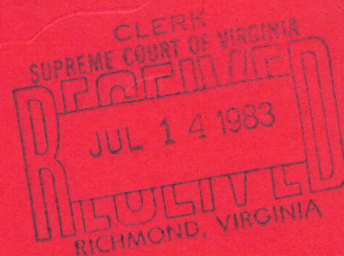


226VA382



IN THE
SUPREME COURT OF VIRGINIA

Record No. 830721

Virginia Electric and Power Company,
Appellant,

v.

Board of County Supervisors of
Prince William County, et al,
Appellees.

APPENDIX

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IN THE
SUPREME COURT OF VIRGINIA

Record No. 830721

Virginia Electric and Power Company,
Appellant,

v.

Board of County Supervisors of
Prince William County, et al,

Appellees.

APPENDIX

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Nov 10 2 53 PM '82 AT RICHMOND, NOVEMBER 10, 1982

COMMONWEALTH OF VIRGINIA, ex rel.,

STATE CORPORATION COMMISSION

v.

CASE NO. PUE820076

THE VIRGINIA ELECTRIC AND
POWER COMPANY,
Defendant

RULE TO SHOW CAUSE

IT APPEARING to the Commission that the Virginia Electric and Power Company has undertaken to construct approximately 7.2 miles of 230 kv electric transmission line, designated as the Loudoun-Gainsville 230 kv transmission line, between its Loudoun substation and its Gainsville substation, in Loudoun and Prince William Counties, and that no application regarding said transmission line has been filed pursuant to §56-46.1 of the Code of Virginia (1950),

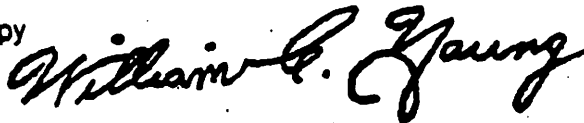
IT IS ORDERED:

(1) That a Rule to Show Cause be, and the same is hereby, issued directing the Virginia Electric and Power Company to appear before the State Corporation Commission in its Courtroom on the 13th Floor of the Jefferson Building, Bank and Governor Streets, Richmond, Virginia at 10:00 a.m. on December 2, 1982 to show cause why it should not be enjoined from constructing said transmission line without prior approval by this Commission under §56-46.1 of the Code of Virginia (1950);

(2) That an attested copy of this order shall be served on Linwood R. Robertson, One James River Plaza, Richmond, Virginia 23261, the defendant's registered agent; and attested copies shall be sent to Kathleen K. Seefeldt, Chairman of the Board of Supervisors of Prince William County, 9250 Lee Avenue, Manassas, Virginia 22110; to the Commission's Division of Energy Regulation; to Anthony Gambardella, Esquire, Office of the Attorney General, 101 North 8th Street, 5th Floor, Richmond, Virginia 23219; and to Guy T. Tripp, III, Esquire, Hunton & Williams, P.O. Box 1535, Richmond, Virginia 23212.

A True Copy

Teste:

A handwritten signature in cursive script, reading "William C. Young".

Clerk of State Corporation Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

3

AT RICHMOND, SEPTEMBER 17, 1981

CASE NO. PUE810061

APPLICATION NO. 123

APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

For amended Certificates under
Utility Facilities Act

Came the applicant on July 23, 1981 and submitted its Application No. 123, executed and verified on July 20, 1981 by Mr. Wadsworth Bugg, Jr., Vice President, setting forth the proposed construction of 7.2 miles of single circuit 230KV electric transmission line, designated as the Loudoun-Gainesville 230KV Transmission Line.

The Loudoun-Gainesville 230KV Transmission Line will be located entirely on existing right-of-way purchased prior to April, 1972. This line corridor goes through the service area of Tri-County Electric Cooperative in Loudoun and Prince William Counties and through the service area of Prince William Electric Cooperative in Prince William County. Both of these Cooperatives approved the proposed construction through their service areas.

UPON CONSIDERATION WHEREAS, the Commission is of the opinion, that the issuance of certificates of public convenience and necessity are required under the Utility Facilities Act for construction and operation of the proposed transmission line in the Counties of Loudoun and Prince William.

IT IS ORDERED:

(1) That amended certificates of public convenience and necessity be issued to Virginia Electric and Power as follows:

- (a) Certificate No. ET-91K authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities, in the County of Loudoun as shown on map attached thereto; said Certificate ET-91K will supersede Certificate No. ET-91j issued November 20, 1972;

- 4
- (b) Certificate No. ET-105n, authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities in County of Prince William as shown on map attached thereto; said Certificate No. ET-105n will supersede Certificate No. ET-105m issued February 26, 1980

(2) That an attested copy of this order, together with the amended certificates, with maps attached, be sent to the applicant in care of Mr. Wadsworth Bugg, Vice President, Virginia Electric and Power Company, Box 26666, Richmond, Virginia 23261 and that an attested copy of this order be sent to Mr. Guy P. Tripp, III, Esquire, Hunton and Williams, P. O. Box 1535, Richmond, Virginia 23212 and to the Division of Energy Regulation.

