virginia Highlands Airport Authority ("VHAA") filed a Motion for Extension of Time, requesting a two-week extension for filing respondent testimony. VHAA cited ongoing changes to the project's tower locations and heights, and noted a meeting with APCo was scheduled for September 12, 2016. On September 6, 2016, the Hearing Examiner granted both the County's petition and VHAA's motion and scheduled a second local public hearing for October 17, 2016.

Subsequently, on October 11, 2016, Commission Staff filed a Motion to Suspend the Procedural Schedule and Request for Expedited Consideration. Staff argued that, due to concerns raised by respondents regarding the potential impact of the project on the Virginia Highlands Airport, and the Commission's statutory obligation to consider economic development impacts, it would be premature to issue a recommendation before the Federal Aviation Administration ("FAA") issued its determination. The Hearing Examiner granted the motion on October 19, 2016, suspending the procedural schedule until further notice.

On April 7, 2017, APCo filed a Motion to Resume the Procedural Schedule, along with supplemental direct testimony. The filing incorporated the FAA's determinations and proposed a modification to the project that would place a portion of the transmission line underground near the airport. APCo also noted that, with the proposed changes, the respondents no longer objected to the project. The Hearing Examiner granted the motion on April 20, 2017, and rescheduled the evidentiary hearing for June 20, 2017.

As previously stated, a Final Order was issued on October 20, 2017, approximately 19 months and 13 days after the application was filed.

Extensions for CPCN Cases Outside Planning Districts 1, 2 and 3

In addition to the above, Staff also found four transmission line CPCN cases filed for regions outside of Planning Districts 1, 2, and 3 between 2021 and 2024, that involved CPCN timeline extensions. In three of these cases, the Commission granted, at the request of a case participant, an extension to the evidentiary hearing date originally set in the Order for Notice and Hearing. In one additional case, the Commission ultimately scheduled an evidentiary hearing, despite the case having been originally established under an Order for Notice and Comment only.

A more detailed discussion of these cases is provided in Attachment 2.

Balancing equitable energy access with the Commission's timely and efficient review of necessary CPCN transmission projects

The statutory framework discussed above, and the Commission's CPCN review process protect the public's interest in the orderly provision of energy in a least impactful manner in all areas of the Commonwealth. Provision for equitable energy access is built into the CPCN review process, including 1) Staff's evaluation of the technical need for proposed projects, including whether they adequately address the energy and reliability needs of the affected area, and which is performed without bias as to the location of the project; 2) the previously described provisions for public comments and participation as case

respondents to all constituents or entities; 3) consideration of locality economic development plans (which may potentially include energy needs); and 4) environmental justice reviews.

While ensuring the above equitable energy access considerations, as noted in Senator Hackworth's letter, the Commission must also balance that goal with the need for a timely and efficient review of CPCN transmission applications. Staff's investigation shows that by default the CPCN review process is designed to review cases in the most expeditious manner, while still making provision for specific requests that may sometimes affect the review timeline, as previously discussed. For example, when applicants have requested expedited consideration, to Staff's knowledge, the Commission has consistently accommodated such requests to the greatest extent practicable. Once such requests are approved and implemented through the Commission's procedural schedule, they typically result in an accelerated processing of the CPCN application. Even in these expedited cases, public participation remains a key component, and reasonable requests for extensions from participants are accommodated so that a complete record can be developed, and everyone has a meaningful opportunity to participate.

Conclusions

The Staff's timeline analysis of transmission line CPCN proceedings filed between 2021 and 2024 shows that case durations vary, ranging from just over six months to more than 13 months. The average case length across all 52 applications was approximately eight months and 18 days, with 31% of cases exceeding nine months by varying amounts. Importantly, nearly two-thirds of cases were completed within a hypothetical nine-month benchmark. For those that extended beyond nine months, the underlying causes were not uniform, but rather reflected case-specific circumstances. Additionally, among the six cases reviewed in Planning Districts 1, 2, and 3, three included extensions to their procedural schedules and two cases exceeded the nine-month benchmark by more than a few days, with approximately 11 and 19 months elapsing between the application filing and the issuance of the Final Order. The case that extended to over 19 months was delayed due to the need for a determination from the FAA before the project could be finalized.

