

TAMMY L. BELINSKY
Attorney at Law
9544 Pine Forest Road
Copper Hill, Virginia 24079
telephone (540) 929-4222
telefax (540) 929-9195
email: tamber@hughes.net

July 12, 2017

Mr. Joel H. Peck, Clerk
State Corporation Commission
Document Control Center
1300 East Main Street
Richmond, VA 23219

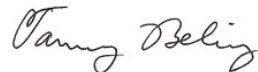
By Electronic Filing

RE: Application of Virginia Electric and Power Company For approval and certification of electric transmission facilities: Haymarket 230 kV Double Circuit Transmission Line and 230-34.5 kV Haymarket Substation
SCC Case No. PUE-2015-00107

Dear Mr. Peck:

Please see the attached Motion for Reconsideration filed today on behalf of the
Coalition to Protect Prince William County.

Sincerely,



Tammy L. Belinsky

copies: C. Meade Browder, Jr.
Kristen Buck, Esq.
Todd A. Sinkins, Esq.
Courtney B. Harden, Esq.
William H. Chambliss
Alisson P. Klaiber
Andrea B. Macgill
Vishwa B. Link, Esq.
Michael J. Coughlin, Esq.
Charlotte P. McAfee, Esq.
John A. Pirko, Esq.

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUE-2015-00107

For approval and certification of electric transmission
Facilities: Haymarket 230 kV Double Circuit
Transmission Line and 230-34.5 kV Haymarket Substation

MOTION FOR REHEARING OR RECONSIDERATION

COMES NOW, the Coalition to Protect Prince William County (the "Coalition"), by counsel, and in accordance with the provisions of 5 VAC 5-20-220, respectfully presents this Motion for Rehearing or Reconsideration of the Final Order of the State Corporation Commission ("Commission") dated June 23, 2017 ("Order"). On March 8, 2017, Dominion's customer admitted before the Army Corps of Engineers that its block load electric services requirement which serves as the basis of the application does not currently exist and may not exist in the future.

INTRODUCTION AND SUMMARY OF ARGUMENT

Virginia Electric and Power Company, d/b/a Dominion Virginia Power ("Dominion" or "Company"), is seeking a certificate of public convenience and necessity ("CPCN") pursuant to Va. Code § 56-46.1 in order to construct certain electric transmission and distribution facilities to serve the needs of an existing retail customer (the "Customer") in Prince William County, Virginia. The Customer, while currently receiving adequate service from the Company, now desires to receive new service for a proposed data center campus near the Town of Haymarket. Dominion's application states that the facilities "are necessary so that [the Company] can

Provide service requested by a retail electric service customer ... for a new data center campus in Prince William County, Virginia."¹ Dominion has stated that the Project would not be needed, and would not have been proposed, absent the request for new service by the Customer.² Dominion also admits that the Project has been designated as a "Supplemental Project" by PJM meaning that it is not needed for grid reliability.³

The Project would entail, among other things, converting an existing 115 kV line to 230 kV operation and constructing a new 230 kV line to run approximately 5.1 miles from a point near the existing Gainesville Substation to a new 230-34.5 kV Haymarket Substation.⁴ The Haymarket Substation would be located on land currently owned by the Customer. The Company states that "the new facilities must be in service by summer (commencing June 1) of 2018 to serve the Customer's development at the Haymarket Campus."⁵

The Commission should reconsider its Order authorizing Dominion Virginia Power("Dominion"), to construct and operate the Project, as set forth in the Final Order, along the Carver Road Route, including the variance identified therein, if the Company is unable to obtain an easement from Prince William County, for the following reasons: (1) the Customer has introduced new evidence that challenges the "need" that serves as the basis of Dominion's application; and (2) the Order contravenes Virginia statutory and constitutional law to the extent it authorizes the taking of private property when the Commission has found that the "need" for the Transmission Line is driven by a single retail customer.

¹ Application at 2.

² See Exhibit 5.

³ See, e.g., Tr. 110-111, 469, 569-570.

⁴ Application at 2.

⁵ Application at 2.

ARGUMENT

I. THE CUSTOMER HAS INTRODUCED NEW EVIDENCE THAT CHALLENGES AND CHANGES THE “NEED” THAT SERVES AS THE BASIS OF DOMINION’S APPLICATION

The Commission cannot approve Dominion’s application in the absence of a finding that there is a clear need for the Transmission Line. VA Code § 56-265.2A provides that "it shall be unlawful for any public utility to construct . . . facilities for use in public utility service ... without first having obtained a certificate from the Commission that the public convenience and necessity require the exercise of such right or privilege." Additionally, VA Code § 56-46.1 provides, in part, that: “As 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 Customer has proposed to enter into a Memorandum of Agreement (MOA) with the Army Corps of Engineers (COE) and Virginia Department of Historic Resources under Section 106 of the National Historic Preservation Act (NHPA). The Midwood project, a proposed data center with associated infrastructure, is located within the Core of the Buckland Mills Battlefield (DHR ID# 030-5152) in Haymarket, Virginia. The Buckland Mills Battlefield is eligible for listing on the National Register of Historic Places.

