

No. _____

IN THE SUPREME COURT OF VIRGINIA AT RICHMOND

Loudoun Valley Estates Homeowners' Association, Inc., et al.,

Appellants,

v.

Virginia State Corporation Commission, et al.,

Appellees.

On Appeal of the Final Order of the State Corporation Commission

In Case No. PUR-2025-00056

PETITION FOR APPEAL

Bryan S. Turner, Esquire (VSB No. 95430)

Turner Law Firm, PLLC

20 West Market Street

Leesburg, Virginia 20176

Telephone: (703) 669-9090

Facsimile: (703) 771-4991

bturner@thtlawfirm.com

Counsel for Appellants

COME NOW Appellants, Loudoun Valley Estates Homeowners' Association, Inc. ("LVE") and HOA Roundtable, Inc. ("HOA Roundtable") (together, "Appellants"), by counsel, pursuant to Rule 5:21, and hereby submit the following as and for their Petition for Appeal from the Final Order of the Virginia State Corporation Commission (the "Commission"):

Appellants appeal from the Commission’s Final Order, entered on June 29, 2026, in Case No. PUR-2025-00056, *Application of Virginia Electric and Power Company for approval and certification of electric transmission facilities: 500 kV and 230 kV Golden-Mars Lines, Lockridge 230 kV Loop, Sojourner 230 kV Loop, and Related Projects* (the “Final Order”). The five-page Final Order approves Route 3A for the Golden-Mars Lines and adopts as part of the Final Order the Commission’s Order entered April 9, 2026 in the same case (the “April 9 Substantive Order”), which contains the substantive rulings and which granted Virginia Electric and Power Company (“Dominion”) a certificate of public convenience and necessity for the Golden-Mars Project. Appellants also appeal the April 9 Substantive Order as adopted by the Final Order. Appellants also appeal the Commission’s Order Denying Suspension entered July 20, 2026 (the “Order Denying Suspension”), to the extent it declined to suspend the Final Order and denied the requests to reopen the record (see Assignment of Error 2).

On April 29, 2026, Appellants filed a Petition for Reconsideration or, in the Alternative, Rehearing of the April 9 Substantive Order (the “April 29 Petition”). By Order entered June 2, 2026 (the “June 2, 2026 Order”), the Commission stated that the April 9 Substantive Order “was expressly not a final judgment, order, or decree and thus is not properly subject to petitions for rehearing or reconsideration,” and announced that, absent the consent of the Loudoun County School Board and

Loudoun County Public Schools (collectively, “LCSB”) to Route 4, it would issue a final order approving Route 3A on or about July 2, 2026. On July 17, 2026, Appellants filed a Petition for Reconsideration or, in the Alternative, Rehearing of the Final Order (the “July 17 Petition”), which adopted and incorporated by reference, at page 18, the Loudoun County School Board’s Statement of Objections to the June 29, 2026 Final Order and Reservation of Appellate Issues (the “LCSB Objections”). On July 20, 2026, the Commission entered the Order Denying Suspension, in which it “decline[d] to delay this matter further by suspending the Final Order for the purpose of effectuating consideration of the Petitions and Motion,” stated that “[t]o the extent subsequent pleadings filed in this docket request reopening the record, such requests are denied,” and dismissed the matter. The Commission did not rule on the merits of the July 17 Petition. On July 27, 2026, Appellants filed a Notice of Appeal with the Commission. Article IX, § 4 of the Constitution of Virginia and Code § 12.1-39 provide this appeal of right, and Appellants file this Petition within the 120 days prescribed by Rule 5:21(a)(6).

