

RE: Opposition to the Electrical Infrastructure CPAM definition of Transmission Line Corridors (Phase 1 and Phase 2)

Dear Members of the Loudoun County Board of Supervisors:

**To be clear, we strongly oppose Loudoun County Board Of Supervisors' CPAM on Electrical Infrastructure and its designation of transmission corridors anywhere in Loudoun County. Further, we oppose the infrastructure maps (Phase 1)<sup>1</sup> and the County's designation of "approved high voltage transmission corridors as a preferred location for the development of future transmission lines".<sup>2</sup>**

Virginia is a Dillon Rule state which means a county has no authority except what the state has granted it. No County including Loudoun County has the authority to designate transmission corridors, site HVAC transmission lines or direct "electrical providers and reviewers at the state and federal government to locations where the County would anticipate and support the development and redevelopment of high voltage transmission corridors"<sup>3</sup>.

Transmission siting and permitting is state jurisdictional. Loudoun County's efforts to direct the routing and siting of transmission lines through the use of a CPAM, defining transmission corridors and "collaborating" with electric utilities on transmission line routing, in advance of property owner notification and the application submission and approval of the Virginia State Corporation obliterates due process for landowners impacted by new transmission projects. The idea that Loudoun County gets to locate transmission corridors is fanciful. Does the Loudoun County BOS expect other Virginia counties and neighboring states to connect to Loudoun County's preferred route?

There are no "approved transmission corridors" in Loudoun County nor are there any "approved transmission corridors" anywhere in Virginia. There is no entity in Virginia with the authority to define or approve a transmission corridor. Even the Virginia State Corporation Commission does not define or approve "transmission corridors", it acts on each submitted transmission line application independently.

**Loudoun County's statement that "The map and policy amendments proposed with the CPAM will provide additional guidance for electrical providers, County staff, elected officials, and other governmental decision-makers when planning where and how high voltage transmission corridors are**

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<sup>1</sup> "Phase 1 is limited in scope and will consider the adoption of an Electric Infrastructure Map identifying all existing and approved high voltage transmission corridors"; *Project Plan: Electrical Infrastructure, Project Plan: Electrical Infrastructure*, Pg 1

<sup>2</sup> "The map and policy amendments proposed with the CPAM will provide additional guidance for electrical providers, County staff, elected officials, and other governmental decision-makers when planning where and how high voltage transmission corridors are constructed within the County. "Phase 1 is limited in scope and will consider the adoption of an Electric Infrastructure Map identifying all existing and approved high voltage transmission corridors"; *Project Plan: Electrical Infrastructure, Project Plan: Electrical Infrastructure*, Pg 1

<sup>3</sup> "The adoption of an Electric Infrastructure Map and identification of existing and approved high voltage transmission corridors as a preferred location for the development of future transmission lines is in keeping with the County's existing policies and **clearly directs electrical providers and reviewers at the state and federal government to locations where the County would anticipate and support the development and redevelopment of high voltage transmission corridors.**" *Project Plan: Electrical Infrastructure, Project Plan: Electrical Infrastructure*, Pg 1

**constructed within the County”<sup>4</sup>** appropriates authority the County does not have and insinuates a weight or legal relevance to the Comprehensive Plan that similarly does not exist.

This is either a fundamental misinterpretation of the legal framework governing public utility regulation in Virginia, or an attempt to gas-light private property owners, electrical providers and reviewers at the state and federal government level who are not cognizant of Virginia Law. In Virginia, a county Comprehensive Plan is not a legally binding document, it is a policy statement and the sole purpose of a Comprehensive Plan is to govern land use applications and the subsequent decisions on those applications by the County Board of Supervisors.<sup>5</sup> Transmission line applications ***do not*** come before the Loudoun County Board of Supervisors nor is there any stipulation that allows the Loudoun County Board of Supervisors to approve a transmission line or a transmission corridor.

Loudoun County has no authority to act on transmission line applications or to select areas for routing HVAC transmission lines or to influence the routing to conform to its preferences, during the planning stage and in advance of alternate routes being presented to the community. To do so violates due process rights of affected property owners. The use of private property for a transmission line includes a taking by eminent domain for easements and/or the diminishment of property value due to an HVAC transmission line in close proximity to the property or in the view shed of the property.

Transmission line easements restrict the by right land use of private property, even if a use would be permitted by the electric company, it would be governed by a Consent Agreement which would have to be requested and documented. Transmission easements affect a property – *in perpetuity. In the case of privately owned property, it affects the generational wealth of the property owner and their family.*

For example : “The following types of Encroachments will generally be denied by the Rights of Way Management of the Company:

- Buildings, building extensions, building additions, or any portion of a building. By
- way of example and not limitation, the following items generally will not be
- approved: homes, offices, garages, dams, sheds, roof overhangs, gutters, balconies,
- decks, porches, and covered patios;
- Playground equipment;
- Dumpsters and trash receptacles;
- Debris, scrap or waste materials, fill, spoil material, stumps, large boulders, concrete
- debris, asphalt debris, and construction debris;
- Building materials;
- Swimming pools, wells, septic tanks, drain fields (to include engineered systems),
- fuel tanks, and propane tanks;
- HVAC units;
- Satellite dishes and television antennas;
- Stored trailers, motor homes/recreational vehicles (RV’s), and inoperable vehicles;
- Most watercraft;
- Any type of fire or burning;
- Solar panels;

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<sup>4</sup> “Project Plan: Electrical Infrastructure, Project Plan: Electrical Infrastructure”, Pg 1

<sup>5</sup> “Appellants misapply Virginia Code § 56-46.1 by treating the 2019 General Plan as binding law, rather than what it is: a non-binding policy document, which is intended to govern land use applications as submitted to the County Board of Supervisors. See Va. Code § 15.2-2232. Nothing in that law requires SCC to comply with the County’s General Plan.”; “Consolidated Response Brief for Appellee Theresa Ghiorzi”, Supreme Court of Virginia, Loudoun County, Virginia And Landsdown Conservancy -v- State Corporation Commission, Theresa Ghiorzi, et. al, Record Nos. 250494 and 250495

- Sprinkler systems (excluding drip systems);
- Fire hydrants;
- Retaining walls;
- Storm water ponds, BMP's, retention ponds, or any man-made pond; and
- Burial sites, family plots, and cemeteries.”<sup>6</sup>

The above is just the tip of the ice berg. The presence and proximity to one or more HVAC transmission rows severely restricts not only the aesthetics and enjoyment of the property but the development of the property. A 765kV on V-structs with guyed-wires in a new 200' easement (as has been proposed for Western Loudoun) precludes using large sections of a property for farming or vineyards. For context a space 200' x 200' = 1 acre. Individual properties would be rendered un-fit for many of the agricultural and tourism businesses otherwise allowed by-right on those properties.

Defining transmission corridors as a feature on county maps and in the county plan essentially places a “hold” on private property for “future” utility use to support electrical infrastructure for the County’s favored development – data centers. This benefits one set of private property owners to the detriment of another set of similarly zoned property owners. The first set of property owners would be privileged to the extent that they would not have to contend with transmission line proposals and subsequent utility takings of their property for transmission lines nor have a transmission line in their view shed – and Loudoun County would intervene on their behalf – with tax payer funds – to protect their private property. The second set of property owners would find their private property to be the target of successive utility takings – in perpetuity – and Loudoun County will not only neglect to intervene on their behalf, Loudoun County will have been instrumental in effectuating the taking in advance of the utility proposal.

Land use is governed by zoning ordinances and is the only legally enforceable tool to regulate land use. The County is now attempting to use a CPAM to effectively re-zone selected areas for transmission infrastructure use which is clearly incompatible with the existing by-right zoning use of those areas. Designating a "transmission corridor" will result in private properties being taken essentially "at will" by utilities, sequentially, in swaths of 50', 100' and 200' - in perpetuity, for the county's stated purpose of providing power to the data centers. Also, designating a transmission corridor will exclude any and all alternative routes including less costly routes and less impactful routes.

The designation of an area as a transmission corridor, constitutes a taking of private property in advance of the taking which would only occur in the if the Virginia State Corporation Commission were to approve an application and issue a Certificate of Public Convenience and Necessity for a proposed transmission line. This is unconstitutional and violates due process rights of private property owners.

There is no point to put existing transmission lines in an overlay map.

There is no point to include technologies such as promoting reconductoring and voltage conversion to increase capacity within existing transmission corridors before considering new construction and encouraging undergrounding of high voltage electric transmission lines.<sup>7</sup> The county has no authority to either direct or approve any type of electrical infrastructure design or technology.

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<sup>6</sup> Attachment 2, *Dominion Energy Virginia/Dominion Energy North Carolina Guidelines for use of Real Estate Encumbered by Electric Transmission Rights Of Way*, Pgs 6 - 14

<sup>7</sup> “Project Plan: Electrical Infrastructure, Project Plan: Electrical Infrastructure”, Pg 2

It is not possible for the county to address the “aesthetics of high voltage transmission corridors”<sup>8</sup>. The proposed transmission lines in Western Loudoun County include a 500kV transmission line on a 185’ (at least) monopole with a 138kV line under built and a 765kV transmission line using 185’ – 200’ V-structs with guide wires. The Statue of Liberty (heel to the Top of the head) is 111.1’. This could result in a 600’ wide easement. For context, a football field is 360’ long (including end zones).

So what exactly is the point of Loudoun County’s CPAM on electrical infrastructure? **It is the collocation of proposed transmission lines with existing infrastructure**”.<sup>9</sup> This is necessarily an expansion of existing easements. Loudoun County’s CPAM to amend the Comprehensive Plan to stipulate where transmission lines can be sited is a land grab and reeks of next level political influence peddling on the part of Loudoun County’s Board of Supervisors to protect certain communities such as Waterford, Middleburg, and Route 7 while other communities will be decimated.

During the cross examination of Mr. Giglio in the Aspen/Golden transmission line case, the extent of Loudoun County’s designs on pre-empting the due process rights of private property owners and the authority of the Virginia State Corporation Commission to site transmission lines became clear. The objective of Loudoun County’s CPAM on Electrical Infrastructure is to use the County Comprehensive Plan to approve transmission projects in advance of the VA SCC application and approval process. Excerpts are below; anyone concerned about private property rights should read the transcript:

"Q: Let me ask a factual question. If there is a feature shown on the comprehensive plan what does that mean for the approval of the project?

A: So as a feature shown, it would not have to go through the legislative process for review. ... All they would have to do is go through the normal site plan process to go ahead and identify the design they are proposing and because its a feature shown it's already approved at that level, so.. ." <sup>10</sup>

“Q: When you define a corridor, are you putting a specific amount of space on it. So can the corridor be expanded by 200feet, by 400feet, by 600feet over time? Is that right?

A: We are in the initial phase of developing at this point .... We are seeing that we are paralleling existing corridors and in most situations it adds maybe a hundred foot right-of-way to that.” <sup>11</sup>

"Q: Okay, So if we continue on 402, you want this application to stand in the place of a Certificate of Public Convenience and Necessity review at the SCC?

A: Correct .... again pre-designating certain areas where we would anticipate transmission corridors ...we do not have the state enabling legislation to do that.” <sup>12</sup>

**The communities of Lovettsville and Between the Hills "host" the one and only interstate 500kV transmission line in Western Loudoun County.** That transmission line is the Dominion 500kV Mt. Storm – Doubts transmission line, adjacent to it is First Energy’s 138kV transmission line, both come across Short Hill Mountain from West Virginia, cross Western Loudoun County and then cross the Potomac River into Maryland.

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<sup>8</sup> “Project Plan: Electrical Infrastructure, Project Plan: Electrical Infrastructure”, Pg 2

<sup>9</sup> “Project Plan: Electrical Infrastructure, Project Plan: Electrical Infrastructure”, Pg 2

<sup>10</sup> Attachment III, VA SCC Cases PUR-2024-00032 and PUR-2024-00044 Aspen/Golden Transmission Lines, Hearing Day 4, September 19, 2024 Direct and Cross Examination of Pat Giglio, Pg 4

<sup>11</sup> Ibid, Pg 8

<sup>12</sup> Ibid, Pg 19



We reside in Western Loudoun outside of the town of Lovettsville, by the Potomac River. There are no transmission line easements on any of our properties nor do our properties abut any transmission line easements. Our properties are bordered on two sides by roads. The Mt.Storm-Doubs 500kV transmission line and First Energy's 138kV transmission line are across the road. Due to our proximity to the existing transmission ROWs, our properties are in very real peril to be taken or devalued as the result of transmission row expansion to accommodate multiple HVAC transmission lines proposed to support data centers. This CPAM would effectively re-zone our properties for data center infrastructure use.

Unfortunately we have already seen Loudoun County's "collaboration" with utilities in action: in their handling of the 500kV transmission line Mid-Atlantic Resiliency Link (MARL) / Gore-Doubs-Goose Creek proposal targeting Western Loudoun.

Both the members of the Loudoun County Board Of Supervisors and the Loudoun County Attorney were notified of our concerns on the wording of the County Resolution on the MARL transmission line – that the county was using the phrase "collocate the new transmission lines in existing electrical transmission corridors" which implies an expansion of easements or new easements as opposed to "within the existing easements" (email<sup>13</sup>). No BOS members responded. Nor was Theresa Ghiorzi contacted or included in discussions when she sent her email notifying the county BOS and the county attorney that "My interests and those of my family and neighbors who also live along the existing transmission line right of way are NOT represented by the groups you are working with. None of us have been contacted nor has this been discussed with us and we want to be included in the discussions as well. The property owners along the existing transmission route have just as much at stake as the property owners along the primary route and the county must represent all of us." <sup>14</sup> No Loudoun County Board member ever replied to the emails and the Loudoun County Attorney cut off contact upon the realization that our properties could be impacted by the County's proposed alternate route. The County knew exactly what it was doing. There was no agreement with the utilities involved that the transmission lines would be within the existing easements.

Loudoun County intentionally excluded the set of property owners most affected by their proposed route change from all discussions. The discussions with Loudoun County resulted in the re-route and precluded the utility from investigating other routes along state highways that would have minimized the impacts to private property.

The April 16, 2024, Loudoun County Resolution Opposing the Proposed Western Loudoun Route for New 500kV Electrical Transmission Lines makes it clear there are already two classes of private property owners in the county:

**"FISCAL IMPACT:** There are no fiscal impacts associated with adopting the Resolution. *In the event there is no change to the proposed Western Loudoun Route, then Loudoun County may need to participate in proceedings to oppose approval of the Western Loudoun Route.* The County will likely incur significant expenses retaining outside counsel and experts."

The Alternate MARL Reroute resulted in a \$170M cost increase which was passed onto PJM rate payers, by PJM accommodating Loudoun County's request at a regional level.

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<sup>13</sup> Attachment 4, Email to Loudoun County BOS and Loudoun County Attorney Leo Rogers, "Re: Draft Resolution in Opposition to the NextEra Transmission Line - URGENT UPDATE NEEDED" and reply from Loudoun County Attorney

<sup>14</sup> Attachment 5, Email to Loudoun County BOS and Loudoun County Attorney, "Loudoun County Staff /Attorneys office working with NextERA, Dominion, PJM on MARL re-route"

Loudoun County supports transmission lines – in fact they support multiple HVAC transmission lines to provide electricity for the explosive data center demand - as long as the lines are sited in our area of the County and not their privileged constituents.

Loudoun County BOS is attempting to codify the non-public meetings, they had with utilities, to push the MARL 500kV transmission line into our communities, without any notification or consultation with the property owners, in the Comprehensive Plan under the guise of “collaboration”. **With this CPAM, the County is attempting to do indirectly what it lacks the authority to do directly.** It is quite clear that the end result of the "review process" with respect to the transmission lines has been pre-determined: the Lovettsville and Neersville areas in Western Loudoun are being set-up to host the electrical infrastructure corridor to support the data centers – in direct violation of the due process rights of the private property owners in this area.

**We demand that Loudoun County:**

- **refrain from including existing transmission lines in a map overlay,**
- **refrain from defining transmission corridors anywhere in county documents,**
- **refrain from adding transmission corridors to the Comprehensive Plan and**
- **refrain from collaborating with electric utility representatives to route and site transmission lines in advance of public notice of route alternatives by the utility and property owner notification**

Respectfully submitted September 10, 2025,

/S/ Theresa Ann Ghiorzi

/S/ Alfred T. and Irene Ghiorzi

/S/ Thomas and Joyce Ghiorzi

/S/ Alfred P. and Mary Ghiorzi

# **Attachment I**

*“Consolidated Response Brief for Appellee Theresa Ghiorzi”*, Supreme Court of Virginia,  
Loudoun County, Virginia And Landsdown Conservancy -v- State Corporation Commission,  
Theresa Ghiorzi, et. al, Record Nos. 250494 and 250495

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*In the*  
**Supreme Court of Virginia**  
*At Richmond*

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**Record Nos. 250494 and 250495**

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LOUDOUN COUNTY, VIRGINIA AND  
LANSDOWNE CONSERVANCY,

*Appellants,*

— v. —

STATE CORPORATION COMMISSION,  
THERESA GHIORZI, et. al,

*Appellees.*

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**CONSOLIDATED RESPONSE BRIEF  
FOR APPELLEE THERESA GHIORZI**

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COMES NOW, Appellee Theresa Ghiorzi (“Ghiorzi”), by counsel, and states the following as her Brief in Response to the Consolidated Appeal (the “Appeal”) filed by Loudoun County, Virginia, and Lansdowne Conservancy (collectively, “Appellants”) (Record Nos. 250494 and 250495) concerning the Final Orders issued by the Virginia State Corporation Commission (“SCC” or “the Commission”) in Case No. PUR-2024-00032 and Case No. PUR-2024-00044.

### **STATEMENT OF THE CASE**

The Appeal rests on a fundamental misinterpretation of the legal framework governing public utility regulation in Virginia. In essence, it seeks to introduce local zoning and planning approvals in a manner that improperly intrudes upon the exclusive regulatory authority of the SCC.

The SCC, as a constitutionally independent agency under Article IX of the Virginia Constitution (*Va Const. art. IX, § 1*), is responsible for ensuring the adequacy of public utility infrastructure. Localities— i.e. Loudoun County (“the County”) – do not have authority to compel the SCC to condition its issuance of a Certificate of Public Convenience and Necessity (CPCN) on local zoning laws. In this case, the County had sought to inhibit the construction of the Aspen-Golden project (Case No. PUR-2024-00032) and Apollo-Twin Creek Lines (Case No. PUR-2024-00044) based on conformance with the County’s 2019 Comprehensive Plan (“2019 General Plan”), as enacted under Virginia Code § 15.2-2232.

Here, the two SCC-approved overhead transmission line installations – namely, the Aspen-Golden line (or “Route 1AA”) and Apollo-Twin Creeks line– as well as the Appellants’ proposed alternative: the underground hybrid project (or “UHP”)— are not conventional infrastructure upgrades serving existing residential communities. Rather, they are a response to the extraordinary demand surge<sup>1</sup> created by large-scale data center construction in the Loudoun County, concentrated in the area known as “Data Center Alley.”<sup>2</sup>

In contrast, the County’s proposed UHP would place a portion of the transmission line underground along Route 7. This alternative would result in an excess cost of at least \$443 million (Joint Appendix (“JA”) 2529, 2453), a cost that the Commission was statutorily entitled to rejected under Va. Code § 56-46.1.

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<sup>1</sup> “...significant load growth in the Eastern Loudoun Load Area; and to resolve identified NERC reliability violations.” The Company explained that the 2023 PJM Load Forecast for the DOM Zone was adjusted to account for substantial data center growth, meaning that the 2023 forecast for the 2027/2028 time period was 2,440MW higher than the 2022 forecast. Among other things, Dominion explained that “[o]n July 28, 2023, Dominion Energy Virginia set a new system summer peak of 21,993 MW,” and that the 27 substations serving the Eastern Loudoun Load Area alone served 2,325 MW (approximately 10.57%) of that peak.” JA 2512.

<sup>2</sup> Commercial data center facilities consume massive amounts of electricity for cooling, computing, and server operations. Their growth has outpaced prior projections, requiring timely infrastructure expansions to avoid reliability issues and grid failure. The primary purpose of constructing the transmission lines here is designed to serve and provide solutions to a commercial demand that address surging electricity needs by data center operations.

At the hearing before the SCC, the County failed to provide sufficient evidence demonstrating that the UHP was technically, financially, or legally feasible: a further defect under Va. Code § 56-46.1. The proposal lacks engineering plans, cost-sharing mechanisms, and most importantly, the landowner consents. JA 2798, 2909.

During the course of these proceedings, Loudoun County proposed the UHP as an alternative that would require Dominion to construct additional substations on private properties. The UHP requires more land for substations than the original overhead transmission proposal, which implies additional takings of private property at the County's request. JA 2675 – 2676. However, the affected landowners have not received notice of Loudoun County's UHP proposal, nor have they been made parties to the proceedings. JA 3421 – 3422. This proposal would benefit one group of landowners to the detriment of another. In addition, the significantly higher costs associated with undergrounding would ultimately be borne by ratepayers. JA 2880.

Appellants misapply Virginia Code § 56-46.1 by treating the 2019 General Plan as binding law, rather than what it is: a non-binding policy document, which is intended to govern land use applications as submitted to the County Board of Supervisors. *See* Va. Code § 15.2-2232. Nothing in that law requires SCC to comply with the County's General Plan. The SCC fulfilled its statutory duty by giving

consideration to the County’s plan, as required. There was no duty to be in “substantial accord.”

Loudoun County is currently pursuing a Comprehensive Plan Amendment (CPAM-2024-0005) intended to identify and designate high-voltage transmission corridors as a “feature shown” in its 2019 General Plan. The stated objective of this amendment is to better align local electric infrastructure policies with community preferences, including minimizing visual and environmental impacts and encouraging underground placement “where practical.” However, the County appears to be proceeding under the mistaken belief that such amendments will empower it to control how and where the SCC approves transmission line applications. Indeed, the County’s proposed CPAM explicitly states that it is not tied to any current applications before the Commission—including the Aspen-Golden line (or and Apollo-Twin Creeks line in this appeal)<sup>3</sup>. Nevertheless, the effort underscores the County’s intent to assert control over matters reserved to the SCC under Code § 56-46.1. While local preferences and planning documents are among the many factors the SCC must consider, they cannot dictate the outcome of a routing decision or impose binding infrastructure requirements on regulated utilities.

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<sup>3</sup> Loudoun Seeks Community Input on Proposed Electrical Infrastructure Comprehensive Plan Amendment:  
<https://www.loudoun.gov/CivicAlerts.aspx?AID=9945>

This intent of the CPAM was also reflected in the testimony of Mr. Giglio, who stated that Loudoun County is undertaking “a process to identify high-voltage transmission corridors as a feature shown of our comprehensive plan.” JA 3907:4–7. During direct examination, when asked what it would mean if a transmission line were designated as a “feature shown” on the comprehensive plan, Mr. Giglio confirmed that “it would not have to go through the legislative process for review.” JA 3910:12–16. Further, Appellants’ legal counsel – Mr. McRoberts – explained that Mr. Giglio’s testimony was grounded in “what’s going on right now as a local planning effort to go to the Transportation and Land Use Committee of the Board of Supervisors in Loudoun to try to place routes on the comprehensive plan in order to assist their approval.” JA 3934:24–3935:4. Yet, under Virginia law, the SCC is not bound by local comprehensive plan designations, including those identifying transmission corridors or encouraging underground placement.

If localities were allowed to bind SCC’s approval of projects based on their own planning preferences, it would (i) politicize the utility approval process, (ii) undermine statewide reliability and cost-efficiency, and (iii) disrupt the uniform application of utility standards across the state. Chaos would ensue.

The Commission properly exercised its authority and approved the only viable projects before it. Therefore, Appellee respectfully requests that this Court uphold Final Orders in Case Nos. PUR-2024-00044 and PUR-2024-00032.

## **STATEMENT OF FACTS**

This supplemental Statement of Facts is to expand upon those already presented in the Appellant's appeal.

### **A. SCC's Approval of Aspen-Golden Line and Apollo-Twin Creeks**

In March 2024, the Virginia Electric and Power Company ("VEPCO" or "Dominion") filed an application with the SCC for CPCN approval of the Aspen-Golden line and the Apollo-Twin Creeks line. JA 968 – 1310. SCC granted the CPCNs to these routes based on its technical feasibility, alignment with existing corridors, cost-effectiveness, and impact assessments. JA 2713 – 2723.

Following public notice, the SCC conducted an evidentiary hearing in August 2024 where Dominion, Loudoun County, and various stakeholders submitted testimony. The County actively participated as an intervenor and, as such, proposed UHP, which would have avoided the use of above-ground transmission lines bordering the Route 7 corridor. JA 2652. The SCC considered the full evidentiary record, including the County's proposal, and Dominion tasked Black and Veatch with conducting an independent feasibility study of the UHP. That study concluded that the County's underground option was significantly more expensive, technically complex, and would introduce potential construction delays and long-term property complications. JA 2515 – 2581.

In the August 21, 2024 Commission Staff Report, Staff concluded that “the Company [Dominion] has reasonably demonstrated the need for the proposed project” and concluded that “an all-underground option is not practice or the proposed project” and there are serious issues would still persist with a hybrid option.” JA 2666.

On November 1, 2024, after considering all the evidence, the SCC’s Hearing Examiner issued a detailed report of 175 pages, single-spaced, recommending approval of Dominion’s proposed overhead route. JA 2407 – 2581. That report *inter alia* referenced the County’s 2019 General Plan, e.g. on pages 114-116, and discussed how the approved route married up with the stated objectives. JA 2520 – 2522. It did not (nor was it required to) make any findings that the approved route was “substantially in accordance” with the 2019 General Plan.

