

**IN THE
SUPREME COURT OF VIRGINIA
RECORD NO. _____**

LOUDOUN COUNTY SCHOOL BOARD,
operating as Loudoun County Public Schools,
Appellant,

v.

**STATE CORPORATION COMMISSION,
VIRGINIA ELECTRIC AND POWER COMPANY, et al.,**
Appellees.

PETITION FOR APPEAL

Appeal of Right under Rule 5:21
State Corporation Commission Case No. PUR-2025-00056
June 29, 2026 Final Order and July 20, 2026 Order

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PETITION FOR APPEAL

COMES NOW Appellant Loudoun County School Board, operating as Loudoun County Public Schools (“LCSB” or the “School Board”), by counsel, and petitions this Court under Rule 5:21 to docket its appeal of right from the State Corporation Commission’s (the “Commission’s”) June 29, 2026 Final Order. LCSB also seeks review, in connection with that appeal, of the Commission’s July 20, 2026 denial of LCSB’s timely reconsideration requests.

NATURE OF THE APPEAL AND SUMMARY OF CONCLUSIONS

This appeal challenges a route decision that became final without testing two premises on which it depended.

The first premise was that Route 3A avoided School Board property and therefore remained available when Route 4 did not. Before final judgment, the School Board acquired approximately 12.74 acres in Loudoun County, identified as PARID 122391189000 (the “Parcel”). On reconsideration, LCSB supplied the recorded Deed of Donation (the “Deed”), evidencing the conveyance of the Parcel to the School Board, and Virginia Electric and Power Company’s (“Dominion’s”) July 9 Map showing approved Route 3A crossing the now School Board-owned Parcel. The Commission refused a focused supplement and denied the limited process needed to determine the operative alignment, property interests, off-property alternatives, and route-neutral work.

The second premise was that the entire 500/230-kV configuration of the Golden-Mars 500 kV and 230 kV Transmission Lines, the Prentice 230 kV Loop, the Sojourner 230 kV Loop, and related substation work (the “Project”), had to be completed by June 1, 2028, leaving no time for further inquiry. The record does not establish that the augmented load assumptions used to support that date were incorporated into verified load-flow and contingency analyses. Commission staff’s own witness testified that the 230-kV component addressed the 2028 period and that the 500-kV component became necessary only with delivery-point requests in 2029 and beyond.

Those premises also affected the undergrounding determination. The evidence addressed the County of Loudoun, Virginia’s (the “County’s”) full-route and large hybrid proposals. No witness analyzed the shortest practicable underground segment through or adjacent to School Board property on Route 3A. LCSB asked the Commission to require a focused, verified engineering submission. The Commission instead extended its general infeasibility finding to the unstudied segment and denied reopening.

LCSB raises four complementary assignments of error. Assignments One and Two challenge the Commission’s refusal to reconsider and identify a workable limited process. Assignment Three challenges the unsupported extension of the undergrounding finding to the unstudied segment. Assignment Four challenges the

unverified Project-wide urgency finding that drove route selection, undergrounding, and denial of reconsideration. LCSB asks for a focused remand, not judicial route selection, or a Project-wide injunction.

ORDER APPEALED FROM, JURISDICTION, AND TIMELINESS

The Commission entered the Final Order on June 29, 2026, in Case No. PUR-2025-00056. The Final Order adopted the April 9, 2026 Order, approved Route 3A, directed Dominion to submit an electronic certificate map, directed Commission Staff to attach that map to the Certificate of Public Convenience and Necessity (“CPCN”), and dismissed the proceeding. Final Order at 2-5.

LCSB filed its Notice of Appeal on July 16, 2026. The Notice stated that LCSB intended to seek review of later rulings on its contemporaneously filed First and Second Petitions for Reconsideration and Motion to Stay. On July 20, 2026, the Commission denied suspension, dismissed the matter, and denied any request to reopen the evidentiary record. July 20, 2026 Order at 1-2.

Article IX, § 4 of the Constitution of Virginia and Va. Code § 12.1-39 provide this appeal of right. LCSB files this Petition within the 120-day period prescribed by Va. Code §§ 12.1-39 and -40 and Rule 5:21.

