INDEPENDENT ANALYSIS

What the Record Does Not Say

Interstate Gas Supply for Virginia Generation, and a Question No Forum Wrote Down

An Independent Working Paper



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Version note. The evidence base closes on September 14, 2026; this edition adds matters through October 24, 2026, each dated in the text. The corpus is listed in the About the Author section. For version 1.0, the retrieval record, the coverage checks and the bounds on every negative are deposited in the interstate gas supply register, all versions 10.5281/zenodo.22757119, and the hash and source URL of every document read are in the manifest deposited with the Virginia generation data apparatus, all versions 10.5281/zenodo.22099427.

Evidence snapshot. The Virginia record is read as the public docket in Case No. PUR-2025-00037 stood on 14 September 2026, including the whole reconsideration phase; hearing transcripts are the public versions with confidential material redacted. Federal orders are quoted from the Commission's issuance-format documents and cited by the Commission's own paragraph numbering. Statutory text is quoted from the Virginia Law Portal as published on that date. Section 2 is accompanied by the claim-and-source table appended to this paper.

Matters pending at the snapshot date. An appeal to the Supreme Court of Virginia in this case, and a petition for review of the Southeast Supply Enhancement certificate in the D.C. Circuit. Neither had been decided on 14 September 2026.

Companion. A Georgia counterpart, *What the Certificate Points At: Fuel disclosure, sealed cost, and one Georgia certification of 9,885 megawatts*, was deposited on 16 September 2026, all versions 10.5281/zenodo.22754180.

Disclosure. The author serves on the advisory board of an Alfred P. Sloan Foundation-funded study at Emory University on data centers and the Southern energy buildout. The study had no role in this paper.

Abstract

Virginia's State Corporation Commission spent nearly nine months deciding whether the Commonwealth needed a 944 megawatt gas plant, then suspended that decision and took another two months to reconsider it. A Sierra Club witness told it that the Company's own resource plan places its gas-fired fleet in a fully subscribed pipeline corridor, and an Advanced Energy United witness told it that the omitted cost of firm fuel could add roughly $300 million to a project the Commission priced at $1.47 billion. The Company answered in rebuttal that CERC carries no pipeline transportation or storage contract costs and will be served from its existing contract portfolio. Its resource plan, filed the year before, says combustion turbines can use firm capacity not needed by its combined-cycle units and, when available, interruptible service, and in setting their capacity factor limits assumed oil-only operation in the winter. Company analyses and intervenor modelling put at least four different capacity factors on the plant, ranging from 2.7 to 20 percent, and an intervenor told the Commission the figure kept changing between analyses. The twenty-seven page final order does not mention the exchange, names no pipeline company, and does not use the phrase "capacity factor." Asked on reconsideration whether it had ignored evidence it did not discuss, the Commission answered that the allegation is "incorrect as a matter of both fact and law," relying on the presumption that a Commission decision considered all of the evidence of record. Twenty days after the hearing closed, an indirect subsidiary of the applicant signed a twenty-year contract for 200,000 dekatherms a day of new interstate transportation capacity, filed for certification with a federal agency that has said, in a neighbouring Virginia certificate, that it "does not weigh end uses differently for the purpose of determining need for a project." This paper traces what each forum wrote down and finds that no Virginia order read for it states what the capacity costs.

Keywords: natural gas certification; precedent agreements; interstate pipeline capacity; electric generation siting; capacity factor; regulatory thresholds; cost recovery; data centers; Virginia (United States)

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1. Two rooms

On 3 March 2025 Virginia Electric and Power Company applied to the State Corporation Commission for certificates to build the Chesterfield Energy Reliability Center, "an approximately 944 megawatt nominal flexible fuel electric generating facility in Chesterfield County, Virginia," under §§ 56-580 D and 56-46.1 of the Code of Virginia, together with a rate adjustment clause.[1] The Commission convened a public evidentiary

