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HOUSE BILL NO. 1822

Offered January 13, 2025

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A *BILL to amend and reenact §§ 56-46.1 and 56-597 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 23 of Title 56 a section numbered 56-596.5, relating to electric utilities; construction of electrical transmission lines; advanced conductors.*

Patron—Reid

Referred to Committee on Labor and Commerce

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-46.1 and 56-597 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 23 of Title 56 a section numbered 56-596.5 as follows:

§ 56-46.1. Commission to consider environmental, economic, and improvements in service reliability factors in approving construction of electrical utility facilities; approval required for construction of certain electrical transmission lines; notice and hearings.

A. Whenever 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 order to avoid duplication of governmental activities, any valid permit or approval required for an electric generating plant and associated facilities issued or granted by a federal, state, or local governmental entity charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans, and public safety, whether such permit or approval is granted prior to or after the Commission's decision, shall be deemed to satisfy the requirements of this section with respect to all matters that (i) are governed by the permit or approval or (ii) are within the authority of, and were considered by, the governmental entity in issuing such permit or approval, and the Commission shall impose no additional conditions with respect to such matters. Nothing in this section shall affect the ability of the Commission to keep the record of a case open. Nothing in this section shall affect any right to appeal such permits or approvals in accordance with applicable law. In the case of a proposed facility located in a region that was designated as of July 1, 2001, as serious nonattainment for the one-hour ozone standard as set forth in the federal Clean Air Act, the Commission shall not issue a decision approving such proposed facility that is conditioned upon issuance of any environmental permit or approval. In every proceeding under this subsection, the Commission 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 any county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted pursuant to Article 3 (§ 15.2-2223 et seq.) of Chapter 22 of Title 15.2. Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, including but not limited to furtherance of the economic and job creation objectives of the Commonwealth Clean Energy Policy set forth in § 45.2-1706.1, and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

B. Subject to the provisions of subsection J, no electrical transmission line of 138 kilovolts or more shall be constructed unless the State Corporation Commission shall, after at least 30 days' advance notice by (i) publication in a newspaper or newspapers of general circulation in the counties and municipalities through which the line is proposed to be built, (ii) written notice to the governing body of each such county and municipality, and (iii) causing to be sent a copy of the notice by first class mail to all owners of property within the route of the proposed line, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing the notice to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance or treasurer of the county or municipality, approve such line. Such notices shall include a written description of the proposed route the line is to follow, as well as a map or sketch of the route including a digital geographic information system (GIS) map provided by the public utility showing the location of the proposed route. The Commission shall make GIS maps provided under this subsection available to the public on the Commission's website. Such notices shall be in addition to the advance notice to the chief administrative officer of the county or municipality required pursuant to § 15.2-2202.

As a condition to approval the Commission shall determine that the line is needed and that the corridor or route chosen for the line will avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic and cultural resources recorded with the Department of Historic

59 Resources, cultural resources identified by federally recognized Tribal Nations in the Commonwealth, and
60 environment of the area concerned. To assist the Commission in this determination, as part of the application
61 for Commission approval of the line, the applicant shall summarize its efforts to avoid or reasonably
62 minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources
63 recorded with the Department of Historic Resources, and environment of the area concerned. In making the
64 determinations about need, corridor or route, and method of installation, the Commission shall verify the
65 applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line
66 and its proposed method of installation. If the local comprehensive plan of an affected county or municipality
67 designates corridors or routes for electric transmission lines and the line is proposed to be constructed outside
68 such corridors or routes, in any hearing the county or municipality may provide adequate evidence that the
69 existing planned corridors or routes designated in the plan can adequately serve the needs of the company.
70 Additionally, the Commission shall consider, upon the request of the governing body of any county or
71 municipality in which the line is proposed to be constructed, (a) the costs and economic benefits likely to
72 result from requiring the underground placement of the line and (b) any potential impediments to timely
73 construction of the line. *For any application submitted on or after January 1, 2026, the Commission shall not*
74 *approve the construction of any electrical transmission line of 230 kilovolts or more unless such line is*
75 *constructed using advanced conductors pursuant to § 56-596.5.*

76 C. If, prior to such approval, any interested party shall request a public hearing, the Commission shall, as
77 soon as reasonably practicable after such request, hold such hearing or hearings at such place as may be
78 designated by the Commission. In any hearing, the public service company shall provide adequate evidence
79 that existing rights-of-way cannot adequately serve the needs of the company.

