

# 2026 SESSION

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1 **HOUSE BILL NO. 889**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 56-46.1 of the Code of Virginia, relating to electric utilities; construction of*  
5 *certain transmission lines; priority of placement; work group; report.*

6 Patron—Shin

7 \_\_\_\_\_  
8 Committee Referral Pending  
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10 **Be it enacted by the General Assembly of Virginia:**

11 **1. That § 56-46.1 of the Code of Virginia is amended and reenacted as follows:**

12 **§ 56-46.1. Commission to consider environmental, economic, and improvements in service**  
13 **reliability factors in approving construction of electrical utility facilities; approval required for**  
14 **construction of certain electrical transmission lines; notice and hearings.**

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

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

54 As a condition to approval, the Commission shall determine that the line is needed and that the corridor or  
55 route chosen for the line will avoid or reasonably minimize adverse impact to the greatest extent reasonably  
56 practicable on the scenic assets, historic and cultural resources recorded with the Department of Historic  
57 Resources, cultural resources identified by federally recognized Tribal Nations in the Commonwealth, and  
58 environment of the area concerned. To assist the Commission in this determination, as part of the application

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59 for Commission approval of the line, the applicant shall summarize its efforts to avoid or reasonably  
60 minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources  
61 recorded with the Department of Historic Resources, and environment of the area concerned. In making the  
62 determinations about need, corridor or route, and method of installation, the Commission shall verify the  
63 applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line  
64 and its proposed method of installation. If the local comprehensive plan of an affected county or municipality  
65 designates corridors or routes for electric transmission lines and the line is proposed to be constructed outside  
66 such corridors or routes, in any hearing the county or municipality may provide adequate evidence that the  
67 existing planned corridors or routes designated in the plan can adequately serve the needs of the company.  
68 Additionally, the Commission shall consider, upon the request of the governing body of any county or  
69 municipality in which the line is proposed to be constructed, (a) the costs and economic benefits likely to  
70 result from requiring the underground placement of the line and (b) any potential impediments to timely  
71 construction of the line.

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

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

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

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

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

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

89 "Qualifying facilities" means a cogeneration or small power production facility that meets the criteria of  
90 18 C.F.R. Part 292.

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

92 1. That the applicant will make available to new electric generation facilities constructed after January 9,  
93 1991, qualifying facilities and other nonutilities, a minimum of one-fourth of the total megawatts of the  
94 additional transmission capacity created by the proposed line, for the purpose of wheeling to public utility  
95 purchasers the power generated by such qualifying facilities and other nonutility facilities which are awarded  
96 a power purchase contract by a public utility purchaser in compliance with applicable state law or regulations  
97 governing bidding or capacity acquisition programs for the purchase of electric capacity from nonutility  
98 sources, provided that the obligation of the applicant will extend only to those requests for wheeling service  
99 made within the 12 months following certification by the State Corporation Commission of the transmission  
100 line and with effective dates for commencement of such service within the 12 months following completion  
101 of the transmission line; and

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

108 E. *The Commission shall require the corridor or route chosen for any electrical transmission line of 138  
109 kilovolts or more to comply with the following order of priority of placement: (i) existing utility corridors, (ii)  
110 highway corridors, and (iii) new corridors. Such priority placement shall be accomplished to the greatest  
111 extent feasible that is consistent with economic, engineering, and safety considerations, ensures the reliability  
112 of the electric grid, and protects the environment.* In the event that, at any time after the giving of the notice  
113 required in subsection B, it appears to the Commission that consideration of a route or routes significantly  
114 different from the route described in the notice is desirable, the Commission shall cause notice of the new  
115 route or routes to be published and mailed in accordance with subsection B. The Commission shall thereafter  
116 comply with the provisions of this section with respect to the new route or routes to the full extent necessary  
117 to give affected localities, federally recognized Tribal Nations in the Commonwealth, and interested parties in  
118 the newly affected areas the same protection afforded to affected localities and interested parties affected by  
119 the route described in the original notice.

120 F. Approval of a transmission line pursuant to this section shall be deemed to satisfy the requirements of

121       § 15.2-2232 and local zoning ordinances with respect to such transmission line.

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

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

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

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

159       **2. That the Department of Transportation shall convene a work group of relevant stakeholders,  
 160       including the State Corporation Commission and members of the Virginia Utility Coordinating  
 161       Committee, to identify opportunities and develop recommendations to amend regulations and  
 162       permitting processes to facilitate the expedient and efficient siting of new electrical transmission  
 163       infrastructure in existing rights-of-way. The work group shall submit a report of its findings and  
 164       recommendations to the Chairs of the House Committees on Labor and Commerce and Transportation  
 165       and the Senate Committees on Commerce and Labor and Transportation by November 1, 2026.**