A True Copy

Teste:


Clerk of State Corporation Commission

Commonwealth of Virginia

5



State Corporation Commission

I, George W. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. PUE810061, dated September 17, 1981, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond this 6th day of
December A. D. 1982*

George W. Bryant, Jr.
First Assistant Clerk of the Commission

DEC 8 1 23 PM '82

6

<u>Line</u>	<u>Voltage</u>	<u>Application No.</u>	<u>Length in Miles</u>	<u>Order Date</u>	<u>Cert. No.</u>
Suffolk Chuckatuck	230	25	14.6	8/11/72	ET-87f
Yorktown Peninsula	230	42	16.5	12/21/72	ET-77g
Dooms - LaGrange	230	44	16.1	6/7/73	ET-64l
Ox-Possum Pt.-Pepco Possum Pt.-Occoquan	230	48	11.3	9/20/73	ET-79n 105j
Messer Road - Chickahominy	230	51	14.6	10/3/73	ET-80h ET-71c
Chickahominy - Skiffes Creek	230	58	22.8	2/12/74	ET-77i ET-71d
Lanexa - Shacklefords	230/115	68	16.5	5/20/76	ET-89c ET-71e
Carolina - Suffolk	230	100	44.7	6/1/79	ET-83C ET-110c ET-95k ET-87h
Dooms - Grottoes	230	107	11.4	12/3/79	ET-108l ET-64r
Carson - Clubhouse	230	117	28.5	7/25/80	ET-83e ET-76h ET-112d
Loudoun - Gainesville	230	123	<u>7.2</u>	12/17/81	ET-91k ET-105n
204.2 Total Mileage					

Case No. DVE-820076
 Sponsor Dependent
 Exhibit No. 2

Filed DEC 8 1982

WITNESS
 Sealiff [Signature]

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, AUGUST 11, 1972

CASE NO. 11655

Application of

VIRGINIA ELECTRIC AND POWER COMPANY

For Amended Certificates under Utility
Facilities Act

INSTITUTING SUPPLEMENTAL PROCEEDING
AND GRANTING AMENDED CERTIFICATES

CAME the applicant on May 15, 1972, and presented its supplemental Application No. 25, executed and verified on May 15, 1972, by E. B. Crutchfield, Senior Vice President, setting forth in Schedule A and Schedule B an additional double circuit electric transmission line, the location of which is shown on the revised maps filed with said supplemental Application No. 25 and requested an appropriate amended certificate therefor;

UPON CONSIDERATION WHEREOF, the Commission is of the opinion, that the issuance of certificates of public convenience and necessity are required under the Utility Facilities Act for construction and operation of the proposed transmission line in Isle of Wight and Nansemond Counties;

The Commission is further of the opinion that the decision to build this transmission line on an existing transmission corridor that has been established since 1952 will have a minimum adverse impact on the scenic and environmental assets of the area concerned; accordingly,

IT IS ORDERED:

(a) That the aforesaid supplemental Application No. 25,

and maps therewith, be filed, and a supplemental proceeding under the Utility Facilities Act be instituted, docketed and set for immediate informal consideration;

(b) That amended certificates of public convenience and necessity be issued to Virginia Electric and Power Company, as follows:

- (1) Certificate No. ET-87f, for Isle of Wight County - to operate present transmission lines and facilities, and to construct and operate the proposed double circuit transmission line, as shown on map attached thereto; which said Certificate No. ET-87f is to cancel and replace Certificate No. ET-87e, issued on April 4, 1972.
- (2) Certificate No. ET-95d, for Nansemond County - to operate present transmission lines and facilities, and to construct and operate the proposed double circuit transmission line, as shown on map attached thereto; which said Certificate No. ET-95d is to cancel and replace Certificate No. ET-95c, issued on April 4, 1972.

(c) That an attested copy of this order, together with the amended certificate, with maps attached, be sent to the applicant in care of E. B. Crutchfield, Senior Vice President; and that an attested copy of this order be sent to George D. Gibson, of Counsel, Hunton, Williams, Gay and Gibson, P. O. Box 1535, Richmond, Virginia 23212.

Commonwealth of Virginia

9



State Corporation Commission

I, George W. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated August 11, 1972, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

In Testimony Whereof I hereunto set my hand and affix the Official Seal of the State Corporation Commission, at Richmond this 6th day of December A.D. 1982

George W. Bryant, Jr.
First Assistant Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

10

AT RICHMOND, DECEMBER 21, 1972

CASE NO. 11655

Application of

VIRGINIA ELECTRIC AND POWER COMPANY

For Amended Certificate under Utility
Facilities Act

INSTITUTING SUPPLEMENTAL PROCEEDING
AND GRANTING AMENDED CERTIFICATE

CAME the applicant on October 5, 1972, and presented its supplemental Application No. 42, executed and verified on October 5, 1972, by E. B. Crutchfield, Senior Vice President, setting forth the proposed construction of two 230 kv electric transmission lines, the locations of which are shown on the revised maps filed with said supplemental Application No. 42 and requested an appropriate amended certificate therefor;

UPON CONSIDERATION WHEREOF, the Commission is of the opinion, that the issuance of a certificate of public convenience and necessity is required under the Utility Facilities Act for construction and operation of the proposed transmission lines in York County and the City of Hampton.