[1] Application of Virginia Electric and Power Company, Case No. PUR-2025-00037, Order on Reconsideration at 1 (Va. State Corp. Comm'n Feb. 12, 2026) [hereinafter Order on Reconsideration], quoting the application. Unless otherwise noted, all filings cited in this section and the next are in Case No. PUR-2025-00037. The applicant is "a wholly-owned subsidiary of Dominion Energy." Dominion Energy South Carolina, Inc., Annual Report (Form 10-K) for the fiscal year ended Dec. 31, 2025, at Glossary ("Virginia Power") (Feb. 23, 2026). On 15 May 2026 Dominion Energy, Inc. entered into an agreement and plan of

hearing on 23 September 2025 and took evidence for four days, through 26 September. Post-hearing briefs were filed by seven of the eight participants on 27 October 2025.[2] The Commission issued its final order on 25 November 2025, granting the certificates and finding "a threat to reliability of electric service absent CERC."[3] Three intervenors petitioned for reconsideration on 15 December; the Commission granted it the next day and suspended the final order,[4] took further briefing, and on 12 February 2026 denied the petition, clarified the order, lifted the suspension and dismissed the case.[5] A notice of appeal to the Supreme Court of Virginia followed on 17 February.[6] The order records "1,923 written public comments we received about the Project (the majority of which were opposed) and the live public witness testimony received from 83 witnesses (of whom approximately 75% were opposed)."[7]

On 16 October 2025, twenty days after that hearing closed and eleven days before the post-hearing briefs were filed, Virginia Power Services Energy Corp., Inc. executed a precedent agreement with Mountain Valley Pipeline for 200,000 dekatherms a day of firm transportation capacity, for a primary term of twenty years, with service anticipated to

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merger with NextEra Energy, Inc.; the consent of the Virginia State Corporation Commission is among the regulatory clearances on which closing is conditioned. Dominion Energy, Inc., Current Report (Form 8-K) (filed May 18, 2026). Commission staff recommended against the merger as proposed, in testimony reported on 20 October 2026; the same report gave 17 November 2026 as the start of the evidentiary hearing. Patrick Larsen (VPM), SCC staff recommend axing Dominion–NextEra Energy merger as proposed, WHRO (Oct. 20, 2026).

[2] Final Order at 5 (Va. State Corp. Comm'n Nov. 25, 2025) [hereinafter Final Order]. Eight parties participated in the hearing; seven filed post-hearing briefs.

[3] Final Order at 15.

[4] Order Granting Reconsideration at 2 (Dec. 16, 2025) ("Pending the Commission's consideration of the Petition, the November 25, 2025 Final Order in this docket is suspended.").

[5] Order on Reconsideration at 7 ("the Petition is denied, the Final Order is clarified as set forth herein and is no longer suspended, and this case is dismissed").

[6] Community Intervenors' Notice of Appeal (Feb. 17, 2026). The appeal was pending at the evidence snapshot date of this paper.

[7] Final Order at 15. The order elsewhere gives the figure as "nearly 2,000 written comments"; this paper uses 1,923, the number the order states when it counts them.

begin 28 June 2028.[8] Mountain Valley filed it with the Federal Energy Regulatory Commission a week later, as Exhibit I to docket CP26-14.

Mountain Valley's description of that shipper, in its application: "an indirect subsidiary of Virginia Electric and Power Company (d/b/a Dominion Energy Virginia)," a "special purpose entity formed for the purpose of managing Dominion Energy Virginia's fuel-related activities," which "intends to use the additional Mainline System capacity to meet the existing power generation needs of its affiliate, Dominion Energy Virginia in the Commonwealth of Virginia."[9]

One company. Two proceedings. Neither examined what the other did.

2. What the Commission was told, and what it wrote

The fuel arrangement was litigated. Two intervenor experts raised it, one attached a number, the Company answered in rebuttal, and the final order does not mention the exchange.