ASSIGNMENTS OF ERROR

Pursuant to Rule 5:21(a)(7), Appellants hereby submit their Assignments of Error to the Final Order and to the April 9 Substantive Order as adopted by the Final Order:

1. The Commission erred as a matter of law in approving Route 3A for the Golden-Mars Lines on the ground that, “[i]n the absence of LCSB’s consent, Route 4 has not been established as feasible” (Final Order at 4), without determining, as Code § 56-46.1(B) requires, that Route 3A “will avoid or reasonably minimize

adverse impact to the greatest extent reasonably practicable.” The Commission had found that Route 4 “satisfies the applicable statutory criteria,” “is the least impactful of the potential overhead routes” and best serves the total public interest (April 9 Substantive Order at 11, 24-25), and that “[b]y almost every objective measure, Route 3A is clearly inferior to Route 4” (id. at 27; Final Order at 3). It had stated that it does not consider “the potential for a public entity to withhold legal consent to cross public land easements as determinative of feasibility or constructability for purposes of identifying and selecting the route that best serves the total public interest” (April 9 Substantive Order at 24 n.86), and that if Route 4 were “barred in the future due to a concrete lack of consent, an alternative route that satisfies the statutory criteria will need to be approved” (id. at 11 n.29). The Final Order made no finding that Route 4 had been so barred. Route 3A likewise lacks the consent of owners of land it crosses (Tr. Jan. 12, 2026 at 1771:8-1773:23; Tr. Jan. 13, 2026 at 1835:20-1836:15; Ex. 23; Direct Testimony of Vicky Hu, Ex. 50 (“Hu Direct”) at 5:17-20, 7:10-8:2), yet the Commission treated a public body’s lack of consent as defeating Route 4 and the absence of consent as no obstacle to Route 3A. By making a public landowner’s consent determinative of the route determination that Code § 56-46.1(B) commits to the Commission, the Commission approved a route it had found inferior on nearly every statutory factor to a route it had found satisfies the statute, without determining that Route 3A reasonably minimizes adverse impact to the greatest extent reasonably practicable. A finding that Route 3A was the only proposed route that “cannot be threatened with blockage by the LCSB” and “could serve the total public interest” (April 9 Substantive Order at 26-27) is not that determination.

(Issue Preserved at: Post-Hearing Brief of LVE and HOA Roundtable filed February 3, 2026 (“Post-Hearing Brief”) at 5-7, 10, 17-22, 45-46; April 29 Petition at 9-13, 17-18 (relief ¶¶ 3, 7); July 17 Petition at 9-13, 17-19 (including item (b) at 18), 20-21 (relief ¶¶ 3, 7, 8); LCSB Objections at 1 n.1, 3 (¶ II.5), 4 (¶ III.3), 8-9 (¶¶ VI.1-VI.3), as adopted in July 17 Petition at 18. The ruling first appeared in the Final Order, which was not circulated before entry (LCSB Objections at 1 n.1, 3 (¶ II.5)), and Appellants stated their objection in the July 17 Petition, filed while the Final Order remained under the Commission’s control. Rule 5:21(a)(7). See also Tr. Dec. 18, 2025 at 1015-31; Tr. Jan. 8, 2026 at 1193-94, 1216.)

2. The Commission erred in approving Route 3A as the only proposed route that “cannot be threatened with blockage by the LCSB” (April 9 Substantive Order at 26-27; see id. at 27 n.101) without considering, and without making findings on, the Deed of Donation by which LVE conveyed Parcel L (PARID 122391189000) to

LCSB, executed and accepted June 23, 2026 and recorded June 24, 2026 as Instrument No. 20260624-0032447, before entry of the Final Order. The Commission was advised of the acceptance, and discussed it as affecting Route 3A, before it entered the Final Order (Tr. June 26, 2026 at 10:6-9, 11:11-12:23, 14:23-15:3), and Dominion’s own July 9, 2026 map set depicts Route 3A as crossing Parcel L (LCSB Objections at 2 ¶ 3 and Ex. B). Once LCSB held Parcel L, Code § 25.1-102 barred its condemnation for Route 3A unless the Commission, after notice and hearing, certified that public necessity or essential public convenience so required, and the Commission did not address that barrier. The Commission further erred in resting the Final Order’s dispositive finding on Dominion’s post-record status reports concerning LCSB’s consent (Final Order at 3-4) while confining its decision on Route 3A to the evidentiary record closed before the conveyance (Final Order at 4; April 9 Substantive Order at 37) and declining to consider Appellants’ post-record submissions, which responded to Dominion’s own post-briefing letter of February 24, 2026 filed without leave (April 9 Substantive Order at 37-38 and Ordering ¶ (10)). It adopted the April 9 Substantive Order in the Final Order (Final Order at 4) without reaching the grounds of the April 29 Petition, which it had declined to entertain because the April 9 Substantive Order was not then final (June 2, 2026 Order at 2 & n.4). It refused to reopen the record or suspend the Final Order to consider the petitions that placed the recorded deed and the July 9, 2026 map before it while the Final Order remained under its control (Order Denying Suspension at 2 & n.2).

