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STATE CORPORATION COMMISSION

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2026-00050

**For approval and certification of electric
transmission facilities:
Charlottesville-Gordonsville
230 kV Rebuild Project**

HEARING EXAMINER'S RULING

July 17, 2026

On April 23, 2026, Virginia Electric and Power Company ("Dominion" or "Company") filed with the State Corporation Commission ("Commission") an application ("Application") for approval and certification of electric transmission facilities in the City of Charlottesville and Albemarle County, Virginia. The Application seeks approval and a certificate of public convenience and necessity ("CPCN") for the following, which is referred to collectively as the "Project" or "Rebuild Project":¹

- Rebuild approximately 8.7 miles of the existing 230 kilovolt ("kV") Charlottesville-Hollymeade Junction Line #2054 by removing the existing 230 kV structures, which are mostly single circuit wooden H-frame structures, and replacing them with double circuit 230 kV monopole structures utilizing current 230 kV standards;
- Install approximately 8.4 miles of idle 230 kV conductors on the vacant circuit of the Company's proposed 230 kV double circuit structures between Charlottesville Substation and Hollymeade Junction;
- Rebuild approximately 7.2 miles of the existing 230 kV Hollymeade Junction-Gordonsville Line #2135 by removing the existing 230 kV structures, which are mostly single circuit wooden H-frame structures, and replacing them with double circuit 230 kV monopole structures utilizing current 230 kV standards; and
- Install approximately 8.4 miles of idle 230 kV conductors on the vacant circuit of the Company's proposed 230 kV double circuit structures between Hollymeade Junction and Gordonsville Substation.

On May 29, 2026, Piedmont Environmental Council ("PEC") filed a Notice of Participation.

On June 2, 2026, the Commission entered an Order for Notice and Comment, which docketed the Application; directed Dominion to provide notice of its Application; provided any interested persons an opportunity to file comments or request a hearing on the Company's

¹ Application at 2-3.

Application; directed the Commission's Staff ("Staff") to investigate the Application and file a report containing Staff's findings and recommendations. The Order for Notice and Comment also, among other things, appointed a Hearing Examiner to rule on any discovery matters that arise in this proceeding.

On June 2, 2026, the Historic Keswick Properties ("Keswick Respondents") filed a Notice of Participation and a Motion to Stay. On June 9, 2026, the Keswick Respondents filed a Request for Hearing and Amended Procedural Schedule.²

On June 15, 2026, Dominion filed its response to the Motion to Stay and, on June 16, 2026, PEC filed its response.

On June 26, 2026, the Keswick Respondents filed a reply on the Motion to Stay.

On July 1, 2026, the Commission issued an Order, which found that a hearing should be held on the Application, among other procedural directives. The Order also broadened the Hearing Examiner's assignment, to conduct all further proceedings, including ruling on the Motion to Stay, and file a final report containing the Hearing Examiner's findings and recommendations in this case.

On July 2, 2026, a Hearing Examiner's Ruling scheduled an oral argument on the Motion to Stay, to convene on July 10, 2026.

On July 7, 2026, the Board of Supervisors of the County of Albemarle ("Albemarle Board") filed a (1) Notice of Participation; and (2) Request for a Local Hearing and for Public Inspection of Transcripts.³

On July 10, 2026, an oral argument on the Motion to Stay was convened in the Commission's courtroom. Noah P. Sullivan, Esquire, and Katherine E. Pollard, Esquire, appeared on behalf of the Keswick Respondents. William T. Reisinger, Esquire, represented PEC. Andrew J. Flavin, Esquire, appeared on behalf of Dominion. Michael Zielinski, Esquire, appeared on behalf of Staff.⁴

Motion to Stay

The Keswick Respondents' Motion to Stay requests that the Commission delay its consideration of the Application until after a pending action in the Albemarle County Circuit Court ("Circuit Court") is finally decided.⁵ The Keswick Respondents attached to their Motion to Stay the Circuit Court complaint that, in general, argues the Project's proposed monopolies exceed the scope of 1927 easement agreements for the right-of-way across their properties where Dominion's H-frame structures for the Charlottesville to Gordonsville line are currently located and which the Project seeks to replace.⁶

² The Keswick Respondents are, collectively, East Belmont Farm, LLC; Castalia-Cismont Investment, LLC; Route 231 LLC; Clover Hill, LLC; Broomfield Inc.; Peter Taylor; and Jaffray Woodruff.