Start with the applicant. Its witness on project construction testified that CERC's dual-fuel capability "allows for operation even when there are constraints on the natural gas pipelines," and that "Natural gas is proposed to be delivered to CERC via existing pipelines operated by Columbia Gas of Virginia and TC Energy."[10] Neither operator is Mountain Valley or Transco. Four documents in the entire case name Columbia Gas of Virginia.[11]

The absence of new pipeline is affirmatively part of the applicant's case. Its rebuttal attachments list, among the environmental benefits of building at the existing Chesterfield Power Station, "Eliminating need for new natural gas pipeline infrastructure."[12]

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[8] Mountain Valley Pipeline, LLC, Application for a Certificate of Public Convenience and Necessity, FERC Docket No. CP26-14-000, Ex. I at 93 (filed Oct. 23, 2025) [hereinafter MVP Boost Application]. The Commission's notice of schedule for the project's environmental assessment set 5 November 2026 as the "90-day Federal Authorization Decision Deadline." Its note states that "The Commission's deadline applies to the decisions of other federal agencies," and, as the notice describes it, to state agencies acting under federally delegated authority. 91 Fed. Reg. 2341 (Jan. 20, 2026). A notice of availability of the environmental assessment was published on 12 August 2026, with comments due 8 September 2026. 91 Fed. Reg. 52048 (Aug. 12, 2026).

[9] MVP Boost Application at 14.

[10] Direct Testimony of Jeffrey G. Miscikowski at 3-4 (Mar. 3, 2025).

[11] Va. State Corp. Comm'n, DocketSearch PDF keyword index, Case No. PUR-2025-00037, searched 14 Sept. 2026: the application volume containing the Miscikowski direct, the Staff prefiled testimony, and two hearing exhibits. The Commission states that its PDFs "were created by Optical Scan" and that "search results cannot assure 100% accuracy."

[12] Rebuttal Testimony of Jason P. Ericson, Rebuttal Schedule 1 at 273 (Sept. 2, 2025). The same passage appears in Volume 3 of the same rebuttal.

On 23 May 2025 the Company received the Sierra Club's fourth set of interrogatories. Question 2: "Does the Company anticipate having a firm gas contract for the CERC project by 2030?" The response, prepared by Dominion Energy Virginia's Fuel Commodity Specialist, was one word. "Yes."[13] No counterparty, no pipeline, no quantity, no term, no price.

Sierra Club witness Devi Glick filed that exchange as Exhibit DG-8 on 25 July 2025 and built an argument around it. "[F]irm gas pipeline capacity is constrained in Dominion's service area. Any new gas resource without a firm supply of fuel is not actually a firm resource unless it can also operate on oil."[14] Her authority is the Company's own 2024 integrated resource plan, which states that because "the physical location of the Company's gas-fired generation fleet is in a fully subscribed pipeline corridor, pipeline constraints and associated restrictions to secondary flexibility rights are commonplace."[15] The Company's own definition of the term, supplied in discovery in that proceeding: "fully subscribed" means "there is no available, unsubscribed, firm transportation on the pipeline."[16] Glick's conclusion was that the Company "plans to have a firm gas contract in place for the plant but provided no further information on timing or cost."[17]

Read whole, Appendix 5B of that plan is better for the Company than Glick's summary suggests. It was filed in the resource plan case on 15 October 2024, seven months before the Sierra Club's question reached the Company. The operating constraint it describes falls on secondary receipt and delivery flexibility, "beyond primary firm contractual rights." And it sets out how the Company fuels the class of unit CERC belongs to: "The Company predominantly uses firm pipeline transportation and storage to fuel its combined-cycle facilities. Additionally, the Company can utilize a firm pipeline transportation service not otherwise needed for its combined-cycle facilities, to fuel its CTs. When available, the Company can utilize interruptible pipeline transportation service for CTs because these peaking resources typically operate with less than 20% capacity factors and are typically equipped with on-site backup fuel." In setting capacity factor limits for new combustion

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[13] Direct Testimony of Devi Glick (Sierra Club), Ex. 23, Ex. DG-8 (July 25, 2025) (Company Response to Sierra Club Set 04-02, prepared by Michael S. Oberleitner, Fuel Commodity Specialist, Dominion Energy Virginia; interrogatories received 23 May 2025).

[14] Glick Direct at 60.

[15] Virginia Electric and Power Company, 2024 Integrated Resource Plan, Case No. PUR-2024-00184, App. 5B at 2 (Oct. 15, 2024) [hereinafter 2024 IRP]. Glick Direct at 60 paraphrases the passage without quotation marks and stops at "associated restrictions"; this paper quotes the plan. The same appendix states at 1 that "pipeline constraints and restrictions can limit some or all secondary receipt/delivery flexibility, beyond primary firm contractual rights."

