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STATE CORPORATION COMMISSIONState Corporation Commission
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APPLICATION OF

NEXTERA ENERGY TRANSMISSION
VIRGINIA, INC.

CASE NO. PUR-2026-00018

For approval and certification of electric
transmission facilities under Va. Code
§ 56-46.1 and the Utility Facilities Act,
Va. Code § 56-265.1 *et seq.*

HEARING EXAMINER'S RULING**July 30, 2026**

On March 6, 2026, NextEra Energy Transmission Virginia, Inc. ("NEET VA" or "Company") filed with the State Corporation Commission ("Commission") an application ("Application") seeking approval of, and a certificate of public convenience and necessity for, electric transmission facilities in Frederick County, Virginia. NEET VA filed its Application pursuant to § 56-46.1 of the Code of Virginia ("Code") and the Utility Facilities Act, Code § 56-265.1 *et seq.*

On April 21, 2026, the Commission issued an Order for Notice and Hearing ("Procedural Order") that, among other things, established a procedural schedule and assigned this case to a Hearing Examiner to conduct all further proceedings on behalf of the Commission. Specifically, the Procedural Order directed that any person or entity wishing to participate as a respondent in this proceeding should file a notice of participation on or before June 8, 2026. The Procedural Order further provided each respondent the opportunity to file testimony and exhibits on or before July 20, 2026. Commission Staff ("Staff") was directed to investigate the Application and file its testimony and exhibits on or before September 15, 2026, and the Company was directed to file any rebuttal testimony and exhibits on or before September 29, 2026. The Procedural Order scheduled a telephonic public witness hearing to begin at 10 a.m. on October 14, 2026, with the evidentiary portion of the hearing scheduled to be convened immediately thereafter.

The following individuals all filed timely notices of participation: Allen Hahn, III, Allen Hahn, Jr., Tylee Ulmer, Thomas Thayer, Lisa Thayer, Pamela Bell, Jennifer Herring, Theresa Ghiorzi, Michael McIntire, Justin Wisch, and Casey Wisch. In addition, the Frederick County Board of Supervisors, by counsel, filed a notice of participation. On June 12, 2026, J. Chapman Petersen and Federico J. Zablah of the law firm Chap Petersen and Associates, PLC, filed a Notice of Appearance on behalf of Theresa Ghiorzi, Allen Hahn, Jr., and Allen Hahn, III ("Moving Parties").

On July 9, 2026, the Moving Parties filed a Motion to Amend the Procedural Schedule ("Motion"). In the Motion, the Moving Parties proposed the following modifications to the schedule set by the Procedural Order:¹

¹ Motion at 4.

Procedural Event	Date in Procedural Order	New Proposed Date
Notification Deadline	Friday, May 8, 2026	N/A
Petition to Intervene Deadline	Friday, June 8, 2026	N/A
Respondent Testimony Deadline	Monday, July 20, 2026	Tuesday, September 15, 2026
Staff Testimony Deadline	Tuesday, September 15, 2026	Tuesday, November 10, 2026
Company Rebuttal Deadline	Tuesday, September 29, 2026	Wednesday, November 25, 2026
Public Comment Deadline	Tuesday, October 6, 2026	Tuesday, December 1, 2026
Registration for Public Hearing Deadline	Tuesday, October 6, 2026	Tuesday, December 1, 2026
Public Hearing Date	Wednesday, October 14, 2026	Tuesday, December 15, 2026
Evidentiary Hearing Date	Wednesday, October 14, 2026	Tuesday, December 15, 2026

On July 10, 2026, Staff filed a letter in lieu of a response to the Motion (“Staff Letter”). In the Staff Letter, Staff represented that it takes no position on the Motion generally. However, Staff further advised that, if the evidentiary hearing were to be rescheduled to a later date, it may be prudent and in the interest of efficiency to schedule the public witness portion of the hearing on a date prior to the evidentiary hearing, in addition to maintaining the already-noticed October 14, 2026 public witness hearing, given the potential for significant public witness testimony in this case.²

On July 13, 2026, I issued a ruling extending the deadline for respondent testimony until August 20, 2026, and directing any party or Staff to file any response to the Motion by July 20, 2026, and the Moving Parties to file any reply by July 24, 2026.

On July 14, 2026, *pro se* respondents Tylee Ulmer, Pamela Bell, Jennifer Herring, Michael McIntire, and Thomas and Lisa Thayer filed a letter affirming their support for the Motion.