The SCC adopted the recommendation and entered its Final Order, finding that the Dominion’s applications were fully developed, feasible, and cost-effective option presented for review. The issuance of the Final Order incorporated SCC’s consideration of the County’s General Plan and confirmed compliance with the requirements of Virginia Code § 56-46.1. In its Final Order, SCC adopted the Hearing Examiner’s Report and approved Route 1AA. JA 2713 – 2723.

## **B. Appellants' Underground Hybrid Proposal**

The Appellants reassert the UHP and argue in substance that the transmission line should be placed underground to reduce visual and environmental impacts on the Route 7 corridor. JA 2133. While the UHP may appear more aesthetically favorable from the Appellants' perspective, the SCC's review showed that underground hybrid alternative can cost about eight times more than overhead alternatives and involve complex engineering challenges for the Aspen-Golden project alone. JA 3121.

According to the Hearing Examiner's Report and the testimony of Mr. Brian A. Conroy, Manager of Power System Studies for RLC Engineering, the County's proposed UHP would cost an *additional* \$423 million, which exceeds Dominion's estimate for the approved Aspen-Golden project. JA 2529; JA 8262: 193-195. Moreover, the Hearing Examiner's Report noted that the \$478 million estimate for the underground hybrid alternative did not include any costs associated with real estate acquisition. JA 2488. Similarly, the Black and Veatch feasibility study further determined that undergrounding the transmission lines would cost approximately \$1 billion, compared to \$171 million for the SCC-approved Route 1AA. JA 2517. On the other hand, the total estimated cost for Apollo-Twin Creeks Project is approximately \$299 million. JA 2569. In other words, the cost alone of the UHP made it unfeasible to the Commission.



In its Final Order, SCC found that “the cost estimate for the Updated Hybrid Proposal is not reasonable based on the record.” JA 2580. Again, the idea that local land use principles can *require* the SCC to implement undergrounding of transmission lines or the placement of high-voltage transmission lines to accommodate a local comprehensive plan is not grounded in practice, precedent, or policy.

**C. Loudoun County’s 2019 Comprehensive Plan is Not A Regulatory Mandate**

The Loudoun County 2019 General Plan<sup>4</sup> explicitly states that it is a “policy document that provides guidance”—not a binding regulatory instrument. It also notes that zoning ordinances, not the Plan, are the County’s actual legal tools for regulating land use (General Plan, Chapter 1-11). The General Plan further acknowledges that the implementation of the Plan must occur “subject to the requirements and limitations of state law.” (General Plan, Chapter 1-10) These admissions within the General Plan directly undercut the Appellants’ core argument. In his testimony, Mr. Giglio confirmed that “[The Comprehensive Plan and the 2019 General Plan]...is a policy document that provides guidance for elected officials....” JA 2127:85 – JA 2127:88. Yet he describes the County's intent is to add transmission

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<sup>4</sup> Loudoun County 2019 General Plan,  
<https://www.loudoun.gov/DocumentCenter/View/152285/General-Plan---Combined-with-small-maps-bookmarked>

corridors to the comprehensive plan for the purpose of routing HVAC transmission lines, i.e. to "identify routes in advance so we could more proactively plan where some of these transmission line corridors may go, working with the electric providers in our area." JA 3948:8 – JA 3948:12.

He further stated that "it is the County's hope that this sort of strategic planning *will* create the administrative framework for preplanned underground projects to be approved directly by localities." JA 2141: 398 – 2141: 389. Of course, there is no such process now.

### **STANDARD OF REVIEW**

"In considering the appropriate standard of review to be applied when reviewing a Commission decision, [this Court] begin[s] by giving a decision in which the Commission has exercised its expertise a presumption of correctness." *Appalachian Power Co. v. State Corp. Comm'n*, 284 Va. 695, 703 (2012).

"[The Court's] standard of review, however, will depend on the nature of the decision under review." *Id.* Where the decision under review is "the Commission's construction and application" of a statute or regulation, the issue "is a question of law reviewed by this Court de novo." *Id.* Where the decision under review is a finding of fact by the Commission, such finding "will not be reversed unless it is 'contrary to the evidence or without evidence to support it.'" *Id.* at 709 (quoting *Mutual Sav. & Loan Ass'n v. Commonwealth*, 212 Va. 557, 559 (1972)).

## **ARGUMENT**

Appellee Theresa Ghiorzi is only presenting Argument as to Assignment of Error No. 5 by the Appellants. Ms. Ghiorzi takes no position as to the remaining assignments of error other than to affirm the correctness of the SCC's consideration of Loudoun County's local comprehensive plan in its decision not to require the underground placement of the Aspen-Golden Transmission lines.

### **I. The Commission Properly Considered the County's Comprehensive Plan to the Extent Required Under § 56-46.1**

Appellants argue that the SCC erred in approving the Aspen-Golden transmission line because it failed to make a formal finding that the project was in “substantial accord” with Loudoun County's 2019 General Plan. This argument mischaracterizes both the language and purpose of the governing statute, Virginia Code § 56-46.1, and disregards longstanding precedent confirming the SCC's exclusive jurisdiction over electric transmission infrastructure.

The SCC's authority over the siting and approval of electric transmission lines—particularly those of 200 kilovolts or more—was affirmed in *Virginia Electric and Power Co. v. Board of County Supervisors of Prince William County*, 226 Va. 382, 309 S.E.2d 308 (1983). There, the Supreme Court of Virginia upheld the SCC's jurisdiction to conduct environmental impact reviews under Virginia Code § 56-46.1, even when the proposed transmission line was to be located within an existing corridor. 226 Va. at 388-89

To recap, the SCC is vested with constitutional and statutory authority to regulate public utilities. Under Va. Code § 56-46.1, the SCC is uniquely responsible for approving the siting and construction of electric transmission lines based on the criteria of public convenience and necessity. Under Subpart A of Va. Code § 56-46.1, for the construction of any electric utility facility, “the Commission *shall receive and give consideration* to ... if requested by any county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted pursuant to ... § 15.2-2223.” (emphasis added). In other words, the SCC must “consider” the 2019 General Plan; it is not bound to follow it.

In *Virginia Electric and Power Company v. Citizens for Safe Power*, 222 Va. 866, 284 S.E.2d 613 (1981), the Court addressed Va. Code § 56-46.1, specifically the requirement for a public service company to provide "adequate evidence that existing rights-of-way cannot adequately serve the needs of said company" when seeking approval for a new transmission line. 222 Va. at 869. The Court emphasized that while the SCC must justify deviations from existing corridors when contested, the statute does not eliminate the Commission’s judgment or discretion in making that determination. This case affirms the SCC’s authority to make routing decisions based on a broader balancing of public need, feasibility, cost, and environmental impact—not merely alignment with local planning goals.

Virginia Code § 56-46.1(F) also states that: “Approval of a transmission line pursuant to this section shall be deemed to satisfy the requirements of § 15.2-2232 and local zoning ordinances with respect to such transmission line.” This means that once the SCC approves a transmission project under § 56-46.1, it has effectively fulfilled any obligation that might otherwise exist under § 15.2-2232, including any requirement to determine “substantial accord.”

In *Board of Supervisors of Fairfax County v. Virginia Electric and Power Company*, the Court affirmed the jurisdiction of the SCC, and not the locality, to approve the construction of a transmission line. 222 Va. 870, 873-73 (1981). Likewise, in *BASF Corp. v. State Corporation Commission*, 289 Va. 375 (2015), the Supreme Court upheld the Commission’s approval of a substation project over objections from a locality. The Court confirmed that a substation is part of the transmission system and therefore falls within SCC’s regulatory domain—not the County’s. 289 Va. at 405. In fact, the intent of § 56-46.1(F) is to ensure statewide uniform regulation of high voltage transmission lines that benefit all users of the transmission grid. *See Fairfax County*, 222 Va. at 873-74.

This principle is firmly established in *Mt. Crawford v. Virginia Electric and Power Co.*, 220 Va. 645 (1980), where the Supreme Court of Virginia upheld the SCC’s approval of a transmission line over the objections of a town that proposed an alternate route aligned with its development preferences. 220 Va. at

650. The Court emphasized that the SCC, not localities, is the body “authorized by the Constitution of Virginia and the applicable statutes to make a judgment” on such matters. It reaffirmed that the SCC’s factual determinations and route selection—based on considerations like cost, timing, environmental impact, and system reliability—are entitled to judicial deference and will not be overturned if supported by the record. In *Mt. Crawford*, the Town’s objections and preferred underground hybrid route may reflect local planning goals or aesthetic preferences, but they do not override SCC’s independent authority. 220 Va. at 650.

Contrary to Appellants’ overreaching claim, the SCC was not required at any point to issue a finding that the route was in “substantial accord” with the County’s General Plan. The SCC’s interpretation—that it need only “consider” local plans and is not bound by them—follows the plain text of the statute.

As authorized by Article IX of the Virginia Constitution, SCC has a unique role as an independent department of state government with its own administrative, legislative, and judicial powers. Va Const. art. IX, § 1. It is not bound by local zoning laws, especially those which are merely advisory, when making decisions regarding the regulation of public utilities and the certification of certain infrastructure

projects.<sup>5</sup> Here, its responsibility under § 56-46.1(A) was to consider the plan, not to fully comply with it. That is what happened.

For the reasons stated above, the Assignment of Error 5 should be rejected. The Commission’s decision was legally sound and supported by the record and should therefore be affirmed.

## **II. SCC Exercised Discretion to Weight Competing Factors in Accordance With Virginia Law**

In their appeal, Appellants argue that the Hearing Examiner and the Commission applied an “impossibly high standard” to the County’s underground hybrid proposal—one allegedly not found in Virginia Code § 56-46.1(B). That is not accurate or relevant, as the UHP did not qualify under any relevant standard.

The SCC conducted a full evidentiary hearing, considered public input and expert submissions, reviewed Loudoun County’s 2019 General Plan, and evaluated the County’s proposed UHP. JA 2713 – 2723. While the Hearing Examiner acknowledged the County’s concerns about visual and cultural impacts, the report—adopted by the Commission—ultimately found that the UHP was not a fully

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<sup>5</sup> The Virginia Constitution created the SCC and vested it with executive power to “administer[] the laws,” legislative power to “regulat[e] rates . . . and services,” and judicial power to act as “a court of record” “[i]n all matters within the jurisdiction of the Commission.” 22 Va. Const. art. IX §§ 1-3; *see Prentis v. Atl. Coast Line Co.*, 211 U.S. 210, 224, 226, 29 S. Ct. 67, 53 L. Ed. 150 (1908) (*citing Norfolk & P. Belt Line R. Co. v. Com.*, 103 Va. 289, 49 S.E. 39, 41 (Va. 1904)) (acknowledging that the SCC is “clothed with legislative, judicial, and executive powers”).

developed proposal that *inter alia* lacked sufficient technical and cost detail to justify selection. Specifically, the Report stated that:

“The record of this case illustrates numerous concerns about the viability of the Updated Hybrid Proposal, as discussed above. Given the concerns about the Updated Hybrid Proposal’s route, constructability, and cost (as discussed below), and given the lack of environmental analysis and environmental justice analysis, I do not find that this proposal meets the applicable statutory criteria for CPCN issuance.” JA 2553.

After weighing all factors, including feasibility, reliability, environmental effects, and cost, the Commission concluded that the overhead Route 1AA corridor was the most appropriate option for issuance of the CPCN.<sup>6</sup>

The plain language of Va. Code § 56-46.1(B) provides that “the Commission shall consider... the costs and economic benefits likely to result from requiring the underground placement of the line.” Va. Code § 56-46.1(B). It further requires that “as part of the application, the applicant shall summarize its efforts to avoid or reasonably minimize adverse impact... on scenic assets, historic resources, and the

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<sup>6</sup> “The proposed Aspen-Golden Project, with overhead Route 1AA, in contrast, is a fully developed proposal ready for Commission approval. There is a start and an end to these lines. Every structure has been plotted, subject to final engineering. The environmental, cultural, and scenic impacts have been considered. Environmental justice has been analyzed. Impacts to historic resources and protected species have been considered. There is evidence this project is achievable in the time allotted to prevent projected violations of NERC Reliability Criteria. In Staffs words, “[T]he overhead route remains the only feasible and economical option for the Aspen-Golden lines to address the need identified in the Company’s [Aspen-Golden Application].” JA 2553.



environment.” *Id.* This provision establishes that the burden of production lies with the Appellants fulfilling the evidentiary threshold required for meaningful Commission review—which the County fails to do.

In this case, the SCC fulfilled its statutory role in reviewing and approving the application for CPCN. The SCC conducted a full analysis of both the UHP proposed by the Appellants and Route 1AA developed by Dominion. *See Generally* JA 2407 – 2588. Virginia courts have emphasized that the SCC's decisions must rest on a full and substantiated evidentiary record. In *Appalachian Voices v. State Corporation Commission, et al.*, 277 Va. 509, 675 S.E. 2d 458 (2009), the Supreme Court reaffirmed that the Commission operates under a “presumption of correctness” and is entrusted with “finding the facts and making a judgment.” 277 Va. at 516. The Court made clear that the Commission must base its determinations on the evidentiary record presented by the applicant and other parties, not by independently developing or repairing deficient proposals.

Particularly in complex and costly matters such as underground transmission lines in this case, the Commission is not expected to fill evidentiary gaps or make assumptions beyond what the record supports. *Id.* at 515–16 (emphasis added). Here, the SCC is not required to delay or reject a lawful infrastructure project in favor of an incomplete or aspirational alternative, even if that alternative aligns with local planning preferences. Rather, the SCC determines whether a proposed project, based

on the full record, satisfies the legal requirements of necessity, feasibility, and public interest. Va. Code § 56-46.1(A). In its 25-page analysis, specifically designated to the UHP, the Commission comprehensively reviewed the UHP option and made its decision based on all the required factors. JA 2528-2554.

As the Virginia Supreme Court has explained, the SCC is vested with “broad, general and extensive powers” over public service corporations and is charged with “finding the facts and making a judgment.” Its decisions will not be disturbed unless they are contrary to the evidence or unsupported by the record. *See Va. Elec. & Power Co. v. State Corp. Comm’n*, 300 Va. 153, 169, 861 S.E.2d 47, 59 (2021).

In doing so, the SCC did not disregard the 2019 General Plan. Rather, the SCC considered recommendations from the Hearing Examiner’s Report, which expressly evaluated the plan, giving due consideration to the County’s proposed underground hybrid alternative. JA 2520, 2536. While Dominion did not propose an underground option, it retained the consultant, Black and Veatch Corporation, to conduct the feasibility study of that option. JA 2424. The key distinction lies not in whether the SCC considered the General Plan—it did—but in the feasibility, completeness, and readiness of the competing proposals. JA 2552-2553.

Here, the Commission reviewed evidence, considered opposing expert testimony, and addressed competing engineering opinions. The decisions contested by Appellant’s Assignment of Error 5 should be affirmed.

### **III. SCC Lacks Jurisdiction to Adjudicate Private Property Rights And Lacks Eminent Domain Authority**

While the SCC has authority under Virginia Code § 56-46.1 to issue a CPCN for both overhead and underground transmission lines, that authority is limited to public utility regulation. The SCC may evaluate the technical feasibility, environmental impacts, cost, and routing of such projects, but it does not have jurisdiction to resolve private property disputes, interpret or enforce easement agreements, or exercise the power of eminent domain. *See Helms v. Manspile*, 277 Va. 1, 6, 671 S.E.2d 127, 130 (2009) (holding that disputes involving the scope or enforcement of easement rights are reserved for circuit courts).

The County's proposed UHP would require permanent subsurface easements, which often impact existing and future uses of private property. JA 2544. These easements are broader and more intrusive than those associated with approved Aspen-Golden and Apollo-Twin Creeks lines. JA 2479.

The Virginia Constitution and Code also limit condemnation authority to designated public bodies or public utilities. The SCC is not a condemning authority under Va. Code §§ 25.1-102 and 25.1-200 and thus lacks any legal authority to compel the taking of private property for utility infrastructure.<sup>7</sup> Moreover, it cannot

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<sup>7</sup> Under Article I, Section 11 of the Virginia Constitution, any such intrusion on private property is a "taking" and requires just compensation through a formal condemnation process. In this case, the SCC has no authority to exercise eminent

issue a ruling to “protect” a property right. A viewshed easement, such as the one asserted here<sup>8</sup>, is a private property interest—typically recorded by deed and enforceable under real property law. *See* Va. Code §§ 55.1-300 et seq., 55.1-306. Va. Code § 55.1-306 does not authorize administrative agencies—such as the SCC—to adjudicate easement disputes. Whether proposed utility installation violates the terms of that easement is a legal question reserved exclusively for the courts.

In *Helms*, the Court confirmed that adjudication of easement rights—including any claims that a utility structure obstructs an easement—falls squarely within the jurisdiction of Virginia’s circuit courts. Accordingly, even if a party claims that transmission poles interfere with an existing easement, such a claim must be brought through a property action in court—not before the SCC. *Helms v. Manspile*, 277 Va. 1, 8, 671 S.E.2d 127, 131 (2009).

The Virginia Court of Appeals’ recent decision in *Darlene S. Smith v. Allen Creek Associates, LLC*, No. 0850-24-3 (Va. Ct. App. Aug. 19, 2025), underscores that disputes over the scope, relocation, or enforcement of easements present

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domain or determine just compensation for takings. *See* Va. Code § 25.1-102 (limiting the power of eminent domain to designated condemning authorities); *see* also Va. Code § 25.1-204 (requiring condemnation proceedings to be initiated in circuit court). That power rests with the Circuit Courts.

<sup>8</sup> See JA 2523 (noting that the County’s proposed undergrounding transmission lines does not fully eliminate their visual impacts).

justiciable issues reserved for the judiciary—not administrative agencies. In that case, the court affirmed the trial court’s application of Va. Code § 55.1-304, holding that the proposed relocation of private utility easements did not constitute a constitutional taking, as the easement holders’ rights were not materially diminished. *Slip op.* at 17-18. Critically, the decision reinforces that resolving such property disputes—including claims of interference or impairment—requires factual determinations and legal analysis that fall squarely within the jurisdiction of Virginia’s circuit courts.

Second, the SCC cannot grant, initiate, or oversee eminent domain proceedings. Under Virginia property law and Article I, Section 11 of the Virginia Constitution, any intrusion or permanent encumbrance on private property constitutes a “taking” and requires just compensation through formal condemnation. That power resides only with designated local governing bodies or public utilities granted such authority by law—not the SCC. Accordingly, the County’s UHP—which depends on access to private property—cannot be implemented without separate legal proceedings to acquire subsurface easements. The County has not addressed this issue in its proposal, nor has it identified any legal pathway for acquiring the necessary property rights.

Virginia Code § 1-219.1 limits the use of eminent domain to situations where the primary purpose is a bona fide public use—not private benefit. The statute

expressly prohibits takings where the purpose is to generate economic development, increase tax revenue, or promote private financial gain. The record indicates that the primary beneficiary of the proposed UHP would be a set of private owners who would not be subject to a transmission line in their viewshed, not the general public. As such, any use of eminent domain in this context would likely violate § 1-219.1 and Article I, § 11 of the Virginia Constitution.

### **CONCLUSION**

The County's argument rests on a misapplication of non-binding planning preferences and attempts to enforce a legal standard—"substantial accord"—that has no basis in § 56-46.1 or in controlling precedent. Their reliance on the 2019 Comprehensive Plan overlooks that SCC's statutory duty is to consider such documents, not to conform to them.

The County's arguments also ignore the jurisdictional limits of the SCC, which does not possess authority to resolve private property disputes or to compel the buyout of private easements. That power resides with the judiciary and, in limited cases, entities with eminent domain authority subject to constitutional and statutory restrictions. Here, Appellants improperly attempt to shift what is fundamentally a private property rights dispute involving a viewshed easement into a public utility certification proceeding. The Commission correctly declined to decide that issue,

staying within its lawful mandate to evaluate system reliability, environmental impacts, land use compatibility, and overall public necessity under § 56-46.1.

Dated: September 2, 2025

Respectfully submitted,

THERESA GHIORZI

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## **CERTIFICATE OF COMPLIANCE**

I certify that this Brief complies with the applicable word count limit and contains 5,048 words, exclusive of appendices, the cover page, table of contents, table of authorities, signature blocks, and certificates.

Counsel for the Appellants respectfully requests oral argument.

/s J. Chapman Petersen  
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## **CERTIFICATE OF SERVICE**

I certify that on September 2, 2025, an electronic copy of the Brief of Appellant was filed, via VACES, with the Court of Appeals of Virginia and, on the same day, I served a copy of the foregoing by email and first-class mail on:

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## **Attachment II**

*Dominion Energy Virginia/Dominion Energy North Carolina Guidelines for use of Real Estate  
Encumbered by Electric Transmission Rights Of Way*

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These Guidelines are intended to provide general guidance to landowners for what may or may not be allowed in electric transmission rights of way. These Guidelines are advisory only and do not constitute policies or procedures with respect to right of way matters. These Guidelines do not expand, restrict or otherwise modify either (i) the terms and conditions of recorded easement documents or (ii) the respective rights of Dominion Energy Virginia/Dominion Energy North Carolina or the landowner. As Guidelines, this document provides general information only. Each specific electric transmission easement activity must be evaluated on a case-by-case basis, taking into account, among other things, the terms and conditions of the documents creating the easement, the unique characteristics of the real estate encumbered by the easement, the type of facilities installed on the easement, the future need to install additional facilities on the easement given the ever-changing demand for electricity, certain legal requirements, and other factors that may not be set forth in these Guidelines. Finally, these Guidelines are subject to change without advance notice.



### **Definitions**

For the purposes of these Guidelines, the terms below have the following meanings:

**Company** – Virginia Electric and Power Company which does business in Virginia as Dominion Energy Virginia and does business in North Carolina as Dominion Energy North Carolina.

**Consent Agreement** – a written agreement by and between the Company and a landowner or other party that sets forth the Company's permission for an Encroachment to be placed or remain on an Easement. In most circumstances, the Consent Agreement is the equivalent of a license that is revocable by the Company. In most circumstances, the Consent Agreement is nontransferable.

**Distribution Lines** – lower voltage power lines that conduct electricity from a substation to a Company customer.

**Easement** – a landowner grants certain rights to use property to another person or entity through an Easement. An Easement is a legal interest in real property that grants the right to use in some specified manner the property of another. Easements are also sometimes referred to as rights of way.

**Encroachment** – an activity or improvement on the Easement that constitutes a violation of the Easement agreement, condemnation order, or other document creating the Easement. In the case of a prescriptive easement, an "Encroachment" is an activity or improvement on the Easement that interferes with the Easement holder's right to use the Easement.

**Facilities** – any and all equipment and improvements installed by the Company on an Easement including, by way of example and not limitation, lines, poles, structures, guys, anchors, and counterpoise.

**Primary Easement** – the Primary Easement for most Company rights of way is the actual designated area of real estate on which Facilities can be constructed (for example, a 150-foot Right of Way).

**Requestor** – a person or entity requesting a Consent Agreement from the Company.

**Right of Way** – the term "Right of Way" as used in these Guidelines is interchangeable with the term "Easement."

**Secondary Easement** – an Easement needed to accomplish the intended purpose of the Primary Easement. With regard to electric transmission rights of way, two important Secondary Easements are (a) the right of general access to and over the landowner's land to access the Primary Easement and (b) the right to cut danger trees outside the Primary Easement. Note that these Secondary Easements are not generally limited to a certain designated area on the landowners' property. Instead, the Secondary Easements are undesignated areas.

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Easement affects the property. If electric Facilities are located on the property that you are interested in, it is highly likely that the Company has Easement rights across the property. Second, buyers of real estate should have a title search performed on the property that they are purchasing. Proper title searches and surveys can better assist you in determining whether an electric transmission Right of Way affects the subject property and, if so, where the Easement is actually located. While a title search of the property is highly recommended, some Easement documents are recorded well outside the time period normally covered by a regular title search. Consequently, just because the Easement document is not reflected in your owner's title insurance policy does not mean that the Easement does not exist.

In light of the above, and because each of these methods of acquiring notice of a Right of Way have limitations, perspective real estate purchasers should both personally inspect the property and have a title search performed. For example, a mere inspection of the property may not reveal an unoccupied Easement, meaning that a legal Easement has been recorded in the chain of title, but electric Facilities have not yet been constructed upon the Easement or the entire width of the Right of Way has not been cleared. An inspection of the property may also not reveal an Easement providing rights for underground electric Facilities. As for title searches, a title search may not reveal that the Company has acquired certain prescriptive Easement rights, meaning that an Easement document was never recorded, but the Company has had Facilities on the property for a sufficiently long period of time to acquire Easement rights.

Easements can have a significant impact on the landowner's plans to use the property in question. The landowner must, therefore, be aware of whether an Easement encumbers the landowner's property and, if so, what restrictions apply to the landowner's use of the property covered by the Easement.

### **Right of Way Maintenance**

Once an electric power line is installed on an Easement, the Company must keep the line free from outages and interruptions due to contact with vegetation, trees, or other objects. Vegetation management methods include clear cutting or total removal of trees and vegetation, trimming, and herbicide spraying. It is important to note that most Easements allow the Company to cut trees and limbs outside of the Primary Easement area where the trees or limbs might endanger the power lines or other electrical Facilities.

### **Encroachments**

Whether a use of, or improvement to, the Primary Easement area constitutes an Encroachment is determined by numerous factors, including by way of example but not limitation, the following:

- The terms and conditions of the document establishing the Easement;
- The unique characteristics of the real estate encumbered by the Easement;
- The types of Facilities installed on the Easement;
- The Company's specific needs for the Easement; and

- Certain legal requirements.

### **No Buildings or Structures**

Most Easement documents specifically prohibit any buildings or structures in the Right of Way. If this specific requirement is contained in an Easement document, the Company will strictly enforce this prohibition. Even if the Easement document does not contain a specific prohibition of buildings or structures in the Right of Way, however, most of the time such buildings or structures will interfere with the Company's rights and therefore will be implicitly prohibited.