The customer has requested a State Program General Permit (12-SPGP-01) from the Norfolk District Corps of Engineers under Section 404 of the Clean Water Act for the permanent discharge of fill material into 991 linear feet of stream channel and 0.10-acre palustrine forested wetlands as well as the temporary discharge of fill into 14 linear feet of stream channel. The discharge of fill is associated with the construction of a proposed 3 building data center complex

and its associated infrastructure. Issuance of this permit constitutes a Federal undertaking, subject to Section 106 of the National Historic Preservation Act.

At the initial meeting of the Section 106 consulting parties on March 8, 2017, Attorneys for the Customer asserted unequivocally that: (1) Building One is complete and operational using existing electrical utility infrastructure; (2) Building Two would operate without the requirement for additional electrical utility infrastructure; (3) The electric transmission and distribution facilities delineated in Dominion's application would not be required until Building Three was operational; (4) Buildings Two and Three were not projected to be built in the foreseeable future, if ever, as construction would only occur if expanded capacity were required in the future by the Customer. *See*, Affidavits of Grymes, Holmes, Marshall, Schlossberg and Weir attached herewith.

The question in this case is whether there is a need. Those assertions contradict the "need" that serves as the basis of Dominion's application, namely that (1) "The electric facilities proposed in this application are necessary so that Dominion Virginia Power can provide service requested by a retail electric K service customer (the "Customer") for a new data center campus in Prince William County, Virginia and maintain reliable electric service to its customers in the area in accordance with mandatory North American Electric Reliability Corporation ("NERC") Reliability Standards for transmission facilities and the Company's planning criteria;⁶ (2) "The proposed new facilities must be in service by summer (commencing June 1) of 2018 to serve the Customer's development at the Haymarket Campus in Prince William County, Virginia";⁷ (3) "The total Customer load at Haymarket Campus is projected to be approximately 120 MVA, consisting of three buildings. The proposed new electric transmission facilities must be in service by June of

⁶ Application at 2.

⁷ Application at 5.

2018 to serve the Customer's new development. The total loading at Haymarket Substation, including the Customer's load, is projected to be approximately 160 MVA at full build-out".⁸

As noted above, the in-service date for the proposed facilities is summer (commencing June 1) 2018, with an estimated 12 months for construction of the Project and a period of 12 months for engineering, material procurement, right-of-way acquisition and construction permitting.⁹ Notwithstanding that those estimates by Dominion which render the completion of the project by the in-service date practically impossible (by the Customer's own admission) it does not currently and will not in the foreseeable future generate the 120 MVA requirement that serves as the basis for Dominion's application, thereby invalidating the basis of the instant application. The 120 MVA requirements will commence only upon the completion of both Buildings Two and Three. At present the planning, permitting and construction of Buildings Two and Three cannot begin until such time as the Section 106 proceeding is complete, and the COE issues the required permits that would authorize the construction of Buildings Two and Three in locations currently encumbered by an intermittent stream and identified wetlands.

In support thereof, the Coalition notes that the Customer "has not requested Building Permits for buildings #2 and #3".¹⁰ Similarly, Dominion has not filed an application for the Special Use Permit required to construct the proposed substation that is to be located on a parcel adjacent to the Customer's site. Thus, as a practical matter, the in-service date of June 1, 2018 is now unattainable.

Even if Dominion finalizes the route and secures the required permits, by their own admission it would take 12 months for engineering and another 12 months for construction

⁸ Application at Appendix 1, Part 1

⁹ Application at 7.

¹⁰ June 28, 2017 email from Wade Hugh
Prince William County Department of Development Services

resulting in an in-service date of no sooner than July 1, 2019. When coupled with the likely requirement for COE permits for a portion of the substation location and segments of the transmission line route, a process also subject to review under Section 106 of the National Historic Preservation Act and likely to continue for months if not years, completion is not likely until 2020 at the earliest. Further additional “delays” are likely in the form of COE review and permitting of portions of the final power line route (applications that have yet to be filed); Prince William County review and approval of the Special Use Permit for the proposed substation (yet to be filed), and condemnation proceedings required to take properties required for completion of the project.

Accordingly, even if Dominion were to complete the planning, engineering and land acquisition to construct the project, Dominion could not begin construction of the project until such time as the facilities at the western terminus of the transmission line (Buildings Two and Three as well as the required substation) are approved and permitted. To do otherwise would constitute the construction of a speculative transmission line to “nowhere” at the ratepayers’ expense.

II. THE ORDER CONTRAVENES VIRGINIA STATUTORY AND CONSTITUTIONAL LAW TO THE EXTENT IT AUTHORIZES THE TAKING OF PRIVATE PROPERTY WHEN THE COMMISSION HAS FOUND THAT THE “NEED” FOR THE TRANSMISSION LINE IS DRIVEN BY A SINGLE RETAIL CUSTOMER

The question of need has not been adequately addressed by the Commission in the context of the facts and circumstances of this case. Notwithstanding the arguments detailed in Section I, all parties, including the Commission itself, recognize that the application is driven by the alleged need of a single retail customer that has requested additional service capacity from Dominion¹¹. Yet, in issuing the Order, the Commission made a conclusory determination of need without

¹¹ Interim Order at p. 10.

engaging in substantive analysis of the evidence before the Commission that Dominion has failed to demonstrate a need for this Transmission Line in accordance with the requirements of Virginia law.