The Commission is further of the opinion that the decision to build these transmission lines on existing rights of way that were acquired prior to 1956 will have a minimum adverse impact on the scenic and environmental assets of the area concerned; accordingly,

IT IS ORDERED:

(a) That the aforesaid supplemental Application No.42, and maps therewith, be filed, and a supplemental proceeding under

the Utility Facilities Act be instituted;

11

(b) That amended certificate of public convenience and necessity be issued to Virginia Electric and Power Company, as follows:

Certificate No. ET-77g, for Cities of Hampton, Newport News and Williamsburg, and Counties of James City and York - to operate present transmission lines and facilities, and to construct and operate proposed transmission lines and facilities, as shown on map attached thereto; which said Certificate No. ET-77g is to cancel and replace Certificate No. ET-77f, issued on March 25, 1967;

(c) That an attested copy of this order, together with the amended certificate, with maps attached, be sent to the applicant in care of Mr. E. B. Crutchfield, Senior Vice President; and that an attested copy of this order be sent to Mr. George D. Gibson, of Counsel, Hunton, Williams, Gay and Gibson, P. O. Box 1535, Richmond, Virginia 23212.



State Corporation Commission

I, George M. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated December 21, 1972, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond this 6th day of
December A. D. 1982*

George M. Bryant, Jr.
First Assistant Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

13

AT RICHMOND, JUNE 7, 1973

CASE NO. 11655

Application of

VIRGINIA ELECTRIC AND POWER COMPANY

For Amended Certificate under Utility
Facilities ActGRANTING AMENDED CERTIFICATE

CAME the applicant on October 30, 1972, and presented its supplemental Application No. 44, executed and verified on October 27, 1972, by E. B. Crutchfield, Senior Vice President, setting forth the rebuilding of an electric transmission line for 230 kv operation, the location of which is shown on the revised maps filed with said supplemental Application No. 44 and requested an appropriate amended certificate therefor;

UPON CONSIDERATION WHEREOF, the Commission is of the opinion, that the issuance of a certificate of public convenience and necessity is required under the Utility Facilities Act for construction and operation of the proposed transmission line in Augusta County:

The Commission is further of the opinion that the decision to rebuild this double circuit 115 kv transmission line for 230 kv operation on an existing transmission corridor for which all rights of way were acquired prior to 1958 will have a minimum adverse impact on the scenic and environmental assets of the area concerned; accordingly,

IT IS ORDERED:

(1) That amended certificate of public convenience and

necessity be issued to Virginia Electric and Power Company, as follows:

Certificate No. ET-641, for Augusta County - to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities, as shown on map attached thereto; which said Certificate No. ET-641 is to supersede Certificate No. ET-64k, issued March 16, 1973.

(c) That an attested copy of this order, together with the amended certificate, with maps attached, be sent to the applicant in care of Mr. E. B. Crutchfield, Senior Vice President, Virginia Electric and Power Company, Box 26666, Richmond, Virginia 23261; and that an attested copy of this order be sent to Mr. George D. Gibson, of Counsel, Hunton, Williams, Gay and Gibson, P. O. Box 1535, Richmond, Virginia 23212.



State Corporation Commission

I, George M. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated June 7, 1973, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond this 6th day of
December A. D. 1982*

George M. Bryant, Jr.
First Assistant Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

16

AT RICHMOND, SEPTEMBER 20, 1973

CASE NO. 11655

Application of

VIRGINIA ELECTRIC AND POWER COMPANY

For Amended Certificate under Utility
Facilities ActGRANTING AMENDED CERTIFICATES

CAME the applicant on January 22, 1973, and presented its supplemental Application No. 48, executed and verified on January 17, 1972, by E. B. Crutchfield, Senior Vice President, setting forth the proposed construction of a 500 kv transmission line and a double circuit 230 kv transmission line, the locations of which are shown on the revised maps filed with said supplemental Application No. 48 and requested appropriate amended certificates therefor;

UPON CONSIDERATION WHEREOF, the Commission is of the opinion, that the issuance of certificates of public convenience and necessity are required under the Utility Facilities Act for construction and operation of the proposed transmission lines in Fairfax and Prince William Counties.

The Commission is further of the opinion that the decision to build these transmission lines on existing right of way corridors that have been established since 1950 will have a minimum adverse impact on the scenic and environmental assets of the area concerned; accordingly,

IT IS ORDERED:

(1) That amended certificates of public convenience and necessity be issued to Virginia Electric and Power Company, as follows:

- (a) Certificate No. ET-79n, for Fairfax County - to operate present transmission lines and facilities, and to construct and operate the proposed transmission lines and facilities, as shown on map attached thereto; which said Certificate No. ET-79n is to supersede Certificate No. ET-79m, issued January 18, 1973;
- (b) Certificate No. ET-105j, for Prince William County - to operate present transmission lines and facilities, and to construct and operate the proposed transmission lines and facilities, as shown on map attached thereto; which said Certificate No. ET-105j is to supersede Certificate No. ET-105i, issued September 6, 1973.

(2) That an attested copy of this order, together with the amended certificates, with maps attached, be sent to the applicant in care of Mr. E. B. Crutchfield, Senior Vice President; and that an attested copy of this order be sent to Mr. George D. Gibson, of Counsel, Hunton, Williams, Gay and Gibson, P. O. Box 1535, Richmond, Virginia 23212.