### **Consent Agreements**

Before a landowner makes any change to the topography of, or constructs any improvements on, an Easement, the property owner must request permission from the Company. The Company will then review the pertinent Easement documents as well as operational and legal requirements. If permission is granted by the Company, the Company will issue **through its Electric Transmission Rights of Way Management Representatives in writing** a Consent Agreement, which will contain certain conditions by which the Encroachment will be allowed to take place or remain on the Right of Way. **The Company does not issue verbal consents and any claim of a verbal consent will not be honored by the Company. No other department within the Company has authority to issue a written Consent Agreement other than Electric Transmission Rights of Way Management.** Generally, Consent Agreements are not transferrable and are revocable at the sole discretion of the Company.

### **Local Permits Are Not a Substitute for a Consent Agreement**

In most localities, before you can construct a building or structure, you have to obtain a building permit and certain projects may require zoning and site plan approvals. Generally, local permits are designed to make sure that the building/structure does not violate building code requirements and that the development is in compliance with the local zoning ordinance. **The issuance of building or zoning permits by a local government does not serve as a Consent Agreement.** Before developing/constructing within an Easement, in addition to any local government permits, you must obtain a Consent Agreement from the Company. Even in those situations where a local permit has been issued for a project and a final certificate of occupancy has been issued by locality, if the building or structure is located in a Right of Way the Company has the legal right to require that the building or structure be removed from the Right of Way.

### **Compliance with National Electrical Safety Code**

All uses within an Easement must comply with the National Electrical Safety Code (NESC). The NESC specifies minimum horizontal and vertical clearance requirements for overhead lines. These clearance requirements are mandatory. In addition, the Company abides by its own clearance criteria, which set of standards is stricter than the NESC. These heightened

requirements are intended to provide the Company with an additional safety buffer to ensure NESC compliance.

Note that a use or improvement in the Right of Way does not have to be an NESC violation to constitute an Encroachment. However, all NESC violations within the Right of Way are Encroachments and must be corrected or removed immediately.

### **Overhead High Voltage Line Safety Act**

Virginia's Overhead High Voltage Line Safety Act, which is found at Virginia Code § 59.1-406 et seq., mandates by law certain safety requirements that must be followed when working near overhead power lines in excess of 600 volts. Among other things, contractors and other individuals must call Dominion Energy at 1-866-DOM-HELP (1-866-366-4357) before working near these lines and allow the proper safety arrangements to be put into place before commencing work. More information regarding Virginia's Overhead High Voltage Line Safety Act can be found at the following link:

<https://www.dominionenergy.com/safety/contractors/overhead-high-voltage-line-safety-act>.

### **Compliance with all Other Applicable Laws**

Note that any activity or improvement in the Right of Way must also comply with all other applicable laws, including by way of example and not limitation, (a) laws and regulations promulgated by the Occupational Safety and Health Administration, (b) the National Electrical Code, (c) building codes, (d) zoning ordinances, and (e) Erosion and Sediment control regulations .

### **Encroachment Requests that Generally will be Denied for a Consent Agreement**

The following types of Encroachments will generally be denied by the Rights of Way Management of the Company:

- Buildings, building extensions, building additions, or any portion of a building. By way of example and not limitation, the following items generally will not be approved: homes, offices, garages, barns, sheds, roof overhangs, gutters, balconies, decks, porches, and covered patios;
- Playground equipment;
- Dumpsters and trash receptacles;
- Debris, scrap or waste materials, fill, spoil material, stumps, large boulders, concrete debris, asphalt debris, and construction debris;
- Building materials;
- Swimming pools, wells, septic tanks, drain fields (to include engineered systems), fuel tanks, and propane tanks;
- HVAC units;
- Satellite dishes and television antennas;

- Stored trailers, motor homes/recreational vehicles (RV's), and inoperable vehicles;
- Most watercraft;
- Any type of fire or burning;
- Solar panels;
- Sprinkler systems (excluding drip systems);
- Fire hydrants;
- Retaining walls;
- Storm water ponds, BMP's, retention ponds, or any man-made pond; and
- Burial sites, family plots, and cemeteries.

#### **Construction Plans to be Submitted for Consent Agreement Requests**

A Requestor shall submit prior to installing, modifying, or removing any Encroachment, construction plans that provide sufficient information and detail for the Company to make an informed decision with regard to a request for a Consent Agreement. The detail and comprehensiveness of the construction plan will be commensurate with the type of encroachment. However, at a minimum, such construction plan must include the following:

1. A detailed description of the Encroachment;
2. A summary of all construction activities;
3. The location of the proposed Encroachment in relation to Dominion Energy's Facilities, e.g. proximity of Encroachment to existing towers/poles, as well as the location where the construction activity will occur as depicted on a site plan, survey or other acceptable drawing;
4. A description of the types and locations of all temporary staging areas;
5. A description of the equipment to be used during the construction, modification, or removal of the Encroachment;
6. A summary of the expected maintenance required for the Encroachment; and
7. A timeline for the construction, modification, or removal activity.

#### **Some of the Factors that will be Reviewed by the Company in Determining Whether an Encroachment may be Permitted through a Consent Agreement**

When reviewing an application for a Consent Agreement, the Company may consider, among other things, the following:

- The terms and conditions of the document creating the Easement;
- The specific characteristics of the real estate encumbered by the Easement;
- The current Facilities situated within the Easement;
- The Company's future needs for the Easement, taking into account ever-changing electric demand;
- Whether the proposed Encroachment would be consistent with the reliable and safe operation and maintenance of the Facilities;
- Whether the proposed Encroachment would restrict or interfere with the Company's access to, from, over, across, or along the Right of Way;

- Whether the Encroachment would restrict the Company's design, construction, operation, or maintenance of future Facilities;
- Whether the proposed Encroachment complies with all applicable law, including the NESC and Dominion Energy's internal design criteria; and
- How the Encroachment will impact the Company's ability to access, build, repair, replace, maintain, and operate its Facilities and future Facilities under the worst of conditions, whether natural or manmade.

#### **General Conditions Usually Included in Consent Agreements**

As used in these Guidelines, the person or entity to whom a Consent Agreement is granted is referred to as a "Requestor." If the Company issues a Consent Agreement to a Requestor, the Consent Agreement will contain certain general terms and conditions with which the Requestor must comply in order to maintain the Consent Agreement. These terms and conditions are designed to protect, individuals within the easement, the electric transmission corridor, and the company's facilities. If the Requestor does not comply with the terms and conditions of the Consent Agreement, the Consent Agreement may be revoked.

#### **Guidelines Applicable to Temporary Material Storage**

A Consent Agreement for temporary material storage may be granted in a Right of Way (excluding any portion of a right of way corridor containing 500 kilovolt lines), if the following conditions are collectively satisfied:

- The material is nonflammable;
- The material is readily removable to avoid conflicts with future construction;
- The material is stored no higher than a maximum height established by the Company for the Right of Way in question;
- The material is stored at a distance determined to be safe by the Company away from the outer conductor area;
- The material, or its handling, does not create an NESC violation, a violation of the Company's internal design criteria, or any governmental laws;
- The material is not within fifty (50) feet of any electrical Facility and does not interfere with access to electrical Facilities along the Right of Way;
- Requestor agrees to remove material upon written notice by the Company, should such material interfere with future construction or maintenance work;
- The material is not household refuse, tires, appliances, brush or any other debris or waste material;
- All loose materials must be secured to prevent wind displacement;
- Fenced material storage areas must conform to Company grounding/access gate guidelines;
- Materials must be removed immediately for emergency restoration requirements;
- The designated storage area must be restored to its previous condition upon completion of its use;
- The designated storage area must be restored to its previous condition upon written

- request by the Company; and
- Any expense incurred to remove the material will be paid or reimbursed by the Requestor.

Additional conditions may be required given the unique characteristics of, among other things, the property, the Right of Way, and the Company's Facilities.

#### **Guidelines Applicable to Underground Utilities Crossing Rights of Way**

Underground utilities such as fiber optics, cable lines, gas lines, water lines, storm water lines and sewer lines may be permitted to cross the Rights of Way in locations approved by the Company if, among other things, the following conditions are met:

- No underground utilities shall be installed within fifty (50) feet of any Company structure, foundation, pole, transformer, equipment, guy, or anchor;
- A minimum of thirty-six (36) inches of cover measured from the top of the pipe and/or cable to existing ground elevation is maintained;
- No blasting is allowed until a blasting plan has been provided, reviewed, and approved in writing by the Company;
- If required in writing by the Company, permanent identifying markers are placed and maintained along the pipeline directly over the pipeline where the pipeline is on the Rights of Way, at every angle in the pipeline, and at the points it enters and leaves the Rights of Way, all at the Requestor's expense;
- Pipes will be designed to support constant traffic crossings by heavy construction and maintenance equipment;
- All fire hydrants, manholes, junction boxes or valve boxes must be located outside of the Rights of Way and discharge away from the electric Facilities;
- All above-ground appurtenances such as pedestals and transformers that are related to the Encroachment must be located outside of the Rights of Way;
- Blowdown discharge valves must be located in accordance with the requirements of the U.S. Department of Transportation's Pipeline Safety Regulations. The valves should be located outside of the Rights of Way and discharge away from the electric Facilities;
- If a cathodic protection system is used to protect a pipeline, it must not cause corrosion in the Company's counterpoise or any other part of the Facilities to include any and all underground conductors; and
- The Requestor or its contractor must give the Rights of Way Management Representative at least five (5) days' notice before starting construction on the Rights of Way and pay the cost of the Company in maintaining an inspector on the job.

Additional conditions may be required given the unique characteristics of, among other things, the property, the Right of Way, and the Company's Facilities.



### **Guidelines Applicable to Signs**

Signs are structures and are, therefore, generally not permitted in the right of way. Before placing any signs in the right of way, a Requestor must obtain a Consent Agreement from the Company.

### **Grading or Digging in Transmission Easement**

The Company's Facilities in a typical Transmission Easement include underground components that are not readily apparent at the ground surface. For example, certain structure subsurface foundations flare horizontally away from the base of the above-ground portion of the structure. In addition, most transmission structures include counterpoise. Counterpoise is a type of underground cable electrode used to ground transmission-line towers and structures. It typically is a system of copper, copper coated steel or aluminum wire buried at uniform depth, consisting of several separate legs originating at the base of the structure and spreading out in a radial pattern to a distance of 50 feet or more. Ground rods and/or ground cages may also be part of this system. In addition to these underground improvements, above ground facilities are designed and built based upon existing topography and elevations. Changes in topography or elevation can pose a danger to people and property. Therefore, before grading or digging in a Transmission Easement, you should (a) contact a Rights of Way Management Representative listed at the end of these Guidelines and (b) dial 811 for the appropriate "call before you dig" center (Virginia 811 aka Miss Utility; North Carolina 811 aka NC811). When grading or digging within a Transmission Easement:

- The owner or Requestor must maintain the required Company defined clearances from the ground to the maximum sag of the line.
- The owner or Requestor must maintain a minimum island of undisturbed natural material with a radius of fifty (50) feet at the ground surface around all Facilities.
- The slope ratios (normally 3:1 or less) and transmission line access must be designated by Right of Way Management - Electric Transmission.
- An access lane (a minimum of twenty (20) feet in width) along the Rights of Way and to Company Facilities must be maintained at all times.
- If any counterpoise (ground wire buried 18 to 24 inches deep) is damaged, cut or severed, the property owner must notify the Rights of Way Management Representative immediately so necessary repairs can be made by the Company at the expense of the responsible party.
- All approved grading plans must be verified upon completion by a certified topographic survey to be submitted to the Company within 45 days.
- If it is determined that any grading was not performed as approved, then the Requestor shall be responsible for all costs involved with correcting the deviation from the approved grading requirements.

The Company's facilities are constructed to be in compliance with certain clearance requirements. The topography or elevation within a Transmission Easement should not be changed without prior written approval from the Company.

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Additional conditions may be required given the unique characteristics of, among other things, the property, the Right of Way, and the Company's Facilities.

### **Roads and Parking Lots**

Roads and parking lots may be permitted under the following conditions:

- The proposed road or parking lot complies with the terms of the Easement document;
- No road or parking lot shall be within fifty (50) feet of any Company structure, foundation, pole, transformer, equipment, guy, or anchor;
- No excavation, grading or other construction activities are permitted within fifty (50) feet of any Company structure, foundation, pole, transformer, equipment, guy, or anchor;
- The road or parking lot does not permanently obstruct any portion of the Rights of Way;
- No road intersections are allowed within Rights of Way;
- No roundabouts are allowed within Rights of Way;
- No parallel roads (roads running substantially parallel with electric lines) are allowed in Rights of Way;
- All roads shall cross Rights of Way in such a manner that the angle between the center line of the road and the center line of the Right of Way is no less than forty-five (45) degrees and as close to ninety (90) degrees as possible;
- The proposed grade of any road or parking lot must be reviewed and approved by the Company. Clearances between the road and the electric line conductors on the Rights of Way must be adequate for the maximum conductor operating temperature (Line design will control maximum operating temperature). Where clearances are not adequate, Company Facilities may be modified or reconstructed by Company to accommodate the Encroachment provided that the Requestor assumes responsibility for the actual costs involved in such modification or reconstruction;
- The Company's consent for a road or parking lot Encroachment in no way implies that the Company will grant any future request for quitclaim of the Company's Rights of Way occupied by the approved road or parking lot; and
- The Requestor installs and maintains twenty (20) feet or more Department of Transportation standard entrance gutters and protective barriers as required by the Company at a maximum 10% grade.

Additional conditions may be required given the unique characteristics of, among other things, the property, the Right of Way, and the Company's Facilities.

### **Guidelines for Vehicles in Right of Way**

Vehicles may be temporarily parked within Rights of Way provided, among other things, that:

- They do not exceed a height of 13 feet and 6 inches;

- They are parked at least fifty (50) feet from any structure, foundation, pole, transformer, equipment, guy, and anchor;
- They do not obstruct access to, from, up, down, or over the Right of Way;
- They are operable and transient in nature;
- They do not carry propane tanks, explosives or flammable cargo;
- They have current inspection decals and do not violate any local ordinances;
- The owner of the vehicle agrees to remove the parked vehicle upon written notice by the Company;
- Tanker-type trucks, buses, tractor trailers, trailers, shipping containers, recreational vehicles, and recreational trailers shall not be parked or stored on the Right of Way; and
- Such vehicle does not serve as shelter or overnight quarters for humans or animals.

Additional conditions may be required given the unique characteristics of, among other things, the property, the Right of Way, and the Company's Facilities.

#### **Guidelines for Lighting Facilities**

Lighting may be permitted provided, among other things, that:

- The Company approves the location and height of light fixtures;
- No lighting facilities are allowed within fifty (50) feet of the Company's Facilities;
- No lighting facilities are allowed within the conductor area;
- The lighting facilities must have their own meter base and not be connected to any residence; and
- Requestor assumes responsibility for damaged lighting fixtures installed at grade.

Additional conditions may be required given the unique characteristics of, among other things, the property, the Right of Way, and the Company's Facilities.

#### **Guidelines for Landscaping and Other Plantings**

Landowners should always be aware of how their landscaping or plantings may affect the Company's Easement rights. Landscaping or planting plans must be reviewed by the Company's forestry department. Without prior approval, any plantings are subject to removal by the Company or its contractors. In some instances, lack of prior written approval may result in the property owner being required to remove the Encroachment at their own expense. Any landscaping requested to be placed on an Easement must have a maturity height of less than ten (10) feet. Please note that ten (10) feet in height is the maximum mature height allowed; however, there may be areas within the Company's Right of Way where the mature height must be reduced to ensure proper clearance.

To maintain access to its Facilities and along the Easement, plantings are not permitted in the following locations:

- On any access lane reserved or used by the Company for vehicular travel, the location of which is identified by or designated by the Company or readily observed within the Right of Way, i.e., dirt trails. These access ways are typically twenty (20) feet in width; and
- Within a fifty (50) foot radius of a Company structure, foundation, tower, pole, transformer, equipment, guy, or anchor.

Subject to the considerations above, the planting of selected trees and shrubbery on the Right of Way may be permitted if:

- The plantings conform to the Company's current vegetation guidelines, which guidelines are available upon request;
- The landowner understands that the Company assumes no responsibility for trees, shrubs, or other landscaping planted within the Right of Way which may be damaged as a result of construction or maintenance work, including chemical control of brush; and
- The landowner shall upon notice by Company Rights of Way Management Representative or Company's Forestry Department, trim or remove shrubs or trees identified by the Company. If not so done, the Company may remove such vegetation at the landowners' expense.

#### **Guidelines Generally Applicable to Recreational Uses**

Some recreational uses are compatible with the Company's Right of Way. However, no improvements or changes to the Right of Way should be made without prior written approval from the Company. Some items that will not be allowed within a Right of Way are, by way of example and not limitation, dugouts, backstops, bleachers, stadium lighting, press boxes, scoreboards, goals, tents, and concession stands. Recreation trails on Company Rights of Way will be reviewed on a case-by-case basis. If the trail is approved by way of a Consent Agreement, some of the restrictions that may apply are:

- The Company will maintain the right to use the trails as access routes;
- The trails shall not be located within twenty-five (25) feet of any structure, foundation, pole, transformer, equipment, guy, or anchor;
- The trails shall be designed to withstand American Association of State Highway and Transportation Officials (AASHTO) designation HS20-44 wheel loadings (or ASSHTO HL93 truck loading);
- The trails may be temporarily blocked or closed for an extended period of time to permit Company-required maintenance or construction activities;
- The trails shall conform to existing grades; and
- If a trail is an access point to public transportation, it will be the Requestor's responsibility to provide a safe alternate route during any Company maintenance or construction activities.

The Company will not be responsible for any damage caused to trails when exercising its rights under its Easement documents.



**Eastern Virginia or North Carolina:** Melissa Jordan, Rights-of-Way Management Representative, 902 G Street, Hampton, VA 23661;  
[melissa.y.jordan@dominionenergy.com](mailto:melissa.y.jordan@dominionenergy.com)

**Western Virginia or West Virginia:** Jamie Lowry, Sr. Rights-of-Way Management Representative, 2036 Jefferson Highway, Fishersville, VA 22939;  
[Jamie.w.lowry@dominionenergy.com](mailto:Jamie.w.lowry@dominionenergy.com)



Dominion Energy Virginia

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Transmission Right of Way Agreement (VA) -- (Page 1)

After Recording Return to:  
Dominion Energy Virginia  
Attn: Electric Transmission Real Estate Department  
5000 Dominion Blvd  
Glen Allen, VA 23060

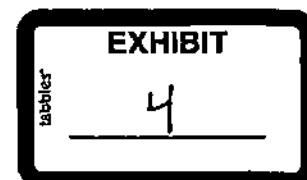
Tax Map No. \_\_\_\_\_  
County \_\_\_\_\_

THIS TRANSMISSION AND DISTRIBUTION EASEMENT AGREEMENT (the "Agreement") made as of this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_, a \_\_\_\_\_ limited liability company hereinafter called "GRANTOR" ("GRANTOR" wherever used herein being intended to include the grantor, whether one or more or masculine or feminine, and the respective heirs, executors, administrators, personal representatives, successors, successors in interest and assigns of each grantor), and VIRGINIA ELECTRIC AND POWER COMPANY, a Virginia public service corporation, hereinafter called "COMPANY" ("COMPANY" wherever used herein being intended to include Virginia Electric and Power Company and its successors, assigns, apportionees, permittees, licensees and invitees).

WITNESSETH:

That for the sum of Ten Dollars (\$10.00), and other valuable consideration, the receipt whereof is hereby acknowledged, GRANTOR grants and conveys unto COMPANY, with General Warranty and English covenants of title, the perpetual and exclusive rights, privileges and easements of right of way (collectively, the "Easement"), \_\_\_\_\_ (\_\_\_\_) feet in width, to lay, construct, bury, operate and maintain one or more underground lines of cables and conduits, together with all above or underground wires, manholes, handholes, meters, attachments, equipment, accessories and appurtenances now or hereafter desirable in connection therewith (all of the aforesaid lines, cables, conduits, wires, manholes, handholes, meters, attachments, equipment, accessories and appurtenances are hereinafter collectively called the "Facilities"), for the purposes of transmitting and/or distributing electric power and for communication purposes relating to the transmission and/or distribution of electricity. The Easement is located over, under, upon, above, in, through and across certain land of GRANTOR situated in the \_\_\_\_\_ of \_\_\_\_\_, Virginia, as more particularly shown on Plat No(s). \_\_, made by \_\_\_\_\_, dated \_\_\_\_\_, and entitled "\_\_\_\_\_" a \_\_\_\_\_, a copy of which is attached hereto and by this reference made a part hereof (collectively, the "Plat"), and to which Plat reference is hereby made for a more particular description of the Easement. The area encumbered by the Easement shall hereinafter be called the "Easement Area." COMPANY shall have the right to assign, transfer, apportion or divide, without limitation, all or any parts of the rights, privileges or easements granted to COMPANY in this Agreement.

The Facilities now or hereafter installed shall remain the property of COMPANY. COMPANY shall have the rights to inspect, rebuild, remove, repair, maintain, improve, alter, modify, replace and relocate the Facilities or any part thereof, and make such changes, replacements, alterations, substitutions, additions





**Transmission Right of Way Agreement (VA) – (Page 2)**

to or extensions of the Facilities as COMPANY may from time to time deem advisable, in its sole and absolute discretion.

GRANTOR may use the Easement Area for any purpose which is not inconsistent with the rights granted to COMPANY herein, provided that no improvements of any kind (including, but not limited to, water, sewer, telephone, electric, gas, cable or other utilities or communications facilities or equipment) may hereafter be constructed, placed or installed by GRANTOR or permitted by GRANTOR to be constructed, placed or installed on, over, under, through, across or in the Easement Area, without COMPANY's prior written consent thereto, which consent may be withheld in COMPANY's sole discretion if COMPANY determines that any such use may or could injure, interfere with or endanger the construction, installation, operation, maintenance or repair of any Facilities, interfere with the exercise by COMPANY of any rights, privileges or easements granted to COMPANY in this Agreement or violate any health or safety standard, rule or regulation now or hereafter in effect.

COMPANY shall at all times have the right, without any additional payment and without any liability to GRANTOR or any third party, to keep the Easement Area clear of (a) all buildings, improvements and structures (except agricultural fences), and (b) all trees, limbs, shrubs, landscaping, vegetation and crops and all stumps, roots and undergrowth; and COMPANY shall have the further right to trim, fell, cut or remove any tree, limb, shrub, landscaping, vegetation and crops which is located outside the Easement Area which, in the sole opinion of COMPANY, may endanger the safe or proper operation of the Facilities, or which in falling or being felled, cut or removed could come within ten (10) feet of any of the Facilities. All trees, limbs, shrubs, landscaping, vegetation, crops, stumps, roots and undergrowth removed, cut or felled by COMPANY may be disposed of by COMPANY within four (4) months after they are removed or felled. All trees, limbs, shrubs, landscaping, vegetation, crops, stumps, roots, and undergrowth cut or uprooted by COMPANY and not disposed of by COMPANY within four (4) months after they are cut or uprooted shall be the property of GRANTOR. All trees, limbs, shrubs, landscaping, vegetation, crops, stumps, roots, and undergrowth cut or felled by COMPANY (whether within or outside of the Easement Area) and not removed by COMPANY may be placed in piles within the Easement Area, subject to applicable regulatory requirements, where they will not block streams or drainage ditches. Notwithstanding any provision in this paragraph to the contrary, all trees felled or cut by COMPANY outside the Easement Area one year or more after COMPANY initially cuts trees outside the Easement Area shall remain the property of GRANTOR. Under no circumstances shall COMPANY be obligated to pay or provide additional compensation of any kind to GRANTOR for any trees felled or cut by COMPANY within or outside the Easement Area in the exercise by Company of its rights under this paragraph. COMPANY shall have the right, but not the obligation, to plant trees, shrubs, and other vegetation within the Easement Area at public road crossings.

For the purposes of constructing, inspecting, maintaining, or operating the Facilities within the Easement Area or on GRANTOR's property or properties adjacent to GRANTOR's property, COMPANY shall have the right of ingress and egress on, over, through, across and upon the property of GRANTOR. COMPANY shall have the further right of ingress to and egress from the rights of way, private roads, driveways and parking areas which may now or hereafter exist on the property of GRANTOR. All rights of





Dominion Energy Virginia

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**Transmission Right of Way Agreement (VA) -- (Page 3)**

ingress and egress shall be exercised in such manner as shall cause the least practicable damage and inconvenience to GRANTOR.

COMPANY shall repair damage to agricultural fences located inside or outside the Easement Area and to roads and other improvements located inside the Easement Area with COMPANY's prior written approval and shall pay GRANTOR reasonable costs for any damage to crops located inside or outside the Easement Area, when such damage results directly and solely from COMPANY's exercise of the rights herein granted, provided GRANTOR gives written notice to COMPANY of such damage to the aforesaid fences, roads and other improvements and crops and the agreed upon amounts due to GRANTOR for damaged crops, within sixty (60) days after any such damage occurs. Additionally, COMPANY shall repair damage to roads and other improvements located outside the Easement Area, when such damage results directly and solely from COMPANY's exercise of the rights herein granted, provided GRANTOR gives written notice to COMPANY of such damage within sixty (60) days after such damage occurs. GRANTOR and COMPANY understand, acknowledge, and agree that trees, limbs, shrubs, landscaping, vegetation, stumps, roots or undergrowth shall not constitute crops for which GRANTOR may be entitled to compensation pursuant to this paragraph.