The Commission cannot approve Dominion's application in the absence of a finding that there is a clear need for the Transmission Line. VA Code § 56-265.2A provides that "it shall be unlawful for any public utility to construct . . . facilities for use in public utility service ... without first having obtained a certificate from the Commission that the public convenience and necessity require the exercise of such right or privilege." Additionally, VA Code § 56-46.1 provides, in part, that: "As 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 question in this case is whether there is a need.

Indeed, a careful review of the record reflects that there is insufficient evidence to establish a need for the proposed 230 kV double circuit Transmission Line and Haymarket substation. It is clear from the Application and the evidence in the record that the sole purpose of the proposed Transmission Line is to provide service to a single end-user, referred to in the Application as the "Customer".¹² This raises a legitimate question as to whether there is a need for the construction of the proposed Transmission Line to provide service to the existing customer base and the anticipated customer base that is consistent with Prince William County's adopted Comprehensive Plan or whether the Application is about the need of one private customer.

¹² Application, p. 2; Application Appendix, DEQ Supplement, Direct Testimony and Exhibits of Virginia Electric and Power Company, p. 2; and Appendix to Application, p. 1.

In 2007, the Virginia General Assembly amended Virginia Code Section 56-46.1 for the purpose of giving localities greater say in transmission line siting.¹³ In 2011, the statute was amended again to require an applicant to demonstrate, in its filing, its efforts to "reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned."¹⁴ And in 2016, the statute was amended to provide that "the governing body of any county or municipality through which the line is proposed to be built" may petition the Commission to hold a public hearing in the affected area.¹⁵ Currently, both the Hearing Examiner and Dominion have ignored the fact that the General Assembly has amended Virginia Code Section 56-46.1 multiple times in recent years for this very purpose - that is, to give local governments and affected property owners a greater say in the approval and siting of transmission facilities.

Indeed, the Commission's own staff recognized that the proposed Transmission Line's construction to serve a single customer's projected load raises doubt that there is a "public interest" in the stated need for the proposed Transmission Line.¹⁶ In its comments, the Commission's Staff recognized that: "Even when load for a single customer does materialize, retail customers still bear a disproportionate share of the environmental and construction costs associated with the necessary transmission line, while one customer enjoys the benefits".¹⁷ Additionally, during its opening statements at the evidentiary hearing, the Commission's staff stated that: "what this case boils down to" is: "[C]an a retail customer, currently receiving perfectly adequate service at distribution levels, demand an increase in its service so significant that it requires construction of new

¹³ 2007 Acts of Assembly, Ch. 761.

¹⁴ 2011 Acts of Assembly, Ch. 243.

¹⁵ 2016 Acts of Assembly, Ch. 276.

¹⁶ See Staff Comments Dated December 6, 2016 at p. 3.

¹⁷ Id.

transmission facilities without incurring any financial responsibility for its request?”¹⁸ It is clear that the Commission Staff found the only reason for the subject application is a single retail customer’s dramatic proposed increase in demand for electricity, and a private contract between Dominion and that retail customer to address the proposed increase.

The Application itself establishes that the alleged “need” only exists as a result of a private agreement between Dominion and a third party (the Customer). Dominion has stated the following: 1) that Line #124 is currently being operated at 115 kV;¹⁹ 2) that the Customer requires a load of 120 MVA;²⁰ 3) that once the proposed Project is complete, the total load of Line #124, at full buildout of the Customer’s campus, will be 160 MVA.²¹ Otherwise stated that Line #124 is adequate for the current load and indeed, all anticipated future development, if such future development does not include the Customer’s data center.²²

In responding to the Staff’s discovery questions regarding necessity, Dominion failed to provide clear or adequate answers to establish the need for the Transmission Line. For example, Staff’s First Set of Discovery, Interrogatory No. 13 asks: “Would NERC or PJM requirements prohibit the Company from amending its Transmission Planning Criteria to create a different load limit for radial transmission lines that are needed for a line extension to serve a single customer, such as a data center?” In other words, why are these load limit “standards” in place and is it because it will maximize Dominion’s profits or, in the alternative, because there is a federally-mandated requirement for them to be in place? Dominion’s response was revealing. The response indicated that there is no reason Dominion cannot change its load requirements, except that

¹⁸ Hwy. Tr. 102:3 – P.

¹⁹ Application, p. 2.

²⁰ Application, p. 2.

²¹ Application, p. 2.

²² It should be noted that there is data center customer already being served by Line #124 whose demand is 19.5. See, Dominion’s responses to Staff’s First Set Discovery, Interrogatory No. 12.