[16] Glick Direct, Ex. DG-7 (Company Response to Staff Set 07-154(k), Case No. PUR-2024-00184).

[17] Glick Direct at 61.

turbines it "assumed gas availability in the spring, summer, and fall, with oil-only operations in the winter when gas is most constrained."[18] CERC is four combustion turbines with twelve million gallons of oil on site, enough for roughly seven days at full load.[19]

Advanced Energy United's witness filed the same day as Glick and attached a number. Dominion "has expressed its intention to procure firm gas supply for the CERC units," and "this cost has not been incorporated into the analysis." Lacking a Company estimate she took a Colorado proxy, $21 per kilowatt-year of firm fuel cost, which "could add approximately $300 million (NPV) to the cost of CERC,"[20] a project the Company put at approximately $1.47 billion excluding financing costs.[21] Note what the proxy prices: a firm fuel cost for combustion turbines. The Company's resource plan describes fuelling that class from firm capacity not otherwise needed by its combined-cycle units and, when available, from interruptible service.

Dominion answered on 2 September 2025, and the answer is the most consequential document in the case. Its rebuttal witness, prefacing the point as "not my area of expertise," drew a distinction: the intervenor conflates "firm natural gas supply" with "firm delivery of that natural gas supply." The commodity is always bought firm, and those costs are in the model. Then the operative sentences. "There are no natural gas pipeline (transportation or storage) contract cost components currently, nor are they anticipated to be incurred, with respect to the CERC Project to effectuate firm delivery of natural gas supply to the Project. As noted in the Company's direct filing, the Company will use its existing natural gas pipeline transportation and storage contract portfolio to deliver natural gas fuel to the CERC Project."[22]

That answer is coherent, and it fits what the 2024 resource plan already said about combustion turbines: firm capacity not needed by the combined-cycle fleet, interruptible service when available, and, in setting capacity factor limits, an assumption of oil-only operation in the winter. The rebuttal does not cite the plan; the fit is this paper's reading. What the answer does is move the weight onto an assumption, that the existing portfolio has room for CERC. On that assumption no new firm transportation is needed and the incremental pipeline contract cost is zero. If the plant runs harder than planned, or the

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[18] 2024 IRP, App. 5B at 1. The appendix also records that the Company "requests and reviews proposals (covering various terms) for incremental firm transportation, pipeline storage, peaking services, and onsite fueling (oil or LNG)." Id. at 2.

[19] Miscikowski Direct at 3.

[20] Direct Testimony of Maria Roumpani (Advanced Energy United), Ex. 32, at 36 (July 25, 2025). The proxy is a Public Service Company of Colorado estimate, Colo. PUC Proceeding No. 24A-0442E, Hearing Ex. 101, Attach. JWI-2, vol. 2, tbl. 2.11-20, assuming $21/kW-yr in 2025 escalating at 2.05% over a 36-year life. It is an out-of-state proxy and is labelled as such in the testimony.

[21] Final Order at 3.

[22] Rebuttal Testimony of Lisa R. Crabtree at 32 (Sept. 2, 2025).

portfolio has less room than assumed, something has to give. Glick put one consequence plainly: in her testimony oil-fired operation is “four-to-six times more expensive” than gas and “reliance on oil is a bad long-term strategy.” The Company’s model was configured with gas available April through November and oil December through March; at the hearing its witness called the winter oil months an assumption “for modeling purposes” and said the dual-fuel units can run on “either fuel depending on either economics or availability.” The order’s finding of need cites projected capacity violations in extreme weather, “both during summer heatwaves and during winter cold snaps.”[23]

That is what the record leaves open, and it is not what the two dollar figures were arguing about. Advanced Energy United priced firm fuel service on an out-of-state proxy. Dominion priced at zero the new pipeline contracts it says CERC does not need. Neither number reaches what CERC costs to run if the existing portfolio has less room than assumed. That turns in part on how often the plant runs, which the next section takes up.[24]

