

Delegate Bob Marshall
May 2, 2016
State Corporation Commission

“Behind every great fortune lies a great crime,” is an English paraphrase from a line in Honoré de Balzac's tragicomic novel ‘Le Père Goriot.’” And this is very true in this case.

Dominion Power wants the State Corporation Commission to be an accessory after the fact in the commission of a crime, not necessarily a crime in the Criminal Code of the Commonwealth, rather a moral crime, because it confiscates the wealth of homeowners and local businesses for the benefit of a single private company, which will not have to pay any money to compensate the owners of the homes and businesses adversely affected.

Any taking of real property for the placement of 110 foot high electric transmission lines is NOT for public use. It is solely for the private use of a single company, which Dominion seeks to protect to the detriment of local homeowners and businesses.

Moreover, Dominion has lacked candor and accuracy in its proceeding on this project, originally admitting the transmission lines were for a single user, then claiming the lines were for residential growth which the Prince William County's Comprehensive Plan does not acknowledge. Dominion has constantly engaged in a bait and switch mode of operation, even altering proposed transmission routes after publishing them as part of a notice for a local information meeting, only to change the routes some few weeks later when the meeting took place.

Senator Black and I relied on Dominion's public representations of proposed routes to alert roughly 2,600 affected homeowners about the meeting. However, by the time our First Class letter was received, Dominion had changed the routes!

However, please recall that the Constitution of Virginia states, “No private property shall be damaged or taken for public use without just compensation to the owner thereof. ... 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.” [VA Constitution, Article 1, Section 11, Amendment approved November 6, 2012, effective January 1, 2013.]. As the chief plaintiff in the successful Marshall vs. the Northern Virginia Transportation Authority case, which I won 7-0 in the Virginia Supreme Court, I would love to be part of any litigation challenging the validity of eminent domain taking of any private land parcels for 230 kV electric transmission towers to serve Amazon-Dominion in what is clearly economic activity purposes undertaken by both the state and local governments.

Moreover, pursuant to a Freedom of Information request, I learned that both the economic development agency of the Commonwealth of Virginia, and the economic development office of Prince William County actively engaged in the development of the Data Center as part of their ECONOMIC DEVELOPMENT activities and efforts of county or state staff and officials, by facilitating visits to Amazon's main business headquarters in the State of Washington.

Both Senator Black and myself had written the Amazon Corporation regarding the concerns of our constituents. Amazon never even acknowledged the receipt of our letter. More than four hundred residents of Western Prince William County also wrote to Amazon President Jeff Bezos about this Data Center, after Mr. Bezos professed openness to the public after a highly critical article about Amazon's callous and predatory business and labor practices.

Mr. Bezos has not kept his word.

Further, I was very disturbed to learn from an SCC official that the timing of the hearings was done to accommodate the prospective construction schedule of Amazon and Dominion, which raises the question, has a decision already been made, and are these hearings merely for show? I will gladly submit my correspondence with the Commission, if desired.

The Commission has a duty to require complete disclosure from Dominion as to the actual customer or customers, the power usage, and why such level of power usage requires the provision of 230 kV lines. Mere representations by Dominion as to this data without verification of the actual demand, or failure to require verification open to the public would not be in the public interest.

Your actions here in possibly approving the construction of several miles of massive 110 foot high overhead power lines to an area clearly not developed for such usages will set a precedent for all of Virginia.

Once you authorize such a project, speculators will be able to acquire cheap land and then demand that the necessary infrastructure be constructed to accommodate such decisions.

If this were a private home demanding such power consumption, Dominion no doubt would have required the homeowner to pay for the construction of such a massive extension cord. However, since it is apparently a major US Corporation, whose owner last week made six billion dollars in twenty minutes of stock market increases, all the rules must be bent to accommodate him, even though he refuses to answer elected public officials, or more than 400 residents. Does Mr. Bezos' money immunize him, and Dominion's political weight in Virginia immunize them from public accountability? I hope not!

Such secrecy and stealing of other people's property with the possible assistance of the State Corporation Commission does not represent love of neighbor and government by the people, it is government by the wealthy for the wealthy. That is plutocracy, not democracy.

The Greek Historian Thucydides said some 500 years before Christ, that "you know as well as we do that right, as the world goes, is only in question between equals in power, while the strong do what they can and the weak suffer what they must."

The people of Virginia have established the structures of government to bring about the equality of power to ensure Justice among men, not plunder among men.

Do your moral duty. If you approve any transmission lines for this Data Center, only approve one which places such lines underground, as is done in every major city in Virginia. And furthermore, make the major customer pay for such transmission lines.

I would be willing to join in any court litigation to ensure this outcome.