(Issue Preserved at: April 29 Petition at 6-9, 17-18 (relief ¶ 2); July 17 Petition at 6-9, 17-19, 20-21 (relief ¶¶ 2, 8); LCSB Objections at 1 n.1, 2-5 (¶¶ II.1-II.3, II.5, III.1-III.3, III.5), 10-11 (¶¶ VII.1, VII.4, VII.5, VII.7), as adopted in July 17 Petition at 18 (including items (a) and (c)).)

3. The Commission erred in entering the Final Order without considering the fact that this Project was specifically identified as qualifying for underground construction of the Golden-Mars Lines under Code § 56-585.1:5, which was amended by 2026 Va. Acts chs. 863 and 864 (HB 1487 and SB 827), which were enacted after the April 9 Substantive Order but before the Final Order.

(Issue Preserved at: April 9 Substantive Order at 22; Post-Hearing Brief at 35-37; LVE Supplemental Correspondence deemed filed March 30, 2026 (“LVE Supplemental Correspondence”) at 6, 8, 10; Tr. Dec. 18, 2025 at 1019:9-1020:7, 1029-30; Tr. Jan. 12, 2026 at 1810:17-1811:6; April 29 Petition at 2 (ground (1)), 4-5, 18 (relief ¶ 6); July 17 Petition at 2 (ground (1)), 4-5, 19

n.3, 20-21 (relief ¶ 6); LCSB Objections at 5-6 (¶ III.9), as adopted in July 17 Petition at 18.)

4. The Commission erred in rejecting underground placement in part on the premise that its cost would be “a cost all Virginia ratepayers in Dominion’s territory would bear” (April 9 Substantive Order at 21), while declining to address Appellants’ request that the costs of the Project, including the cost of any underground placement, be allocated to the GS-5 customer class whose demand the record shows caused the need for the Project, where the Commission found data centers “primarily responsible for the recent and forecasted load growth in Loudoun County” (id. at 8), and while declining Staff’s cost-tracking recommendation and leaving cost assignment to a future Rider T-1 proceeding (id. at 6 n.19), contrary to its obligation under Code § 56-46.1(B) to consider the costs and economic benefits likely to result from requiring the underground placement of the line.

(Issue Preserved at: Post-Hearing Brief at 13-14, 30-31, 47; Direct Testimony of Victor Block, Ex. 45 (“Block Direct”) at 15:11-16:4; LVE Supplemental Correspondence at 6; Tr. Dec. 18, 2025 at 1028:1-6; April 29 Petition at 2 (ground (6)), 14-17, 18 (relief ¶ 5); July 17 Petition at 2 (ground (6)), 15-17, 19-20, 21 (relief ¶ 5); LCSB Objections at 8 (¶ V.6), as adopted in July 17 Petition at 18. See also Tr. Dec. 18, 2025 at 1048-49; Tr. Jan. 8, 2026 at 1103-04; Tr. Jan. 13, 2026 at 1999.)

