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SENATE BILL NO. 619

Offered January 14, 2026

Prefiled January 14, 2026

A BILL to amend the Code of Virginia by adding a section numbered 56-580.1, relating to electric utilities; certificate of operation for high-load facilities.

Patrons—Srinivasan, Deeds, Lucas and Perry

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-580.1 as follows:

§ 56-580.1. Certificate of operation required for new high-load facilities.

A. As used in this section, "high-load facility" means any facility, or a combination of facilities that in the Commission's discretion effectively operate together as one facility, with an electricity demand or contracted capacity that exceeds 25 megawatts and that was not in operation prior to July 1, 2026.

B. No person shall operate a high-load facility without first having obtained a certificate of operation from the Commission. Any certificate required by this section shall be issued by the Commission only after compliance with applicable notice and hearing requirements.

C. The Commission shall issue a certificate of operation for a high-load facility upon a finding that such facility and any associated facilities (i) will have no material adverse effect upon the rates paid by customers of any regulated public utility in the Commonwealth, taking into account any likely generation, transmission, or distribution needs attributable to the operation of the high-load facility; (ii) will have no material adverse effect upon reliability of electric service provided by any regulated public utility; (iii) will have no material adverse effect upon the incumbent electric utility's ability to comply with applicable energy and environmental laws and regulations, including any obligation to retire electric generating units under subdivision B 3 of § 56-585.5; (iv) would be consistent with the Commonwealth Clean Energy Policy under § 45.2-1706.1; and (v) is not otherwise contrary to the public interest.

D. In review of a petition for a certificate to operate a high-load facility, the Commission shall give consideration to the effect of the facility and any associated facilities on the environment and public health and shall establish such conditions as may be desirable or necessary to minimize adverse environmental and public health impacts. In its review, the Commission shall consider (i) whether adequate notice has been provided to the incumbent electric utility serving the area where the high-load facility would be located; (ii) whether the applicant has provided adequate information to the public and interested stakeholders regarding the high-load facility's energy use and its impacts on the electric grid, the environment and public health, and natural resources; (iii) whether there is sufficient energy, capacity, and grid infrastructure to support the operation of the high-load facility; (iv) the cumulative impacts on the environment, public health, and the reliability of the electric grid that may result from the permitting and operation of multiple high-load facilities in the same geographic area; (v) the high-load facility's contribution to economic development in the Commonwealth; and (vi) whether the permitting and operation of the high-load facility would create an unreasonable cross-subsidy across customers served by the incumbent electric utility.

E. The operation of a high-load facility shall be presumed to have no material adverse effect upon the incumbent electric utility's ability to comply with applicable energy and environmental laws and regulations, including any obligation to retire electric generating units under subdivision B 3 of § 56-585.5, to be consistent with the Commonwealth Clean Energy Policy under § 45.2-1706.1, and to be not otherwise contrary to the public interest, if the high-load facility demonstrates to the satisfaction of the Commission that the high-load facility has secured contracts with energy storage resources or zero-carbon electric generating resources or taken other actions that are reasonably designed to offset its contribution to the incumbent electric utility's system peak demand. A high-load facility may receive such presumption by demonstrating, to the satisfaction of the Commission, that (i) the high-load facility has secured sufficient contracts with energy storage facilities or zero-carbon electric generating resources within the service territory of the regional transmission entity or (ii) the high-load facility has a plan to implement sufficient energy efficiency, demand response, load shedding, or load reassignment measures.

F. To the extent that the requirements of this section conflict with any other provision of law, including an electric utility's obligation to provide service under § 56-234, the provisions of this section shall control.

2. That the State Corporation Commission may issue rules and guidance as necessary to implement the provisions of this act.

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