Dominion believes “that making an exception based entirely on the type of customer (i.e., data centers) or number of customers that make up the 100+ MW load *could* ultimately reduce reliability and negatively impact economic development, as well as *could* be inconsistent with the Company’s responsibility to provide non-discriminatory service.”²³ (emphasis added). Dominion bears the burden to demonstrate the need for this Project. That the Project “could be” necessary is insufficient. Dominion has submitted no evidence that the proposed 230 kV double circuit Transmission Line is necessary to meet its obligation as a public utility to provide electricity service to customers located in and around the proposed routes. Dominion simply speculates that it *might* require additional service in the future to meet the needs of future economic development. On this point, the Commission’s own staff raised legitimate concerns regarding whether there was evidence of an actual need given the lack of certainty regarding future economic development. In its Brief, the Staff stated: “while DVP is confident that the single Customer’s load will be developed as scheduled, Staff is aware (as is the Company) of at least two recent cases in which a transmission line was built for one customer’s projected load, but that load failed to materialize.”²⁴

Similarly, Staff’s First Set of Discovery, Interrogatory No. 6 requests, “[p]lease provide the Company’s basis for upgrading Line #124 from 115 kV to 230 kV.” Dominion’s response does not focus on any actual need for the Transmission Line but rather provides a basis for why it believes Dominion is entitled to receive an upgrade of its infrastructure: “Converting Line #124

²³ Dominion responses to Staff’s First Set Discovery Interrogatory No. 13.

²⁴ See Staff Brief at p. 15-17; see Application of Virginia Electric and Power Company d/b/a Dominion Virginia Power, For approval and certification of electric transmission facilities in Prince William County and the City of Manassas: Cannon Branch-Cloverhill 230 kV Transmission Line and Cloverhill Substation, Case No, PUE-2011-0001 1, 2017 S.C.C. Ann. Rept. 428, Final Order (Dec. 21, 2011) (this project was constructed but as of November 2015, the loads anticipated for this project, Unicom “planned data center campus[,]” had not been realized); Application of Virginia Electric and Power Company d/b/a Dominion Virginia Power for approval and certification of electric facilities: Waxpool 230 kV Double Circuit Transmission Line, Brambleton- BECO 230 kV Transmission Line and 210-34.5 kV Waxpool Substation, Case No. PUE-2011-00129, 2012 S.C.C. Ann. Rept, 353, Final Order (Dec. 28, 2012) (this project was also constructed but as of November 2015 the loads anticipated for this project, Integrate Ashburn I LLC’s “planned data center campus[,]” had not been realized).

from 115 kV to 230 kV is consistent with the Company's practice of using 230 kV to support demand growth in northern Virginia." Dominion then cites several cases wherein it's "upgrade approach" has been approved in other transmission projects. Not one of those projects involved an upgrade to provide electricity to a single customer, without real evidence of additional necessity. See Case Nos. PUE-2009-00134 (replacing a deteriorating line), PUE-2011-00011 (building a new 230 kV line, but with no objections as to necessity), PUE-2012-0065 (inapplicable case as it is not an application to construct transmission lines but rather a transfer of transmission line assets to WMATA), PUE-2014-00025 (the need for the transmission solution was unchallenged).

This is not a case where the need for the Transmission Line exists due to progress and growth of development within Prince William County. Rather, Dominion has admitted to representatives of the Somerset Crossing Homeowners Association and representatives of Prince William County that, but for the third-party "need", Dominion would not have proposed this Transmission Line. Dominion has thus submitted the Application based solely on its obligation to fulfill a request by a private third-party. In that regard, this is not an instance wherein Dominion is submitting an application to satisfy a need. Instead, Dominion acted on its own to enter into a for-profit contract to artificially create the alleged "need" for the proposed Transmission Line. In doing so, Dominion has not acted as a public utility, but rather as a private speculator.

Accordingly, the Application is dependent upon the false assumption that it will meet the requisite "need" for the construction of a high voltage transmission line by creating said "need", rather than satisfying the need of existing energy consumers. It is notable that this case is lacking in any engineering analysis demonstrating that a "need" for additional infrastructure currently exists. There is no evidence that Dominion's transmission system has been stress-evaluated under

Federal or Virginia regulatory requirements or that there has been a significant volume of transmission system overloads due to an overstressed transmission system.²⁵

There is no evidence that the proposed Transmission Line is necessary to permit Prince William County to continue to have reliable electric service. Dominion has attempted to establish the “need” for the line by entering into a private, third-party agreement to construct a Transmission Line that is: (1) unnecessary to meet anticipated growth; (2) is not required to address a condition of overstress; and, (3) is in direct conflict with the public priorities as established by the local governments. It is unconscionable for the Commission to find that a need exists in this case where the alleged need would permit Dominion to take private property, damage the environment and irrevocably reduce the value of hundreds of homes, solely for the benefit of Dominion’s profit margins. In this regard, the Final Order treads on dangerous ground. The approval of the Transmission Line will result in a need for Dominion to take private property through eminent domain. In that regard, Article I, Section 11 of the Virginia Constitution states, in part:

That the General Assembly shall pass no law whereby private property, the right to which is fundamental, shall be damaged or taken except for public use. . . . No more private property may be taken than necessary to achieve the stated public use. . . . A public service company, public service corporation, or railroad exercises the power of eminent domain for public use when such exercise is for the authorized provision of utility, common carrier, or railroad services. In all other cases, a taking or damaging of private property is not for public use if the primary use is for private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development, except for the elimination of a public nuisance existing on the property. The condemner bears the burden of proving that the use is public, without a presumption that it is.