Six weeks later, on 16 October 2025, the utility’s fuel subsidiary executed a twenty-year precedent agreement for 200,000 dekatherms a day of new firm transportation on Mountain Valley, and told the Federal Energy Regulatory Commission that it “intends to use the additional Mainline System capacity to meet the existing power generation needs of its affiliate, Dominion Energy Virginia in the Commonwealth of Virginia.”[25] Both statements can be true at once. No new transportation contract for this project, and new transportation capacity for the affiliate’s existing generation, are compatible claims. What is missing is a forum positioned to set them side by side. Mountain Valley filed the agreement on 23 October, four days before the post-hearing briefs went in. No party brought it in: “precedent agreement” returns nothing anywhere in the case on the Commission’s own keyword index, which the Commission warns is an optical scan that “cannot assure 100% accuracy.”[26]

The twenty-seven page final order contains no occurrence of “firm gas,” “firm transportation,” “fully subscribed,” “gas supply,” “Columbia Gas,” “TC Energy,” or “300 million.” Its text layer is itself an optical scan carrying visible misreadings, so those are zeros against an imperfect transcription.[27] It cites Glick’s direct testimony at pages 8, 51 to 54, and 61; page 61 carries her finding about the missing contract. It quotes Advanced Energy’s witness in a single footnote, citing one page of her testimony, first for the

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[23] Glick Direct at 61; Tr. of Hearing, Day 2, at 466 (Sept. 24, 2025) (Company response to Community Intervenors Set 6-4, read into the record) and at 501-02 (Lisa R. Crabtree); Final Order at 13 (quoting the Brattle Analysis).

[24] Nineteen documents were retrieved from the case; see the Scope note at the end of this section. The retrieval does not establish that the portfolio lacks headroom, and no document retrieved answers the question either way.

[25] MVP Boost Application at 14.

[26] Va. State Corp. Comm’n, DocketSearch PDF keyword index, Case No. PUR-2025-00037, searched 13-14 Sept. 2026. Control queries on the same index return thirty-nine documents for “natural gas” and twenty-nine for “precedent” alone.

proposition that dispatchable capacity is needed and then for her objection that CERC "is neither the only, nor the optimal, resource to provide that capacity."[28] The contested $300 million and the rebuttal that answered it appear nowhere in it. The Commission granted the certificates.

Nor was the firm transportation question put to a witness in those terms. All four hearing transcripts were retrieved, 23 to 26 September 2025, 1,576 pages carrying a complete text layer. Day 1 contains one use of "gas supply," a public witness observing that the site is "already provided with gas supply and power transmission infrastructure."[29] Day 3 contains one use of "fuel supply," a witness listing the causes of Winter Storm Elliott alongside weatherization, volatility and resource diversity.[30] Days 2 and 4 contain neither, and Day 4 does not contain the word "pipeline" at all. "Firm gas," "gas contract," "firm transportation," "fully subscribed" and "precedent agreement" appear in none of the four, which are the public versions with confidential information redacted. The commodity cost of fuel was put to witnesses. On the second day counsel for the Community Intervenors put to the Company a discovery response projecting CERC's annual fuel costs from 2030 to 2065, and on the third day put to a Staff witness a total of "about 3.5 billion," which the witness called "a little beyond the scope of my testimony." Neither the final order nor the order on reconsideration states that projection.[31]

Pipelines do appear in the order, as an advantage. It credits the Project's "ability to interconnect with existing natural gas pipeline and electric transmission infrastructure, thus reducing additional cost as well as environmental impacts,"[32] and finds that "fuel delivery to the CERC - which will be largely by pipeline - is less intrusive than ground transport fuel to the former Chesterfield 6 unit." It also credits the plant as "equipped with back-up fuel supply to mitigate the risks of pipeline disruptions."[33] An existing connection counts in the applicant's favour. Whether there is firm capacity on it is not a question the order asks.

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[27] The order's text layer renders "Roumpani" as "Roumpam," "Sierra" as "Siena" and "Dominion" as "Dommion."

[28] Final Order at 10 n.22.

[29] Tr. of Hearing, Day 1, at 244 (Sept. 23, 2025).

[30] Tr. of Hearing, Day 3, at 757 (Sept. 25, 2025).