³ Albemarle Board's local hearing request will be addressed by a separate, subsequent Ruling.

⁴ In addition, Gabriel L. Boisvert, Esquire, attended the oral argument on behalf of the Albemarle Board.

⁵ Motion to Stay at 12.

⁶ *Id.* at attached Ex. A.

The Keswick Respondents argued that resolution of the disputed property rights must be resolved before the Commission can consider the merits of the Application.⁷ In support of this argument, the Keswick Respondents assert, among other things, that Dominion did not evaluate any alternative routes because of the alleged availability of existing rights-of-way and the associated environmental and cost benefits;⁸ the Commission cannot reasonably or accurately determine whether the proposed route minimizes impacts to the greatest extent reasonably practicable without first knowing what route and what property rights are actually available;⁹ and if Dominion lacks the easement rights it claims, Dominion may need to acquire additional property rights, evaluate new alignments, consider alternatives it expressly declined to study, reassess environmental, historic, scenic, and cultural impacts, or modify the Project itself.¹⁰

The Keswick Respondents assert that the Commission possesses broad authority to manage its own docket, including whether to exercise discretionary authority to stay consideration of a matter pending resolution of related proceedings.¹¹ Because the Keswick Respondents found no “clear Commission standard governing motions to stay under circumstances such as those presented here,” the Keswick Respondents applied judicial precedent that includes consideration of “the identity of the parties and issues in both actions; the time of filing; promotion of judicial efficiency; and possible prejudice to a party as a result of the stay.”¹² The Keswick Respondents asserted that there is substantial overlap between the parties in the Commission proceeding and those in the pending Circuit Court action, and that such overlap favors a stay.¹³ According to the Keswick Respondents, because Dominion’s position is a central and unresolved premise of the Application, denial of a stay would result in significant prejudice to the Keswick Respondents (and other intervenors).¹⁴ The Keswick Respondents argued that Dominion would experience little, if any, prejudice from a stay because the Company has not alleged the Application indicates the Project “is needed on an emergency basis” and Dominion made a choice to structure its proposal around its asserted property rights.¹⁵

The Keswick Respondents argue further that staying the Commission case will promote efficiency and avoid potentially unnecessary litigation. The Keswick Respondents indicate that if they prevail at the Circuit Court, substantial portions of the Commission proceeding could become obsolete, resulting in unnecessary expenditure of resources by all participants.¹⁶ The Keswick Respondents also argue that a stay would safeguard procedural rights that protect private property rights and be in the public interest.¹⁷

⁷ *Id.* at 5.

⁸ *Id.* at 5-6.

⁹ *Id.* at 6-7.

¹⁰ *Id.* at 7.

¹¹ *Id.* at 4-5.

¹² *Id.* at 4 (quoting *Potomac Sav. Bank, F.S.B. v. Lewis*, 25 Va. Cir. 184 (Fairfax Sep. 20, 1991)); Tr. at 6 (Sullivan).

¹³ Motion to Stay at 5.

¹⁴ *Id.* at 9-11.

¹⁵ *Id.* at 9.

¹⁶ *Id.* at 8-9.

¹⁷ *Id.* at 11-12.