ASSIGNMENTS OF ERROR

1. The State Corporation Commission (“Commission”) abused its discretion when it denied LCSB’s timely First Petition for Reconsideration and refused a focused supplement concerning the pre-Final-Order ownership change and Virginia Electric and Power Company’s (“Dominion’s”) July 9, 2026 Map, which showed that approved Route 3A no longer avoided the School Board-property acquisition barrier that had distinguished it from Route 4, without considering the materiality of that evidence, LCSB’s lack of a meaningful earlier evidentiary opportunity, the narrow scope of the requested process, or the separate legal consequences of Va. Code § 25.1-102.

Preservation references: Jan. 13, 2026 Tr. 1876:24-1878:20, especially 1877:1-4; June 24, 2026 Motion for Continuance; June 26, 2026 hearing and ruling; Objections 3-5, 8-12; First Petition 1-10 and Exhibits 1-2; July 20, 2026 Order 1-2.

2. The Commission abused its discretion when it denied LCSB’s Second Petition and dismissed the proceeding rather than: (1) conduct the requested limited Route 3A-specific process to place the operative certificate map and material parcel-level implementation parameters on the adjudicatory record; (2) consider whether studied off-property routes made use of School Board property avoidable; and (3) assess whether route-neutral and physically independent work could continue without jeopardizing the June 1, 2028 in-service date.

Preservation references: Objections 2-4, 6-12; Second Petition 1-12, especially 5-12; SCC Stay Motion 2-9; June 29, 2026 Final Order 3-5; July 20, 2026 Order 1-2.

3. The Commission erred in its Final Order and in denying reconsideration by applying its finding that underground construction was infeasible to the shortest practicable segment of Route 3A through or adjacent to School Board property because it neither obtained nor verified the segment-specific information required by Va. Code § 56-46.1(B), no witness analyzed that segment, and the evidence upon which the Commission relied concerned materially different underground and hybrid alternatives.

Preservation references: LCSB Post-Hearing Brief 1-4 and Appendix 1; Lewis Direct Testimony 3:60-64, 3:84-90, 3:99-101, 3:117-126, 3:141-142; Second Petition 2, 5-6, 9-10; July 20, 2026 Order 2 n.2.

4. The Commission erred in finding that the entire Golden-Mars 500 kV and 230 kV Transmission Lines, the Prentice 230 kV Loop, the Sojourner 230 kV Loop, and related substation work (the “Project”) configuration was needed by June 1, 2028, because the record does not establish verification of load-flow and contingency analyses incorporating the augmented load assumptions relied upon to support that date, and Commission staff’s (“Staff’s”) testimony distinguished the 2028 period for the 230-kV component from the later need for the 500-kV component associated with delivery-point requests in 2029 and beyond.

Preservation references: LCSB Post-Hearing Brief 1-2; Second Petition 7, 10-11; Tr. 1093:14-17; Jan. 13, 2026 Tr. 1916:8-13; Tr. 1932:6-1934:10, 2002:15-24; July 20, 2026 Order 2 n.2.

CONCLUSION

LCSB respectfully asks the Court to docket this appeal, issue the certificate of appeal contemplated by Rule 5:23, and review the Commission’s denial of reconsideration, its Route 3A implementation provisions, its application of the underground-infeasibility finding to the unstudied school-property segment, and its unverified finding that the entire 500/230-kV configuration was needed by June 1, 2028.

Respectfully submitted,

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CERTIFICATE

I certify that the foregoing assignments identify the challenged rulings and the places in the transcript and record where LCSB preserved each alleged error. The assignments appear verbatim in LCSB's Opening Brief. The party and counsel contact information required by Rule 5:17(i)(1) is supplied with this filing through VACES.

I certify that on October 26, 2026, before filing this Petition through VACES, I served a copy by electronic mail on every other party in the Commission proceeding, through counsel where represented, including the Attorney General of Virginia, Commission counsel, and Commission Staff counsel, at the addresses identified in the certified Commission party list.

/s/ Raighne C. Delaney

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