State Corporation Commission

I, George M. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated September 20, 1973, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond this 6th day of
December A. D. 1982*

George M. Bryant, Jr.
First Assistant Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

19

AT RICHMOND, OCTOBER 3, 1973

CASE NO. 11655

Application of

VIRGINIA ELECTRIC AND POWER COMPANY

For Amended Certificates under Utility
Facilities Act

GRANTING AMENDED CERTIFICATES

CAME the applicant on February 13, 1973, and presented its supplemental Application No. 51, executed and verified on February 9, 1973, by E. B. Crutchfield, Senior Vice President, setting forth the proposed construction of a 230 kv transmission line, the location of which is shown on the revised maps filed with said supplemental Application No. 51 and requested appropriate amended certificates therefor;

UPON CONSIDERATION WHEREOF, the Commission is of the opinion that the issuance of certificates of public convenience and necessity are required under the Utility Facilities Act for construction and operation of the proposed transmission line in Henrico and Charles City Counties.

The Commission is further of the opinion that the decision to locate and build this 12.59 mile transmission line on existing right of ways acquired in 1941 and 1947, by the removal of an existing 115 kv transmission line will have a minimum adverse impact on the scenic and environmental assets of the area concerned; accordingly,

IT IS ORDERED:

(1) That amended certificates of public convenience and necessity be issued to Virginia Electric and Power Company, as follows:

(a) Certificate No. ET-86h, for Henrico County - to operate present transmission lines and facilities, and to construct and operate the proposed transmission lines and facilities, as shown on map attached thereto; which said Certificate No. ET-86h is to supersede Certificate No. ET-86g, issued April 30, 1973;

(b) Certificate No. ET-71c, for New Kent and Charles City Counties - to operate present transmission lines and facilities, and to construct and operate the proposed transmission lines and facilities, as shown on map attached thereto; which said Certificate No. ET-71c is to supersede Certificate No. ET-71b, issued March 27, 1967.

(2) That an attested copy of this order, together with the amended certificates, with maps attached, be sent to the applicant in care of Mr. E. B. Crutchfield, Senior Vice President; and that an attested copy of this order be sent to Mr. George D. Gibson, of Counsel, Hunton, Williams, Gay and Gibson, P. O. Box 1535, Richmond, Virginia 23212.



State Corporation Commission

I, George W. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated October 3, 1973, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond this 6th day of
December A. D. 1982*

George W. Bryant, Jr.
First Assistant Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

22

AT RICHMOND, FEBRUARY 12, 1974

CASE NO. 11655

Application of

VIRGINIA ELECTRIC AND POWER COMPANY

For Amended Certificate under Utility
Facilities Act

GRANTING AMENDED CERTIFICATES

CAME the applicant on August 6, 1973, and presented its supplemental Application No. 58, executed and verified on August 2, 1973, by E. B. Crutchfield, Senior Vice President, setting forth the proposed construction of a 230 kv electric transmission line, the location of which is shown on the revised maps filed with said supplemental Application No. 58 and requested appropriate amended certificates therefor;

UPON CONSIDERATION WHEREOF, the Commission is of the opinion, that the issuance of certificates of public convenience and necessity is required under the Utility Facilities Act for construction and operation of the proposed transmission line in Charles City County, New Kent County, James City County, York County and the City of Williamsburg.

The Commission is further of the opinion that the decision to build this transmission line on existing rights of way that were acquired in 1941 will have a minimum adverse impact on the scenic and environmental assets of the area concerned; accordingly,

IT IS ORDERED:

23

(A) That amended certificates of public convenience and necessity be issued to Virginia Electric and Power Company, as follows:

- (1) Certificate No. ET-7ld for New Kent and Charles City Counties - to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities, as shown on map attached thereto; which said Certificate No. ET-7ld is to supersede Certificate No. ET-7lc, issued on October 3, 1973.
- (2) Certificate No. ET-77i for Cities of Hampton, Newport News and Williamsburg, and Counties of James City and York - to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities, as shown on map attached thereto; which said Certificate No. ET-77i is to supersede Certificate No. ET-77h, issued on September 19, 1973.

(B) That an attested copy of this order, together with the amended certificate, with map attached, be sent to the applicant in care of Mr. E. B. Crutchfield, Senior Vice President, Virginia Electric and Power Company, Box 26666, Richmond, Virginia 23261 and that an attested copy of this order be sent to Mr. George D. Gibson, of Counsel, Hunton, Williams, Gay and Gibson, P. O. Box 1535, Richmond, Virginia 23212.



State Corporation Commission

I, George W. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated February 12, 1974, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond this 6th day of
December A. D. 1982*

George W. Bryant, Jr.
First Assistant Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

25

AT RICHMOND, MAY 20, 1976

CASE NO. 11655

Application of
VIRGINIA ELECTRIC AND POWER COMPANY
For Amended Certificate under Utility
Facilities Act

CAME the applicant on March 18, 1976, and presented its Application No. 68, executed and verified on March 17, 1976, by Mr. L. D. Johnson, III Vice President, setting forth the proposed construction of 16.5 miles of double circuit 230 kv electric transmission line, designated as the Lanexa-Shacklefords Transmission Line Rebuild, the location of which is shown on the revised maps filed with said supplemental Application No. 68. One circuit will be operated at 230 kv. The other circuit will be designed and constructed to operate at 230 kv but will be initially operated at 115 kv to be converted to 230 kv at a later date. The application proposes the replacement of an existing 115 kv transmission line and requested appropriate amended certificates, therefor;

UPON CONSIDERATION WHEREOF, the Commission is of the opinion, that the issuance of certificates of public convenience and necessity is required under the Utility Facilities Act for construction and operation of the proposed transmission line in the Counties of New Kent, King William and King and Queen.