PEC's Response

PEC filed a response endorsing the Motion to Stay. PEC characterized the pending property rights issue as critical to the Commission proceeding. PEC cited the Application's indication that Dominion did not consider any alternative routes for the Project because no new right-of-way is necessary for the proposed Project.¹⁸ PEC asserted that it would be more efficient to stay the Commission proceeding until the Circuit Court resolves the property rights issue because if the court rules against Dominion it may be necessary for the Company to study and propose alternative routes for the Project, to consider and propose additional measures to mitigate Project impacts, and to provide additional notice to the public.¹⁹

Dominion's Response

Dominion argued that the Commission's statutory duty and prior decisions require it to process the Company's Application.²⁰ Dominion indicated that the Commission has never required a public utility to establish that it has obtained all property rights before authorization is granted, let alone before a CPCN proceeding advances in a normal fashion.²¹

Dominion asserted that denying the Motion to Stay would not harm the Keswick Respondents because they retain every right to participate in the Commission proceeding. Dominion indicated that even if the Keswick Respondents prevail on the property rights issue (which the Company asserts is unlikely), Dominion "retains multiple avenues through which it can obtain any necessary rights, including negotiation."²²

Dominion asserted that the Company and the public would suffer a concrete prejudice from a stay. In this regard, Dominion indicated that a delay in the Commission's evaluation of the Application directly prolongs the public's exposure to the risk of service interruption.²³ Dominion identified the bases on which its Application asserts the Project is needed, including projected North American Electricity Reliability Corporation reliability violations, load growth, and aging infrastructure. Dominion also identified acceleration requests by PJM Interconnection, L.L.C.'s market efficiency group, which Dominion indicated underscore regional urgency.²⁴

The Keswick Respondents' Reply

On reply, the Keswick Respondents argued that after a Circuit Court ruling, the Circuit Court action will proceed apace once an amended request for relief is filed. The Keswick Respondents reiterated their position that the disputed easement rights are a foundational premise of Dominion's Application because the Company did not acknowledge rights might later be required and because Dominion's existing rights claim is the basis for truncating an alternatives

¹⁸ PEC Response at 1.

¹⁹ *Id.* at 1-2.

²⁰ Dominion's Response at 6-8.

²¹ *Id.* at 9.

²² *Id.*

²³ *Id.* at 10.

²⁴ *Id.* at 3-4, 10.

analysis and for asserting a minimization of impacts.²⁵ In response to Dominion's assertion that it has multiple avenues to obtain any additional property rights needed, the Keswick Respondents indicated that new easements or condemnation would change the factual basis on which Dominion rejected alternatives and characterized impacts.²⁶ The Keswick Respondents acknowledged that Dominion has an existing physical transmission corridor, but indicated that the legal width and permissible burden are in dispute.²⁷ The Keswick Respondents asserted that the Commission's statutory "determinations cannot be made responsibly by treating the legal availability of the route as an assumption."²⁸

The Keswick Respondents indicated a managed stay will simplify this proceeding, conserve resources, and cause no cognizable prejudice. According to the Keswick Respondents, proceeding now risks requiring all participants to litigate an Application that may no longer describe the Project Dominion can lawfully construct. The Keswick Respondents indicated that because the Commission can structure a stay with mechanisms like status reports and updates, it need not be indefinite.²⁹

Oral Argument

At the oral argument, the parties who filed pleadings defended and supplemented their filed positions. Additionally, Staff opposed deferring Commission proceedings to another court and generally endorsed some of Dominion's arguments. Staff sees no reason why the Commission could not issue an order conditioning approval on obtaining property rights within a reasonable time or within a reasonable cost range.³⁰

The Keswick Respondents further asserted, and found problematic, that since the Project was first proposed to PJM in 2022, Dominion has represented that this Project is just a rebuild that is all within existing rights-of-way and existing land rights.³¹ The Keswick Respondents emphasized their position that these statements are fundamental assumptions of Dominion's Application that are not true.³² Without the assumption about land rights, the Keswick Respondents argued that Dominion's Application falls apart.³³

The Keswick Respondents described the following passage from Dominion's Application³⁴ as a telling admission:³⁵

²⁵ Keswick Respondents' Reply at 4-5.