In conclusion, Commission consideration of a transmission line CPCN application, whether located in Southwestern Virginia or elsewhere, requires a robust record sufficient to consider all the statutory factors and make all of the necessary statutory findings. While case durations vary, the majority of CPCN applications are resolved within nine months, and those that extend beyond that timeframe result from identifiable and case-specific factors rather than from systemic inefficiency. The range of case durations described in this report reflects the flexibility that is necessary for the Commission to balance timely decision making with a thorough review of complex technical, environmental, and legal issues, including affording due process to all interested participating parties. In this way, the Commission's timely decision making and thorough review work to ensure equitable energy access for all.

Please let us know if you need additional information or assistance.

Respectfully submitted,

David N. Essah

David N. Essah, Ph.D.

Attachments

Attachment 1

Letter from Senator Hackworth to Senator Deeds, Chair of the Senate Committee on Commerce
and Labor dated January 23, 2025

Letter from the Chair of the Senate Committee on Commerce and Labor dated March 7, 2025

SENATE OF VIRGINIA

T. TRAVIS HACKWORTH
5TH SENATORIAL DISTRICT
ALL OF BLAND, GILES, PULASKI, SMYTH,
AND TAZEWELL COUNTIES; ALL OF THE CITY
OF RADFORD; AND PART OF MONTGOMERY
AND WYTHE COUNTIES
1515 2ND STREET
RICHLANDS, VIRGINIA 24641



COMMITTEE ASSIGNMENTS:
AGRICULTURE, CONSERVATION AND
NATURAL RESOURCES
LOCAL GOVERNMENT
PRIVILEGES AND ELECTIONS
TRANSPORTATION

January 23, 2025

The Honorable Creigh Deeds
Chair, Senate Committee on Commerce and Labor
1000 Bank Street, Room 612
Richmond, VA 23219

Dear Chair Deeds,

Due to the magnitude of legislation slated to go through your committee and the unforeseen shortening of this year's legislative session, I am writing to respectfully request that my proposed legislation, SB1022, regarding efficiencies in the processes for obtaining a Certificate of Public Convenience and Necessity (CPCN) for transmission development in Southwest Virginia be continued to 2026. Furthermore, I humbly recommend that the legislation be referred to the State Corporation Commission (SCC) for a comprehensive study on the efficiency and effectiveness of these processes within Planning Districts 1, 2, and 3.

As you are aware, development of energy transmission infrastructure is vital to ensuring equitable energy access in underserved regions like Southwest Virginia. Currently, the Virginia State Corporation Commission does an exceptional job navigating complex, tedious processes. However, there is an increasingly pressing need to evaluate whether the current CPCN processes adequately balance these goals with the timely and efficient review of necessary projects in Southwest Virginia.

By engaging SCC to conduct this study, the General Assembly can ensure a thorough examination of potential improvements that could benefit both energy developers and the communities they serve. This approach will provide a clear path forward while fostering stakeholder input, data-driven analysis, and recommendations tailored to the unique needs of Planning Districts 1, 2, and 3.

Thank you for your attention to this important matter. I appreciate your leadership in ensuring that Virginia's energy policies continue to evolve to meet future demands. Should you require additional information or wish to discuss this further, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Hackworth".

Senator Travis Hackworth, Member
Senate of the Commonwealth of Virginia, District 5

COMMONWEALTH OF VIRGINIA

SUSAN CLARKE SCHAAR

CLERK OF THE SENATE
POST OFFICE BOX 396
RICHMOND, VIRGINIA 23218



SENATE

March 7, 2025

The Honorable Samuel T. Towell
Chair, State Corporation Commission
P.O. Box 1197
Richmond, Virginia 23218

Dear Commissioner Towell:

This is to inform you that, pursuant to Rule 20 (o) of the Rules of the Senate of Virginia, the Senate Committee on Commerce and Labor has referred the subject matter contained in Senate Bill 1022 to the State Corporation Commission for study. It is requested that the appropriate committee chair and bill patron receive written reports, with copies to this office, by November 1, 2025.