The Commission is further of the opinion that the decision to build this transmission line on existing rights of way that were acquired prior to 1953 will have a minimum adverse impact on the scenic and environmental assets of the area concerned; accordingly,

IT IS ORDERED:

(A) That amended certificates of public convenience and necessity be issued to Virginia Electric and Power Company, as follows:

- (1) Certificate No. ET-71e for New Kent and Charles City Counties - to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities, as shown on map attached thereto; which said Certificate No. ET-71e is to supersede Certificate No. ET-71d, issued on February 12, 1974
- (2) Certificate No. ET-89c for King and Queen and King William Counties - to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities, as shown on map attached thereto; which said Certificate No. ET-89c is to supersede Certificate No. ET-89b, issued on March 27, 1967.

(B) That an attested copy of this order, together with the amended certificate, with map attached, be sent to the applicant in care of Mr. L. D. Johnson, III, Vice President, Virginia Electric and Power Company, Box 26666, Richmond, Virginia 23261 and that an attested copy of this order be sent to Mr. Evans B. Brasfield, of Counsel, Hunton, Williams, Gay and Gibson, P. O. Box 1535, Richmond, Virginia 23212.



State Corporation Commission

I, George W. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated May 20, 1976, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond this 6th day of
December A.D. 1982*

George W. Bryant, Jr.
First Assistant Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

28

AT RICHMOND, JUNE 1, 1979

CASE NO. 11655

Application of

VIRGINIA ELECTRIC AND POWER COMPANY

For Amended Certificates under
Utility Facilities Act

CAME the applicant on May 18, 1978, and presented its Application No. 100, executed and verified on May 15, 1978, by Mr. Wadsworth Bugg, Jr., Vice President, setting forth the proposed construction of 45.7 miles of single circuit 230 kv electric transmission line, designated as the Carolina-Suffolk Transmission Line, the location of which is shown on the revised maps filed with said supplemental Application No. 100. This transmission line will be designed and constructed to operate at 230 kv but will be initially operated at 115 kv to be converted to 230 kv at a later date. The application proposes the replacement of an existing 115 kv double circuit transmission line and requested appropriate amended certificates, therefor;

UPON CONSIDERATION WHEREOF, the Commission is of the opinion, that the issuance of certificates of public convenience and necessity is required under the Utility Facilities Act for construction and operation of the proposed transmission line in the Counties of Isle of Wight, Southampton and Greenville and in the City of Suffolk.

The Commission is further of the opinion that the decision to build this transmission line on an existing transmission line corridor for which rights of way were established in approximately 1925 will have a minimum adverse impact on the

scenic and environmental assets of the area concerned;

29

accordingly,

IT IS ORDERED:

(1) That amended certificates of public convenience and necessity be issued to Virginia Electric and Power Company as follows:

- (a) Certificate No. ET-83c, authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities, in the County of Greenville as shown on map attached thereto; said Certificate ET-83c will supersede Certificate No. ET-83b, issued April 4, 1972;
- (b) Certificate No. ET-110c, authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities in the County of Southampton, as shown on map attached thereto; said Certificate No. ET-110c will supersede Certificate No. ET-110b, issued March 27, 1967;
- (c) Certificate No. ET-95k, authorizing Vepco to operate present transmission lines and facilities in the Cities of Chesapeake, Suffolk, Norfolk, Portsmouth and Virginia Beach and to construct and operate the proposed transmission line and facilities in the City of Suffolk, as shown on map attached thereto; said Certificate No. ET-95k will supersede Certificate No. ET-95j, issued December 9, 1977;
- (d) Certificate No. ET-87h, authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities in the County of Isle of Wight, as shown on map attached thereto; said Certificate No. ET-87h will supersede Certificate No. ET-87g, issued June 23, 1978.

(2) That an attested copy of this order, together with the amended certificates, with maps attached, be sent to the applicant in care of Mr. Wadsworth Bugg, Vice President, Virginia Electric and Power Company, Box 26666, Richmond,

Virginia 23261 and that an attested copy of this order be sent to Mr. Evans B. Brasfield, of Counsel, Hunton and Williams, P. O. Box 1535, Richmond, Virginia 23212 and to the Division of Energy Regulation.

A True Copy

Teste:

A handwritten signature in cursive script, reading "William C. Young". The signature is written in dark ink and is positioned to the right of the word "Teste:".

Clerk of State Corporation Commission.



State Corporation Commission

I, George M. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated June 1, 1979, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond, this 6th day of
December A. D. 1982*

George M. Bryant, Jr.
First Assistant Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

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AT RICHMOND, DECEMBER 3, 1979

CASE NO. 11655

Application of

VIRGINIA ELECTRIC AND POWER COMPANY

For Amended Certificates under
Utility Facilities Act

CAME the applicant on May 21, 1979, and presented its Application No. 107, executed and verified on May 18, 1979, by Mr. Wadsworth Bugg, Jr., Vice President, setting forth the proposed rebuilding of the present 115 kv transmission line of approximately 11.4 miles between the Dooks Substation and the Grottoes Substation for 230 kv operation, the location of which is shown on the revised maps filed with said supplemental Application No. 107. This application proposes modifying the existing steel towers to accommodate the rearrangement of existing conductors for 230 kv operation and requested appropriate amended certificates, therefor;

UPON CONSIDERATION WHEREOF, the Commission is of the opinion, that the issuance of certificates of public convenience and necessity is required under the Utility Facilities Act for the rebuilding and operation of the proposed transmission line in the Counties of Augusta and Rockingham.