The cash consideration hereinabove mentioned is paid by COMPANY and accepted by GRANTOR as full and total payment for the Easement and damages, if any, to the remainder of GRANTOR's property, for all trees, limbs, undergrowth, roots, stumps, shrubs, landscaping, vegetation, crops or other obstructions and all other rights, privileges and easements granted herein and that, except as otherwise provided in this Agreement, GRANTOR shall not be entitled to additional consideration for any trees, limbs, undergrowth, roots, stumps, shrubs, landscaping, vegetation, crops or other obstructions within or outside the Easement Area.

GRANTOR covenants that it has the right to convey the Easement and all other rights, privileges and easements conveyed herein; that COMPANY shall have quiet and peaceable possession, use and enjoyment thereof; and that GRANTOR shall execute such further assurances thereof as may be required by COMPANY.

NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying.

**[SIGNATURE PAGES FOLLOW]**



Dominion Energy Virginia

240820246

Transmission Right of Way Agreement (VA) – (Page 4)

WITNESS the following signature(s) and seal(s).

GRANTOR:

\_\_\_\_\_(SEAL)

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE/COMMONWEALTH OF \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me in the aforesaid jurisdiction this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ the \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

a \_\_\_\_\_ limited liability company, on behalf of the company.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Notary Registration Number: \_\_\_\_\_

[AFFIX NOTARIAL SEAL]



Dominion Energy Virginia

240820246

Transmission Right of Way Agreement (VA) – (Page 5)

*[HOLD FOR PLAT]*

# **Attachment III**

VA SCC Cases PUR-2024-00032 and PUR-2024-00044 Aspen/Golden Transmission Lines,  
Hearing Day 4, September 19, 2024 Direct and Cross Examination of Pat Gilgio

## 66 (830 to 833)

2439034

start

Transcript of Hearing - Day 4  
Conducted on September 19, 2024

67 (834 to 837)

<p>834</p> <p>1 since August 15th when this was submitted, 2 including a day and three-quarters of trial. 3 Do you have some additional supplemental 4 direct testimony you'd like to give? 5 A I do. 6 Q Okay. I'd like to ask you about a few 7 topics that came up over the -- basically the last 8 day and a half and also in some of the rebuttal 9 testimony that was filed by the Company. 10 It's really only about four topics, so 11 hopefully this will not take very long. One is 12 JKLH had a witness on the stand yesterday 13 testifying about their proposed data center. 14 What is the name of that one; do you know? 15 A I don't know the official name of that 16 one. 17 Q Okay. All right. He stated, essentially, 18 that he couldn't make a bunch of changes unless it 19 was -- because his data center is grandfathered 20 under current approvals. 21 Can you explain what that means? 22 A Yeah. So that particular -- the JK data 23 center is currently in review as a site plan. 24 It's handled in our building and development 25 department. And so what it means is that they are</p>	<p>836</p> <p>1 clearly in there. 2 Why does the County's proposed hybrid 3 project substantially comply with the comp plan? 4 A So if you take a look -- so I'm going to 5 speak mostly from a land use planning perspective. 6 And for -- 7 MS. LINK: Your Honor, I'm going to object 8 to this line because this is not in response to 9 something that has been filed since Mr. Giglio's 10 testimony. This is just a general question about 11 a proposal they submitted along with his testimony 12 and why it complies with the comp plan. This is 13 not in response to anything that anyone has 14 raised. No one has said it doesn't comply with 15 the comprehensive plan. 16 MR. McROBERTS: Mr. Rosenberg was on the 17 stand for about a day and a half talking about 18 impacts, including many that are called out in the 19 comp plan, and that's what he's about to testify 20 to. 21 THE HEARING EXAMINER: Continue. 22 MR. McROBERTS: Okay. 23 THE HEARING EXAMINER: Try to keep it 24 short. 25 THE WITNESS: If I can continue.</p>
<p>835</p> <p>1 still going through the finish -- working through 2 all the details on that. 3 So at this point, there are still 4 opportunities to make changes to it; however, they 5 cannot be substantial changes. So some of those 6 things like the size of the building, where the 7 building's location is, are some of those major 8 things. However, there's the ability to make 9 minor tweaks if a road moves a little bit or 10 parking changes, that those can be accommodated 11 and are just identified as just kind of minor 12 changes as they are working through that process. 13 Q Would moving a stormwater pond be a 14 substantial change? 15 A No. That's the type of small changes I 16 was referring to. 17 Q Okay. I'd also like to talk to you about 18 some of the issues that have come up about the 19 County's proposed hybrid underground, aboveground 20 transmission line proposal. I'll just call it the 21 hybrid project, if that's okay. 22 You said in direct that the County -- 23 excuse me -- the Company's proposed overhead 24 project did not comply with the comp plan. I 25 won't go into those reasons. You state them very</p>	<p>837</p> <p>1 BY MR. McROBERTS: 2 Q Yes, please. 3 A This section of Route 7, basically from 4 Route 28 to Goose Creek, is one of those areas 5 that's identified for residential neighborhood and 6 also for our suburban mixed-use development. So 7 this whole area is intended to be kind of our 8 residential communities. It's where our 9 commercial businesses are, it's where our 10 employment areas are. And it's been this way for 11 quite some time, even other iterations of our plan 12 has identified it for those purposes. 13 And so the question about the 14 undergrounding is in direct response to 15 maintaining the design characteristics of that 16 area and some of the characteristics of the 17 buildings that are there, the people that are 18 there. 19 If you look at some of our other areas, 20 and the Aspen-Golden passes through some of those 21 areas, we have planned industrial and planned 22 employment areas. Those are the areas where we 23 would anticipate and we had no objection to some 24 of the overhead route in those areas. 25 But, however, because of the impacts in</p>



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68 (838 to 841)

838  
1 the long-term vision of this area for where our  
2 communities and our businesses are and also our  
3 policies are for trying to mitigate those impacts,  
4 which, particularly when they come in proximity to  
5 heritage resources, environmental resources, key  
6 transportation corridors, as well as residential  
7 communities, so for all those reasons, the County  
8 is advocating for the undergrounding of this  
9 particular section, the hybrid version that we're  
10 talking about.  
11 Q And some of those heritage resources are  
12 described in your direct testimony?  
13 A They are.  
14 Q One of the things I believe you mentioned  
15 in your direct testimony is the greenway or  
16 gateway?  
17 A Right. So --  
18 Q Can you describe what that is?  
19 A So the segment I'm talking about is  
20 actually identified in our zoning ordinance as a  
21 gateway corridor. We have a 100-foot setback  
22 there, and that's one reason --  
23 Q Exactly where is that so the hearing --  
24 A Basically the hundred-foot corridor is on  
25 either side of Route 7. And along that area, too,

839  
1 within our zoning district, we have increased  
2 setbacks for parking at 125 feet and then  
3 buildings at 200 feet, so the idea is that this is  
4 going to be a landscaped corridor as you enter  
5 into Leesburg and this segment through our  
6 residential and mixed-use development area.  
7 THE HEARING EXAMINER: How long is that?  
8 Like how many miles?  
9 THE WITNESS: That section from Goose  
10 Creek to Route 28, I couldn't --  
11 THE HEARING EXAMINER: Okay. So the  
12 gateway aspect starts around Goose Creek?  
13 THE WITNESS: Starts at Goose Creek and  
14 then runs all the way to Route 28 where there's a  
15 major intersection there. And at that point, the  
16 road standards and setback change. More  
17 information than you need to know. Originally it  
18 was supposed to be in our previous plans called a  
19 keynote employment area, and this is where we  
20 envisioned large-scale office, you know,  
21 international companies; however, with the market  
22 the way it is, things changed, and that's why our  
23 comprehensive plan now designates it as a suburban  
24 mixed use and also suburban employment area.  
25 THE HEARING EXAMINER: All right. Thank

840  
1 you.  
2 THE WITNESS: Thank you.  
3 BY MR. McROBERTS:  
4 Q So basically everywhere where the  
5 Company's project and the underground proposal  
6 from the County along Route 7 is part of that  
7 gateway and greenway?  
8 A That's correct.  
9 Q How long has the County been setting that  
10 aside or envisioning that that greenway and  
11 gateway is there?  
12 A It goes back all the way to our 2001 plan.  
13 It was also in our zoning ordinance from that  
14 period, and we've had other iterations. Since  
15 that time, some of the distances have gotten  
16 smaller, particularly the setbacks from the  
17 buildings. But for the most, the intent and  
18 purpose was always to maintain that as a  
19 landscaped corridor.  
20 Q You testified in your direct that Dominion  
21 never seriously pursued undergrounding, from your  
22 perspective, and really historically only  
23 considered aboveground options in their  
24 certificate applications and that they had an  
25 opportunity to mitigate impacts like the ones you

841  
1 described, and you said there is an alternative.  
2 Is that the 15.2-2232 local SCC approval  
3 process that you were mentioning in your direct? county plan  
4 A Yes.  
5 Q Okay.  
6 MR. McROBERTS: Just for the Hearing  
7 Examiner, that's page 16 through 22 of his direct  
8 testimony.  
9 BY MR. McROBERTS:  
10 Q Because the Hearing Examiner's probably  
11 just learning about a 2232 review, and I know  
12 Dominion has never pursued one, can you describe  
13 for the Hearing Examiner and the Commission a  
14 little bit about how the 2232 process works at  
15 Loudoun and what types of projects are involved?  
16 A So 2232, we call them a comprehensive  
17 plan, and I think I referred to -- or  
18 comprehensive plan amendment, C -- I'm sorry.  
19 Commission permit is what we call them because  
20 they are actually reviewed by our planning  
21 commission to evaluate the location, character,  
22 and extent of the particular use. And in these  
23 situations, we're looking at public utility, so  
24 our schools, electric substations, water --  
25 wastewater facilities are all reviewed under that



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69 (842 to 845)

842

844

1 process. It's about a six to nine-month process  
2 for that to occur.  
3 And I think what you're referring to is  
4 also in our pilot program. We talked about a  
5 process to identify high-voltage transmission  
6 corridors as a feature shown of our comprehensive  
7 plan. And in my testimony there's some  
8 information about that. We're actually preparing  
9 an item to bring to our transportation land use  
10 committee, which is our board of -- committee of  
11 our board of supervisors to discuss that process.  
12 And the means of that would be to help  
13 electric providers better identify places where  
14 the county would support transmission corridors,  
15 and it fits into kind of our larger land use  
16 picture in terms of trying to locate them in areas  
17 where they would be with similar uses and/or  
18 finding means to mitigate impacts should they have  
19 to pass through residential areas or areas where  
20 they are not in keeping with that design  
21 characteristic.  
22 THE HEARING EXAMINER: All right. So  
23 you're doing -- from what I am hearing, I think  
24 you're modifying your comprehensive plan to  
25 identify these corridors where you would like

843

1 high-voltage transmission lines to go.  
2 Is that a separate process than the pilot  
3 you talk about in your testimony?  
4 THE WITNESS: It's one and the same. It  
5 is that concept that we're talking about in the  
6 pilot in terms of, you know, moving forward with a  
7 program to identify where we would have these  
8 routes.  
9 THE HEARING EXAMINER: But, I mean, if you  
10 wanted, you could just do that, modify your  
11 comprehensive plan and not have a pilot?  
12 THE WITNESS: Right.  
13 THE HEARING EXAMINER: So the pilot is  
14 identifying corridors plus? Is that -- plus more?  
15 THE WITNESS: I think that's probably a  
16 fair statement.  
17 THE HEARING EXAMINER: Okay. All right.  
18 I'm just trying to get it straight what's going  
19 on. All right. Thanks.  
20 MR. McROBERTS: I have got a few questions  
21 that I think will clarify that whole area.  
22 BY MR. McROBERTS:  
23 Q Right now, I'm really just asking about  
24 the 2232 and the comp and compliance locally. I'm  
25 not asking about sort of what that does to power

1 lines vis-à-vis the SCC; that's more of a legal  
2 issue that I hope we'll get a chance to learn more  
3 about.  
4 But let me just ask you, going back to the  
5 2232 comp plan compliance, you mentioned that if  
6 you have this comprehensive plan amendment  
7 adopted, future corridors and projects from the  
8 Company could be shown, and then they would be a  
9 quote, feature shown on the plan.  
10 Can you describe to me why that would be  
11 important if that were to happen?  
12 MS. LINK: Your Honor, can I -- I'm going  
13 to pose an objection. This is not surrebutting  
14 anything that the Company has raised or any other  
15 party has raised. This is actually just  
16 supplementing what we are learning about Loudoun  
17 County's proposal for whatever process they are  
18 wanting to impose here. But this is just really  
19 just adding more detail to something they have  
20 raised in the case; it's not surrebutting anything  
21 raised by the parties.  
22 MR. McROBERTS: And it's something that  
23 was viciously attacked on day one of trial,  
24 Your Honor, and it was subject to some very big  
25 questions from the Hearing Examiner, which I'm a

845

1 lawyer, I think I know a lot about the planning  
2 process, but I'm certainly not the expert on how  
3 Loudoun County does the 2232 and how it would work  
4 in this pilot program that has been suggested.  
5 THE HEARING EXAMINER: Well, I think that  
6 should have been flushed out more in the direct --  
7 prefired direct because that's a fact of the  
8 pilot. That's not a legal thing. So we need to  
9 move along.  
10 MR. McROBERTS: Okay. Yes, ma'am.  
11 BY MR. McROBERTS:  
12 Q Let me ask a factual question. If there  
13 is a feature shown on the comprehensive plan, what  
14 does that mean for the approval of that project?  
15 A So as a feature shown, it would not have  
16 to go through the legislative process for review.  
17 So if we're speaking specifically about land use  
18 cases or schools or something like that, then  
19 instead of going through a legislative process, so  
20 to get approval of a zoning or special exception,  
21 they would not have to do that. All they would  
22 have to do is go through the normal site plan  
23 process to go ahead and identify the design they  
24 are proposing and, because it's a feature shown,  
25 it's already approved at that level, so...

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Conducted on September 19, 2024

70 (846 to 849)

<p>846</p> <p>1 Q So that's an administrative process?</p> <p>2 A It is an administrative process, correct.</p> <p>3 Q Yesterday there was some testimony about</p> <p>4 substations, and there was some debate over</p> <p>5 substations needing approval or not needing</p> <p>6 approval in both the Dominion's proposal and the</p> <p>7 County's underground hybrid proposal.</p> <p>8 Could you describe whether or not those</p> <p>9 substations and those two competing projects would</p> <p>10 need County zoning approval?</p> <p>11 A They both will. Both -- on either end,</p> <p>12 the Aspen and then the Golden Substations would</p> <p>13 require approval.</p> <p>14 Q Is there any difference from your office</p> <p>15 whether one project comes forward for approval or</p> <p>16 not as far as the process for zoning approval?</p> <p>17 A No. It will be the same process.</p> <p>18 Q What about a transition yard, is that</p> <p>19 something that would require local zoning</p> <p>20 approval?</p> <p>21 A So transition yards are something that's</p> <p>22 actually silent in our zoning ordinance, and so</p> <p>23 under that category would -- probably would not</p> <p>24 require review through a Commission permit</p> <p>25 process.</p>	<p>848</p> <p>1 A Yeah. You got it.</p> <p>2 So this -- yeah, this Belmont Innovation,</p> <p>3 it was referred to as Sentinel is the owner of the</p> <p>4 property. What you're seeing right there, those</p> <p>5 four buildings are those that were approved as</p> <p>6 part of the legislative process. So this also has</p> <p>7 an active site plan.</p> <p>8 And so they -- and I don't know if they've</p> <p>9 filed it yet, but since -- through the legislative</p> <p>10 process, we've approved the concept development</p> <p>11 plan for these. So these locations have been</p> <p>12 approved.</p> <p>13 And then the next step before you can get</p> <p>14 to construction in the administrative part is</p> <p>15 going through that site plan process with our</p> <p>16 building and development department.</p> <p>17 Q Can they be moved in some way?</p> <p>18 A It goes back to our question before about</p> <p>19 substantial and minor revisions. But, yes, there</p> <p>20 is that potential. I mean, consideration is --</p> <p>21 you know, a size of a building can be smaller and,</p> <p>22 again, would be recognized as being a minor change</p> <p>23 at that point because you're not increasing the</p> <p>24 degree of conformity there.</p> <p>25 THE HEARING EXAMINER: Okay. So these</p>
<p>847</p> <p>1 Q And by Commission permit, you mean</p> <p>2 planning Commission?</p> <p>3 A Correct, correct.</p> <p>4 Q I'm just clarifying for the record.</p> <p>5 A I'm sorry.</p> <p>6 THE HEARING EXAMINER: Thank you.</p> <p>7 BY MR. McROBERTS:</p> <p>8 Q We have two competing Commissions here.</p> <p>9 And then really, last question is really</p> <p>10 regarding some of the comments in testimony</p> <p>11 about -- can I get my overhead up here?</p> <p>12 THE HEARING EXAMINER: It likes to go to</p> <p>13 sleep on us.</p> <p>14 MR. McROBERTS: I'm sorry?</p> <p>15 THE HEARING EXAMINER: The overhead sort</p> <p>16 of sleeps periodically. You have to wake it back</p> <p>17 up.</p> <p>18 BY MR. McROBERTS:</p> <p>19 Q The question about this area, there's been</p> <p>20 a number of people testifying and arguing and</p> <p>21 objecting about this whole area down here.</p> <p>22 What is that area?</p> <p>23 A So this is Belmont.</p> <p>24 Q I'm sorry. I'm pointing to Belmont</p> <p>25 Innovation.</p>	<p>849</p> <p>1 four buildings have been approved through the</p> <p>2 local process and generally in the spaces where</p> <p>3 they are shown on this map?</p> <p>4 THE WITNESS: That is correct.</p> <p>5 THE HEARING EXAMINER: Okay. And for the</p> <p>6 record, can you tell us the map page?</p> <p>7 MR. McROBERTS: I am looking at page 1 of</p> <p>8 2 of the ERM Dominion Energy map.</p> <p>9 THE HEARING EXAMINER: Okay. Does it have</p> <p>10 like an A or B or C?</p> <p>11 MR. McROBERTS: C. I'm sorry.</p> <p>12 THE HEARING EXAMINER: Thank you.</p> <p>13 Perfect. Thanks a lot.</p> <p>14 MR. McROBERTS: Thank you.</p> <p>15 BY MR. McROBERTS:</p> <p>16 Q And just to be clear, we're talking about</p> <p>17 the Belmont Innovation Center which is next to the</p> <p>18 Sycolin and Starlight possible stations or</p> <p>19 transition yards?</p> <p>20 A Correct.</p> <p>21 MR. McROBERTS: Those are all my questions</p> <p>22 on direct.</p> <p>23 THE HEARING EXAMINER: Okay.</p> <p>24 MR. McROBERTS: Subject to cross.</p> <p>25 THE HEARING EXAMINER: Sure, absolutely.</p>

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Conducted on September 19, 2024

71 (850 to 853)

249949994

850

1 All right. JKLH?

2 MR. MURPHEY: No questions, Your Honor.

3 THE HEARING EXAMINER: Lansdowne?

4 MR. GREENE: One question.

5 THE HEARING EXAMINER: Sure.

6 CROSS-EXAMINATION

7 BY MR. GREENE:

8 Q Good afternoon. I'm Brian Greene. I'm

9 with Lansdowne Conservancy.

10 You mentioned about the transmission

11 corridors or transmission -- the high-voltage

12 transmission corridors.

13 And I was wondering, has Loudoun done

14 anything to work on those, hiring experts to try

15 to route those where the high-transmission voltage

16 lines might be sited in the future?

17 A We haven't looked at new routes. What we

18 have done is identify all of our existing 500 and

19 230 kV volts, or all of our high voltage, and we

20 are in the process of updating our base layers to

21 show all those.

22 Currently in our -- our plan policies call

23 for and support co-location of new transmission

24 corridors along those areas. So the first thing

25 to do would be identify it. It goes back to what

851

1 I was talking about in terms of developing a map

2 as a feature shown, then that would encourage

3 working cooperatively with electric providers to

4 try and use those existing corridors first in

5 order to minimize impacts on their surrounding

6 community as well as concentrate any visual impact

7 for aboveground facilities in those same

8 corridors.

9 Q And how do you move that forward? Do you

10 do that internally with your own resources, or do

11 you have to procure an engineering firm?

12 A We've used an engineering firm to get the

13 base layers. We will -- the next process is that

14 planning phase where it will be -- we'll work with

15 the consultant. I'm actually the project manager

16 for that one as well. We're calling it the

17 electrical infrastructure CPAM, and that's what

18 we're looking at as part of that. But it's just

19 getting kicked off now, so the initial

20 conversation with our board, like I said, will

21 happen in October, and from there, we'll get

22 further direction in how to progress with that

23 project and that idea.

24 Q And will there be multiple stakeholders

25 involved, or is that just something that the

852

1 County does --

2 A There will be -- like all of our

3 comprehensive plan amendment process, there will

4 be an online presence, there will be public

5 meetings, engagement with electric providers in

6 order to do that. So it will be the full spectrum

7 in order to get input on that.

8 MR. GREENE: Okay. Thank you, Your Honor.

9 THE HEARING EXAMINER: All right.

10 Church?

11 MS. GARDNER: No questions, Your Honor.

12 THE HEARING EXAMINER: All right.

13 Visa?

14 MR. KHAIRA: No questions, Your Honor.

15 THE HEARING EXAMINER: Laborer's Council

16 left.

17 Ms. Ghiorzi, are you with us?

18 MS. GHIORZI: Yes. Can you hear me?

19 THE HEARING EXAMINER: Yes.

20 MS. GHIORZI: Hello.

21 THE HEARING EXAMINER: Do you have any

22 questions for Mr. Giglio?

23 MS. GHIORZI: Yes. I have quite a number,

24 actually.

25 THE HEARING EXAMINER: All right. So give

853

1 me just a minute.

2 So, Mr. Giglio --

3 MS. GHIORZI: So --

4 THE HEARING EXAMINER: Hold on one second.

5 Mr. Giglio, we have someone participating

6 remotely, and so on your screen you'll see her, I

7 think, in a little box off to the side.

8 THE WITNESS: Oh, there we go. Yep.

9 THE HEARING EXAMINER: So that's the

10 person who's talking with you.

11 Okay. Ms. Ghiorzi, please continue.

12 CROSS-EXAMINATION

13 BY MS. GHIORZI:

14 Q Okay. From your direct testimony on

15 page 7, you state that the 2019 general plan has

16 specific policies related to the location and

17 design of electrical generation facilities,

18 transmission corridors, and substations.

19 So the question is, does the County

20 believe that it has the authority to define and

21 site the transmission corridor?