With kind regards, I am

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Susan", written in dark ink.

Susan Clarke Schaar

SCS:lgs

cc: The Honorable R. Creigh Deeds, Chair, Senate Committee on Commerce and Labor
The Honorable T. Travis Hackworth, Patron of SB 1022
Amigo Wade, Director, Division of Legislative Services
Margaret D. Sacks, Chief, Legislative Engagement, State Corporation Commission

Attachment 2

Detailed Summaries of Cases outside Planning Districts 1, 2, and 3 Requiring Extensions

Staff found four transmission line CPCN cases filed for regions outside of Planning Districts 1, 2, and 3 between 2021 and 2024, that involved CPCN timeline extensions. The four cases that were granted extensions, per Hearing Examiner's ruling, are the following:

1. Chester Solar Technology Park, LLC ("Chester Solar") – 160 megawatt ("MW") Solar Facility and 115 kV Gen-Tie Line (Case No. PUR-2022-00179);
2. 500-230 kV Aspen Substation, 500 kV Aspen-Goose Creek Line #5002, 500 kV & 230 kV Aspen-Golden Lines #5001, *et al.* (PUR-2024-00032) and 230 kV Apollo-Twin Creeks Lines and Twin Creeks, Sycolin Creek, Starlight, Lunar, and Apollo Substations (Case No. PUR-2024-00044).¹⁴
3. Fentress-Yadkin Line #588 Rebuild and New 500 kV Line #5005 (Case No. PUR-2024-00105); and
4. Hecate Energy Pulaski, LLC ("Pulaski I Solar") – 150 MW Solar Facility and 138 kV Gen-Tie Line (Case No. PUR-2024-00107).

Case No. PUR-2022-00179 (Chester Solar)

On October 26, 2022, Chester Solar filed an application for a CPCN for construction and operation of a solar generating facility and associated interconnection facilities, including a 115 kV Gen-Tie Line.

An Order for Notice and Hearing was issued on November 17, 2022, with the evidentiary hearing originally scheduled for March 1, 2023. On January 30, 2023, the applicant, Chester Solar, filed a Motion to Modify Procedural Schedule and Request for Expedited Consideration. The motion explained that, as of December 8, 2022, DEQ's Office of Environmental Impact Review had suspended its environmental impacts review due to DHR having identified a need for additional information. Chester Solar requested an extension to the procedural schedule and proposed rescheduling the evidentiary hearing to early May 2023. On January 31, 2023, the Hearing Examiner granted the applicant's request and rescheduled the hearing to May 8, 2023.

Subsequently, on March 31, 2023, Staff filed its own Motion to Modify the Procedural Schedule, noting that the DEQ Report would not be available in time for Staff to review and meet its original testimony filing deadline. On April 3, 2023, the Hearing Examiner issued a ruling approving a revised schedule, including a new evidentiary hearing date of May 31, 2023. As a result, the evidentiary hearing was ultimately delayed by approximately three months from its originally scheduled date.

A Final Order was issued on September 18, 2023, approximately 11 months after the application was filed.

Case Nos. PUR-2024-00032 and PUR-2024-00044 (Aspen-Golden and Apollo-Twin Creeks)

On March 7, 2024, Dominion filed an application requesting a CPCN for construction and operation of electric transmission facilities including, but not limited to, 500 kV Aspen-Golden Line #5001, 230 kV Aspen-Golden Line #2333, Aspen and Golden Substations (Case No. PUR-2024-00032). On March 27, 2024, Dominion filed a separate application requesting a CPCN to construct and operate electric transmission facilities including the 230 kV Apollo-Twin Creeks Lines and five 230 kV Substations (Case

¹⁴ Dominion filed a motion to consolidate the procedural schedule for these two cases, which was granted by the Commission.