On July 17, 2026, the Company filed a letter in response to the Motion (“Company Letter”). The Company Letter describes the Company’s disagreement with some of the factual

² Staff Letter at 1.

background alleged in the Motion.³ Nevertheless, the Company represented that it, "...does not oppose amending the procedural schedule, provided the Commission still is able to issue a final order on the Application on or before March 1, 2027, if possible."⁴ The Company further advised that, "...it may be more appropriate to reschedule the evidentiary hearing for the week of December 7, 2026. At a minimum, however, the Company respectfully requests that, if the evidentiary and public witness hearings are rescheduled, the Commission reschedules those hearings to ensure that they conclude no later than the week of December 14, 2026. The Company believes these measures are necessary to provide the Commission with a realistic opportunity to issue a final order by March 1, 2027."⁵

On July 27, 2026, the Moving Parties filed a letter in lieu of a reply ("Reply Letter"). The Reply Letter noted that no party opposed the relief requested in the Motion. The Moving Parties acknowledged the Company's suggestion for an evidentiary hearing beginning the week of December 7, 2026, but maintained their proposal for a December 15, 2026 evidentiary hearing date.⁶

The Moving Parties have asserted, among other things, that the additional time provided by an amended procedural schedule is warranted to allow them to develop a full evidentiary record with expert testimony.⁷ I consider this argument cautiously, recognizing that 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.⁸ 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.⁹ However, given the lack of opposition to the Motion in this case, particularly by the Company, I do not find that amending the procedural schedule by moving the evidentiary hearing from October to December 2026, and extending testimony filing deadlines accordingly, risks negatively impacting grid reliability.

³ Company Letter at 2-3.

⁴ *Id.* at 3.

⁵ *Id.* The Company also suggested that the contested nature of this case "may necessitate post-hearing briefs." I note that the opportunity for post-hearing briefs, even in contested cases, is at the discretion of the Hearing Examiner or Commissioners, as applicable.

⁶ Reply Letter at 1.

⁷ Motion at 2. The Motion also referenced an ongoing property rights dispute concerning the Woodside Substation in circuit court. *Id.* at 4. As noted in the Company Letter, the Commission has consistently declined requests to stay or otherwise defer consideration of a transmission line CPCN application where there was an ongoing property rights dispute. Company Letter at 2-3, n.10.

⁸ This was true even before the 2026 General Assembly Session created a statutory deadline for transmission line cases. 2026 Va. Acts ch. 149. I note that the new statutory deadline does not apply in this case, as the Company's Application was filed prior to July 1, 2026, when the new law became effective; however, if it did apply, amending the procedural schedule as requested by the Motion would not be possible.

⁹ 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.

Given the foregoing, I find good cause to grant the motion generally, but subject to certain modifications to the Moving Parties' proposed amended procedural schedule.¹⁰ Specifically, I direct that the procedural schedule be amended as follows:

Procedural Event	Date Prior to this Ruling	Amended Date
Notification Deadline	Friday, May 8, 2026	N/A
Petition to Intervene Deadline	Friday, June 8, 2026	N/A
Respondent Testimony Deadline	Thursday, August 20, 2026	Wednesday, September 30, 2026
Staff Testimony Deadline	Tuesday, September 15, 2026	Wednesday, October 28, 2026
Company Rebuttal Deadline	Tuesday, September 29, 2026	Wednesday, November 11, 2026
Public Comment Deadline	Tuesday, October 6, 2026	Tuesday, December 1, 2026
Registration for Public Hearing Deadline	Tuesday, October 6, 2026	N/A
Public Hearing Date	Wednesday, October 14, 2026	N/A
Evidentiary Hearing Date	Wednesday, October 14, 2026	Tuesday, December 8, 2026

At this time, I do not find good cause to schedule a second date for telephonic public witness testimony. I note that, in amending the procedural schedule, the December 8, 2026 hearing is designated as an evidentiary hearing *only*, and not an opportunity for additional telephonic or in-person public testimony. Individuals wishing to offer public input may do so either by filing public comments, by timely registering to offer public testimony at the October 14, 2026 telephonic public hearing, or by appearing at the local public hearing in Frederick County which will be scheduled by a future ruling.

¹⁰ I do note that, while the Moving Parties and the Company have both expressed preferences on dates for a rescheduled evidentiary hearing, the Commission must also consider its own docket and courtroom availability. Although this ruling sets the evidentiary hearing for an earlier date than that proposed by the Motion, the deadline for respondent testimony has been extended to a later date than that proposed by the Motion.

Accordingly, **IT IS DIRECTED THAT:**

- (1) The deadline for respondent testimony and exhibits is extended to September 30, 2026;
- (2) The deadline for Staff testimony and exhibits is extended to October 28, 2026;
- (3) The deadline for Company rebuttal is extended to November 11, 2026;
- (4) The public witness registration deadline and hearing date remain unchanged;
- (5) The evidentiary hearing date is rescheduled to commence on Tuesday, December 8, 2026, at 10:00 a.m., in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219; and
- (6) Except as modified herein, the provisions of the Procedural Order remain in effect.

/s/ Kati Dean

Kati Dean

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.