²⁶ *Id.* at 6.

²⁷ *Id.* at 4-5.

²⁸ *Id.* at 5.

²⁹ *Id.* at 8-9. *See also* Tr. at 85-86 (Sullivan).

³⁰ Tr. at 68-69 (Zielinski).

³¹ Tr. at 6-7 (Sullivan).

³² Tr. at 71-72 (Sullivan). The Keswick Respondents indicated that in the 1980s Dominion conceded it did not have sufficient rights-of-way to build a double-circuit 230 kV structure. Tr. at 71 (Sullivan).

³³ Tr. at 82 (Sullivan).

³⁴ Application at Appendix, p. 290.

³⁵ Tr. at 82-83 (Sullivan).

Constructing the Rebuild Project underground is also impractical because the transition stations would require new rights outside the Company's existing 100-foot right-of-way, triggering [Virginia Outdoors Foundation ("VOF")] "conversion" of conservation easements. Converting VOF's easements would entail a multi-year, seldom-granted Board approval process, as well as substantial 30:1 mitigation obligations. By contrast, rebuilding within the existing right-of-way avoids new encroachments on protected lands and materially reduces overall structure count and associated land disturbance. For these reasons, the Company rejected underground construction of the Rebuild Project.³⁶

The Keswick Respondents read this passage as indicating that if the Rebuild Project has to touch on open space easements, it is not viable or justifiable. Based on the VOF comments included as part of the DEQ Report filed in this case, the Keswick Respondents believe Dominion's proposal would present the same situation as the undergrounding scenario if Dominion loses in the pending Circuit Court case.³⁷ The Keswick Respondents view VOF's property rights as potentially dispositive of whether the Project is viable.³⁸

The Keswick Respondents acknowledged that the Commission has used conditions of approval to address assumptions and that it is possible the Commission could evaluate the Application assuming Dominion has the necessary property rights while also evaluating the Application assuming that Dominion does not.³⁹ However, the Keswick Respondents viewed such approaches as challenging and hypothetical due to the Application Dominion filed.⁴⁰ The Keswick Respondents asserted that if the Application is evaluated under different assumptions regarding property rights participants will be "talk[ing] past each other."⁴¹ For any type of potential conditional approval, the Keswick Respondents argued it must be based on a real limitation that exists: the Company cannot have a need for additional property rights.⁴² The Keswick Respondents also asserted that conditional approval based on cost may not be a workable solution if Dominion is allowed to begin construction before it has secured all additional property rights.⁴³

The Keswick Respondents acknowledged that a decision in the pending Circuit Court case would be subject to an appeal of right to the Virginia Court of Appeals, followed by a potential appeal to the Supreme Court of Virginia.⁴⁴ The Keswick Respondents also acknowledged that the Circuit Court case might not provide full resolution regarding all property rights along the proposed Project because it is possible others who are not parties to the current

³⁶ Tr. at 10-11 (Sullivan).

³⁷ Tr. at 11-12 (Sullivan).

³⁸ Tr. at 85 (Sullivan).

³⁹ Tr. at 16, 75 (Sullivan).

⁴⁰ Tr. at 16-17 (Sullivan).

⁴¹ Tr. at 23 (Sullivan). The Keswick Respondents indicated Dominion might need to file an amended Application, but acknowledged that if such filing occurred the statutory deadline enacted during the 2026 General Assembly Session could present a procedural question for how to deal with a motion to stay similar to the pending request. Tr. at 17-18, 70 (Sullivan).

⁴² Tr. at 86 (Sullivan).

⁴³ Tr. at 77-78, 80-81 (Sullivan). For clarity, the discussion attributed to "MR. FLAVIN" on pages 80-84 of the transcript was Mr. Sullivan.

⁴⁴ Tr. at 18-19 (Sullivan).