No. PUR-2024-00044). On that same day, Dominion filed a Motion to Consolidate, requesting that these two cases be combined for procedural and hearing purposes only.

On April 17, 2024, an Order for Notice and Hearing was filed in these proceedings, which, among other things, granted Dominion's motion to consolidate the two cases, and initially scheduled the evidentiary hearing for August 7, 2024. On April 29, 2024, Loudoun County filed a Motion to Amend the Procedural Schedule, seeking to extend the deadline for filing respondents' testimony and exhibits by five months. This request was granted by the Hearing Examiner on May 15, 2024, and the procedural schedule was updated, rescheduling the evidentiary hearing to September 18, 2024; this represented an approximately one-and-a-half-month-long delay compared to the originally scheduled date. Subsequently, on July 9, 2024, Loudoun County filed a Motion to Hold a Local Public Hearing. On July 26, 2024, the Hearing Examiner scheduled a local public witness hearing for September 5, 2024.

In the Apollo-Twin Creeks proceeding, a Final Order was issued on February 5, 2025, approximately 10 months and 10 days after the filing of the application. In the Aspen-Golden proceeding, a Final Order was issued on February 6, 2025, approximately 11 months after the filing of the application. This case is now pending in an appeal.

Case No. PUR-2024-00105 (Fentress-Yadkin Line #588 Rebuild and New 500 kV Line #5005)

On June 13, 2024, Dominion filed an application requesting a CPCN for approval of electric transmission facilities including the rebuild of Line #588, the construction of the proposed Fentress-Yadkin Line #5005, and substation-related work at the Fentress and Yadkin Substations.

An Order for Notice and Hearing was filed on July 15, 2024, with the evidentiary hearing initially scheduled for November 15, 2024. On October 10, 2024, Dominion filed an Unopposed Motion to Revise Procedural Schedule with Request for Expedited Treatment. According to the motion, the need to construct proposed Line #5005 was based on Dominion's assessment that the line would be required by the PJM Interconnection Process to reliably interconnect the Coastal Virginia Offshore Wind Project to the transmission system, particularly under worst-case stability limits. Dominion stated that PJM had indicated that it anticipated to publicly release its Phase II Study Reports, which would confirm the need for the proposed Line #5005, on December 17, 2024. That release date would be after the original evidentiary hearing date established for the case, hence Dominion's request to extend the evidentiary hearing date. On October 15, 2024, the Hearing Examiner granted the request and revised the procedural schedule and rescheduled the evidentiary hearing to January 22, 2025, approximately two months later than the originally scheduled date.

A Final Order was issued on February 28, 2025, approximately 8.5 months after the application was filed.

Case No. PUR-2024-00107 (Pulaski I Solar)

On July 5, 2024, Pulaski I Solar filed an application for a CPCN for a 34.5-138 kV collection substation and a 138 kV Gen-Tie Line.

An Order for Notice and Comment was filed on July 30, 2024, which did not include a scheduled evidentiary hearing. On September 9, 2024, the Commission received public comments from Billy and Kelli Giles. In their submission, the Giles stated certain concerns with the proposed project and added, "[w]e would like another public hearing to discuss these concerns." On October 22, 2024, Staff filed a

motion indicating that it interpreted the Giles' statement as a request for a hearing and, accordingly, asked the Commission to consider the request for a hearing and set an appropriate procedural schedule. On October 24, 2024, the Hearing Examiner issued a ruling setting an oral argument and/or prehearing conference for October 31, 2024. Following the oral arguments, the Hearing Examiner issued a subsequent ruling on November 1, 2024, scheduling an evidentiary hearing for January 9, 2025. In this instance, an evidentiary hearing was added to the schedule despite not having been originally planned.

A Final Order was issued on August 13, 2025, approximately 13 months after the application was filed.