



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES
RICHMOND

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THIRTEENTH DISTRICT

COMMITTEE ASSIGNMENTS:
FINANCE
COUNTIES, CITIES AND TOWNS
SCIENCE AND TECHNOLOGY

July 3, 2017

The Honorable Mark Christie
The Honorable Judith Jagdman
The Honorable James Dimitri
Virginia State Corporation Commission
Tyler Building
1300 E. Main St.
Richmond, Virginia 23219

Dear State Corporation Commissioners:

Pursuant to VA Code 56-256.6 we are filing a complaint against Dominion Energy's application for a 230kV line in Haymarket based on representations made in the application to secure a final order from the State Corporation Commission (SCC), and we request the SCC revoke Dominion's Certificate to construct electric facilities in Haymarket based on failure to establish actual need to construct the 230kV line: "As a condition to approval the Commission shall determine that the line is needed ..." (VA Code 56-461)

At the initial meeting of the consulting parties to comply with Section 106 of the National Historic Preservation Act held on March 8, 2017, which several citizens from Prince William attended, data center customer VADATA's attorneys from Williams Mullen represented the following without qualification:

1. Building One is complete and operational and requires no additional power;
2. Building Two could operate without additional electrical infrastructure;
3. The Haymarket Power Line would not be needed until Building Three was operational; and
4. Buildings Two and Three were not expected to be built in the near future, if at all, and only if expanded capacity were required.

Therefore, the alleged "need" assertions contained in Dominion's Application filed on 11-16-15 are invalid. Further, any witnesses the SCC calls before a hearing on this complaint, should be sworn and made to affirm the above or provide explanation for any different representations regarding electric usage for buildings Two and Three and alleged necessity for constructing the 230kV lines to Haymarket. If VADATA contradicts their own counsel, whose words are to be trusted?

The experience of the community in trusting Dominion shows that little confidence can be placed in their accuracy. (Senator Black and myself sent out a first-class mail alert to citizens notifying them of a Dominion sponsored meeting at a local high school, with a map supplied us by Dominion of proposed power line routes, only to learn at the meeting that Dominion changed the route again!)

If VADATA counsel modifies their statement of March 8, 2017 or if VADATA contradicts the original representation of counsel, I want an answer this time as to why the SCC order should not be rescinded. (Regrettably, Senator Black and I still have not received explanation or even an acknowledgment from the SCC to our 5/17/17 request that the SCC not issue a final order for the data center until the Corps of Engineers exhausts their review under section 106 of the federal Historic Preservation Act.)

Specifically, Dominion's application states (emphasis added):

Paragraph 2. ... "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,**"

Paragraph 5: ... "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**" Appendix I, Part I. ... "**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 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.**"

Amazon/VADATA admitted through their own attorneys on March 8, 2017, they do not currently and will not in the foreseeable future (if ever) generate the power requirement listed in Dominion's application.

Why doesn't this public admission alone invalidate Dominion's application? The 230kV power requirement would not be needed until Building 3 is complete and operational. Construction of Buildings 2 and 3 is not supposed to begin until the Corps of Engineers (COE) issues the required permits as the building footprints cross wetlands. What evidence does Dominion have that the Corps of Engineers will approve these permits? Dominion admits it would take 12 months for engineering, etc. and another 12 months to construct the facilities. Many months, if not years, will be needed to obtain required COE/DEQ permits, participate in the ongoing Section 106 process, and comply with other regulatory bodies. Even without other delays such as possible legal challenges by residents or HOA's or under the Virginia Constitution (barring eminent domain condemnation for economic development) a construction completion date of June 1, 2018 is very unlikely.

Since the summer of 2014, Dominion has asserted the Haymarket 230kV Line and Substation project was needed to meet increased energy demand from future growth projections in Haymarket and western Prince William and that the current demand had already outgrown the infrastructure and would strain the existing system and impact the community and economic development. However, Dominion appears to have provided no evidence that the local load violates federally mandated reliability criteria of the North American Electric Reliability Corporation (NERC).

According to Dominion, the primary driver for the power line and substation was an existing local customer that has rapid and substantial plans for expansion. The SCC Hearing Examiner's report indicated that the primary driver would require 97% of the new line's capacity. That assertion has now been shown to only be true if the customer constructs Building Three, which is not currently anticipated.

Should your Final Order remain in place, it will violate Virginia Law regarding demonstration of need. You will have allowed Dominion Power to construct six miles of 230kV, 110-foot-high power towers spanning six miles with detrimental effects on the community, despite the need for the power provided by these towers being contradicted by the main customer's attorneys at a meeting sponsored by the Corps of Engineers.

How can you justify your final order to approve Dominion's application to ratepayers, the Corps of Engineers, the Department of Environmental Quality, and the Prince William County Board of Supervisors without clear, irrefutable evidence that need exists? Thank you for your consideration. We look forward to a prompt response.

Sincerely,



Delegate Bob Marshall



Senator Dick Black