Circuit Court litigation, and who may have potentially different easement language, could advance claims about the scope of their easements.⁴⁵

The Keswick Respondents believe that the Commission needs to weigh all public interest factors, including reliability, when considering the Motion to Stay, but the Keswick Respondents questioned the urgency of the reliability considerations asserted by Dominion. The Keswick Respondents also believe reliability must be balanced against the other public interest considerations they have identified.⁴⁶

The Keswick Respondents asserted that Dominion needs to come up with other options if there are real concerns about the viability of the Project. The Keswick Respondents do not believe that the expensive ordeal of transmission planning should be an obligation of respondents.⁴⁷

PEC recognized that the new statutory deadline from the 2026 General Assembly Session⁴⁸ would not apply to the instant Application under Commission's precedent.⁴⁹ PEC views the Application's December 31, 2028 in-service date as aspirational based on the Application's request for a December 31, 2029 authorization sunset date and prior instances when Dominion has requested Commission extensions of such sunset dates.⁵⁰

Dominion agreed that the Commission has the authority to determine if an application is defective based on relevant statutory or Commission standards.⁵¹ However, Dominion disagreed with "any suggestion by any respondent that the current [A]pplication is somehow defective because it proposed one route, which is the existing maintained transmission corridor that's been in use for approximately 100 years."⁵²

Dominion identified parts of its Application addressing the Company's consideration of underground alternatives. Dominion indicated it also considered shorter, wider structures for the Project, but that they would require 120-foot right-of-way width and the Company asserts it only has the property rights for a 100-foot width.⁵³

Dominion asserted that its Application is sufficient and consistent with many other applications where the Company proposed to rebuild an existing transmission corridor but did not propose different alternative routes. Dominion asserted that there is no statutory or regulatory requirement that a CPCN applicant propose a certain number of project alternatives or route alternatives. However, there is a requirement for a CPCN applicant to provide adequate evidence that existing rights-of-way cannot adequately serve the needs of the applicant.⁵⁴

⁴⁵ Tr. at 19-21 (Sullivan).

⁴⁶ Tr. at 29-30 (Sullivan).

⁴⁷ Tr. at 72-73, 75, 85 (Sullivan).

⁴⁸ 2026 Va. Acts ch. 149.

⁴⁹ Tr. at 30-31 (Reisinger).

⁵⁰ Tr. at 31-33 (Reisinger).

⁵¹ Tr. at 39-40 (Flavin).

⁵² Tr. at 39 (Flavin).

⁵³ Tr. at 61-62 (Flavin).

⁵⁴ Tr. at 41 (Flavin) (referencing provisions of Code of Virginia ("Code") §§ 56-46.1 C, 56-259 C).

Dominion asserted that denying the Motion to Stay would not prejudice any respondent. Dominion indicated that it has not opposed the requested evidentiary and local hearings or the requests for an amended public schedule, and all respondents will have the opportunity in this case to present their own evidence challenging whether the rebuild project is needed and/or to propose different project and route alternatives for the Commission's consideration.⁵⁵

Dominion did not concede that a Circuit Court loss necessarily means the acquisition of additional property rights would be precluded under the VOF easements or the Albemarle County conservation easement.⁵⁶

Dominion indicated that every time the Company files a CPCN application there is a risk the Company may not be able to build what was approved. Dominion described a potential requirement that the Company establish that it has all property rights or that it has or can obtain necessary environmental permits before an Application is filed or ruled upon as unprecedented and severely challenging.⁵⁷ Part of the reason Dominion cannot obtain permits and property rights in advance is that the Commission decides what will be authorized and a project could be approved with conditions, denied altogether, or modified.⁵⁸

In support of their competing positions, the Keswick Respondents and Dominion each cite Commission proceedings conducted in the late 1970s and early 1980s on Dominion applications for a rebuild project in the same right-of-way or corridor as the Project proposed by the instant Application. In 1980, the Commission denied an application for a rebuild project, finding that the proposed route would not reasonably minimize adverse impact on the scenic and environmental assets of the area concerned.⁵⁹ In 1984, the Commission approved an application for a different rebuild project,⁶⁰ which is the current transmission line constructed between Dominion's Charlottesville and Gordonsville Substations. Dominion asserted this history confirms that the Commission's exercise of its CPCN authority is a preceding event that will determine whether the Keswick Respondents have a controversy ripe for judicial adjudication.⁶¹ The Keswick Respondents assert this history underscores the importance of impacts and demonstrates the need for a reliable record concerning routes and impacts.⁶²

⁵⁵ Tr. at 42-43 (Flavin).