It should be noted that The Hearing Examiner's decision to choose an overhead routing option by "simple process of elimination" was based in part on his finding that the Customer should

²⁵ In contrast, in Application of Virginia Electric and Power Company D/B/A Dominion Virginia Power, (Case No. PUE-2012-00029, 2013 Va. PUC LEXIS 874 (November 26, 2013)), the Commission based its ruling on the fact that Dominion had been able to establish need based on engineering studies establishing that the existing transmission system was over-stressed, thus creating overloads where a loss of electric service was to be expected.

bear no cost responsibility for its requested electric service. For example, it was only after finding that the Customer should not be required to pay to underground the Haymarket line that the Hearing Examiner turned to overhead routing options.²⁶ For the reasons described below, however, Dominion's line extension policy applies to the Project based on the plain language of the tariff. Moreover, even if Section 22 is determined to be ambiguous, the terms of Dominion's tariff should be construed against the Company and in favor of the hundreds of ratepayers and elected officials who have argued that the Customer should bear the cost responsibility for its requested electrical facilities. This merits particular note as It was not disputed by any party that the Project is being constructed solely to serve one existing retail customer and would not be needed without that customer. For that reason, the Coalition argued that the Customer for whom the Project is being constructed should bear the costs of the Project in accordance with Section 22 D of Dominion's terms and conditions. As the Commission Staff explained in opening statements, "what this case boils down to" is:

[C]an a retail customer, currently receiving perfectly adequate service at distribution levels, demand an increase in its service so significant that it requires construction of new transmission facilities without incurring any financial responsibility for its request?

Dominion, a monopoly electric utility, has the obligation to serve any new customer in its service territory on a non-discriminatory basis. But while Dominion is required to serve all new customers regardless of their location, Dominion also has a Commission-approved line extension policy that requires customers, in certain circumstances, to bear a portion of the costs necessary to serve them. Section 22 of Dominion's Commission-approved terms and conditions states that,

The Company will provide Electric Service, to individually metered permanent non-residential units (including garages, tool sheds, swimming pool pumps, well pumps, etc.), or individually metered three-phase detached single-family residential homes not previously provided with Electric Service ... in accordance with the provisions stated herein.

²⁶ Report at 75.

Section 22 subsequently provides that "[t]he Customer will pay the Company the amount, if any, by which the cost [for the installation of primary approach lines] exceeds four times the continuing estimated annual revenue - less fuel charge revenue - that can be reasonably expected."

It is not disputed that the Customer is requesting electric service for a facility "not previously provided with Electric Service." Under Section 22, new facilities necessary to serve a customer "not previously provided with Electric Service" would either fall within the category of an "approach line" or "branch feeder." "Approach Lines" are defined as "facilities installed from an existing source to the property or developer requesting electric service." The facilities that would be constructed here - including the new 230 kV line - plainly fall within the definition of "approach line." The new Haymarket 230 kV line, for example, would run "from an existing source to the property requesting electric service." Staff testified that the "existing source" in this case is Line 124, which is connected to the Gainesville Substation, and that the new 230 kV line would extend from Line 124 to the Haymarket Substation. The substation will be located on land currently owned by "the customer requesting Electric Delivery Service."²⁷ Therefore, Staff correctly found that the new 230 kV line serving the Customer could be characterized as an "approach line."²⁸

The Commission indicated its preference through the Interim Order for a transmission route running through private property some of which is subject to a public conservation easement and is for the private gain, private benefit, private enterprise, increasing jobs, increasing tax revenue, or economic development. The Commission's Final Order selects the Carver Route and variances to the Carver Route²⁹, which will create a justiciable question as to whether a public

²⁷ See, e.g., Tr. 495-496, 542.

²⁸ See Tr. 309-310.

²⁹ Final Order at page 3.

utility can take private land for the primary purpose of providing utility services solely to a private retail customer wherein the justification for the taking is primarily to facilitate such private retail customer's private enterprise and economic development.

CONCLUSION

In summary, the Commission has not considered new evidence that challenges the "need" that serves as the basis of Dominion's application and the evidence not only fails to demonstrate a need for the Transmission Line, the customer has admitted there is no need. In the absence of need, Dominion will not have the authority to take private property through eminent domain, and any attempt to do so violates both the Virginia Code and Article I, Section 11 of the Virginia Constitution. Subsequently, the Commission must grant the Coalition's Motion for Rehearing or Reconsideration.