80 If, prior to such approval, written requests therefor are received from the governing body of any county or
81 municipality through which the line is proposed to be built or from 20 or more interested parties, the
82 Commission shall hold at least one hearing in the area that would be affected by construction of the line, for
83 the purpose of receiving public comment on the proposal. If any hearing is to be held in the area affected, the
84 Commission shall direct that a copy of the transcripts of any previous hearings held in the case be made
85 available for public inspection at a convenient location in the area for a reasonable time before such local
86 hearing.

87 D. As used in this section, unless the context requires a different meaning:

88 *"Advanced conductors" has the same meaning as provided in § 56-597.*

89 "Environment" or "environmental" shall be deemed to include in meaning "historic," as well as a
90 consideration of the probable effects of the line on the health and safety of the persons in the area concerned.

91 "Interested parties" includes the governing bodies of any counties or municipalities through which the line
92 is proposed to be built and persons residing or owning property in each such county or municipality.

93 "Public utility" means a public utility as defined in § 56-265.1.

94 "Qualifying facilities" means a cogeneration or small power production facility that meets the criteria of
95 18 C.F.R. Part 292.

96 "Reasonably accommodate requests to wheel or transmit power" means:

97 1. That the applicant will make available to new electric generation facilities constructed after January 9,
98 1991, qualifying facilities and other nonutilities, a minimum of one-fourth of the total megawatts of the
99 additional transmission capacity created by the proposed line, for the purpose of wheeling to public utility
100 purchasers the power generated by such qualifying facilities and other nonutility facilities which are awarded
101 a power purchase contract by a public utility purchaser in compliance with applicable state law or regulations
102 governing bidding or capacity acquisition programs for the purchase of electric capacity from nonutility
103 sources, provided that the obligation of the applicant will extend only to those requests for wheeling service
104 made within the 12 months following certification by the State Corporation Commission of the transmission
105 line and with effective dates for commencement of such service within the 12 months following completion
106 of the transmission line; and

107 2. That the wheeling service offered by the applicant, pursuant to subdivision 1, will reasonably further
108 the purposes of the Public Utilities Regulatory Policies Act of 1978 (P. L. 95-617), as demonstrated by
109 submitting to the Commission, with its application for approval of the line, the cost methodologies, terms,
110 conditions, and dispatch and interconnection requirements the applicant intends, subject to any applicable
111 requirements of the Federal Energy Regulatory Commission, to include in its agreements for such wheeling
112 service.

113 E. In the event that, at any time after the giving of the notice required in subsection B, it appears to the
114 Commission that consideration of a route or routes significantly different from the route described in the
115 notice is desirable, the Commission shall cause notice of the new route or routes to be published and mailed
116 in accordance with subsection B. The Commission shall thereafter comply with the provisions of this section
117 with respect to the new route or routes to the full extent necessary to give affected localities, federally
118 recognized Tribal Nations in the Commonwealth, and interested parties in the newly affected areas the same
119 protection afforded to affected localities and interested parties affected by the route described in the original

120 notice.

121 F. Approval of a transmission line pursuant to this section shall be deemed to satisfy the requirements of §
122 15.2-2232 and local zoning ordinances with respect to such transmission line.

123 G. The Commission shall enter into a memorandum of agreement with the Department of Environmental
124 Quality regarding the coordination of their reviews of the environmental impact of electric generating plants
125 and associated facilities. If the proposed plants or associated facilities are in a locality identified by the
126 Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01, such consultation
127 information shall be included in the memorandum of agreement.