The Commission is further of the opinion that the decision to rebuild this transmission line on an existing transmission line corridor for which rights of way were established in approximately 1937 will have a minimum adverse impact on the scenic and environmental assets of the area concerned; accordingly,

IT IS ORDERED:

(1) That amended certificates of public convenience and necessity be issued to Virginia Electric and Power Company as follows:

(a) Certificate No. ET64r, authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities in the County of Augusta, as shown on map attached thereto; said Certificate No. ET64r will supersede Certificate No. ET64q, issued May 10, 1977;

(b) Certificate No. ET1081, authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities in the County of Rockingham, as shown on map attached thereto; said Certificate No. ET1081 will supersede Certificate No. ET108k issued February 23, 1977.

(2) That an attested copy of this order, together with the amended certificates, with maps attached, be sent to the applicant in care of Mr. Wadsworth Bugg, Vice President, Virginia Electric and Power Company, Box 26666, Richmond, Virginia 23261 and that an attested copy of this order be sent to Mr. Evans B. Brasfield, of Counsel, Hunton and Williams, P. O. Box 1535, Richmond, Virginia 23212 and to the Division of Energy Regulation.

A True Copy

Teste:



Clerk of State Corporation Commission.



State Corporation Commission

I, George W. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated December 3, 1979, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond this 6th day of
December A. D. 1982*

George W. Bryant, Jr.
First Assistant Clerk of the Commission

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

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AT RICHMOND, JULY 25, 1980
APPLICATION NO. 117
CASE NO. 11655

Application of
VIRGINIA ELECTRIC AND POWER COMPANY

For Amended Certificates under
Utility Facilities Act

CAME the applicant on January 28, 1980, and presented its Application No. 117, executed and verified on January 23, 1980, by Mr. Wadsworth Bugg, Jr., Vice President, setting forth the proposed construction of 28.5 miles of single circuit 230KV electric transmission line, designated as the Carson-Clubhouse 230KV Transmission line, the location of which is shown on the revised maps filed with Application No. 117. The application proposed the replacement of an existing 115KV single circuit transmission line and requested appropriate amended certificates.

The Carson-Clubhouse 230KV Transmission Line corridor goes through the certificated service areas of Southside Electric Cooperative in Dinwiddie and Sussex Counties, the Certificated service area of Prince George Electric Cooperative in Dinwiddie County and the certificated service area of Mecklenburg Electric Cooperative in Greenville County. All three of these Cooperatives approved the proposed construction through their service areas.

UPON CONSIDERATION WHEREOF, the Commission is of the opinion, that the issuance of certificates of public convenience and necessity is required under the Utility Facilities Act for construction and operation of the proposed transmission line in the Counties of Dinwiddie, Sussex and Greenville.

The Commission is further of the opinion that the decision to build this transmission line on an existing transmission line corridor for which the rights of ways were acquired in 1931, according to the application, will reasonably minimize the adverse impact on the scenic and environmental assets of the area concerned; accordingly,

IT IS ORDERED:

(1) That amended certificates of public convenience and necessity be issued to Virginia Electric and Power Company as follows:

- (a) Certificate No. ET-83e authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities in the County of Greenville as shown on map attached thereto; said Certificate ET-83e will supersede Certificate No. ET-83d, issued October 30, 1979;
- (b) Certificate No. ET-76h, authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities in the County of Dinwiddie, as shown on map attached thereto; said Certificate No. ET-76h will supersede Certificate No. ET-76g, issued January 10, 1978;
- (c) Certificate No. ET-112d, authorizing Vepco to operate present transmission lines and facilities, and to construct and operate the proposed transmission line and facilities in the County of Sussex, as shown on map attached thereto; said Certificate No. ET-112d will supersede Certificate No. ET-112c, issued April 4, 1972.

(2) That an attested copy of this order together with the amended certificates, with maps attached, be sent to the applicant in care of Mr. Wadsworth Bugg, Vice President, Virginia Electric and Power Company, Box 26666, Richmond, Virginia 23261 and that an attested copy of this order be sent to Mr. Evans B. Brasfield,

of Counsel, Hunton and Williams, P. O. Box 1535, Richmond, Virginia
23212 and to the Division of Energy Regulations.

A True Copy

Pasts:

William C. Young
Clerk of State Corporation Commission.



State Corporation Commission

I, George W. Bryant, Jr., First Assistant Clerk of the State Corporation Commission, do hereby certify that the foregoing is a true copy of the Commission's Order in Case No. 11655, dated July 25, 1980, relative to Virginia Electric and Power Company, on file with the Division of Energy Regulation of this Commission.

*In Testimony Whereof I hereunto set my hand and
affix the Official Seal of the State
Corporation Commission, at
Richmond this 6th day of
December A. D. 1982*

George W. Bryant, Jr.
First Assistant Clerk of the Commission

STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

v.

CASE NO. PUE820076

THE VIRGINIA ELECTRIC AND
POWER COMPANY,

- : Defendant


AFFIDAVIT

I, Betty S. Mauck, a Notary Public for the Commonwealth of Virginia, do hereby certify that this day Daniel F. Farley appeared before me and made oath as follows:

I am Daniel F. Farley, Manager - Real Estate for Virginia Electric and Power Company. All records and documents pertaining to the acquisition of rights of way for the Loudoun-Gainesville 230 kilovolt electric transmission line, for which the State Corporation Commission of Virginia issued certificates of convenience and necessity by order dated September 17, 1981 in Case No. PUE810061, are maintained in the Real Estate Department under my supervision.