[31] Counts are taken from the transcript bodies. Each transcript carries a four-column word index at the back whose columns interleave in plain-text extraction, so a headword can appear beside another word's page references; the index was not used. On fuel cost, Tr. of Hearing, Day 2, at 466-67 (Sept. 24, 2025); Day 3, at 895-96 (Sept. 25, 2025).

[32] Final Order at 16.

[33] Final Order at 22 (fuel delivery) and 18 (back-up fuel).

Searched across the Commission's keyword index for this case, "Mountain Valley" appears in four documents: two memoranda transmitting batches of written public comments, and two party filings where the reference is to a 2021 air permit denial at the Lambert Compressor Station, cited as environmental justice precedent.[34]

The order is explicit about one thing it declined to examine. On air emissions the Commission held that modeling issues "are properly considered by DEQ, are beyond the scope of the Commission's expertise and mandate, and we decline to duplicate DEQ's emissions-related efforts here," citing the anti-duplication limitation in Code § 56-580 D.[35]

Whether it also declined to examine the fuel exchange, or examined it and did not write it down, is a question the Commission has answered. Petitioners argued on reconsideration that it had ignored evidence not discussed in the final order. Its answer, on 12 February 2026, was that the allegation "that the Commission ignored evidence and argument if not expressly discussed in the Final Order is incorrect as a matter of both fact and law,"[36] footnoted to the Virginia Supreme Court for the presumption that a Commission decision "comes to us with a presumption that it considered all of the evidence of record."[37] It said so twice, on reliability and on cost, and a third time on environmental justice: it "considered the entire record … not simply the parts expressly discussed in the Final Order."[38]

Take the Commission at its word and the finding sharpens. The firm gas question was weighed and the weighing was not written down. What a ratepayer, an appellate court or a researcher can retrieve is a twenty-seven page order that records none of it. The Commission's position is that it does not have to.

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[34] Decision Statement, Minor New Source Review Permit for Mountain Valley Pipeline, LLC Lambert Compressor Station, Registration No. 21652 (Va. State Air Pollution Control Bd. Dec. 3, 2021), as cited in the Appalachian Voices / NAACP / Mothers Out Front post-hearing brief and in the Petition for Reconsideration.

[35] Final Order at 19, quoting Va. Code § 56-580 D ("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 [such matters] shall be deemed to satisfy the requirements of this section…"). The wording is the order's. The section as captured from the Virginia Law Portal for the deposited manifest reads "electric generating facility" and adds energy storage resource facilities. The order notes that similar anti-duplication language appears at Va. Code § 56-46.1 A.

[36] Order on Reconsideration at 3. The Cost section of the same order repeats the holding: the allegation "is again incorrect as a matter of both fact and law." Id. at 4.

[37] Id. at 3 n.7, quoting Bd. of Supervisors of Loudoun Cnty. v. State Corp. Comm'n, 292 Va. 444, 454 n.10 (2016).

[38] Order on Reconsideration at 5.

The same order closes off the stronger reading of the emissions passage. On air quality the Commission stated that “[h]aving made such factual determination, the Commission need not - and did not - reach the legal question as to whether further analyses of air quality issues in this proceeding are precluded by statute or otherwise.”[39] That was a discretionary deferral to the Department of Environmental Quality, not a holding that the Commission lacked power to go further. Nothing in the record says it could not have priced the fuel.

Scope. Nineteen documents from PUR-2025-00037 were retrieved and searched in full, covering the application testimony, the rebuttal, all four hearing transcripts, the final order and the whole reconsideration phase. Appendix 5B of the Company’s 2024 integrated resource plan, filed in Case No. PUR-2024-00184, was read directly rather than through any party’s characterisation of it. Docket-wide counts come from the Commission’s own keyword index, which it warns is an optical scan. The retrieval record, the page-by-page coverage checks and the full bounds on every negative are deposited in the interstate gas supply register, 10.5281/zenodo.22757119, and the hash and source URL of every document read are in the manifest deposited with the Virginia generation data apparatus, 10.5281/zenodo.22099427. The claim-and-source table for this section is appended to this paper.