5. The Commission erred (a) in declining to consider Appellants’ supplemental correspondence of March 30 and 31, 2026, made before the April 9 Substantive Order, showing that Route 1F was introduced without notice and that longitudinal pole line installation in the Route 1F median is prohibited by 24VAC30-151-330(J) (April 9 Substantive Order at 37; LVE Supplemental Correspondence at 1-4 and Ex. A; LVE Second Supplemental Correspondence deemed filed March 31, 2026 (“LVE Second Supplemental Correspondence”) at 1-2); and (b) in approving Route 3A (Final Order at 4) on a record shaped by routes Dominion added after its Application, and on post-hearing positions taken on those routes. Routes 5A, 3B and 1F were presented during the evidentiary hearing without the notice Code § 56-46.1(B) and (E) require for a route significantly different from the route described in the notice, without engineering, impact or constructability analysis, and without a meaningful opportunity for affected owners and the parties to test them or to present evidence of their viability; Routes 3B and 1F came in the hearing’s final days (Tr. Jan. 12, 2026 at 1552-53; Tr. Jan. 15, 2026 at 2316-21, 2381-83), leaving no opportunity for discovery or for cross-examination informed by discovery. Route 5A was first presented during the evidentiary hearing (Tr. Jan. 8, 2026 at 1153:4-

1159:23). Route 3B was admitted on the final hearing day over objection (Tr. Jan. 15, 2026 at 2321) under a ruling that routes not significantly different from the noticed routes require no additional notice (Tr. Jan. 12, 2026 at 1563:5-9). Route 1F, in the median of Loudoun County Parkway, was introduced in live surrebuttal on the final day (Tr. Jan. 15, 2026 at 2381:22-2383:14), before Dominion had done the engineering, impact and constructability work needed to propose it (Dominion Post-Hearing Brief at 46 n.222), and public bodies ranked and acted upon it after the hearing as though it were viable (LCSB Post-Hearing Brief, App. 1 (route ranking adopted January 28, 2026)).

(Issue Preserved at: Block Direct at 16:9-18; Tr. Dec. 18, 2025 at 1029:7-19; Tr. Jan. 8, 2026 at 1225-29; Tr. Jan. 9, 2026 at 1313-14; Tr. Jan. 13, 2026 at 1858:11-1859:25; Post-Hearing Brief at 11, 18, 46; LVE Supplemental Correspondence at 1-4, 9-10 and Ex. A; LVE Second Supplemental Correspondence at 1-2; April 29 Petition at 2 (ground (3)), 7-9, 18 (relief ¶ 4(b)); July 17 Petition at 2 (ground (3)), 7-9, 20 (relief ¶ 4(b)). Route 3B was presented, and Route 1F introduced, on the day the evidentiary record closed. Rule 5:21(a)(7). See also Tr. Jan. 12, 2026 at 1559-63; Tr. Jan. 15, 2026 at 2321.)

6. The Commission erred in approving the Project and issuing a certificate of public convenience and necessity that authorizes the taking of private property by eminent domain without determining whether the primary use of the Project is a public use under Article I, Section 11 of the Constitution of Virginia and Code § 1-219.1, or is instead to serve private data center demand. The property subject to that taking includes LVE common area on Route 3A (Tr. Jan. 13, 2026 at 1835-36), a residential lot in LVE that the Route 3A right-of-way crosses and on which Route 3A would place a transmission structure (Ex. 58 (Staff Report), Att. 11, Route 3A map at 3 of 8; Hu Direct at 5:17-20; Tr. Jan. 8, 2026 at 1190-91), Parcel L, on which LVE holds a recorded open-space easement and which Dominion’s July 9, 2026 map set depicts Route 3A crossing (July 17 Petition at 6-7 and Ex. C; LCSB Objections at 2 ¶ 3 and Ex. B), and eight operating businesses in the Dulles Trade Center (Ex. 11, Routing Study at 42-43; Supplemental Direct Testimony of Dominion witness Rosenberg filed May 16, 2025, at 7:9-16). The Commission found that data centers “are primarily responsible for the recent and forecasted load growth in Loudoun County” (April 9 Substantive Order at 8); the owner of that residential lot testified that Route 3A places the structure in her backyard rather than on an undeveloped, commercially zoned data center site (Hu Direct at 7:10-8:2; see Tr. Jan. 13, 2026 at 1867:8-15); Dominion’s own routing study states that “crossing these commercial and industrial areas is preferred to crossing residential areas” (Ex. 11, Routing Study

at 38); and Article I, Section 11 provides that “[t]he condemnor bears the burden of proving that the use is public, without a presumption that it is.”