My review of these records shows that acquisition of all rights of way for said transmission line was completed prior to April 8, 1972. The acquisition of said rights of way were completed during 1964 and 1965, except for acquisition of a right of way over approximately 0.38 acre which was completed in 1969. Said rights of way include 205.14 acres within an area 7.116 miles or 37,572 feet, in length and 240 feet in width.

These records also show that the Company paid \$351,142 to landowners for said rights of way. The Company expended additional sums for surveying, legal, recording and administrative costs incurred in the acquisition of said rights of way.


 Daniel F. Farley
 Manager - Real Estate

Subscribed and sworn to before me in my State aforesaid this 30th day of November, 1982.

My commission expires June 7, 1983.


 Notary Public

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Affidavit was mailed on November 30, 1982 to:

Donald Owen, Esq.
 State Corporation Commission
 13th Floor - Jefferson Building
 Richmond, Virginia 23219

Anthony Gambardella, Esq.
 Office of the Attorney General
 101 North 8th Street - 5th Floor
 Richmond, Virginia 23219

John H. Foote, Esq.
 County Attorney
 9201 Church Street - Suite 200
 Manassas, Virginia 22110-5573



STATE CORPORATION COMMISSION

DOCUMENT CONTROL CENTER

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AT RICHMOND, JANUARY 19, 1983

COMMONWEALTH OF VIRGINIA, ex rel.

STATE CORPORATION COMMISSION

v.

CASE NO. PUE820076

THE VIRGINIA ELECTRIC AND POWER
COMPANY,
Defendant

FINAL ORDER

On November 10, 1982, an order was issued directing Virginia Electric and Power Company ("VEPCO") to appear before the Commission and show cause why the proposed construction of its Loudoun-Gainsville 230 kv transmission line should not be enjoined, in the absence of prior approval by the Commission under §56-46.1* of the Code of Virginia (1950).

* §56-46.1. Commission to consider environmental factors in approving construction of electrical utility facilities; approval required for construction of certain electrical transmission lines; notice and hearings. - Whenever under any provision of law whatsoever, applicable to the Commission, the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the effect of that facility on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact. In such proceedings it shall receive and give consideration to all reports that relate to the proposed facility by State agencies concerned with environmental protection; and, if requested by an county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted pursuant to article 4 (§15.1-446.1 et seq.) of chapter 11 of Title 15.1 of the Code of Virginia.

No electrical transmission line of two hundred kilovolts or more shall be constructed unless the State Corporation Commission shall, after at least thirty days' advance notice by publication in a newspaper or newspapers of general circulation in the counties and municipalities through

On December 8, 1982, a hearing was held on this matter.

At that hearing, VEPCO introduced several exhibits, including an affidavit which showed that the rights-of-way upon which this line would be built were acquired prior to 1972.

VEPCO argued that this fact, coupled with the exemptive provision of §56-46.1 --- which reads "[t]his Section shall apply to such transmission lines for which rights-of-way acquisitions have not been completed as of April 8, 1972" --- exempts the line in question from §56-46.1.

Footnote Continued

which the line is proposed to be built, and written notice to the governing body of each such county and municipality, approve such line. As a condition to such approval the Commission shall determine that the corridor or route the line is to follow will reasonably minimize adverse impact on the scenic and environmental assets of the area concerned. If, prior to such approval, any interested party shall request a public hearing the Commission shall, as soon as reasonably practicable after such request, hold such hearing or hearings at such place as may be designated by the Commission. This section shall apply to such transmission lines for which rights-of-way acquisitions have not been completed as of April eight, nineteen hundred seventy-two. In any such hearing the public service company shall provide adequate evidence that existing rights-of-way cannot adequately serve the needs of said company. For purposes of this section, "interested parties" shall include the governing bodies of any counties or municipalities through which the line is proposed to be built, and persons residing or owning property in each such county or municipality and "environmental" shall be deemed to include in meaning "historic".

Approval of a transmission line pursuant to this section shall be deemed to satisfy the requirements of §15.1-456 and local zoning ordinances with respect to such transmission line.

The Attorney General and the Staff argued that recent Virginia cases clearly indicate that the Commission has the jurisdiction to approve the line's location pursuant to §56-46.1. The Staff viewed the exemption in §56-46.1 as limited to those instances in which a utility had acquired rights-of-way before the statute was passed, upon which to build a specific transmission line, but had not commenced line construction. It was the Attorney General's opinion that the provision was intended to provide a transition to the new statutory standard of review of the prescribed power lines and to protect work in progress. Prince William County agreed with the position of the Attorney General and the Staff, and further argued that the Commission is the only agency which has the ability to perform the statewide regulation of large transmission lines which is contemplated by the statute.

Subsequent to the oral argument, written memoranda were submitted by the parties on December 17, 1982. In its memorandum, VEPCO made the additional argument that when it purchased the rights-of-way in the 1960's, it did so with the intent to acquire sufficient rights-of-way to build both the existing 500 kv line and a future 230

kv line.* VEPCO argues that the legislature intended to protect that type of investment when it enacted §56-46.1 and, therefore, its proposed 230 kv line is exempted.