⁵⁶ Tr. at 45-47 (Flavin).

⁵⁷ Tr. at 48-49 (Flavin).

⁵⁸ Tr. at 50 (Flavin).

⁵⁹ *Application of Virginia Electric and Power Company, For approval of electric facilities under Section 56-46.1 of the Code of Virginia and for certification of certain facilities under the Utility Facilities Act*, Case No. PUE-1980-00006, 1980 S.C.C. Ann. Rep. ___, Final Order (Nov. 28, 1980), *aff'd by, Virginia Elec. and Power Co. v. Citizens for Safe Power*, 222 Va. 866 (1981).

⁶⁰ *Application of Virginia Electric and Power Company, For approval of electric facilities under Section 56-46.1 of the Code of Virginia and for certification of certain facilities under the Utility Facilities Act*, Case No. PUE-1982-00091, 1984 S.C.C. Ann. Rep. 383, Final Order (May 16, 1984), *aff'd by, R.A. Graham III v. Virginia Elec. and Power Co.*, 230 Va. 273 (1985).

⁶¹ Dominion's Response at 2.

⁶² Keswick Respondents' Reply at 8.

Analysis

The Commission's evaluation of transmission line applications has long been subject to the time-sensitive considerations attendant and necessary to maintaining a reliable electric system in the Commonwealth.⁶³ Reliability depends in part on timely construction and maintenance across a broad transmission network, including projects the Code requires the Commission to evaluate and authorize before they may be constructed.⁶⁴

The significance of electric system reliability and the technical nature of transmission line planning and construction each support a cautionary view⁶⁵ of a preliminary stay of a transmission line application that was filed for the purpose of maintaining near-term reliability.⁶⁶ While PEC and the Keswick Respondents suggest there might not be negative reliability implications from granting the Motion to Stay,⁶⁷ the Keswick Respondents acknowledge that the Commission must weigh reliability considerations with other public interest factors when deciding the Motion to Stay.⁶⁸ Additionally, such a weighing involves some factors that, like reliability, are technical or otherwise complicated. An informed understanding of many such factors⁶⁹ typically benefits from – and often requires – the results of a Staff investigation, the opportunity for discovery and participation by case participants, and a full evidentiary hearing.⁷⁰ Indeed, many of the arguments offered in support of, and in opposition to, the Motion to Stay wade into issues that go to the merits of Dominion's Application.⁷¹

In considering the Motion to Stay, I have also considered, among other things, the significance of property rights – including, but not limited to, those contested by the Keswick Respondents and Dominion. But the uncertain timing and potentially limited scope of the pending Circuit Court case call into question whether or when full resolution of property rights

⁶³ This was true before the 2026 General Assembly Session created a statutory deadline for transmission line cases. 2026 Va. Acts ch. 149.

⁶⁴ Approximately 20 years ago, the federal government reinforced the time-sensitive nature of maintaining transmission system reliability by requiring the establishment of mandatory reliability standards and large daily penalties for violations thereof. Energy Policy Act of 2005, Pub. L. 109-58.

⁶⁵ No case participant identified a prior transmission line case in which the Commission granted a motion to stay on grounds similar to those of the pending request.

⁶⁶ The need asserted by the Application is based on overloads projected to occur in 2027 based on 2022 load flow modeling, the replacement of aging infrastructure, and load growth. *See, e.g.*, Appendix at 3-10. In identifying the reliability need asserted by Dominion's Application, I make no finding or conclusion as to its merit. Whether or not Dominion can establish a need for the proposed Project will be determined as an evidentiary matter in this case.