22 A No. I mean, we're aware that that is, you

23 know, the SCC process for that. Again, we have

24 tried to work collaboratively with the electric

25 providers to help locate those in places where

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<p>854</p> <p>1 they will minimize impacts to the environment and 2 the community. But, again, the intent is that we 3 <u>work collaboratively to do that.</u> 4 But, no, we do not have approval processes 5 outlined in the state Code. 6 Q And you don't actually have the authority 7 to create those routes, correct? 8 MR. McROBERTS: Objection. That's asking 9 a legal question of a comprehensive plan and 10 above, frankly, what we asked to brief. 11 THE HEARING EXAMINER: Yes. Ms. Ghiorzi, 12 he's a fact witness. 13 BY MS. GHIORZI: 14 Q Okay. So factually, how do you define -- 15 how would you define a transmission corridor? 16 A We define them as, again, the transmission 17 corridor would be that right-of-way where we have 18 a high-voltage electric transmission, is the way 19 we would define that. I mean, it's a major -- 20 Q Okay. 21 A So I don't know what other clarity I can 22 provide on that. Those are the 500 -- 23 Q Any -- right. Any location that currently 24 has a 500 kV or 230 line is what you consider a 25 transmission corridor?</p>	<p>856</p> <p>1 the additional capacity; is that true? 2 A That is true -- 3 Q Or is that just -- 4 A That is true, and that is actually the 5 current proposal and practice we have seen over, 6 you know, the past ten years. The only actual 7 electric generation facility we have is a natural 8 gas power plant. 9 Q Right, yeah. Okay. So with this 10 definition of transition corridors, once you put 11 the corridors into your GIS, your LOGIS, you can 12 then direct the energy companies to use those 13 corridors, correct? You will just say this is 14 where we would like you to put the transmission 15 line, right? 16 A I think you're referring back to the 17 discussion I had about the development of a 18 comprehensive plan. They have -- just because 19 they are on our mapping system, they are not a 20 component of our comprehensive plan. So that's 21 part of it, I think. 22 Q Right? 23 A Also some of the evaluation and state 24 Code, and I've looked at it as part of this 25 project, it talks about, you know, if the County</p>
<p>855</p> <p>1 A Correct. 2 Q Okay. And that's where you would want to 3 expand to add an additional transmission line or 4 work within the transmission, the existing 5 right-of-way, correct? 6 A It could be. It could be -- 7 Q How are you -- 8 A It could be either of those answers. 9 Q Okay. So with the existing -- let's see. 10 I'll go to lines 50 -- 11 MR. McROBERTS: What page are you on? 12 MS. GHIORZI: Page 7, line 150 to 151. 13 BY MS. GHIORZI: 14 Q And you state that as the general -- the 15 plan supports expanded electrical capacity through 16 generation facilities that use clean burning and 17 environmentally sound fuel (indiscernible) 18 energy-efficient design. 19 So are you currently looking at building 20 new energy within Loudoun County on any of the 21 industrial -- open industrial locations? 22 A I'm not aware of any applications. 23 Q Okay. So without any in-county additional 24 generation, you've already basically decided that 25 you would be using transmission in order to get</p>	<p>857</p> <p>1 adopts a map showing the transmission corridors as 2 a feature shown, it is, you know, <u>beneficial in</u> 3 <u>terms of directing people to go to those areas.</u> 4 And I think I included that in -- it is, 5 it's a part of the transportation land use 6 committee item I provided for you with a reference 7 to that -- 8 Q Yes, I did, I saw -- 9 A -- section of the state Code. So that -- 10 <u>that's the idea behind the comprehensive plan</u> 11 <u>amendment.</u> 12 Q Right. So basically, if that's where you 13 were going to direct them to -- let me give you an 14 example of a transmission corridor from my 15 personal experience. So this was maybe 10 or 16 15 years ago. The past transmission line 17 requested a 2,000-foot corridor in order to site 18 their transmission line, and that was in order 19 to -- they wanted to pick a 200-foot easement 20 within a 2,000-foot corridor. So as a point of 21 reference, an acre is 209 feet. A 3-acre parcel 22 is 361 feet. So that corridor, that path as 23 requested, was essentially the entire frontage 24 from my family's property, and that is -- 25 THE HEARING EXAMINER: I'm sorry. Excuse</p>



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73 (858 to 861)

858

1 me, Ms. Ghiorzi, we're not -- we're not discussing  
2 the path corridor.  
3 BY MS. GHIORZI:  
4 Q Yes. But if you are going to define a  
5 transmission corridor, you're basically reserving  
6 that area for use by a transmission company at  
7 some point in time, are you not?  
8 MR. McROBERTS: Objection. It's asking  
9 for a legal conclusion.  
10 THE HEARING EXAMINER: Can you restate the  
11 question and leave out the history about --  
12 MS. GHIORZI: I'll leave out the history.  
13 THE HEARING EXAMINER: All right.  
14 BY MS. GHIORZI:  
15 Q When you define a corridor, are you  
16 putting a specific amount of space on it so  
17 they -- so -- can the corridor be expanded by  
18 200 feet, by 400 feet, by 600 feet over time? Is  
19 that right?  
20 A We're in the initial phase of developing  
21 this at this point, so I could not tell you what  
22 that is. I will say, in the work that we've done  
23 with the Company in Loudoun County, oftentimes we  
24 are seeing that we are paralleling existing  
25 corridors, and in most situations, it adds maybe a  
859  
1 hundred-foot right-of-way to that.  
2 The majority of the applications we've  
3 looked at and we've commented on have been those  
4 where they are paralleling existing transmission  
5 corridors, 230 kVs that we have already in the  
6 county, so...  
7 Q So when you say "paralleling," you are  
8 talking about expanding the easement by another  
9 hundred feet on whatever property has that  
10 easement, correct?  
11 A That is common practice.  
12 Q That would be an -- yes. Okay.  
13 And then if you are expanding the easement  
14 by a hundred feet, in some cases, you can't expand  
15 it; that's greenfield, you're taking an additional  
16 piece of property; sometimes you have to, like,  
17 dogleg around structures, so that would be a  
18 completely greenfield not even adjacent to the  
19 additional row; is that true? I mean, that's  
20 generally what happens, right?  
21 A Yeah, I think you're getting into more of  
22 the real design aspects of these, the engineering  
23 standpoint.  
24 Q In recent experience -- okay. So recent  
25 experience with the other transmission line that

860

1 has been -- let's see. Actually, it's in  
2 Mr. Rizer's discussion, I think. I don't know  
3 that you made that statement. It might be in  
4 Mr. Rizer's. Page 7 -- page 11.  
5 THE HEARING EXAMINER: Okay. Are you  
6 saying you'd like us to go to --  
7 BY MS. GHIORZI:  
8 Q Let me see. I'm just trying to make  
9 sure -- 4, 5, and 6. Okay. So page -- yes, I  
10 believe we are on 11. So there's a utility --  
11 utility area in that gateway corridor buffer. I  
12 think there was a question earlier about that.  
13 So that gateway corridor buffer runs the  
14 entire length of Route 7 or just Route 28?  
15 A Just the segment I spoke -- referred to,  
16 from Goose Creek to Route 28.  
17 Q All right. That is page 11. So page  
18 17 -- so page 17 you talk about pilot programs,  
19 planning components, and the long-term goals of  
20 rolling out the local approval of underground  
21 transmission lines at a later date.  
22 So in the recent controversies surrounding  
23 the existing corridor and the new 500 kV line, one  
24 of the stated goals was to use the existing  
25 corridor -- in fact, all of your documentation,  
861  
1 including your draft -- [the draft plan of your  
2 Loudoun County power transmission support due  
3 diligence report of Volume III states that, It  
4 will be -- the alternative route will be within  
5 the existing transmission line rights-of-way to  
6 Dobbs Station.]  
7 So that's the goal that was stated in the  
8 board of supervisors resolution, correct?  
9 THE HEARING EXAMINER: Where are you  
10 reading from, Ms. Ghiorzi?  
11 MS. GHIORZI: This is their -- this is  
12 the -- this is the due diligence report from  
13 Loudoun County power transmission.  
14 THE HEARING EXAMINER: Okay. So is that  
15 an exhibit?  
16 THE WITNESS: It is an exhibit -- it is an  
17 exhibit. It is part of -- it was prepared by  
18 Kimley-Horn, and that was what I was referring to,  
19 the contractor that we had do mapping as well as  
20 evaluation of our existing electrical  
21 infrastructure, our high-voltage transmission  
22 corridor as well as taking a look at load growth  
23 in our areas. That's what she's referring to.  
24 Essentially, I believe the reference is  
25 about we had a proposal moving forward for another



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74 (862 to 865)

862

1 transmission line in the western part of our  
2 county. Part of that, in the agreement, was --  
3 with PJM, that they would co-locate with that  
4 existing corridor, and I think that's what this  
5 conversation is about.  
6 THE HEARING EXAMINER: Okay.  
7 BY MS. GHIORZI:  
8 Q Yeah, so about that goal, when you said  
9 within the existing easement --  
10 MR. McROBERTS: Objection. She's asking a  
11 question about a different corridor, Madam Hearing  
12 Examiner.  
13 THE HEARING EXAMINER: Ms. Ghiorzi, I'm  
14 going to remind you again, this is not about the  
15 Marl Line. This is just about Aspen-Golden and  
16 Apollo-Twin Creeks, so if you can ask about --  
17 BY MS. GHIORZI:  
18 Q Okay. So the goal that you see here that  
19 says you will -- the goal is to keep it  
20 underground, and that's the only thing that you  
21 want as part of this --  
22 THE HEARING EXAMINER: Okay. I'm sorry.  
23 Where are you getting that from? Can you tell me  
24 a page number.  
25 MS. GHIORZI: Page 17, page 17.

863

1 THE HEARING EXAMINER: We're back on page  
2 17.  
3 MS. GHIORZI: Yes. Lines 376 to 379,  
4 long-term comprehensive planning regarding the  
5 placement of high-voltage transmission lines with  
6 the goal of rolling out local approval of  
7 underground transmission lines at a later date in  
8 the not to distant future.  
9 THE HEARING EXAMINER: Thank you. That's  
10 really helpful.  
11 BY MS. GHIORZI:  
12 Q If the goal is approval of underground  
13 transmission lines, what happens if you cannot  
14 meet the goal of having it underground? Then it  
15 just becomes an overhead line along the transition  
16 corridor? What happens with the goal?  
17 A I don't think -- moving forward with the  
18 comprehensive plan amendment, it is not defining  
19 whether they are above-ground or below-ground  
20 routes. Again, based on my earlier conversation  
21 about the contextual importance of whether an  
22 above-ground route or a below-ground route would  
23 be more in keeping with the design characteristics  
24 of the area would have to be evaluated on a  
25 case-by-case basis.

864

1 Q So you are essentially attempting to  
2 reserve space along a -- an existing transmission  
3 line for this corridor regardless of whether it's  
4 underground in this pilot? Is that what you're  
5 saying?  
6 A Again, the terms of the pilot have not  
7 been fully defined as far as this goes. Again,  
8 they are all concepts as we're moving forward.  
9 Q And do you -- and as part of that concept,  
10 do you believe that a zoning change would be  
11 required to form a transition corridor?  
12 A I don't think zoning --  
13 Q Is that a zoning change in your mind?  
14 A No, it is not.  
15 Q Okay. So if you were routing something  
16 into a corridor, why would anybody build anything  
17 near that corridor?  
18 MR. McROBERTS: Objection; speculation.  
19 BY MS. GHIORZI:  
20 Q Loudoun County could decide --  
21 THE HEARING EXAMINER: Can you reword the  
22 question?  
23 MS. GHIORZI: Yeah.  
24 BY MS. GHIORZI:  
25 Q The idea --

865

1 THE HEARING EXAMINER: I'm sorry, you're  
2 breaking up. There's electronic interference --  
3 BY MS. GHIORZI:  
4 Q -- and hold it for future use --  
5 THE HEARING EXAMINER: All right.  
6 Ms. Ghiorzi, we're having some technical  
7 difficulties.  
8 Is there anything we can do?  
9 All right. Ms. Ghiorzi, I think we're  
10 losing you. All right. Maybe she will come back.  
11 We're going to go by that for a minute and  
12 maybe she'll come back.  
13 I'm sorry, I lost my wonderful, wonderful  
14 proposed order of proceeding.  
15 Okay. Here it is.  
16 Commission Staff, we'll continue -- she's  
17 back.  
18 Ms. Ghiorzi, we're having a lot of trouble  
19 with the connection -- can you text her and ask  
20 her to disconnect and reconnect, and we're going  
21 to get back with her.  
22 MS. LINK: Your Honor, just a small  
23 suggestion, maybe if she doesn't use her camera  
24 and just goes audio on the connection, maybe it's  
25 less bandwidth and maybe that helps.

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75 (866 to 869)

866

1 THE HEARING EXAMINER: Okay. That's a  
2 good thought.  
3 All right. We'll go ahead with Staff.  
4 MR. CHAMBLISS: Thank you.  
5 THE HEARING EXAMINER: We'll have the  
6 bailiff that's going to work on getting  
7 Ms. Ghiorzi reconnected. Sorry for all that.  
8 Okay. Wonders of technology.  
9 THE WITNESS: Yes.  
10 THE HEARING EXAMINER: Poor Ms. Ghiorzi,  
11 she has sat there all day so that...  
12 I hope we get her back. I do.  
13 Is she coming back?  
14 Good. All right. Well, tell her that we  
15 are going to go ahead with Staff. We're going to  
16 go ahead with Staff, and we are going to get to  
17 her shortly. And maybe she should try not using  
18 her camera --  
19 We're going to come back with you,  
20 Ms. Ghiorzi. We're going to go ahead to Staff.  
21 MS. GHIORZI: (Indiscernible).  
22 THE HEARING EXAMINER: All right. We'll  
23 come back with you. We'll be back in just a few  
24 moments.  
25 All right, Staff. Go ahead.

867

1 CROSS-EXAMINATION  
2 BY MR. CHAMBLISS:  
3 Q All right. I wasn't in here when you took  
4 the stand. Would you tell me your name?  
5 A It's Pat Giglio, but you can just call me  
6 Pat.  
7 Q Giglio?  
8 A Yeah.  
9 Q All right. I'm Bill Chambliss, Commission  
10 Staff. And I have some questions about your  
11 testimony and what now appears to be the basis of  
12 statements made on page 17 and 18 of your  
13 testimony.  
14 You see the highlighted section I've --  
15 A Yep.  
16 Q -- put on the screen?  
17 A Yep.  
18 Q And that says an existing legal framework  
19 already exists for underground transmission line  
20 projects to be approved through local planning  
21 review.  
22 That's your testimony?  
23 A That is.  
24 Q All right. And, Mr. Giglio, you're not an  
25 attorney, right?

868

1 A That's true.  
2 Q All right. Similarly, you say on page 17,  
3 this approval pathway for underground transmission  
4 lines is already permitted under state law.  
5 That's your testimony?  
6 A That's true.  
7 Q All right. I'm going to ask you some  
8 questions about your testimony.  
9 Is it based on this section of the Code?  
10 MR. McROBERTS: Your Honor, I would  
11 object. It's a legal question and --  
12 MS. MACGILL: Then I move to strike the  
13 testimony. He's not going to answer questions  
14 about his own testimony he's got from the advice  
15 of counsel. He's made these statements there's  
16 something in law. I asked the Company for it --  
17 or asked the County for it; I didn't get any  
18 response.  
19 Mr. McRoberts has indicated this is the  
20 basis for it. I want to ask him questions about  
21 what this says, not what it means, but what it  
22 says.  
23 MR. McROBERTS: Your Honor, we've been  
24 told to address this in closing, and we will,  
25 first of all. Then second of all, as

869

1 Mr. Chambliss has suggested, these statements are  
2 based upon legal advice that he's received, and as  
3 he said, he's not a lawyer.  
4 I don't think this is going to be a  
5 helpful progress. We can certainly argue over  
6 what the legal meaning of this is according to the  
7 Supreme Court and the text of the statute, and  
8 it's not going to be helpful.  
9 Now, if he wants to ask how 2232 has  
10 worked in the past in Loudoun County, have at it.  
11 I'm fine with that because he certainly is  
12 knowledgeable about that.  
13 MS. LINK: Your Honor, I'll also add that  
14 Mr. Giglio did speak about the Code Section. He's  
15 talked about state Codes. I believe he's quite  
16 familiar with reading the Codes. I believe that  
17 even his opinion as a layman who is very familiar  
18 with the state Codes and local codes is important  
19 to the record.  
20 Since this is his testimony, if he's not  
21 allowed to answer, I'd also join in the motion to  
22 strike.  
23 MR. McROBERTS: And if I can respond to  
24 that. His testimony was based upon what's going  
25 on right now as a local planning effort to go to



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76 (870 to 873)

<p>1 the Transportation of Land Use Committee of the 2 board of supervisors in Loudoun to try to place 3 routes on the comp plan in order to assist their 4 approval. And that's really what he testified. 5 He didn't testify about the wording of 2232, 6 Your Honor. 7 THE WITNESS: And I can't say that I'm 8 completely familiar with all the language in 2232, 9 however, its intent in terms of regulating public 10 facilities, and it's something we use in the 11 County for our legislative review process. 12 THE HEARING EXAMINER: All right. So 13 here's what we're going to do. Mr. Giglio, what 14 is your position with Loudoun County? 15 THE WITNESS: I'm a senior planner. 16 THE HEARING EXAMINER: Okay. In what 17 area? 18 THE WITNESS: Oh, planning and zoning. 19 I'm not a lawyer. 20 THE HEARING EXAMINER: Exactly. All 21 right. But you work with this Code provision, I 22 assume, in some aspect in your work? 23 THE WITNESS: We do. 24 THE HEARING EXAMINER: Okay. So I'm going 25 to allow Mr. Chambliss to ask you the questions he</p>	870	<p>1 about about the technical benefits of learning 2 more about 500 kV for the engineering standpoint. 3 The other part of that would be the aspect 4 about planning for these particular routes, and 5 that's the part that I can speak of in terms of 6 trying to identify those routes that we would 7 anticipate and/or support undergrounding within 8 the County. 9 Q Do you intend -- does the County intend 10 for this pilot program to encompass undergrounding 11 power lines of different voltages? 12 A Again, it's conceptual at this point, and 13 I would assume we already have 230 kV buried in 14 the county. So, again, I think it would be 15 applicable to all high-voltage transmission. 16 Q All right. Now, here is Code Section 17 52 -- or 15.2-2232. 18 And would you agree that Title 52 applies 19 to counties, cities, and towns? 20 A I agree. 21 Q And that Chapter 22 is Planning, 22 Subdivision of Land and Zoning, correct? 23 MR. WINSTON: Objection, Your Honor. Even 24 the name of the title does not indicate who the 25 particular title applies to. And these are pretty</p>
<p>1 has for you, and you can answer them from your 2 experience as an employee in the Department of 3 Planning and Zoning and as the sponsor of the 4 pilot. 5 And if you feel like, you know, this is -- 6 what you can't answer, say you can't answer it. 7 But answer what you feel you can as to your 8 experience with this. 9 Does that make sense? 10 THE WITNESS: I'll do my best. 11 THE HEARING EXAMINER: All right. 12 BY MR. CHAMBLISS: 13 Q Mr. Giglio, this is page 17 of your 14 testimony. 15 Would you read the first line of your 16 answer there? 17 A The County is proposing the Commission 18 adopt a pilot program under -- for undergrounding 19 500 kV power lines. 20 Q So is this pilot program going to be 21 applicable to the project that's in front of the 22 Commission right now? 23 A Again, this is conceptual at this stage. 24 Again, the request would be to consider this as a 25 pilot program. And I think some of it we spoke</p>	871	<p>1 technical legal questions that I can get for -- 2 MR. CHAMBLISS: I'm just asking him if 3 that's what the title is. 4 MR. WINSTON: That's not what he asked, 5 Your Honor. 6 THE HEARING EXAMINER: He can -- he's 7 allowed to answer some questions within his 8 expertise. He was asked what the title is. He 9 read the title. 10 THE WITNESS: I can affirm that is the 11 correct -- that is the title. 12 THE HEARING EXAMINER: He wasn't asked for 13 the legal definitions of those terms is what I'm 14 saying. 15 MR. WINSTON: I just -- Your Honor, the 16 record will reflect that the question was, do you 17 agree that this statute applies to counties, 18 cities and towns, which is a technical legal 19 question. That's all I was pointing out, 20 Your Honor. 21 THE HEARING EXAMINER: All right. 22 Continue. 23 MR. CHAMBLISS: Okay. 24 BY MR. CHAMBLISS: 25 Q You see that Code section referenced right</p>

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77 (874 to 877)

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1 there?  
2 A Yes.  
3 Q Have you looked at that Code section?  
4 A Yeah. This is what -- yes, so this is the  
5 section -- I can speak to this. And this is the  
6 section we use predominantly, and it is when we  
7 evaluate applications through our Commission  
8 permit process, what I spoke of about the general  
9 character, location, and extent of proposals and  
10 conformance with our comprehensive plan. That's  
11 what we use for evaluation. And that is the  
12 primary section that we end up using.  
13 Q Is Code Section 265.1(b) a definition of  
14 public utility?  
15 A That is correct.  
16 Q All right. Are you familiar with that  
17 Code Section 15.2-2204?  
18 A It's not one that we customarily use.  
19 Q Have you read Section -- the entire  
20 Section A of 15.2-2232?  
21 A I predominantly use the other section we  
22 just referred to with my daily work.  
23 Q All right. What does that phrase say?  
24 A Underground electric distribution  
25 facility.

875

1 Q Do we have an underground electric  
2 distribution facility as subject of this  
3 proceeding?  
4 A We have an underground corridor.  
5 Q Subject to this proceeding is an electric  
6 utility transmission facility, is it not?  
7 A That's correct.  
8 Q Here is Code Section 15.2-2404. And that  
9 is not the section that was referenced in that --  
10 in 2232, but are you familiar with this section?  
11 A I'm not.  
12 Q All right.  
13 THE HEARING EXAMINER: Are you generally  
14 familiar with the fact that there is a process  
15 where a county can have a special rate district to  
16 pay for undergrounding projects?  
17 THE WITNESS: Right. And that is one of  
18 the concepts, I think, that was developed with the  
19 project -- with the proposed project, but I don't  
20 think, again, it's conceptual at this point.  
21 THE HEARING EXAMINER: Okay. And with  
22 this project, with Aspen-Golden?  
23 THE WITNESS: No, no, with the County's  
24 pilot. I'm sorry, the pilot program that the  
25 County was -- that we're referencing.

876

1 THE HEARING EXAMINER: Okay.  
2 BY MR. CHAMBLISS:  
3 Q Do you know if any effort was made by  
4 anyone in the County to take advantage of this  
5 provision of the Code?  
6 A I can't speak to that. I'm unaware.  
7 Q You're not aware of it?  
8 A No, sir.  
9 Q Okay. What is the approximate population  
10 of Loudoun County?  
11 A I couldn't tell you. Well above 500,000.  
12 Q All right. Is the county primarily served  
13 by Virginia Electric and Power Company?  
14 A That's correct.  
15 Q Do any electric cooperatives have  
16 customers --  
17 A Part of our service area is also with --  
18 who are they? We have Dominion is the main  
19 server, and then we've also -- we have another --  
20 another server there. I can't remember off the  
21 top of my head right now.  
22 Q Would that be NOVEC?  
23 A That is NOVEC. Thank you.  
24 Q Okay. Thank you.  
25 THE HEARING EXAMINER: Let the record --

877

1 Northern Virginia Electric Cooperative.  
2 THE WITNESS: Yes.  
3 THE HEARING EXAMINER: That we all call  
4 NOVEC.  
5 THE WITNESS: Correct.  
6 MR. CHAMBLISS: Yes.  
7 THE HEARING EXAMINER: Is it like  
8 50 percent NOVEC and 50 percent Dominion or...  
9 THE WITNESS: There's certain pockets  
10 within the county, so it's hard to say.  
11 THE HEARING EXAMINER: I see. Okay. It's  
12 not a contiguous --  
13 THE WITNESS: It is not. Most of our  
14 eastern portion of our county, though, is served  
15 by Dominion. And then some of the southwestern  
16 and southern portion of the county and even up  
17 into the rural area is served by NOVEC.  
18 THE HEARING EXAMINER: Okay. Thank you.  
19 BY MR. CHAMBLISS:  
20 Q And, Mr. Giglio, I want to show you one  
21 more provision of the Code and ask you if you have  
22 ever read or have any general familiarity with  
23 this, 56-46.1?  
24 A I am familiar with that.  
25 Q And would you read subsection F of this



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78 (878 to 881)

<p>878</p> <p>1 statute into the record?</p> <p>2 MR. McROBERTS: It speaks for itself, Your</p> <p>3 Honor, and it's the Code, and we're going to be</p> <p>4 talking about this at closing.</p> <p>5 THE HEARING EXAMINER: Okay. You can talk</p> <p>6 about that at closing.</p> <p>7 MR. CHAMBLISS: All right. I'll do that.</p> <p>8 BY MR. CHAMBLISS:</p> <p>9 Q This is page 1 of 5A of the Exhibit 10, I</p> <p>10 believe. And I wanted to ask you, Mr. Giglio,</p> <p>11 about the Apollo-Twin Creeks Line.</p> <p>12 The County is not proposing to underground</p> <p>13 any of it; is that right?</p> <p>14 A That's correct.</p> <p>15 Q All right.</p> <p>16 A It is located in those areas that we</p> <p>17 already identified as industrial and mineral</p> <p>18 extractive, and that is one of the reasons for</p> <p>19 supporting the overhead route there.</p> <p>20 Additionally, it is in a location where</p> <p>21 there is significant environmental features there,</p> <p>22 so an underground route may have additional</p> <p>23 impacts there.</p> <p>24 Q Well, there was testimony earlier today,</p> <p>25 maybe it was this morning, from Mr. Rosenberg</p>	<p>880</p> <p>1 worked on, and that was through the legislative</p> <p>2 process, so I evaluated it in my position in</p> <p>3 community planning with the policies of our</p> <p>4 comprehensive plan.</p> <p>5 The other ones you referred to, which we</p> <p>6 referred to the one that you've got that adjoins</p> <p>7 Route 7 as the vantage site, is a by-right</p> <p>8 application, so they went through that site plan</p> <p>9 process we were talking about through our building</p> <p>10 and development department.</p> <p>11 So based on their underlying zoning, it</p> <p>12 was permissible for them to construct data centers</p> <p>13 on that property.</p> <p>14 Q All right. And you don't have anything to</p> <p>15 do with zoning decisions?</p> <p>16 A No, sir.</p> <p>17 Q Okay. My bad.</p> <p>18 MR. CHAMBLISS: Thank you very much.</p> <p>19 THE HEARING EXAMINER: All right. We are</p> <p>20 going to try again for Ms. Ghiorzi.</p> <p>21 Ms. Ghiorzi, are you with us?</p> <p>22 MS. GHIORZI: Can you hear me?</p> <p>23 THE HEARING EXAMINER: Yes, I can. You</p> <p>24 faded out really badly. It stuttered quite a bit</p> <p>25 and we couldn't hear you. And so thank you.</p>
<p>879</p> <p>1 about the nature of the areas designated by purple</p> <p>2 boxes and rectangles on this map.</p> <p>3 Do you see those?</p> <p>4 MR. McROBERTS: Objection. He's asking</p> <p>5 about, not his own testimony, but a Dominion</p> <p>6 witness's testimony. I don't believe that's</p> <p>7 appropriate on cross. It's limited to the scope</p> <p>8 of the direct.</p> <p>9 MR. CHAMBLISS: He's planning and zoning.</p> <p>10 I wanted to know about the planning and zoning,</p> <p>11 the by-right, the legislative process. If he</p> <p>12 can't answer those questions, I'll be happy to go</p> <p>13 to whoever can.</p> <p>14 THE HEARING EXAMINER: No. He did talk</p> <p>15 about the legislative process, and you even talked</p> <p>16 about the Belmont Innovation area on direct, so</p> <p>17 this is allowed.</p> <p>18 MR. CHAMBLISS: Thank you, Your Honor.</p> <p>19 BY MR. CHAMBLISS:</p> <p>20 Q Were you among the planners that</p> <p>21 considered these -- construction of these</p> <p>22 facilities that are shown on this map as purple</p> <p>23 boxes?</p> <p>24 A Yeah, so the difference on these, the</p> <p>25 Belmont Innovation is the only project that I</p>	<p>881</p> <p>1 Honestly, if I could give a patience award today,</p> <p>2 it would be for you. You have waited all day to</p> <p>3 talk to this witness, so we're going to try to</p> <p>4 pick it up again. Thank you again for your</p> <p>5 patience.</p> <p>6 MS. GHIORZI: Thank you for letting me ask</p> <p>7 some questions.</p> <p>8 CROSS-EXAMINATION</p> <p>9 BY MS. GHIORZI:</p> <p>10 Q I'm on page 19, and the lines are 410 to</p> <p>11 413 where you talk about, The approval process</p> <p>12 will get underground lines in service faster and</p> <p>13 with less time spent waiting for regulatory</p> <p>14 review. And in the process, more lines are placed</p> <p>15 underground in corridors designated for such,</p> <p>16 which will be popular with citizens, et cetera.</p> <p>17 Okay. So how much community opposition</p> <p>18 have you had to do underground transmission lines?</p> <p>19 A I'm not sure how to answer that question.</p> <p>20 The last one we had was actually the one I</p> <p>21 referred to back in the mid-2000s, which was the</p> <p>22 portion of the W&amp;OD Trail that was underground, so</p> <p>23 we had not had any aside from the proposal coming</p> <p>24 forward by the County to consider undergrounding</p> <p>25 routes within the county.</p>