128 H. An applicant that is required to obtain (i) a certificate of public convenience and necessity from the
129 Commission for any electric generating facility, electric transmission line, natural or manufactured gas
130 transmission line as defined in 49 C.F.R. § 192.3, or natural or manufactured gas storage facility (hereafter,
131 an energy facility) and (ii) an environmental permit for the energy facility that is subject to issuance by any
132 agency or board within the Secretariat of Natural and Historic Resources, may request a pre-application
133 planning and review process. In any such request to the Commission or the Secretariat of Natural and
134 Historic Resources, the applicant shall identify the proposed energy facility for which it requests the pre-
135 application planning and review process. The Commission, the Department of Environmental Quality, the
136 Marine Resources Commission, the Department of Wildlife Resources, the Department of Historic
137 Resources, the Department of Conservation and Recreation, and other appropriate agencies of the
138 Commonwealth shall participate in the pre-application planning and review process. Participation in such
139 process shall not limit the authority otherwise provided by law to the Commission or other agencies or boards
140 of the Commonwealth. The Commission and other participating agencies and boards of the Commonwealth
141 may invite federal and local governmental entities charged by law with responsibility for issuing permits or
142 approvals and potentially impacted federally recognized Tribal Nations in the Commonwealth to participate
143 in the pre-application planning and review process. Through the pre-application planning and review process,
144 the applicant, the Commission, participating agencies and boards of the Commonwealth, and potentially
145 impacted federally recognized Tribal Nations in the Commonwealth shall identify the potential impacts and
146 approvals that may be required and shall develop a plan that will provide for an efficient and coordinated
147 review of the proposed energy facility. The plan shall include (a) a list of the permits or other approvals likely
148 to be required based on the information available, (b) a specific plan and preliminary schedule for the
149 different reviews, (c) a plan for coordinating those reviews and the related public comment process, and (d)
150 designation of points of contact, either within each agency or for the Commonwealth as a whole, to facilitate
151 this coordination. The plan shall be made readily available to the public and shall be maintained on a
152 dedicated website to provide current information on the status of each component of the plan and each
153 approval process including opportunities for public comment.

154 I. The provisions of this section shall not apply to the construction and operation of a small renewable
155 energy project, as defined in § 10.1-1197.5, by a utility regulated pursuant to this title for which the
156 Department of Environmental Quality has issued a permit by rule pursuant to Article 5 (§ 10.1-1197.5 et seq.)
157 of Chapter 11.1 of Title 10.1.

158 J. Approval under this section shall not be required for any transmission line for which a certificate of
159 public convenience and necessity is not required pursuant to subdivision A of § 56-265.2.

160 **§ 56-596.5. Advanced conductors.**

161 A. *For the purposes of this section, "advanced conductors" has the same meaning as provided in § 56-597*

162 .
163 B. *Each Phase I and Phase II Utility, as those terms are defined in subdivision A 1 of § 56-585.1, shall*
164 *use advanced conductors in the construction of:*

- 165 1. *Any electrical transmission line of 230 kilovolts or more;*
- 166 2. *Any electrical transmission line replacing an existing electrical transmission line of 69 kilovolts or*
167 *more that has reached its scheduled replacement date; and*
- 168 3. *Any electrical transmission line of 69 kilovolts or more constructed as a weather-related replacement,*
169 *as long as the use of such advanced conductors does not delay the prompt restoration of power to consumers.*

170 **§ 56-597. Definitions.**

171 As used in this chapter:

172 "Advanced conductors" means *high-temperature low-sag* hardware technology that can conduct
173 electricity across transmission lines ~~and that demonstrates enhanced performance over~~ with at least a 30
174 percent higher transmission capacity than traditional conductor products. "Advanced conductors" includes
175 aluminum conductor composite core, aluminum conductor steel supported, aluminum conductor composite
176 reinforced, and thermal-resistant aluminum alloy conductor.

177 "Affiliate" means a person that controls, is controlled by, or is under common control with an electric
178 utility.

179 "Electric utility" means any investor-owned public utility that provides electric energy for use by retail
180 customers, except investor-owned utilities subject to the provisions of § 56-585.8.

181 "Grid-enhancing technologies" means a set of technologies that maximize the transmission of electricity

182 across the electric distribution grid in a manner that ensures grid reliability and safeguards the cybersecurity
183 and physical security of the electric distribution grid, including storage as a transmission asset, dynamic line
184 rating, power flow control, and topology optimization.

185 "Integrated resource plan" or "IRP" means a document developed by an electric utility that provides a
186 forecast of its load obligations and a plan to meet those obligations by supply side and demand side resources
187 over the ensuing 15 years to promote reasonable prices, reliable service, energy independence, and
188 environmental responsibility.

189 "Retail customer" means any person that purchases retail electric energy for its own consumption at one
190 or more metering points or non-metered points of delivery located in the Commonwealth.

191 **2. That the provisions of this act shall become effective on January 1, 2026.**