(Issue Preserved at: Post-Hearing Brief at 6; Tr. Dec. 18, 2025 at 1020:8-17; LVE Supplemental Correspondence at 9; April 29 Petition at 2 (ground (5)), 13-14; July 17 Petition at 2 (ground (5)), 13-15; LCSB Objections at 11-12 (¶ VII.8), as adopted in July 17 Petition at 18. See also Post-Hearing Brief at 13-14, 30; Tr. Sept. 18, 2025 at 72-73; Tr. Dec. 15, 2025 at 352; Tr. Dec. 18, 2025 at 989, 1048; Hu Direct at 7:10-8:2; Tr. Jan. 13, 2026 at 1867:8-15.)

CONCLUSION

Appellants respectfully request that this Court docket this appeal, reverse and vacate the Final Order and the April 9 Substantive Order to the extent those orders approve Route 3A for the Golden-Mars Lines, vacate the certificate of public convenience and necessity to that extent, reverse the Order Denying Suspension to the extent it declined to suspend the Final Order and denied reopening of the record, and remand this case to the Commission for further proceedings consistent with the Court’s opinion.

Date: October 26, 2026

Respectfully submitted,

LOUDOUN VALLEY ESTATES
HOMEOWNERS'
ASSOCIATION, INC. and HOA
ROUNDTABLE, INC.

By Counsel

/s/ Bryan S. Turner

Bryan S. Turner, Esquire (VSB No. 95430)

Turner Law Firm, PLLC

20 West Market Street

Leesburg, Virginia 20176

Telephone: (703) 669-9090

Facsimile: (703) 771-4991

bturner@thtlawfirm.com

CERTIFICATE

Appellants include with this Petition for Appeal the certificate required by Rule 5:17(i) and as prescribed by Rule 5:21(a)(6)(ii) of the Rules of the Supreme Court of Virginia. The party and counsel information required by Rule 5:17(i) is also supplied with this filing through VACES, as Rule 5:21(a)(6)(ii) permits.

I, Bryan S. Turner, Counsel of Record for Loudoun Valley Estates Homeowners' Association, Inc. and HOA Roundtable, Inc. 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 address identified in the certified Commission party list.

Bryan S. Turner, Esquire (VSB No. 95430)
Turner Law Firm, PLLC
20 West Market Street
Leesburg, Virginia 20176
Telephone: (703) 669-9090
Facsimile: (703) 771-4991
bturner@thtlawfirm.com

/s/ Bryan S. Turner
Bryan S. Turner (VSB No. 95430)

SERVICE LIST

Brian D. Schmalzbach (VSB No. 88544)
Joseph K. Reid, III (VSB No. 35724)
Vishwa B. Link (VSB No. 36316)
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219
(804) 775-1000 (telephone)
(804) 775-1061 (facsimile)
bschmalzbach@mcguirewoods.com
jreid@mcguirewoods.com
vlink@mcguirewoods.com

David J. DePippo (VSB No. 48226)
William H. Baxter II (VSB No. 42587)
Dominion Energy Services, Inc.
120 Tredegar Street
Richmond, Virginia 23219
(804) 418-2421 (telephone – DJD)
(804) 819-2458 (telephone – WHB)
david.j.depippo@dominionenergy.com
william.h.baxter@dominionenergy.com
Virginia Electric and Power Company

Jennifer D. Valaika (VSB No. 70066)
Anne Hampton Andrews (VSB No. 81806)
Sarah B. Nielsen
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, Virginia 23219
jvalaika@mcguirewoods.com
ahaynes@mcguirewoods.com
snielsen@mcguirewoods.com

Annie C. Larson (VSB No. 87363)
Dominion Energy Services, Inc.
120 Tredegar Street
Richmond, Virginia 23219
annie.c.larson@dominionenergy.com
Virginia Electric and Power Company

John F. Dudley, Counsel to the Commission & Solicitor (VSB No. 38280)
Alisson P. Klaiber, Legal Advisor to the Commission & Deputy Solicitor (VSB No. 77206)
Virginia State Corporation Commission
P.O. Box 1197
Richmond, Virginia 23218-1197
804-371-9608
804-371-9376 (Fax)
John.Dudley@scc.virginia.gov
Alisson.Klaiber@scc.virginia.gov
Virginia State Corporation Commission