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Transcript of Hearing - Day 4  
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79 (882 to 885)

<p>882</p> <p>1 MR. McROBERTS: I think she might be 2 asking you about -- I'm sorry. I am sorry, 3 Ms. Ghiorzi. I'm just trying to clarify. 4 I think she may be asking you about the 5 County's proposed underground segment of the 6 hybrid project and what the public response has 7 been. 8 BY MS. GHIORZI: 9 Q Yeah. In general, any -- the public 10 supports any underground transmission project, 11 nobody is opposed to them, so if Dominion were to 12 say, tomorrow we want to underground our line, the 13 regulatory process is going to be very quick 14 because no one is going to oppose it, correct? 15 A Yes, that's a fair statement. 16 Q Okay. So how would -- how would living in 17 the county approve it instead of the SCC make it 18 any more popular and any faster if no one is 19 opposed to an underground line? 20 MR. McROBERTS: Objection. Again, we're 21 talking about a legal issue we're going to talk 22 about on closing about how it would be faster and 23 better and more beneficial. 24 THE HEARING EXAMINER: You're proposing 25 the pilot, you can answer if you can. You may not</p>	<p>884</p> <p>1 stretch, you are not going to be able to 2 underground a 500 kV line along 15 miles, right? 3 MR. McROBERTS: Objection. She's 4 testifying. 5 THE HEARING EXAMINER: Okay. Please ask 6 the witness questions. Even if you say, right, 7 you need to stop and make sure either he's going 8 to agree with you or not. You can't testify for 9 him. 10 BY MS. GHIORZI: 11 Q Okay. So what is your -- so let's see. 12 The approval process will get underground lines in 13 service faster. 14 How do you -- how would that be any faster 15 than having the SCC approve an underground line 16 that nobody is opposed to? Nobody is opposed to 17 an underground line, how would it be faster? 18 THE HEARING EXAMINER: I think she's 19 referring to page 19. 20 MS. GHIORZI: Page 19, line 412. 21 THE WITNESS: The process will be faster 22 because, again, identifying a route that's already 23 there, there could be, again, outreach for some of 24 those that are featured on a county map to try and 25 identify those areas. So it is really directing</p>
<p>883</p> <p>1 know. 2 THE WITNESS: Again, we're conceptual, 3 it's -- again, it's a conceptual phase right now. 4 THE HEARING EXAMINER: All right. To her 5 point, in proposing this, did you have any -- was 6 the intent to make the process faster and more 7 popular? 8 THE WITNESS: The idea was to try and 9 identify routes in advance so that we could more 10 proactively plan where some of these transmission 11 corridors may go, working with the electric 12 providers in our area. And so some of the 13 discussions we've had internally would be in 14 regards to existing roadway corridors that may be 15 beneficial for that. 16 Again, we are in the early phases of 17 looking at that and trying to move it forward with 18 that project. 19 THE HEARING EXAMINER: All right. 20 Ms. Ghiorzi, does that help out, or did I not? 21 I'm sorry. 22 MS. GHIORZI: Yeah, the overlap between 23 what he's saying, planning a corridor and an 24 underground corridor are two different things 25 because, for example, if you have a 15-mile</p>	<p>885</p> <p>1 where those corridors would go based on best land 2 use planning in terms of getting them into areas 3 where they would be less impactful and/or areas 4 where you could mitigate some of the impacts. 5 So I don't know if that answers your 6 question. It's just trying to -- instead of -- 7 what we end up doing is having a lot -- in our 8 review process we often are given new routes and 9 then are asked to evaluate them. This is getting 10 ahead of that curve and trying to identify some 11 routes, working with the electrical providers, 12 talking to them, finding out where their load is 13 going to be, where they are anticipating growth in 14 the future, and trying to get ahead of it so that 15 we do not have these projects that are, you know, 16 already behind schedule and we're trying to move 17 them forward; that we would take a more broad -- 18 and I'll say comprehensive view of the county in 19 terms of figuring out where that needs to be and 20 what our long-range plan is. 21 And so that's really this item I'm 22 bringing forward to our transportation and land 23 use committee is trying to do that and trying to 24 identify what our load is, where it's located, and 25 do we have adequate transmission routes currently</p>



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80 (886 to 889)

<p>886</p> <p>1 to serve that or will others be needed. 2 And that's really what we're looking at. 3 Aspen-Golden is an example of that because it's 4 trying to address load growth in the eastern part 5 of our county. Is that going to be enough to take 6 care of us for the next five or ten years? I 7 don't know that question. But, again, it's trying 8 to be proactive in trying to layout what we, as 9 the County, would be best in terms of trying to 10 develop that plan. 11 BY MS. GHIORZI: 12 Q So you're specifically talking about an 13 underground segment, because in this particular 14 case it's a 3-mile segment. 15 So when you say the approval process will 16 get underground lines in service faster, you want 17 to identify which segments you want to put 18 underground; is that correct? 19 A That could potentially be part of 20 conversation, particularly if we look at a 21 transmission route, working with our electrical 22 providers where we know where they want to go to 23 start having those conversations of where is the 24 best place to put that. So you are correct. 25 Q So in this particular case, you have an</p>	<p>888</p> <p>1 Is that correct? 2 THE WITNESS: Correct. It's similar to 3 this approach where we've got areas where 4 aboveground routes are appropriate because of the 5 context they are in in relationship to data 6 centers and/or other industrial uses. 7 And then in those circumstances where it's 8 proximate to residential and there's significant 9 impact on the community, both from a visual 10 impact, that we would consider those areas would 11 be more beneficial for an underground route in 12 those situations based on the design 13 characteristics outlined in our comprehensive 14 plan. 15 THE HEARING EXAMINER: Okay. 16 BY MS. GHIORZI: 17 Q So you want to identify where it's going 18 to be overhead and where it's going to be 19 underground as part of your plan? Is that what 20 that means? 21 A Again, we're in the process of looking at 22 that, so... 23 Q So now that you're mapping these 24 corridors, I'm sure that the energy companies 25 knows which easements they already own, right?</p>
<p>887</p> <p>1 option for a 3.2-mile underground line, and you 2 have a potential for an 8-ish underground line, 3 correct? 4 A The proposal right now is -- the hybrid 5 version that we're looking at right now is that 6 2.9-mile that we're looking at that is along 7 Route 7 is the one we were speaking about earlier 8 today. 9 Q Okay. So in looking at the entire line, 10 if you had looked at this ahead of time, you would 11 have said we want this particular segment of the 12 line underground, correct? Is that what you're 13 trying to do with this -- you want to get an 14 underground line. You want to say, this is where 15 we'd like you to route it, and this is the segment 16 we want you to put underground, right? Is that -- 17 is that what you're getting at with that 18 statement? 19 THE HEARING EXAMINER: Go ahead. 20 Ms. Ghiorzi, I think what he's talking about is an 21 overall process for undergrounding lines. I don't 22 think... 23 Mr. Giglio, correct me if I'm wrong -- the 24 way I understand it is the process wouldn't 25 dictate which particular segments go underground.</p>	<p>889</p> <p>1 So when you map that corridor, it says, 2 Undergrounding corridors designated for such, 3 right? So you put the corridor -- 4 THE HEARING EXAMINER: Where are you? 5 MS. GHIORZI: Same page, line 413 and 414. 6 THE HEARING EXAMINER: Okay. So the 7 sentence is -- 8 MR. GHIORZI: Underground -- 9 THE HEARING EXAMINER: -- And in the 10 process, comma, more lines are placed underground 11 in corridors designed for such. 12 That's the part you're talking about? 13 MS. GHIORZI: It is, right. 14 THE HEARING EXAMINER: Okay. 15 MS. GHIORZI: Yeah. 16 BY MS. GHIORZI: 17 Q So you want to designate a corridor, you 18 want to designate a corridor and identify a 19 location where it will be underground, which, to 20 me, implies that other pieces of these corridors 21 will be overhead, right? 22 A Potentially. I think I referred to it 23 earlier, it will depend on the context and the 24 place type that's there in terms of determining 25 what would be appropriate and/or to be considered.</p>

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81 (890 to 893)

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1 Q And sometimes it will be within the  
2 existing easement, and sometimes you -- at some  
3 point you believe you will be expanding those  
4 existing easements as part of this corridor that  
5 you want to define, right?  
6 A It will be part of the process. Again,  
7 you know, like I said, we -- the mapping we've  
8 done thus far identifies all the existing 235 and  
9 500 kV routes. In those areas, we would  
10 encourage, you know, again, co-locating in those  
11 areas since we already have an impact in those  
12 areas.  
13 And again, our policies are -- our  
14 policies also support the co-location of  
15 transmission lines and electric infrastructure,  
16 including substations with -- you know, proximate  
17 to those corridors.  
18 Q But you have no agreement from any energy  
19 company that they will stay within the existing  
20 easements, including in the recent one that you  
21 negotiated moving the route, right?  
22 So -- so --  
23 THE HEARING EXAMINER: Wait a minute,  
24 Ms. Ghiorzi. Wait a minute. This is the Hearing  
25 Examiner. Back up.

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1 MS. GHIORZI: Okay.  
2 THE HEARING EXAMINER: Let's back up.  
3 MS. GHIORZI: I'm sorry. I'll --  
4 THE HEARING EXAMINER: You're fine. No,  
5 no. You're okay. You're fine.  
6 I think where it's getting a little  
7 confusing is I believe that the witness,  
8 Mr. Giglio, is talking about a process that the  
9 County has not finished developing these  
10 transmission corridors.  
11 Is that true, or did I miss that?  
12 THE WITNESS: We're bringing the concept  
13 to our board right now in terms of identifying  
14 those transmission corridors as part of our  
15 comprehensive plan. And so that's where we are,  
16 the planning process.  
17 THE HEARING EXAMINER: So whether an  
18 electric company would stay within the corridor or  
19 not is really pretty far down the road because the  
20 corridors haven't even been established yet; is  
21 that accurate?  
22 THE WITNESS: That's correct.  
23 THE HEARING EXAMINER: Okay.  
24 MS. GHIORZI: I would beg to differ  
25 because the recent Marl transmission line, they

892

1 have moved it into the existing corridor and  
2 published that it will stay within the existing  
3 rights-of-way, but they have not actually received  
4 any confirmation from any legally binding  
5 contracts from the energy companies that they will  
6 actually build it within the existing corridors.  
7 So it appears to me --  
8 THE HEARING EXAMINER: All right.  
9 Ms. Ghiorzi --  
10 MS. GHIORZI: -- that the County has  
11 already acted on that.  
12 THE HEARING EXAMINER: Okay. I think  
13 there's a little confusion here. This is the  
14 Hearing Examiner. I'm going to try to clear it  
15 up, and I'm inviting Mr. Giglio to, please,  
16 correct me where I'm wrong.  
17 I think we're talking about two kinds of  
18 transmission corridors. There's the transmission  
19 corridors that exist today where transmission  
20 facilities already are.  
21 And then there's a concept that Mr. Giglio  
22 is in the beginning stages of where the County  
23 would designate special areas that they are  
24 calling transmission corridors, that these would  
25 be the preferred areas where future lines would

893

1 go.  
2 Am I getting that right or not?  
3 THE WITNESS: That is correct.  
4 THE HEARING EXAMINER: Okay. So there's  
5 two kinds of transmission corridors, and I think  
6 that's what's confusing you, and all of us a  
7 little bit. It's just working through it  
8 together. You're doing fine.  
9 So I think like what you were concerned  
10 with the Marl line, those were not corridors that  
11 the County has designated yet. The County hasn't  
12 designated any corridors as preferred yet.  
13 Is that true?  
14 THE WITNESS: That's true.  
15 THE HEARING EXAMINER: Okay. So let's --  
16 MS. GHIORZI: However, however, they  
17 intervened and had the routes changed to move it  
18 to the existing corridor, so they have already  
19 designated the Mt. Storm-Dobbs line as an existing  
20 corridor.  
21 THE WITNESS: She's referring to the Marl  
22 line, not the concept of the comprehensive plan.  
23 MR. McROBERTS: And the legal objection is  
24 that she's testifying.  
25 THE WITNESS: That's not even part of my

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82 (894 to 897)

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1 testimony, so I'm sorry.  
2 BY MS. GHIORZI:  
3 Q So lines 425 to 428, you make the  
4 statement, The CPAM will also amend the electrical  
5 policies in Chapter 6 of the 2019 general plan who  
6 identify these existing high-voltage transmission  
7 corridors as the County's preferred location for  
8 the co-location and development of any future  
9 high-voltage transmission corridor.  
10 So is it your understanding that the  
11 current 2019 general plan does not identify a  
12 transmission corridor?  
13 A No. The policies actually talk about  
14 encourage the safe grouping and bearing of utility  
15 lines and facilities is what's in there.  
16 So basically, we have policies --  
17 Q Right.  
18 A -- already in our plan. We just do not  
19 have a map depicting where they are supporting  
20 co-location of transmission corridors everywhere  
21 in the county.  
22 Q That's true, but you do have easements.  
23 Now, we do know the length of those easements and  
24 the width of those easements. And the energy  
25 companies know exactly where they are, and I can

895

1 see them on Zillow, so --  
2 THE HEARING EXAMINER: Okay. So do you  
3 have a question? Do you have a question for the  
4 witness?  
5 BY MS. GHIORZI:  
6 Q The question for the witness is, it does  
7 not -- you do not have a corridor defined by the  
8 County yet, and yet you did -- you did change the  
9 route by going to PJM and requesting that they --  
10 THE HEARING EXAMINER: Ms. Ghiorzi,  
11 Ms. Ghiorzi, that's really outside the scope of  
12 this whole case. This case is not about that  
13 line. It's about the Aspen-Golden Line and the  
14 Apollo-Twin Creeks Line.  
15 MS. GHIORZI: Okay. So the fact that they  
16 appear to be implementing this before they have  
17 actually changed the comprehensive plan is a  
18 different subject. Okay.  
19 BY MS. GHIORZI:  
20 Q On line 472, the County, through the  
21 adoption of a comprehensive plan amendment, will  
22 have already identified existing high-voltage  
23 transmission corridors as the preferred location  
24 for high-voltage transmission corridors. Okay.  
25 So that would be part of your future

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1 planning. You want to identify a location where  
2 an easement can be expanded or a new easement can  
3 be placed along the existing transmission lines;  
4 is that what that's saying?  
5 A That is correct. And it's in keeping with  
6 our current plan policies that support  
7 co-location.  
8 Q Again, you just pushed for one, and it is  
9 not being co-located. That could very well take  
10 additional property.  
11 THE HEARING EXAMINER: You need to ask a  
12 question.  
13 BY MS. GHIORZI:  
14 Q Are you -- it sounds to me like you are  
15 reserving space along the existing lines to build  
16 an additional transmission line; is that what your  
17 intention here is?  
18 MR. McROBERTS: Objection. I think "you"  
19 may mean Dominion, and the County doesn't  
20 construct power lines.  
21 THE HEARING EXAMINER: All right.  
22 Ms. Ghiorzi --  
23 BY MS. GHIORZI:  
24 Q Yes, but you are identifying a preferred  
25 corridor, a preferred location, you're working

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1 with the transmission company ahead of time to  
2 locate the transmission line on this preferred  
3 corridor. So that's, to me, sounds like you are  
4 reserving space --  
5 THE HEARING EXAMINER: Okay. You need --  
6 BY MS. GHIORZI:  
7 Q -- along the existing line for future use  
8 by the transmission company.  
9 THE HEARING EXAMINER: All right. So back  
10 up. By "you," do you mean Loudoun County?  
11 MS. GHIORZI: Loudoun County through the  
12 adoption of the comprehensive plan amendment.  
13 THE HEARING EXAMINER: Okay. So ask a  
14 question. Ask a question.  
15 BY MS. GHIORZI:  
16 Q Loudoun County says to a transmission  
17 company, we prefer that you put this high-voltage  
18 transmission line in this corridor; is that what  
19 you were saying by this statement here?  
20 A I think the statement was about -- is  
21 about co-location with existing transmission  
22 corridors. That's what we were just talking  
23 about?  
24 Q Co-location, does that imply an expansion  
25 of the existing easement?

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83 (898 to 901)

<p>898</p> <p>1 A It could. Or it could be, you know, 2 inside the existing easement. We don't know the 3 design of those or what the constraints are with 4 any of those particular locations. 5 Q You go online -- so essentially you are 6 reserving property for the potential to build a 7 transmission line. 8 THE HEARING COMMISSIONER: It needs to be 9 a question, Ms. Ghiorzi. 10 BY MS. GHIORZI: 11 Q Are you reserving property alongside the 12 existing transmission lines to build another 13 transmission line? 14 A I don't think we can -- you know, again, 15 the idea would be co-location with those existing 16 transmission lines. To say that the County is 17 saying reserve a location there, again, that is 18 not the intent. It's in line with our current 19 plan policy that supports locating these 20 structures together in order to minimize some of 21 the impacts related to them. 22 THE HEARING EXAMINER: Ms. Ghiorzi, I 23 think you're getting into the specifics of how the 24 comprehensive plan amendment process would work, 25 and the witness has testified that the County's in</p>	<p>900</p> <p>1 adopted map in our comprehensive plan of all of 2 our high-voltage corridors. What we do have is 3 language, which I referred to earlier that 4 supports co-location, and that's what the County 5 has used in their evaluation of applications 6 and/or taking positions on particular routes. 7 BY MS. GHIORZI: 8 Q So with this amendment, is there the 9 possibility that a piece of property adjacent to 10 an existing easement, or maybe across the street, 11 could be whittled away 100 feet by 100 feet at 12 successive transmission lines or routed into that 13 preferred corridor that you've identified? 14 THE HEARING EXAMINER: Ms. Ghiorzi, I 15 understand your concern, and that's a concern that 16 will come up through the comprehensive plan 17 amendment process. That is way outside the scope 18 of this case, which is to address the Aspen-Golden 19 and Apollo-Twin Creeks Lines, so I need to cut off 20 this line of questioning. 21 Other than the comprehensive plan 22 amendment, do you have another questions for the 23 witness? 24 BY MS. GHIORZI: 25 Q The designation of a corridor in this</p>
<p>899</p> <p>1 the beginning process of that. 2 And, Mr. Giglio, in the future will 3 members of the public like Ms. Ghiorzi be able to 4 participate in that process? 5 THE WITNESS: They will. They will get it 6 through our whole public hearing process. As I 7 said, we'll have public outreach. We will have 8 information on our website about the comprehensive 9 plan if it's initiated by the board. 10 But, again, like I said, we're in that 11 initial phase talking to our board of supervisors 12 about the idea and then seeking their endorsement 13 to move forward. 14 THE HEARING EXAMINER: All right. 15 BY MS. GHIORZI: 16 Q So it is not currently in the 2019 plan 17 that you can identify a high-voltage transmission 18 corridor and say that that is the preferred route, 19 yeah? 20 THE HEARING EXAMINER: Ms. Ghiorzi, I 21 think that's what he's saying. That's the purpose 22 of the amendment because it's not in the plan now. 23 Is that accurate? 24 THE WITNESS: That's correct. As I 25 mentioned earlier, we do not have a map, an</p>	<p>901</p> <p>1 comprehensive plan amendment, do you consider 2 that -- 3 THE HEARING EXAMINER: We've moved on from 4 that, Ms. Ghiorzi. We've moved on. 5 Do you have other questions? Not about 6 the comprehensive plan amendment. 7 BY MS. GHIORZI: 8 Q Okay. 9 All right. So on page 18, backing up one 10 page, on page 389, you state that 388 to 390, The 11 County's hope that this form of strategic planning 12 will create the administrative framework for 13 preplanned underground projects to be approved 14 directly by localities. This will save time, 15 money, and discord in the form of repeated public 16 opposition to increasingly frequent transmission 17 line applications. 18 So the preplanned underground projects 19 that you are discussing, how -- how big do you 20 expect those projects to be in terms of miles 21 or -- 22 A We couldn't speak -- 23 Q -- dollar amount? 24 A I can't speak to that. That's really on 25 the hands of the electric providers when they</p>



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84 (902 to 905)

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1 design those. And so, again --

2 Q In general --

3 A -- what the intent for this, again, was to  
4 identify areas where we would anticipate these  
5 routes would go. And I think I already spoke to  
6 that in earlier testimony to the same question.

7 Q 389, it will save time and money and  
8 discord. So again, nobody is objecting to an  
9 underground project. The underground projects are  
10 a lot more expensive than the overhead lines.

11 And how is it going to save money?

12 A We hope it would cut down on the planning  
13 period for the electrical providers and directing  
14 them in locations where, you know, again, there is  
15 support for those.

16 So that's the idea is to try and cut down  
17 on the timelines for these, and that, again, with  
18 the County and providers all in agreement to  
19 appropriate locations.

20 Q So you want Dominion to agree to a  
21 preplanned set of locations where you will put an  
22 underground line so that the County and the  
23 citizens of the county don't have to argue about  
24 that 3.2 segment being put underground.

25 Is that what that is essentially saying?

1 A Again, this is conceptual at this point.

2 We really have not gotten into it. I don't think  
3 I can provide that you kind of clarity.

4 Q Okay. So in terms of discord, how are you  
5 going to alleviate the discord in the form of  
6 repeated public opposition to an underground line  
7 because nobody is opposed to it? I mean --

8 THE HEARING EXAMINER: Let him answer.

9 THE WITNESS: This is all going to be  
10 part -- this can be part of the discussion if the  
11 board moves forward with this comprehensive plan  
12 amendment. And I don't believe, again, this is  
13 directly related to the current application.

14 BY MS. GHIORZI:

15 Q Okay. On line 400 to 402: This will  
16 create a basis for Planning Staff and the Planning  
17 Commission to review applications for substantial  
18 accord with the comprehensive plan and applicable  
19 zoning.

20 Do you believe that a zoning change is  
21 needed to appropriate a piece of property for a  
22 transmission corridor?

23 THE HEARING EXAMINER: Ms. Ghiorzi, I'm  
24 going to rephrase you. I believe earlier he said  
25 he's not the zoning person.

1 THE WITNESS: Right, that's correct.

2 THE HEARING EXAMINER: Okay.

3 BY MS. GHIORZI:

4 Q Okay. So if we continue on 402, you want  
5 this application to stand in the place of a  
6 Certificate of Public Convenience and Necessity  
7 review in the SCC?

8 A Correct. And this --

9 Q So this --

10 THE HEARING EXAMINER: Let him answer.

11 BY MS. GHIORZI:

12 Q Go ahead. Go ahead.

13 A So basically this is the concept of, you  
14 know, again, predesignating certain areas where we  
15 would anticipate transmission corridors, and then,  
16 again, we do not have the State enabling  
17 legislation to do that. But again, it would be  
18 one of those to look to where the County has  
19 already identified where we would support them.

20 Q A Certificate of Public Convenience and  
21 Necessity review includes with it the attachment  
22 of an eminent domain taking of property.

23 Do you believe that the County would have  
24 the same authority as the SCC in that regard?

25 MR. McROBERTS: Objection.

1 THE WITNESS: I can't comment on that.

2 BY MS. GHIORZI:

3 Q Are you saying that it's going to stand in  
4 place of the Certificate of Public Convenience and  
5 Necessity?

6 MR. McROBERTS: I object to the question  
7 because she was asking about eminent domain  
8 authority which is similar to the legal authority  
9 of the County to approve and what that means  
10 vis-a-vis the SCC process. All of those are legal

11 issues that the hearing examiners asked us to  
12 address in our closing, and we will be prepared to  
13 do that. This witness is not prepared to discuss  
14 the niceties of legal authority for either a  
15 certificate or not a certificate. He's not  
16 prepared to speak to eminent domain authority of a  
17 local government in any circumstance.

18 THE HEARING EXAMINER: Ms. Ghiorzi, the  
19 witness has said that he can't answer the  
20 questions related to eminent domain. That is  
21 outside, you know -- he can't answer it, it's a  
22 legal question otherwise, so we need to leave it  
23 there.