Respectfully Submitted,

THE COALITION TO PROTECT PRINCE WILLIAM
COUNTY
By Counsel

/s/ Tammy L. Belinsky
Tammy L. Belinsky (VSB No. 43424)
Attorney at Law
9544 Pine Forest Road
Copper Hill, Virginia 24079
Telephone: 540-929-4222
Facsimile: 540-929-9195
Mobile: 540-874-5798
tambel@hughes.net

CERTIFICATE OF SERVICE

Thereby certify that on this 12th day of July, 2017, a copy of the foregoing Motion was sent by U.S. First Class mail and by electronic mail to:

Vishwa B. Link, Esq.
McGuireWoods, LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219
vlink@mcguirewoods.com

C. Meade Browder, Jr.
Office of the Attorney General
Division of Consumer Counsel
900 East Main Street, Second Floor
Richmond, VA 23219
MBrowder@oag.state.va.us

Charlotte P. McAfee
Law Department
Dominion Resources Services, Inc.
120 Tredegar Street
Richmond, VA 23219-4306
Charlotte.P.McAfee@dom.com

William H. Chambliss
Alisson P. Klaiber
Andrea B. Macgill
Office of General Counsel
State Corporation Commission
P.O. Box 1197
Richmond, VA 23218
William.Chambliss@scc.virginia.gov
Alisson.Klaiber@scc.virginia.gov
Andrea.Macgill@scc.virginia.gov

Kristen Buck, Esq.
Todd A. Sinkins, Esq.
Courtney B. Harden, Esq.
Rees Broom, PC
1900 Gallows Road
Suite 700
Tysons Corner, VA 22182
kbuck@reesbroome.com
tsinkins@reesbroome.com
charden@reesbroome.com

Michael J. Coughlin, Esq.
Walsh Colucci Lubeley & Walsh, P.C.
4310 Prince William Parkway, Suite 300
Woodbridge, VA 22192
mcoughlin@thelandlawyers.com

John A. Pirko, Esq.
LeclairRyan
4201 Dominion Boulevard, Suite 200
Glen Allen, Virginia 23060
jpirko@leclairryan.com

/s/ Tammy L. Belinsky
Tammy L. Belinsky

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF VIRGINIA ELECTRIC AND POWER COMPANY CASE NO.
PUE-2015-00107

For approval and certification of electric transmission
Facilities: Haymarket 230 kV Double Circuit
Transmission Line and 230-34.5 kV Haymarket Substation

AFFIDAVIT OF ROBERT G. MARSHALL IN SUPPORT OF THE COALITION TO
PROTECT PRINCE WILLIAM COUNTY'S MOTION FOR REHEARING OR
RECONSIDERATION

The undersigned, Robert G. Marshall of Manassas, Virginia, having been duly sworn on oath before a Notary Public, states the following:

1. In response to an on line solicitation from Anna Lawston of the Corps of Engineers sent to my assistant on or about February 8, 2017 to serve as a consulting party participant to the procedures regarding CENAO-2006-01343 (a proposal by VADATA, Inc.(Applicant), Attn: Ian Wrightson, 410 Terry Avenue, N, Seattle, WA 98109 to enter into a Memorandum of Agreement (MOA) with the US Army Corps of Engineers (Norfolk District) and Virginia Department of Historic Resources under Section 106 of the National Historic Preservation Act, I attended a meeting on March 8, 2017 in Fredericksburg regarding the application for a data center in Haymarket.
2. I have been a member of the Virginia House of Delegates since January, 1992. The district I represent includes the location of the Data Center in Haymarket, Carver Road in Gainesville, and the surrounding community directly affected by the approved transmission line route where a right of way final order to proceed with the power line construction to serve the Data Center has been issued by the State Corporation Commission.
3. I was personally in attendance at the March 8, 2017 meeting of the Midwood Consulting Parties held at the Fredericksburg NPS Maintenance Facility, 207 Freedom Court, Fredericksburg, VA 22408.
4. At the March 8, 2017 meeting of the Midwood Consulting Parties, in response to questions concerning why the Applicant had cleared significant portions of the property, Attorneys from Williams Mullen representing the Applicant asserted that the site was cleared to accommodate a staging area for the building materials and equipment required to construct building Number One.

5. The attorneys for the Applicant additionally asserted in words that conveyed the following meaning: (1) Building One is complete and is operating using the existing electrical utility infrastructure; (2) Building Two could operate without the requirement for additional electrical utility infrastructure including the 230kV transmission lines; (3) The 230kV electric transmission and distribution facilities identified in Dominion's application (CASE NO. PUE-2015-00107) would not be required until such time as Building Three was in operation; (4) Buildings Two and Three were not projected to be built and operational in the foreseeable future, and construction of 230kV lines would only be needed by the Applicant to operate the data center functions if Building Three were to be built in the future.

This Affidavit is being presented in connection with and in support of the request by the Coalition to Protect Prince William County's Motion for Rehearing and/or Reconsideration in the captioned Application. I believe the above representations to be accurate and true in their substance. I understand the nature of an oath and the penalties as provided by the laws of the Commonwealth of Virginia for intentionally and falsely swearing to statements made in an instrument of this nature.

Robert G. Marshall

Robert G. Marshall

State of Virginia

City/County of Prince William

On this 8th day of July 2017, before me, personally appeared Robert G. Marshall, personally known to me, who acknowledged and executed this Affidavit before me for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.