William H. Chambliss, General Counsel (VSB No. 31327)
William H. Harrison, IV, Senior Counsel (VSB No. 90081)
Andrew F. Major, Attorney (VSB No. 97095)
Office of General Counsel, State Corporation Commission
1300 East Main Street, Tyler Building, 10th Floor
Richmond, Virginia 23219
william.chambliss@scc.virginia.gov
william.harrison@scc.virginia.gov
andrew.major@scc.virginia.gov
Staff of the State Corporation Commission

Andrew R. McRoberts, Esquire (VSB No. 31882)
Adam B. Winston, Esquire (VSB No. 97293)
Rebecca J. Powers, Esquire (VSB No. 88644)
Sands Anderson PC
919 East Main Street, Suite 2300
P.O. Box 1998
Richmond, Virginia 23218-1998
Telephone: (804) 783-7211
amcroberts@sandsanderson.com
awinston@sandsanderson.com
rpowers@sandsanderson.com

Leo P. Rogers, Esquire (VSB No. 28906)
Jonathan M. Zator, Esquire (VSB No. 98470)
Office of the Loudoun County Attorney
1 Harrison Street, S.E.
Leesburg, Virginia 20177
Telephone: (703) 777-0307
leo.rogers@loudoun.gov
jonathan.zator@loudoun.gov
Loudoun County, Virginia

Raighne C. Delaney (VSB # 38787)
Jonathan M. Harrison (VSB # 92911)
Allison K. Riddle (VSB No. 93727)
BEAN, KINNEY & KORMAN, P.C.
2311 Wilson Boulevard, 5th Floor
Arlington, Virginia 22201
(703) 525-4000
rdelaney@beankinney.com
jharrison@beankinney.com
ariddle@beankinney.com
Loudoun County School Board and Loudoun County Public Schools

Todd A. Sinkins, Esq.
Nasim Saeidi, Esq.
Michael H. Brady, Esq.
Whiteford, Taylor & Preston, L.L.P.
3190 Fairview Park Drive, Suite 800
Falls Church, Virginia 22042
tsinkins@whitefordlaw.com
nsaeidi@whitefordlaw.com
mbrady@whitefordlaw.com
LVE II Homeowners Association, Inc.

Loudoun Valley Estates III,
Homeowners' Association
Sivabalan Shaju
23195 Hemmingford Circle
Sterling, Virginia 20166
Lve3hoasecretary@gmail.com
LVE III Homeowners Association, Inc. (pro se)

Brian R. Greene, Esq. (VSB No. 38215)
GreeneHurlocker, PLC
4908 Monument Avenue, 2nd Floor
Richmond, Virginia 23219
Telephone: 804-672-4542
bgreene@greenehurlocker.com
Coalition to Protect the Broad Run Stream Valley

William T. Reisinger, Esq. (VSB No. 78971)
Reisinger Gooch PLC
1108 East Main Street, Suite 1102
Richmond, Virginia 23219
Telephone: 804-223-6391
will@reisingergooch.com
Piedmont Environmental Council

J. Chapman Petersen, Esq. (VSB No. 37225)
Chap Petersen & Associates, PLLC
3970 Chain Bridge Road
Fairfax, Virginia 22030
(571) 459-2512
jcp@petersenfirm.com

Theresa Ghiorzi; Vicky H. Hu, as Trustee of the Vicky H. Hu Living Trust

Jay Jones, Attorney General of Virginia (VSB No. 89299)
John E. Farmer, Esq. (VSB No. 93493)
Office of the Attorney General, Division of Consumer Counsel
202 North Ninth Street
Richmond, Virginia 23219
jfarmer@oag.state.va.us
consumercounsel@oag.state.va.us
Attorney General of Virginia (served pursuant to Rule 5:21(a)(3))

/s/ Bryan S. Turner
Bryan S. Turner (VSB No. 95430)