24 MS. GHIORZI: Okay. So 402 to 403 should  
25 be addressed in the legal brief. Is that what

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85 (906 to 909)

<p>906</p> <p>1 we're saying?</p> <p>2 THE HEARING EXAMINER: Well, we're not</p> <p>3 having legal briefs. We're having closing</p> <p>4 arguments, and you are welcome to address it</p> <p>5 there, yes.</p> <p>6 MS. GHIORZI: Okay. I see 404...</p> <p>7 BY MS. GHIORZI:</p> <p>8 Q On line 19 of...</p> <p>9 A Which page?</p> <p>10 Q Hang on a second. Mine is out of order</p> <p>11 and I'm a little confused.</p> <p>12 A lot of your testimony has to do with the</p> <p>13 effects that the transmission lines have on the</p> <p>14 Viewshed and the historic character of various</p> <p>15 locations.</p> <p>16 The page 2, line 44 to 46, The proposed</p> <p>17 introduction of an overhead high-voltage</p> <p>18 transmission line corridor will significantly</p> <p>19 impact the visual characteristics and place of</p> <p>20 those existing communities, et cetera.</p> <p>21 So this is -- this is largely having to do</p> <p>22 with the Viewshed in the communities where these</p> <p>23 transmission lines are being located.</p> <p>24 Do you have any sense of what defining a</p> <p>25 transmission corridor would do to the value of a</p>	<p>908</p> <p>1 THE HEARING EXAMINER: That's a different</p> <p>2 witness. Still to come.</p> <p>3 MS. GHIORZI: Okay. So that is --</p> <p>4 THE HEARING EXAMINER: That's Mr. Rizer.</p> <p>5 BY MS. GHIORZI:</p> <p>6 Q So in terms of the planning component of</p> <p>7 the proposed pilot program, is that actually</p> <p>8 defined anywhere or that is still in discussion in</p> <p>9 this amendment that you are discussing, amendment</p> <p>10 to the plan?</p> <p>11 A I think I've made it clear that it is part</p> <p>12 of the proposed comprehensive plan amendment as</p> <p>13 well as a concept that the County is working on.</p> <p>14 Q Okay. At line -- I think you may have</p> <p>15 answered that one already. I think the rest of</p> <p>16 this is -- will need to be addressed in the</p> <p>17 closing arguments.</p> <p>18 MS. GHIORZI: Okay.</p> <p>19 THE WITNESS: Okay.</p> <p>20 MS. GHIORZI: I believe that's all for</p> <p>21 that, then.</p> <p>22 THE HEARING EXAMINER: All right. Thank</p> <p>23 you so much, Ms. Ghiorzi.</p> <p>24 All right. We're going to give Dominion</p> <p>25 their chance to cross.</p>
<p>907</p> <p>1 property that is adjacent to it?</p> <p>2 A I -- I cannot answer --</p> <p>3 Q In terms of its use?</p> <p>4 A I can't answer that question.</p> <p>5 Q So is only along Route 7?</p> <p>6 A It's out of my purview to make any</p> <p>7 interpretation of that, specifically, you know, I</p> <p>8 will -- happy to answer any questions about land</p> <p>9 use and as it relates to our comprehensive plan.</p> <p>10 Q Which currently doesn't specify</p> <p>11 transmission corridors, right?</p> <p>12 A That's correct. I think we've clarified</p> <p>13 that, that it supports co-location.</p> <p>14 Q Okay. On page 3, The pilot program as</p> <p>15 proposed has several components, including</p> <p>16 selection criteria for three to five underground</p> <p>17 pilot projects, a cost-shifting mechanism, and a</p> <p>18 planning component.</p> <p>19 Are you the one to discuss anything about</p> <p>20 the cost-shifting mechanism?</p> <p>21 MR. McROBERTS: He is not, no.</p> <p>22 MS. GHIORZI: Okay.</p> <p>23 THE HEARING EXAMINER: Is that Witness</p> <p>24 Rizer?</p> <p>25 MR. McROBERTS: Yes.</p>	<p>909</p> <p>1 CROSS-EXAMINATION</p> <p>2 BY MS. LINK:</p> <p>3 Q Good evening, Mr. Giglio. I'm Vishwa Link</p> <p>4 on behalf of the Company. Nice to see you again.</p> <p>5 So let's begin with your testimony about</p> <p>6 the pilot program. On page 3 of your testimony,</p> <p>7 you state, The pilot program as proposed has</p> <p>8 several components, including selection criteria</p> <p>9 for three to five underground pilot projects, a</p> <p>10 cost-shifting mechanism, and a planning component.</p> <p>11 And you say, I will speak more</p> <p>12 specifically about the planning component of the</p> <p>13 proposed pilot program.</p> <p>14 Correct?</p> <p>15 A (No audible response.)</p> <p>16 Q Okay. Who -- and I understand Mr. Rizer</p> <p>17 will speak to the cost-shifting mechanism.</p> <p>18 Who speaks to the selection criteria for</p> <p>19 three to five underground pilot projects?</p> <p>20 MR. McROBERTS: Again -- go ahead.</p> <p>21 THE WITNESS: Go ahead.</p> <p>22 MR. McROBERTS: Your Honor, I have an</p> <p>23 objection. I think there's some confusion. The</p> <p>24 pilot project is intended to be for the Commission</p> <p>25 to order and supervise, and there's three</p>



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86 (910 to 913)

910

1 components to that. One of them is a local  
2 planning component, which is the pilot program at  
3 Loudoun County that they are working on through a  
4 comprehensive plan amendment. So there's just two  
5 different pilot programs, and I think that's the  
6 confusion. Hopefully that will help counsel.  
7 MS. LINK: It really doesn't, Your Honor.  
8 I'm reading the language on the page, and I think  
9 you just testified for the witness, and maybe the  
10 witness will repeat what he said, but it says  
11 several components.  
12 BY MS. LINK:  
13 Q Selection criteria for three to five --  
14 A The routes -- again, I don't think there's  
15 any selection of routes at the moment.  
16 Q Okay. This is how I view the language.  
17 If I'm wrong, please correct me. I see selection  
18 criteria for three to five underground pilots, I  
19 see cost-shifting, that's Mr. Rizer; I see  
20 planning, that's you, correct?  
21 A Correct.  
22 Q Okay. Who is -- I understand it's a  
23 proposal from Loudoun County, correct?  
24 A Correct.  
25 Q To do a pilot.

911

1 And is the proposal for the Commission to  
2 oversee a pilot or for the Commission to order a  
3 pilot? What is the proposal?  
4 A The -- I can't comment on that.  
5 Q Who can on behalf of the Company -- I mean  
6 the County?  
7 MR. McROBERTS: I object. I mean, this is  
8 something the County has proposed that the  
9 Commission adopt and order, and he's talking about  
10 one component, which is one of the three  
11 components.  
12 THE HEARING EXAMINER: Okay. Well, who  
13 gives an overview of what the pilot program is? I  
14 think that's what we're all struggling with. If  
15 the Commission is supposed to order this, what are  
16 they ordering and who tells us that, because it  
17 can't just be legal. There has to be facts around  
18 what this is. So who gives them?  
19 MR. McROBERTS: I think you're going to  
20 hear some more about data centers and high wattage  
21 users and things like that from Mr. Rizer.  
22 THE HEARING EXAMINER: Okay. So is he  
23 going to speak to where these three to five  
24 underground pilot projects are going to come from?  
25 MR. McROBERTS: I think he's going to talk

912

1 to criteria and that kind of a thing, yes, ma'am.  
2 THE HEARING EXAMINER: Okay. So we're  
3 going to mark him as the three to five underground  
4 pilot projects, you know, witness to give us  
5 information about that. If that's not him and  
6 that's not Mr. Giglio, there's a real gap here,  
7 because I have no idea what I'm supposed to be --  
8 what you want me to recommend the Commission to  
9 ultimately approve.  
10 MR. McROBERTS: We understand.  
11 THE HEARING EXAMINER: I'm just putting  
12 that out there.  
13 MR. McROBERTS: We understand.  
14 THE HEARING EXAMINER: And that's not  
15 legal. Those are facts that we need.  
16 MR. McROBERTS: Yes, ma'am.  
17 THE HEARING EXAMINER: Okay.  
18 MS. LINK: Your Honor, we don't believe  
19 Mr. Rizer has the selection criteria in his  
20 prefiled direct. We believe it's absolutely  
21 inappropriate for him to add it, his surrebuttal,  
22 so at the appropriate time, if it doesn't exist,  
23 we'll move to strike all the testimony about the  
24 pilot program. We'll wait for Mr. Rizer, though.  
25 BY MS. LINK:

913

1 Q So, Mr. Giglio, you're the planning  
2 component of the pilot, correct?  
3 A That's correct.  
4 Q Okay. Thank you. Okay. So I'm on page  
5 17 now. It states there, beginning at line --  
6 A 368.  
7 Q I'm sorry. 365, again, about the three to  
8 five pilot projects that Mr. Rizer will discuss,  
9 correct?  
10 A Correct.  
11 Q Okay. But nevertheless, your testimony  
12 says the County believes the hybrid underground  
13 proposal in this case is a perfect first project  
14 selection in that cohort, correct?  
15 A That's correct.  
16 Q Okay. But you don't actually -- you're  
17 not testifying that it's the perfect first project  
18 because you're not sponsoring what makes a good  
19 project in the pilot, correct? That shouldn't be  
20 in your testimony, correct?  
21 A You're referring to Aspen-Golden as part  
22 of that pilot program to -- I mean, that's part of  
23 that -- as an opportunity to do that, yes, that's  
24 one of the things. You know, in terms of the one  
25 to three project selection, again, Aspen-Golden

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87 (914 to 917)

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<p>914</p> <p>1 has -- could, you know, is -- could be part of 2 that process. Again, we don't -- I'm not familiar 3 with where we would propose underground routes at 4 the moment. 5 Q Okay. Let's go back a second. 6 The testimony that is in your testimony -- 7 A Yep. 8 Q -- says, The County believes that its 9 hybrid underground proposal in this case will make 10 a perfect first project selection in that cohort. 11 Do you see that? 12 A Yes. 13 Q Is that your testimony here today? 14 A That is. 15 Q And -- but you're not testifying about 16 what makes a perfect project in the pilot, right? 17 That's Mr. Rizer? 18 A I can't comment on that. 19 Q Should we strike this from your testimony 20 and put it in Mr. Rizer's? 21 A It would probably -- yes. 22 Q Okay. Should I strike from the beginning 23 here? 24 MR. McROBERTS: Your Honor, we've not 25 agreed to strike --</p>	<p>916</p> <p>1 THE WITNESS: We have had other pilot 2 programs, the one with the undergrounding route I 3 referred to on the W&amp;OD Trail was a pilot program 4 when that was done. So that's the same 5 terminology we're using here in terms of 6 referencing the Aspen-Golden being a potential 7 pilot program to do that. And I don't know the 8 details of that particular W&amp;OD project. 9 THE HEARING EXAMINER: Okay. Hold on. 10 MR. CHAMBLISS: Can I ask a point of 11 clarification? Is the County here seeking a CPCN 12 for its proposed project or the dismissal of this 13 case and turning it over to this yet-to-be-created 14 pilot program? Because if it's here -- if it's 15 here seeking a CPCN, none of this stuff about the 16 pilot program has any -- has any place in this 17 proceeding. If it's not seeking a CPCN for its 18 program -- I mean for this project, then why are 19 they in this case? 20 MR. McROBERTS: Your Honor, this goes 21 directly to the issue we wish to brief so we can 22 fully explain it to everyone. 23 THE HEARING EXAMINER: You should have 24 explained it in your direct. This is the heart of 25 your case, is you want a pilot. You can't just</p>
<p>915</p> <p>1 MS. LINK: He just agreed. 2 MR. McROBERTS: -- his testimony. 3 MS. LINK: He just agreed. 4 MR. McROBERTS: I'd object. 5 THE HEARING EXAMINER: He said he couldn't 6 answer a question that's directly in his prefiled 7 testimony, so do you want to clarify if he can 8 answer this or not? 9 MR. McROBERTS: Your Honor, he is here to 10 speak to the hybrid undergrounding project as 11 being in conformance with the comp plan and to 12 be -- a project that should be considered by the 13 Commission as part of the overall three-part pilot 14 program. 15 While he's not talking about the three to 16 five other projects, he's talking about this 17 project being something the County supports as 18 well do thousands of Loudoun residents. 19 So that's what he's here to talk about, 20 and he's already testified it complies with the 21 comp plan, it complies with the co-location, it 22 protects the resources. I mean, that's what he's 23 here to testify to. So, yes, he supports and has 24 testified this is a project that should go forward 25 with the Commission's guidance.</p>	<p>917</p> <p>1 put it all in a post-hearing brief. This has to 2 be up front so it can be addressed by every party 3 who joined the case. 4 MR. McROBERTS: Your Honor, this is 5 something that we are asking that the Commission 6 take an action on to create and then work with the 7 providers, the County, and the Commission using 8 their legislative authority to create a new way 9 forward. 10 It's not fully flushed out. And frankly, 11 we don't have Dominion's cooperation. We don't 12 know the Commission even supports the idea. 13 That's what we're asking. 14 THE HEARING EXAMINER: Okay. But if you 15 want the Commission to order the local process and 16 you want the Aspen-Golden Line to be the first in 17 the process, how can that be when Aspen-Golden 18 Line is here to get a CPCN? Are you asking the 19 Commission to deny the CPCN so we can go through 20 the process? 21 MR. McROBERTS: Yes, ma'am. 22 THE HEARING EXAMINER: You want -- 23 MR. McROBERTS: Or at least -- or at least 24 to defer it until this process can be carried out, 25 yes.</p>



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88 (918 to 921)

918  
1 THE HEARING EXAMINER: Okay. Thank you  
2 for the clarification.  
3 MR. McROBERTS: Yes, thank you.  
4 MR. CHAMBLISS: Thank you.  
5 BY MS. LINK:  
6 Q Okay. Let me just understand. The County  
7 is asking for denial or deferral of the CPCN until  
8 the process can be figured out? Okay. Let's  
9 focus on that, then.  
10 When you talk about the process that will  
11 be figured out, is that the identification of the  
12 transmission corridors that you've been  
13 discussing?  
14 A That is, from my planning.  
15 Q So the first step you said you got a  
16 consultant, they've identified where the  
17 high-voltage transmission lines are, you're  
18 looking at load, where load is. That's been done?  
19 A That's part of that -- yeah, part of that  
20 report we got that is, you know, entered into  
21 testimony.  
22 Q Okay. And then your board hasn't even  
23 voted on this, correct?  
24 A No. This is all, again, early phases.  
25 Q Okay. Early phases. When are you going

919  
1 to present before your board?  
2 A We're going to our Transportation Land Use  
3 Committee in October, October 17th.  
4 Q Okay. October 17th. And then what  
5 happens after that?  
6 A So essentially, the board will provide  
7 comment on it, and if they support moving forward  
8 with a comprehensive plan amendment, they will  
9 then send that to a business meeting.  
10 Q To where?  
11 A A business meeting.  
12 Q Business meeting?  
13 A So then they will have the full board at  
14 that moment to provide comment on that.  
15 Q And how long will that take?  
16 A It could take -- well, we're going into  
17 October. They could send it in probably a month  
18 or two to the board.  
19 Q The full board?  
20 A To the full board --  
21 Q December?  
22 A -- and then we would submit a project plan  
23 for the comprehensive plan to do that.  
24 Q A project plan for the comp plan?  
25 A Yep. And then, again, develop a process

920  
1 for public outreach, soliciting comment on it,  
2 part of our normal comprehensive plan amendment  
3 process to do that. So, you know, if you're  
4 looking for a duration of time for that -- I know  
5 that's where you're going.  
6 Q I am.  
7 A Probably -- in getting the approvals,  
8 we're probably looking at maybe a year to do that.  
9 Q A year?  
10 A What -- I mean, again, depending on what  
11 scope they've put on that. So I know some of the  
12 conversations would be merely identifying our  
13 existing transmission corridors, which is very  
14 easy.  
15 However, when we start to try and identify  
16 new routes, if they chose to go that path, could  
17 potentially take more time. So you could say --  
18 really say between seven months to a year.  
19 Q Okay. So we're in September of '24.  
20 So say we're October of 2024, and it's,  
21 quote, approved, what's approved, the  
22 transportation corridors?  
23 A The transmission corridors would be a  
24 future --  
25 Q The transmission. Excuse me. At this

921  
1 point I was wishing I was a transportation lawyer.  
2 All right.  
3 We're a year from now; the transmission  
4 corridors are approved. And then is the thought  
5 we can now pick up on this important reliability  
6 project and move Aspen-Golden to the new  
7 transmission corridor? What's the thought process  
8 here?  
9 A I'm not sure I understand the question.  
10 Q What I heard from your lawyer is that we  
11 are -- the County is asking a denial or deferral  
12 of this Aspen-Golden project until the process can  
13 be figured out, the process of identifying  
14 transmission corridors where the County believes  
15 it's a good place to put transmission lines, maybe  
16 overhead transmission lines.  
17 MR. ROGERS: Madam Hearing Examiner, if I  
18 may --  
19 THE COURT REPORTER: I'm sorry, your name?  
20 MR. ROGERS: Leo Rogers. I'm the County  
21 attorney for Loudoun County.  
22 Buddy Rizer has been waiting very  
23 patiently to testify. He can talk about the cost  
24 sharing, he can talk about the Commission's role  
25 in a pilot program, he can talk about this route

24094004

24094004

924

2 MS. LINK: Okay.

6 MR. ROGERS: No, he will not. That's not  
7 within his scope of expertise.

8 THE HEARING EXAMINER: Okay. So who  
9 answers that? I mean, that's the heart of the

10 pilot is what happens when a project goes to the  
11 County. That's the local approval process that  
12 you're asking the Commission to condone.

13 MR. McROBERTS: And that's not a factual  
14 question. It's a legal question, which we plan to  
15 address at our closing.

16 THE HEARING EXAMINER: The process is a  
17 legal question.

18 MR. McROBERTS: Yes, it is. And it's  
19 specifically set forth in the statute, and we  
20 intend to describe that to you.

21 Again, we would have preferred to have  
22 briefed it, but, Your Honor --

23 THE HEARING EXAMINER: No, we're not  
24 briefing. I don't want to hear the word 'brief'  
25 again.

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925

1 MR. McROBERTS: Yes, ma'am.

2 THE HEARING EXAMINER: Please be clear.

3 MR. McROBERTS: What I'm saying is we will  
4 address it at closing exactly what happens once

5 there is a feature shown in the plan that is a  
6 high-voltage transmission, wattage transmission  
7 line. And that is proposed by the Company, and  
8 it's included in the County's plan, and it's  
9 already shown there. That's a legal question, and  
10 we can address it.

11 MR. HARRISON: Your Honor, is -- what I'm  
12 hearing, is the County going to issue its closing

13 first, and then we'll have a chance to read it so  
14 we know what we're closing arguments about?

15 If he's not going to lay out the process  
16 until his closing, how can anyone here respond to

17 it? I don't understand how this is -- how the  
18 facts he's trying to put in his closing arguments

19 give anyone a chance to weigh in on.

20 THE HEARING EXAMINER: Do you have

21 answer?

22 MR. McROBERTS: Your Honor, I'm briefing

23 statutes and case law. And I'm responding to the  
24 PUE that the Hearing Examiner provided earlier.

25 THE HEARING EXAMINER: Yes.



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90 (926 to 929)

<p>926</p> <p>1 MR. CHAMBLISS: Your Honor, in his motion 2 it's now clear that the County does not want the 3 hybrid proposal approved and issued a CPCN. I 4 move that we strike all the evidence that has been 5 or will be entered with regard to the factual 6 components of its -- the proposal that it 7 supported in its testimony that apparently wants 8 the Commission to deny issuing a certificate to. 9 There's no purpose in the record for all 10 of this factual information about how wide things 11 are or where -- what's been going on one end, 12 what's going to go on the other end, where it's 13 going to go underground. 14 The County doesn't want the Commission to 15 issue a certificate for that project. There's no 16 purpose served by having that evidence in the 17 record. I move to strike it all. 18 MR. McROBERTS: As I said, Your Honor, 19 it's an alternative to the current certificate 20 process, and it is a proposal from the County to 21 work with the Company and the Commission in a 22 pilot program to provide an alternative means to 23 approve. 24 THE HEARING EXAMINER: And this -- 25 MR. McROBERTS: And we're not talking</p>	<p>928</p> <p>1 be -- the portion in front of the Community Church 2 be placed underground. 3 THE HEARING EXAMINER: All right. Any 4 other parties? 5 MR. GREENE: I guess there is a motion to 6 strike on the table. 7 THE HEARING EXAMINER: Yes. 8 MR. GREENE: So I feel compelled to 9 respond to it. The Conservancy's position in the 10 case as defined in this witness's testimony is 11 that we favor the undergrounding plan put forward 12 by the County, and we believe, as Mr. Turner said 13 in his opening statement, that it can be done by 14 the Commission as part of a pilot program to be 15 similar to the one that was approved in 16 approximately 2007, 2009, somewhere in there, I 17 don't remember, in the Garrisonville case, that 18 later led to legislative pilot programs. 19 But the Commission did that on its own and 20 we're asking that the Commission do something 21 similar to that here. It's a Commission-approved, 22 Commission-supervised, Commission-monitored pilot 23 program. Dominion would be required to produce 24 data so we can learn from the pilot program for 25 future lines. It's all spelled out, that part of</p>
<p>927</p> <p>1 about denying. And if we brief -- excuse me. I'm 2 not going to say that word. If we argue this in 3 the final argument, report and recommendation, 4 we'll get a chance to then brief it or give 5 comments to the Commission on it as well. 6 And then if the Commission rules against 7 us and says, well, that's not the way we need to 8 go or it's not legally permissible, as SCC Staff 9 counsel suggested, then, yes, we would absolutely 10 under those circumstances support the County's 11 underground hybrid proposal with a certificate. 12 We're not doing away with the certificate 13 process. It's always going to exist. It lives in 14 the statute. We're just saying there's another 15 way to go, and we're asking that the Commission 16 consider it. 17 MS. GARDNER: Your Honor, if I may. 18 THE HEARING EXAMINER: Ms. Gardner. 19 MS. GARDNER: The Community Church would 20 not ask that the Commission deny the Company's 21 CPCN. Rather, we would ask that the Commission 22 approve the Company's CPCN conditioned on the 23 segment of the Aspen-Golden Line that is 24 identified in the County's proposal be placed 25 underground. Specifically, we would ask that it</p>	<p>929</p> <p>1 it, in Mr. Jeavons' testimony. 2 So that's our position. We take no 3 position on the comprehensive plan and the legal 4 issues and everything that Loudoun has brought 5 forward. 6 But we feel we would not want that 7 underground proposal to be stricken from this 8 case, nor would the tens and tens of thousands of 9 residents and businesses in Loudoun that have 10 affirmatively come out and spoken in favor of 11 undergrounding. 12 THE HEARING EXAMINER: All right. Is the 13 Conservancy's position that the Commission should 14 deny the application? 15 MR. GREENE: No. The Conservancy's 16 position is that the CPCN should be awarded for 17 the hybrid underground line as has been presented 18 by the County's witness. 19 THE HEARING EXAMINER: Okay. Is it 20 anybody's position other than the County's that 21 this line should be denied by the Commission and 22 await this -- 23 MR. McROBERTS: Let me -- 24 THE HEARING EXAMINER: -- to be determined 25 local process?</p>

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91 (930 to 933)

930	932
<p>1 MR. McROBERTS: Let me be clear, we do not 2 want to have this line not built or not approved. 3 We're proposing a test program that involves 4 everything that has just been said here. 5 THE HEARING EXAMINER: Who do you want to 6 approve the line? 7 MR. McROBERTS: In this case, it's going 8 to have to be the Commission because it's an 9 application before the Commission. 10 THE HEARING EXAMINER: So you don't want 11 the application denied? 12 MR. McROBERTS: We want it approved with 13 the underground pilot proposal. 14 THE HEARING EXAMINER: All right. 15 MS. LINK: Your Honor -- 16 MS. GHIORZI: I would like to make a -- 17 comments on that motion. 18 THE HEARING EXAMINER: Ms. Ghiorzi. 19 MS. GHIORZI: The motion to strike, based 20 on my reading of this, Loudoun County appears to 21 want to be the regional transmission authority. 22 They set up their corridors and decide where the 23 routes go and where they are underground. I don't 24 think that's appropriate. 25 This is an entirely different matter and</p>	<p>1 different ways has serious concerns of viability, 2 feasibility, constructibility, permitability. 3 The Company did not create this proposal. 4 The Company cannot create a proposal that works 5 for the Aspen-Golden Line with a hybrid component. 6 We have tried and turned every stone on that. So 7 Garrisonville is distinguishable. 8 And we do agree that this line is squarely 9 in front of the Commission under existing law and 10 not future laws that don't exist that are not on 11 the books, and we have put forward our case, and 12 we would be supportive of the Commission's CPCN in 13 this case of the proposed overhead route, which is 14 the only viable proposal on the record. 15 THE HEARING EXAMINER: Mr. Chambliss, it 16 was your motion -- I'm sorry. 17 MR. ROGERS: May I be heard on the point 18 that Ms. Link just brought up? I'm the County 19 attorney for Loudoun County. I speak for Loudoun 20 County's position. 21 Loudoun County is stating here that the 22 Certificate of Public Need and Necessity, we are 23 looking to have that approved with the underground 24 route. We have presented our evidence on it, and 25 if it was stated in any way, shape, or form that</p>
931	933
<p>1 it really should not have been entered into this 2 case in the first place. I would support a motion 3 to strike. 4 THE HEARING EXAMINER: All right. 5 MS. LINK: Your Honor, may I just put the 6 Company's position on the record. 7 I did hear the County's legal 8 representative say that they urge the Commission 9 to deny the CPCN or defer the ruling until -- in 10 favor of working together with this new process of 11 coming up with transmission corridors and a pilot. 12 We, obviously, do not support that, and we 13 join Staff in their motion to strike all of the 14 updated hybrid proposal information in the record 15 because the County is no longer supporting it. 16 As to what Mr. Greene talked about with 17 Garrisonville, that was a case where the Company 18 put forward an underground proposal. The Company 19 conceptually engineered it, it was viable, it was 20 feasible, it was buildable, it was constructible, 21 it is constructed. It is in service. 22 What we have here is something we've never 23 seen before, which is a situation where we've got 24 an intervener putting forward an underground 25 proposal that the Company has said in ten</p>	<p>1 we're looking not to do that and to follow a 2 different program, that was a mistake, and that 3 should not be the position, that is not the 4 position of Loudoun County. We wish to go forward 5 in this proceeding. 6 THE HEARING EXAMINER: So can you clarify 7 what about these two lines, the Aspen-Golden Line 8 and the Apollo-Twin Creeks Line, if those cases 9 are certificated by the Commission, how do those 10 two lines intersect with the pilot? 11 MR. ROGERS: May I speak from the podium? 12 MR. McROBERTS: Yeah, please. 13 MR. ROGERS: You've heard about the pilot 14 program on the Garrisonville line. There was also 15 a pilot program in Loudoun County on the 16 W&amp;OD Trail for a 230 kV program. 17 What we're suggesting here is the 18 Commission is the one with the authority to 19 identify pilot programs. We're saying this is one 20 that should be done. Loudoun County has worked 21 extensively with Dominion. We support the routing 22 because Dominion has made many accommodations to 23 Loudoun County over a period of months on this 24 route. 25 So the route is something we support.</p>