⁶⁷ *See, e.g.*, Keswick Respondents' Reply at 9-11; Tr. at 32-33 (Reisinger).

⁶⁸ Tr. at 29-30 (Sullivan).

⁶⁹ An informed understanding does not mean every factor that the Commission considers in transmission line proceedings must, or can, be known with certainty, although the level of certainty is a consideration that can be weighed. Some uncertainties can also be addressed in conditions of approval.

⁷⁰ The Keswick Respondents assert that Dominion's 2028 in-service date for the Project to address 2027 overloads projected from modeling means Dominion must be able to manage the system risk without the Project and questioned why Dominion has not provided information on such measures. These are some of many issues that can and/or should be investigated by Staff, be subjected to discovery, cross-examination, and testimony by the Staff and parties, and ultimately evaluated by the Commission in determining what the public convenience and necessity requires.

⁷¹ *See, e.g.*, Motion to Stay at 5-6; PEC Response at 1-2; Keswick Respondents' Reply at 6 (raising arguments about Dominion's project selection and route selection); Tr. at 40-44 (Flavin) (offering arguments in defense of Dominion's project selection and route selection).

issues can be achieved by the pending litigation. The Keswick Respondents are correct that the Commission controls its docket. But so too does the Circuit Court⁷² with jurisdiction to adjudicate property right disputes⁷³ and any court(s)⁷⁴ where the non-prevailing side may pursue an appeal. Because how these other bodies choose to exercise their jurisdiction and how litigants proceed before them is beyond the Commission's control, the disputed property rights may not be fully adjudicated in a timeframe that is compatible with the Commission's regulatory responsibility over filed transmission line applications. Additionally, not all property owners along the relevant existing right-of-way are parties to the pending litigation and some of those non-parties may have easement agreements with language different than what the Keswick Respondents have put before the Circuit Court.⁷⁵

Based on the pleadings and argument, I am unpersuaded that the Commission cannot or should not consider the merits of the Application until after the disputed property rights are resolved. To the contrary, I find that additional proceedings on the Application, including an evidentiary hearing and local hearing should be scheduled to allow for an expanded review of the Application. Accordingly, the Motion to Stay is hereby ***DENIED*** and separate, subsequent Rulings will be issued to (1) schedule a public hearing in Richmond, and establish other procedures consistent with the Commission's July 1, 2026 Order;⁷⁶ and (2) schedule a local hearing, as requested by the Albemarle Board.

/s/ Matt Roussy
D. Mathias Roussy, Jr.
Chief Hearing Examiner

The Clerk of the Commission is requested to send a copy of the above Ruling to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission, c/o Document Control Center, 1300 East Main Street, Tyler Building, First Floor, Richmond, Virginia 23219.

⁷² The Keswick Respondents filed suit in Albemarle County Circuit Court. A small part of the Project is also in the City of Charlottesville. Appendix at 11. At the time of the oral argument, the parties were awaiting an order that, once entered, would provide the Keswick Respondents 30 days to file an amended complaint. Tr. at 28-29 (Sullivan), 37 (Flavin).

⁷³ The Keswick Respondents and Dominion both recognize that the Commission lacks jurisdiction to adjudicate private easement rights. Motion to Stay at 6; Dominion's Response at 10.

⁷⁴ Property right disputes are appealable to the Court of Appeals of Virginia, whose opinions are, in turn, subject to a discretionary review, upon appeal to, the Supreme Court of Virginia. Code §§ 17.1-405 A 3 and 17.1-411.

⁷⁵ Tr. at 20 (Sullivan).

⁷⁶ One Ruling will, among other things, direct Staff to file testimony in lieu of a Staff Report. In the event such Ruling is not issued by July 23, 2026, when the Staff Report is currently due, the requirement for Staff to file a Report in the instant case is hereby vacated.