NOW, having considered the argument of counsel, and the exhibits submitted during the proceeding, the Commission finds and concludes that:

(1) VEPCO proposes to construct a 230 kv transmission line of approximately 7.2 miles in length which will extend from its substation in Loudoun to its Gainesville substation;

(2) The transmission line will be constructed on rights-of-way acquired between 1965 and 1969 and upon which are presently located a 500 kv line and a 115 kv line;

(3) Section 56-46.1 of the Code requires that prior to the construction of a transmission line of 200 kv or larger, it must be approved by the Commission, with approval to be conditioned upon Commission determination that the corridor or route of the line is to follow will reasonably minimize adverse impact on the scenic and environmental assets of the area concerned;

* The Company cited the statement made at the hearing by a representative in support of this proposition. The Commission has determined that the purported facts contained in that statement go beyond the stipulated facts agreed to and argued by counsel. Additionally, the Company did not sponsor the statement as evidence, either as testimony or by affidavit, nor was it made under oath or subject to cross-examination. We do not believe it would be proper to afford any evidentiary value to the statement of the Company's representative. As discussed in our findings below, however, even if we were to accept the purported facts as true, our conclusion in the matter would not be changed.

(4) The statute should be interpreted and applied so as to effectuate the goals of the legislation, -- i.e., protection of the environment, together with a uniform, statewide regulation of large transmission lines -- objectives that clearly would be frustrated by VEPCO's interpretation;

(5) The exemption provision of §56-46.1 is not intended to be a broad exemption for all transmission lines which could be built on rights-of-way acquired prior to April 8, 1972, but rather, was intended to be limited to those situations in which, at the time of enactment of the statute, the utility had completed acquisition of rights-of-way for a specific transmission line, the construction of which had not been started;

(6) The Commission has jurisdiction over the line in question under §56-46.1 of the Code;

(7) Even if it had been properly demonstrated in this record that the Company had acquired the subject rights-of-way with an historic expectation of eventually building additional lines on those rights-of-way, such future lines would not be exempt from Commission approval; for to hold otherwise, in the language of the Virginia Supreme Court,

. . . would preclude Commission review of construction of transmission facilities whenever the company decides to use an existing corridor. This would be the case irrespective of the changes the company proposes and irrespective of changes in the area that may have occurred since the corridor was first established. VEPCO v. Citizens, 222 Va., 866, 869 (1981)

Having so found, the Commission hereby ORDERS that the Company is enjoined from any further construction on the Loudoun-Gainsville 230 kv transmission line until such time as it has obtained the requisite approval under §56-46.1.

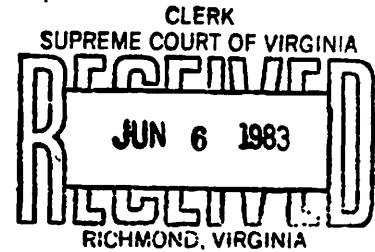
A copy of this order shall be served on Guy T. Tripp, III, Esquire, Hunton & Williams, P.O. Box 1535, Richmond, Virginia 23212; Anthony Gambardella, Esquire, Office of the Attorney General, 101 North 8th Street, Richmond, Virginia 23219; John H. Foote, Esquire, 9201 Church Street, Suite 200, Manassas, Virginia 22110-5573; and a copy shall be delivered to the Commission's Division of Energy Regulation.

A True Copy

Teste:



Clerk of State Corporation Commission



SUPREME COURT OF VIRGINIA

Virginia Electric and Power Company,

Appellant,

against

Record No. 830721

S.C.C. Case No. PUE820076

Board of County Supervisors of
Prince William County, et al.,

Appellees.

ASSIGNMENTS OF ERROR

An appeal of right having been awarded, Appellant Virginia Electric and Power Company hereby states its Assignments of Error pursuant to Rule 5:18(i):

1. The State Corporation Commission erred in its January 19, 1983 Final Order in S.C.C. Case No. PUE820076 in ruling that it had jurisdiction under Va. Code § 56-46.1 to approve or disapprove construction of the 230 kilovolt electric transmission line described in the Final Order. This ruling is in error because Va. Code § 56-46.1 is applicable to electric transmission lines for which the rights-of-way acquisitions were not completed as of April 8, 1972, but the rights-of-way acquisitions for this electric transmission line were completed prior to that date.

2. The State Corporation Commission erred in the same Final Order in enjoining Virginia Electric and Power Company from further construction of said electric transmission line until it obtained approval by the Commission under Va. Code § 56-46.1. It was error to so enjoin the Company from further construction because the Commission had no authority under Va. Code § 56-46.1

to approve or disapprove said electric transmission line under that statute.

VIRGINIA ELECTRIC AND POWER COMPANY

By


Counsel

Dated: June 6, 1983

Guy T. Tripp, III
Darla B. Tarletz
Hunton & Williams
P. O. Box 1535
Richmond, Virginia 23212

CERTIFICATE OF SERVICE

I certify that copies of the foregoing Assignments of Error were mailed, first class, postage prepaid, on June 6, 1983 to John H. Foote, County Attorney, 9201 Church Street, Suite 200, Manassas, Virginia 22110; Anthony Gambardella, Assistant Attorney General, Supreme Court Building, Richmond, Virginia 23219; Donald Owens, Assistant General Counsel, State Corporation Commission, P. O. Box 2118, Richmond, Virginia 23219.