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92 (934 to 937)

<p>934</p> <p>1 What we are also supporting is that it be 2 undergrounded. And what we're saying is we 3 understand there's a cost of undergrounding, so 4 the planning issue has been resolved. We support 5 the planning of the route. 6 The second part is we're asking the 7 Commission to identify -- and it's the Commission, 8 it's not the County that's going to identify where 9 a pilot program should be, and Loudoun County is 10 going to say, here's the way the cost sharing 11 should be done if the Commission has a concern 12 with the cost of undergrounding the line. 13 THE HEARING EXAMINER: Okay. I still 14 don't understand it. If the Commission is 15 approving the line, what about it is a pilot? 16 MR. ROGERS: The pilot program would be -- 17 we're asking the Commission to pass the cost along 18 to high-wattage users so that it's not shared by 19 all of the ratepayers, but it's shared by the 20 customers of the data centers who are generating 21 the need for the line. Mr. Rizer will speak to 22 that. 23 THE HEARING EXAMINER: Okay. You want the 24 Aspen-Golden Line to be -- the cost for that to be 25 recovered by -- you want data centers to pay for</p>	<p>936</p> <p>1 cannot approve the line with a guarantee that high 2 wattage users will pay. You do understand that? 3 MR. ROGERS: That's correct. It could go 4 forward with that recommendation, but no, it could 5 not be done at this time. 6 THE HEARING EXAMINER: So what are you 7 wanting the Commission to say in a final order 8 about who pays? 9 MR. ROGERS: What we want to do is 10 mitigate the impacts to the unfortunate residents 11 who will be along the line who we want the line to 12 be underground. 13 Dominion is going to oppose that in part 14 based on its cost. We're asking the Commission to 15 then put forward a ratemaking case where 16 high-wattage users would pay more for their 17 wattage when they are needing high-voltage 18 transmission lines like is the case in data 19 centers, and that those high-wattage users would 20 then pay into a pool that would pay for the cost 21 of undergrounding when these lines are going 22 through residential communities like they are 23 here. 24 THE HEARING EXAMINER: Okay. So why does 25 that have to be connected to approval of this one?</p>
<p>935</p> <p>1 it, basically? 2 MR. ROGERS: Yes, that's exactly the 3 comment that all the citizens brought up. It's 4 exactly what we've been talking about from the 5 very beginning. 6 THE HEARING EXAMINER: Okay. But you 7 understand that nothing about data centers paying 8 more or their rate changing because of this line 9 has been noticed to the public. 10 MR. ROGERS: No, I understand. What would 11 have to happen is as part of the approval of this, 12 you would have to notice that. This line will 13 take many years, even according to Dominion's 14 schedule, to build. That high-wattage users, not 15 data centers, I understand we are probably talking 16 only about data centers, but high-wattage users 17 would pay more for the high-wattage consumption 18 because they are the ones that are generating the 19 need for this line, which Mr. Rizer will talk 20 about that as well. 21 THE HEARING EXAMINER: But the Commission 22 cannot -- okay. 23 MR. ROGERS: It's something we're asking 24 the Commission to do going forward. 25 THE HEARING EXAMINER: The Commission</p>	<p>937</p> <p>1 MR. ROGERS: What we're asking -- 2 THE HEARING EXAMINER: Couldn't you just 3 do, say, a petition for declaratory judgment to 4 start that? 5 MR. ROGERS: We could. What we could do 6 is have the Commission approve it with the 7 undergrounding component. But I think the 8 undergrounding component should also come with 9 some ratemaking initiative that comes out of this 10 as well. 11 THE HEARING EXAMINER: Okay. Are you 12 familiar -- I'm sure you are -- with 15.2-2404? 13 MR. ROGERS: Yes, I am. 14 THE HEARING EXAMINER: Can you please 15 answer for all of us why the County did not pursue 16 that process where the county people, including 17 data centers, would pay the cost difference from 18 overhead to underground? 19 MR. ROGERS: Are you talking about 2404? 20 THE HEARING EXAMINER: Yes, I'm sorry. 21 MR. ROGERS: Oh, I'm sorry. 2404. I 22 thought you were talking about advertising 23 requirements. 24 2404 is if you have a tax district. The 25 tax district, you have to have a special benefit</p>

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93 (938 to 941)

<p>938</p> <p>1 that is inured to the people in the district. The 2 people in the district would be those residents 3 along the line who are benefiting from an 4 underground line. Those are the ones that we can 5 tax under a taxing district. We're not saying 6 that we should do that. The need is being 7 generated by the high wattage users elsewhere, and 8 those high wattage users should be paying for 9 this. It should not be done by a tax district. 10 We cannot tax high wattage users to underground a 11 transmission line in this area. It does not fit 12 under 2404. 13 THE HEARING EXAMINER: Okay. So the 14 position is -- I'm sorry. What is that beeping? 15 THE BAILIFF: It's a virtual connection. 16 I need to restart that, Your Honor. 17 THE HEARING EXAMINER: I'm sorry. Thank 18 you so much. 19 MR. ROGERS: You have to -- in order -- 20 there's a couple of other components of 2404. You 21 have to get a majority of the property owners who 22 are going to agree to a petition. There has to be 23 notice that's provided. People in the tax 24 district have to receive a specific benefit that 25 inures to them, and I just think we'd be taxing</p>	<p>940</p> <p>1 issuance of its certificate. 2 THE HEARING EXAMINER: Mr. McRoberts, do 3 you have a response? 4 MR. McROBERTS: Yes, I do. Again, there's 5 several components of this, and I misspoke earlier 6 when I said a denial. That certainly was not what 7 the County intends. 8 What we intend is for this underground 9 line to be approved, for the planning component to 10 work with the Commission, and the Company to 11 identify additional future projects for -- as 12 Mr. Giglio said, <u>that can be proactively planned</u> 13 <u>in advance as opposed to being reactive after the</u> 14 <u>Company comes to the SCC and makes an application.</u> 15 So, you know, perhaps I misspoke, and if 16 so, I apologize. Certainly, the County's position 17 is the undergrounding hybrid proposal is what it 18 would propose. I think Mr. Chambliss is 19 absolutely correct that once that certificate is 20 approved, that that would comply with the 21 requirements of 2232. What we want to discuss in 22 the closing is what does 56-265.2 allow and how 23 can local governments work more proactively with 24 the Company to shorten the process and make it 25 less adversarial and shorter for everybody</p>
<p>939</p> <p>1 the wrong people in this case. That's why we're 2 saying it should be a rate decision rather than a 3 taxing decision. 4 THE HEARING EXAMINER: All right. This is 5 what -- does anybody else want to speak to this? 6 Sorry. 7 Mr. Chambliss, it was your motion. Do you 8 have anything? 9 MR. CHAMBLISS: Yeah, I'm still confused. 10 I heard Mr. McRoberts say they didn't want a CPCN. 11 I hear Mr. Rogers say, you do want a CPCN but only 12 if the project is underground. 13 Now, if that is the case, then the 14 Commission issues a CPCN, you know, as the County 15 prefers and the other respondents prefer, not as 16 Dominion wants, with the undergrounding, the law 17 still says, approval of a transmission line -- 18 pursuant to this section, that is 56-46.1 -- shall 19 be deemed to satisfy the requirements of 15.2-2232 20 and local zoning ordinances with respect to such 21 transmission line. 22 My question is, what happens at the County 23 with regard to this pilot program and this line? 24 Nothing. Everything that the County does under 25 2232 has been satisfied by the Commission's</p>	<p>941</p> <p>1 involved to get this thing approved while being 2 proactive. That's what we're talking about. 3 So there's several different components. 4 Earlier I said -- we're talking about different 5 pilot projects when -- he's talking about, he's 6 talking about a new way of planning in the comp 7 plan an amendment. What the County attorney was 8 talking about a much bigger picture that involves 9 this project, future projects, as well as a more 10 cooperative way and a cost-shifting mechanism in 11 order to try to address the Company's concern on 12 cost. 13 MS. LINK: Your Honor, what I hear now 14 after this valid discussion is that this pilot 15 program idea is for future projects. It is not 16 for the Aspen-Golden Line. That's what I hear. 17 Because what I also hear is that part of -- a big 18 <u>component of that pilot project is going to be the</u> 19 <u>identification of transmission corridors, which</u> 20 <u>will happen in comprehensive plan land and could</u> 21 <u>take a year,</u> and this is an important liability 22 project to keep the lights on, so it cannot be a 23 part of the pilot, and I think we can -- if the 24 County can agree to excise testimony regarding 25 this Aspen-Golden project being part of a future</p>

The County has no authority to do this

[



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94 (942 to 945)

942

1 pilot, we might be able to move forward with the  
2 case.  
3 THE HEARING EXAMINER: There's been a lot  
4 of internet connectivity issue, and our bailiff is  
5 working very hard to get Ms. Ghiorzi back. So if  
6 we're hearing beeping or hearing odd, like, hellos  
7 and things like that, that's what that's about.  
8 All right. I'm sorry. Ms. Link, do you  
9 have more?  
10 MS. LINK: No. I was just saying, I think  
11 there's the application we brought forward. It  
12 seems like it's been narrowed down to whether the  
13 overhead proposal should be adopted or the updated  
14 hybrid proposal should be adopted as the grant for  
15 the CPCN, and then there's the side issues about  
16 future pilot programs. We're happy to talk about  
17 it in our closing statements, but I don't think,  
18 after all this, that the County actually wants the  
19 Aspen-Golden line to be part of a pilot, but if  
20 they can confirm that, I think we can move  
21 forward.  
22 MR. McROBERTS: I think a fairer statement  
23 might be that it's an exemplar of the kind of  
24 thing that we hope to accomplish together with the  
25 Company.

943

1 We already have planning Commission --  
2 excuse me -- comprehensive plan components to talk  
3 about co-location and encourage undergrounding.  
4 They are talking about a comprehensive plan  
5 amendment that's going to identify specific routes  
6 for future lines, but for this one, you know, it  
7 needs to move forward with the current hybrid  
8 proposal as it is.  
9 But as part of that, we're proposing the  
10 Commission take action to address the Dominion's  
11 concern on cost using that part -- that component  
12 of the test pilot program, but also to make sure  
13 that the Commission is considering using this  
14 process through what we'll discuss in the closing  
15 for future projects. And hopefully that clarifies  
16 it.  
17 MS. LINK: Sounded like he agreed.  
18 MR. GREENE: I feel like I'm a little  
19 pimple on the back of an elephant with this, but I  
20 feel compelled to say that the Conservancy's  
21 proposal, it's apparently a different pilot  
22 structure and program than what maybe the County  
23 is envisioning.  
24 Again, in the Garrisonville case -- and I  
25 don't recall the facts the same way as Ms. Link

944

1 does. I think we were the only two maybe in this  
2 room that were in that case.  
3 MR. CHAMBLISS: Nope.  
4 MR. GREENE: The Stafford County came  
5 forward with a witness -- I believe his name was  
6 Lanzalotta, Professor Lanzalotta -- who came  
7 forward with a proposal for -- not as detailed as  
8 this one, what we see in this case, but with, you  
9 know, a high-level concept. And maybe Dominion  
10 got on board after that, but Stafford County  
11 pushed it forward.  
12 And I understand there's a difference --  
13 there may be a difference in Dominion's view here  
14 than back then, but that's the Commission's  
15 discretion as to whether to go forward with it or  
16 not.  
17 THE HEARING EXAMINER: So what's the  
18 Conservancy's pilot?  
19 MR. GREENE: The pilot would be simply to  
20 build the underground hybrid and then require  
21 Dominion to produce the data and -- reliability  
22 data, cost data, whatever else that may be deemed  
23 necessary and prudent so that to guide -- to  
24 see -- as Mr. Turner said in his opening  
25 statement, this is a time for Dominion to be a

945

1 national leader in transmission.  
2 So do we want to have 500 kV underground  
3 proposals in the future that are workable and that  
4 are a national and an international leader in how  
5 we service these data centers, which don't just  
6 benefit the people of Loudoun. They benefit  
7 people in the entire world, 70, 80 percent of the  
8 traffic going through.  
9 THE HEARING EXAMINER: All right. So your  
10 pilot is an information-gathering pilot?  
11 MR. GREENE: Yes. That will be used to  
12 guide future projects. But there's not future  
13 projects in the pilot. There's not -- it's simply  
14 let's see how this works, just as Garrisonville  
15 was intended, and see if we can use that to propel  
16 things forward for future lines.  
17 THE HEARING EXAMINER: All right.  
18 Mr. Chambliss.  
19 MR. CHAMBLISS: I'm perfectly happy  
20 with --  
21 THE HEARING EXAMINER: I'm sorry. Excuse  
22 me just one moment.  
23 Mr. Bailiff, did you have something --  
24 stay there, Mr. Chambliss.  
25 THE BAILIFF: Yes. Ms. Ghiorzi said she

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95 (946 to 949)

24034000

946  
1 wants a chance to respond to Mr. Rogers.  
2 THE HEARING EXAMINER: All right. Well,  
3 we're hearing from Mr. Chambliss. We'll get to  
4 her in a moment.  
5 THE BAILIFF: Excuse me. The sorry.  
6 THE HEARING EXAMINER: We're fine.  
7 MR. CHAMBLISS: If the County is now  
8 agreeing that it wants a CPCN issued for this  
9 project by the Commission, let's go forward with  
10 that. I'm happy.  
11 THE HEARING EXAMINER: All right.  
12 Ms. Ghiorzi, did you have --  
13 MS. GHIORZI: Yeah, I had -- I missed a  
14 little bit of what Mr. Rogers had stated there.  
15 My question is, has he already spoken with any of  
16 these transmission companies about preferring  
17 particular corridors to route transmission lines  
18 in advance of changing the plan?  
19 THE HEARING EXAMINER: We're not on the  
20 comprehensive plan amendment.  
21 MS. GHIORZI: Okay.  
22 THE HEARING EXAMINER: That's -- that's --  
23 sorry. We've moved -- we're just not talking  
24 about that right now.  
25 MS. GHIORZI: All right. On the pilot --

947  
1 I believe he was also talking about the pilot.  
2 THE HEARING EXAMINER: I'm sorry?  
3 MS. GHIORZI: Has this project -- this  
4 project for the Aspen-Golden Line has been removed  
5 from the concept of putting it as a pilot program.  
6 Is that what we're talking about now?  
7 THE HEARING EXAMINER: Yes, that's what  
8 we're talking about.  
9 MS. GHIORZI: Okay.  
10 THE HEARING EXAMINER: Okay. All right.  
11 It is late. We're going to start -- we're going  
12 to start at 9:30 tomorrow. And here's what I  
13 would like: I would like the parties to get  
14 together and discuss.  
15 In my -- my feeling is that this pilot  
16 that Loudoun County wants to do with the projects  
17 and a new cost mechanism and a new planning  
18 process and all that, you know, however great an  
19 idea it may be or may not be or whatever, people  
20 can discuss that eight ways from Sunday.  
21 But we have now established that the  
22 Aspen-Golden and Apollo-Twin Creeks Lines are not  
23 going to be a pilot item. This makes this whole  
24 pilot, in my mind, very beyond the scope of the  
25 applications.

948  
1 It may be absolutely perfect for some  
2 future filing at the Commission. It may be a  
3 great thing for everyone to get together and  
4 propose, but it has gone way far afield of the  
5 Commission approval of these two lines, in my  
6 opinion.  
7 My inclination is to strike the testimony  
8 and the pilot without prejudice for the County and  
9 whoever else who wants to, to get together and  
10 repropose it to the Commission in some form that  
11 is not related to a specific case that will not be  
12 part of the pilot.  
13 I need you-all to think about that.  
14 That's where I'm going. I would love for you to  
15 come back tomorrow and tell me you've agreed on  
16 that. We'll see if you can or not.  
17 MS. GHIORZI: That will be a separate  
18 docket? Is that what you're saying?  
19 THE HEARING EXAMINER: Yes, ma'am. It  
20 would not be part of these two lines.  
21 MS. GHIORZI: Will I be included in that  
22 conference? Do I need a Zoom meeting or a -- how  
23 does that work?  
24 MS. LINK: She can give us a phone number,  
25 if we can -- we'll patch her in on her cell.

949  
1 THE HEARING EXAMINER: All right.  
2 Ms. Ghiorzi --  
3 MS. GHIORZI: Okay. Yeah, I can give you  
4 a cell number.  
5 THE HEARING EXAMINER: Okay.  
6 MS. LINK: Thank you. We're ready.  
7 MS. GHIORZI: I can't remember it. Let me  
8 just look it up because --  
9 MS. LINK: Ms. Ghiorzi, Ms. Ghiorzi, when  
10 we adjourn, you can call my cell phone. This is  
11 Vishwa Link. I'll give it to you right now.  
12 (There was a pause in the proceedings.)  
13 MS. LINK: If somehow it's a problem,  
14 please e-mail one of us, and we'll make sure we  
15 patch you in.  
16 MS. GHIORZI: Okay. My phone number is...  
17 (There was a pause in the proceedings.)  
18 MS. LINK: Thank you.  
19 MS. GHIORZI: Thank you.  
20 THE HEARING EXAMINER: All right. So  
21 consider that. Because I know you-all need to  
22 chat, it's probably not much, but we'll meet at  
23 9:30 instead of 9:00 tomorrow. And we're going to  
24 recess for the evening.  
25 MS. LINK: Thank you, Your Honor.

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Transcript of Hearing - Day 4  
Conducted on September 19, 2024

96 (950 to 953)

24064004

950

1 (The proceedings adjourned at 6:39 p.m., to  
2 be reconvened on September 20, 2024, at 9:30 a.m.)  
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951

1 COURT REPORTER'S CERTIFICATE  
2  
3

4 I, Scott D. Gregg, Registered  
5 Professional Reporter, certify that I recorded  
6 verbatim by stenotype the proceedings in the  
7 captioned cause before the HONORABLE M. RENAE  
8 CARTER, Hearing Examiner of the State Corporation  
9 Commission, Richmond, Virginia, on the 19th day of  
10 September 2024.

11 I further certify that to the best of my  
12 knowledge and belief, the foregoing transcript  
13 constitutes a true and correct transcript of the  
14 said proceedings.

15 Given under my hand this 20th day of  
16 September, 2024, at Norfolk, Virginia.  
17

18 Scott D. Gregg RPR  
19

20 Scott D. Gregg, RPR

21 Notary Public

22 Notary Registration No. 215323  
23  
24  
25

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## **Attachment IV**

Email to Loudoun County BOS and Loudoun County Attorney Leo Rogers, “Re: Draft Resolution in Opposition to the NextEra Transmission Line - URGENT UPDATE NEEDED”  
and reply from Loudoun County Attorney



-----  
-1.9 BAYES\_00 BODY: Bayes spam probability is 0 to 1%  
[score: 0.0000]  
0.0 URIBL\_BLOCKED ADMINISTRATOR NOTICE: The query to URIBL was  
blocked. See  
<http://wiki.apache.org/spamassassin/DnsBlocklists#dnsbl-block>  
for more information.  
[URIs: loudoun.gov]  
-0.0 SPF\_PASS SPF: sender matches SPF record  
-0.1 DKIM\_VALID\_EF Message has a valid DKIM or DK signature from  
envelope-from domain  
0.1 DKIM\_SIGNED Message has a DKIM or DK signature, not necessarily  
valid  
-0.1 DKIM\_VALID Message has at least one valid DKIM or DK signature  
-0.1 DKIM\_VALID\_AU Message has a valid DKIM or DK signature from  
author's domain  
-0.9 FROM\_GOV\_DKIM\_AU From Government address and DKIM signed  
-1.7 DKIMWL\_WL\_HIGH DKIMwl.org - High trust sender  
X-Spam-Flag: NO

Theresa,

Unfortunately, I did not see your email until today. In no way will we be targeting private property as a potential route. I am already in discussions with NextEra's counsel and the primary electrical utility providers to determine how to use existing right-of-way. I don't know if you are aware of the group formed to oppose the preliminary route. County staff and I plan to work closely with them through this process. Below is my contact information. Please give me a call to discuss.

Leo P. Rogers

County Attorney

1 Harrison St., SE

P.O. Box 7000

Leesburg, VA 20177-7000

703-777-0307 (office)

703-777-0478 (direct)

571-465-0711 (cell)

703-771-5025 (fax)

Leo.Rogers@loudoun.gov

Leo,

Forwarding an email sent to our department account. Susan

Hello Att. Rogers,

I have concerns about the phrasing of the last two points and wrote my representatives directly, I have not heard back . I can be reached at 540-272-4281 , I will be calling your office as well.

1) "WHEREAS, existing power lines rights-of-way exist that could accommodate the new high voltage transmission lines and bring the electrical power to the Aspen substation. "

\*\*\*\*\*> Please Change

"power lines rights-of-way exist that could accommodate the new high voltage transmission lines" to

"power lines rights-of-way exist that could accommodate the new high voltage transmission lines within the existing easement."

2) "NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors declares its opposition to the Western Loudoun Route proposed by NextEra Energy and encourages NextEra Energy to work with the electric utility providers in Virginia, West Virginia, and Maryland to collocate the new transmission lines in exiting electrical transmission corridors."

\*\*\*\*\*> Please Change "exiting electrical transmission corridors" to "existing easements."

Thank you,  
Theresa Ghiorzi

>Date: Tue, 16 Apr 2024 10:00:13 -0400

>To:

>caleb.kershner@loudoun.gov;;tacy.Carey@loudoun.gov;;onathan.Bales@loudoun.gov;;elGHiggins@house.virginia.gov;;hirschfeld@house.virginia.gov

>From: Theresa G <theresag@ccone.com>

>Subject: Re: Draft Resolution in Opposition to the NextEra Transmission

>Line - URGENT UPDATE NEEDED

>Cc: bos@loudoun.gov;thomasjdonahue7@gmail.com

>

>At 11:08 AM 4/12/2024, Theresa G wrote:

>

>>Supervisor Kershner, Stacy, Jonathan, Del. Higgins & Tanner,

>>

>>I just read the draft Resolution in Opposition to the NextEra

>>Transmission Line (attached) And I am quite upset about it -

>>specificallly 2 sections. The phrasing sounds like you are targeting  
>>the private property along the existing lines!  
>>  
>>We don't want this line situated on any new easements anywhere in  
>>Western Loudoun.  
>>  
>>The Doubs corridor would have to be significantly expanded to  
>>accommodate ANOTHER 500kV line to go along with all the existing  
>>projects (which is already 2 500kV lines plus 2 230kV  
>>lines). As the MARL project is currently configured it would be a  
>>greenfield expansion ANYWHERE it is put.  
>>  
>>We live here too we are taxpayers and your constituents as well and  
>>this resolution needs to represent all of us!  
>>  
>>Please see the two sections below with re-phrasing to represent all  
>>county residents.  
>>  
>>1) "WHEREAS, existing power lines rights-of-way exist that could  
>>accommodate the new high voltage transmission lines and bring the  
>>electrical power to the Aspen substation. "  
>>  
>> \*\*\*\*\*> Please Change  
>>"power lines rights-of-way exist that could accommodate the new high  
>>voltage transmission lines" to  
>>  
>>"power lines rights-of-way exist that could accommodate the new high  
>>voltage transmission lines within the existing easement."  
>>  
>>  
>>2) "NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors  
>>declares its opposition to the Western Loudoun Route proposed by  
>>NextEra Energy and encourages NextEra Energy to work with the electric  
>>utility providers in Virginia, West Virginia, and Maryland to  
>>collocate the new transmission lines in exiting electrical  
>>transmission corridors."  
>>  
>> \*\*\*\*\*> Please Change "exiting electrical transmission  
>> corridors" to "existing easements."  
>>  
>>Thank You,  
>>  
>> Theresa Ghiorzi  
>>

## **Attachment V**

Email to Loudoun County BOS and Loudoun County Attorney, “Loudoun County Staff / Attorneys office working with NextERA, Dominion, PJM on MARL re-route”



Date: Mon, 22 Apr 2024 11:56:15 -0400

To:

Leo.Rogers@loudoun.gov;caleb.kershner@loudoun.gov;Stacy.Carey@loudoun.gov;Jonathan.Bales@loudoun.gov;bos@loudoun.gov

From: Theresa G <theresag@ccone.com>

Subject: Loudoun County Staff / Attorneys offic working with NextERA, Dominion, PJM on MARL re-route

Hello Leo,

We spoke last week and I have not heard what meetings have been set-up to discuss the re-route. As I said I am on the existing Mount Storm - Doubs transmission line directly across from the Wenner Road substation.

My interests and those of my family and neighbors who also live along the existing transmission line right away are NOT represented by the groups you are working with.

None of us have been contacted nor has this been discussed with us and we want to be included in the discussions as well. The property owners along the existing transmission route have just as much at stake as the property owners along the primary route and the county must represent all of us.

Property owners along the existing transmission line MUST be included in these discussions. I can be reached at 540 - 822 - 5584 and I am available for any working sessions / meetings that are held to discuss the re-route.

I also do not believe the communities along the Doubs - Aspen easement have been consulted either.

There is already a PJM approved re-build in that corridor that at completion will have two 500's, two 230's. Add MARL and there will be THREE 500's and 2 230's.

I look forward to hearing from you,

Theresa Ghiorzi