Xiomara Matute

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUE-2015-00107

For approval and certification of electric transmission
Facilities: Haymarket 230 kV Double Circuit
Transmission Line and 230-34.5 kV Haymarket Substation

AFFIDAVIT OF ELENA LOUISE SCHLOSSBERG-KUNKEL IN SUPPORT OF THE
COALITION TO PROTECT PRINCE WILLIAM COUNTY'S MOTION FOR REHEARING
OR RECONSIDERATION

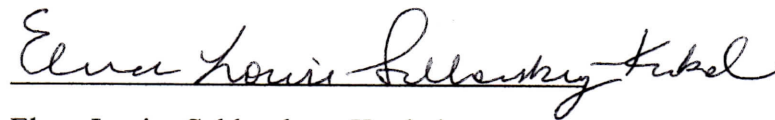
The undersigned, Elena Louise Schlossberg-Kunkel, of Haymarket, Virginia, having been duly sworn on oath before a Notary Public, states the following:

1. I serve as a consulting party to the procedures regarding CENAO-2006-01343, a proposal by VADATA, Inc.(Applicant), Attn: Ian Wrightson, 410 Terry Avenue, N, Seattle, WA 98109 to enter into a Memorandum of Agreement (MOA) with the US Army Corps of Engineers (Norfolk District) and Virginia Department of Historic Resources under Section 106 of the National Historic Preservation Act.
2. I was in attendance at the March 8, 2017 meeting of the Midwood Consulting Parties meeting held at the Fredericksburg NPS Maintenance Facility, 207 Freedom Court, Fredericksburg, VA 22408.
3. At the March 8, 2017 meeting of the Midwood Consulting Parties, in response to questions regarding why the Applicant had cleared the entirety of the subject, Attorneys from Williams Mullen, representing the Applicant, asserted that the site had been cleared to accommodate a staging area for the building materials and equipment required to construct Building number One.
4. The attorneys for the Applicant subsequently asserted that 1) Building One is complete and operational using the existing electrical utility infrastructure; (2) Building Two would operate without the requirement for additional electrical utility infrastructure; (3) The electric transmission and distribution facilities delineated in Dominion's application (CASE NO. PUE-2015-00107) would not be required until such time as Building Three was operational; (4) Buildings Two and Three were not projected to be built in the foreseeable future, as construction would only occur if expanded capacity were required in the future by the Applicant.
5. To say I was stunned when the attorney for the Applicant admitted these new facts during the meeting is an understatement. This community had been fighting this

power line, at that point, for almost three years. A fight based on this customer's supposed *immediate need*. And now they tell us, in a packed conference room, with multiple consulting parties brought together as a result of their "adverse impacts to the Buckland Mills Battlefield" from their extensive clearing and construction on the site, that the reason they razed the property, prior to asking for any federal permits, was solely to have a "staging area for building materials to build Building One"! And that not only is Building One operational, but that they can build Building Two without the new power requested in the application. And that it's only when, or if, they build Building Three that they will need the new power. Finally, that they did not know when, or if ever, they would build the remaining two Buildings, especially "Building number Three." I turned to Bob Weir and said something like "did he just say what I think he said?" I immediately challenged the attorneys on what they had just divulged. A heated discussion ensued.

6. Why has our community been turned upside down for a project that the Applicant has now admitted may never be built to completion?

This Affidavit is being presented in connection with the Coalition to Protect Prince William County's Motion for Rehearing or Reconsideration in the captioned Application. I am familiar with the nature of an oath and with the penalties as provided by the laws of the Commonwealth of Virginia for falsely swearing to statements made in an instrument of this nature,



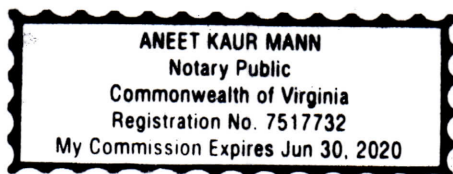
Elena Louise Schlossberg-Kunkel

State of Virginia

Prince William County

On this 8th day of July 2017, before me, personally appeared Elena Louise Schlossberg Kunkel, personally known to me, who acknowledged and executed this Affidavit before me for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.



COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUE-2015-00107

For approval and certification of electric transmission
Facilities: Haymarket 230 kV Double Circuit
Transmission Line and 230-34.5 kV Haymarket Substation

AFFIDAVIT OF DANIEL R. HOLMES IN SUPPORT OF THE COALITION TO PROTECT
PRINCE WILLIAM COUNTY'S MOTION FOR REHEARING OR RECONSIDERATION

The undersigned, Daniel R. Holmes, of Culpeper, Virginia, having been duly sworn on oath before a Notary Public, states the following:

1. I serve as a consulting party to the procedures regarding CENAO-2006-01343, a proposal by VADATA, Inc.(Applicant), Attn: Ian Wrightson, 410 Terry Avenue, N, Seattle, WA 98109 to enter into a Memorandum of Agreement (MOA) with the US Army Corps of Engineers (Norfolk District) and Virginia Department of Historic Resources under Section 106 of the National Historic Preservation Act.
2. I was in attendance at the March 8, 2017 meeting of the Midwood Consulting Parties meeting held at the Fredericksburg NPS Maintenance Facility, 207 Freedom Court, Fredericksburg, VA 22408.
3. At the March 8, 2017 meeting of the Midwood Consulting Parties, in response to questions regarding why the Applicant had cleared the entirety of the subject property and whether the action constituted anticipatory demolition, Attorneys from Williams Mullen, representing the Applicant, asserted that the site had been cleared to accommodate parking for the construction crews and a staging area for the building materials and equipment required to construct building number one.
4. The attorneys for the Applicant subsequently asserted that 1) Building One is complete and operational using the existing electrical utility infrastructure; (2) Building Two would operate without the requirement for additional electrical utility infrastructure; (3) The electric transmission and distribution facilities delineated in Dominion's application (CASE NO. PUE-2015-00107) would not be required until such time as Building Three was operational; (4) Buildings Two and Three were not

projected to be built in the foreseeable future as construction would only occur if expanded capacity were required in the future by the Applicant.

This Affidavit is being presented in connection with the Coalition to Protect Prince William County's Motion for Rehearing or Reconsideration in the captioned Application. I am familiar with the nature of an oath and with the penalties as provided by the laws of the Commonwealth of Virginia for falsely swearing to statements made in an instrument of this nature,

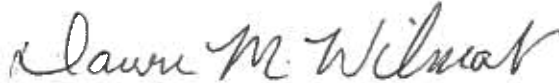


Daniel R. Holmes

State of Virginia

On this 10th day of July 2017, before me, personally appeared Daniel R. Holmes, personally known to me, who acknowledged and executed this Affidavit before me for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.



COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUE-2015-00107

For approval and certification of electric transmission
Facilities: Haymarket 230 kV Double Circuit
Transmission Line and 230-34.5 kV Haymarket Substation

AFFIDAVIT OF ROBERT B. WEIR IN SUPPORT OF THE COALITION TO PROTECT
PRINCE WILLIAM COUNTY'S MOTION FOR REHEARING OR RECONSIDERATION

The undersigned, Robert B. Weir, of 6853 Saint Paul Drive, Haymarket, Virginia 20169, having been duly sworn on oath before a Notary Public, states the following:

1. I am familiar with the particulars of Case No. PUE-2015-00107, having reviewed the project since its inception in my capacity as the then Chairman of the Town of Haymarket Planning Commission.
2. Prior to March 8, 2017, Dominion and all filings by Dominion's customer indicated that the project was a data center comprising three buildings that would generate a block electrical load necessitating the subject transmission line.
3. I serve as a consulting party to the procedures regarding CENAO-2006-01343, a proposal by VADATA, Inc.(Applicant), Attn: Ian Wrightson, 410 Terry Avenue, N, Seattle, WA 98109 to enter into a Memorandum of Agreement (MOA) with the US Army Corps of Engineers (Norfolk District) and Virginia Department of Historic Resources under Section 106 of the National Historic Preservation Act.
4. I was in attendance at the March 8, 2017 meeting of the Midwood Consulting Parties meeting held at the Fredericksburg NPS Maintenance Facility, 207 Freedom Court, Fredericksburg, VA 22408.
5. At the March 8, 2017 meeting of the Midwood Consulting Parties, in response to questions regarding the why the Applicant had cleared the entirety of the subject, Attorneys from Williams Mullen representing the Applicant asserted that the site had been cleared to accommodate a staging area for the building materials and equipment required to construct building number one.
6. The attorneys for the Applicant subsequently asserted that 1) Building One is complete and operational using the existing electrical utility infrastructure; (2)

Building Two would operate without the requirement for additional electrical utility infrastructure; (3) The electric transmission and distribution facilities delineated in Dominion's application (CASE NO. PUE-2015-00107) would not be required until such time as Building Three was operational; (4) Buildings Two and Three were not projected to be built in the foreseeable future as construction would only occur if expanded capacity were required in the future by the Applicant.

This Affidavit is being presented in connection with the Coalition to Protect Prince William County's Motion for Rehearing or Reconsideration in the captioned Application. I am familiar with the nature of an oath and with the penalties as provided by the laws of the Commonwealth of Virginia for falsely swearing to statements made in an instrument of this nature,



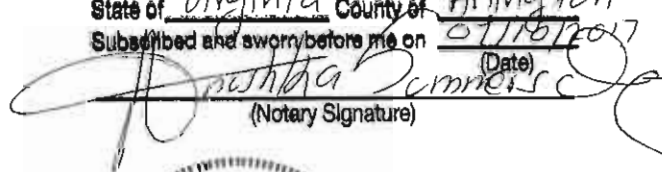
Robert B. Weir

State of Virginia

City of Arlington

On this 10th day of July 2017, before me, personally appeared Robert B. Weir, personally known to me, who acknowledged and executed this Affidavit before me for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

State of Virginia County of Arlington
Subscribed and sworn before me on 07/10/2017
(Date)

(Notary Signature)