3. The assumption that carries the plant

Section 2 turns in part on a number nobody has settled: how often CERC runs. Below twenty percent, with oil through the winter, the resource plan’s stated reason for serving combustion turbines on interruptible service holds, and the rebuttal puts the incremental pipeline contract cost at zero. Above it, that stated reason no longer fits. The record contains at least four answers, and they are not close to each other.

The 2024 integrated resource plan projects an average capacity factor of 3.6 percent over 2030 to 2039. The Company’s PLEXOS analysis in this case assumes 16.3 percent over the same period and 17.75 percent over 2030 to 2065. A third-party alternative analysis uses a constant figure the Company filed as extraordinarily sensitive.[40] Sierra Club’s modelling puts CERC’s capacity factor at a 2030 peak of 4.4 percent, averaging 2.7 percent across the decade.[41] The Community Intervenors read the Company’s own projection as 10 to 13 percent from 2036 to 2045, rising to a steady 20 percent from 2045 to 2064.[42]

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[39] Id.

[40] Direct Testimony of Maria Roumpani (Advanced Energy United), Ex. 32, at 35 (July 25, 2025), comparing the capacity factors used across the Company’s analyses. The confidential figure is redacted from the public version.

[41] Glick Direct at 31.

[42] Post-Hearing Brief of Appalachian Voices, the National Association for the Advancement of Colored People, and Mothers Out Front at 91 (Oct. 27, 2025), reading the Company’s

Advanced Energy United's witness said it plainly: "the projected capacity factor of the CERC project keeps changing from one Dominion analysis to the other."[43]

The spread matters because the thresholds that bite sit inside it. Twenty percent is the figure the Company's own plan gives as its reason for serving combustion turbines on interruptible service. Twenty percent is also the ceiling of the federal carbon rule's low-load subcategory for combustion turbines, and forty percent is where carbon capture becomes a requirement, boundaries the Company's own rebuttal sets out on the assumption that the rule remains effective.[44] And Staff's witness, reviewing the Company's levelized cost analysis, reported that it places CERC sixth and next to last by cost per megawatt-hour, with the capacity factor redacted in the public version; the Company's rebuttal describes that finding as ranking CERC "next to last among the RFP alternatives using a 20% capacity factor."[45]

The number was put to a witness. On the third day of hearing, counsel for the Community Intervenors read back to Consumer Counsel's witness, Scott Norwood, the third conclusion of his prefiled testimony, that the project "is forecasted to operate at a relatively low-capacity factor of 16 percent," and he agreed that counsel had read it correctly.[46]

The twenty-seven page final order contains no occurrence of the phrase "capacity factor."[47]

That is the gap, stated as narrowly as the evidence allows. The Commission was given figures between 2.7 and 20 percent for the same plant, was told by an intervenor that the figures kept moving, heard a witness's prefiled 16 percent forecast read back to him under cross-examination, and issued an order that does not use the term. What the fuel costs, whether the plan's reason for serving these units on interruptible service holds, and which federal carbon subcategory the units fall into all turn on that figure. The document granting the certificate names none.

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projection.

[43] Roumpani Direct at 35.

[44] Rebuttal Testimony of Jason P. Ericson, Rebuttal Schedule 1, describing the subcategories of the federal greenhouse gas standards for combustion turbines: a low load subcategory "based on the CTs operating at less than 20% capacity factor," an intermediate subcategory at 20 to 40 percent, and carbon capture required for units "operating above 40% capacity factor." The schedule states the subcategories "[a]ssuming the rule remains effective."

[45] Testimony of Staff Witness Smith, vol. 1, at 41-42 (the capacity factor is marked extraordinarily sensitive and redacted in the public version); Rebuttal Testimony of Lisa R. Crabtree at 17 (summarising Smith).

[46] Tr. of Hearing, Day 3, at 859 (Sept. 25, 2025) (Scott Norwood, witness for Consumer Counsel, sworn at 840; cross-examination by counsel for the Community Intervenors from 856, reading page 4 of his prefiled testimony).

[47] Final Order, searched in full. The order's text layer is an optical scan carrying visible misreadings, so this is a zero against an imperfect transcription.

Scope. The final order was searched in full and returns no occurrence of “capacity factor.” The figures above are taken from the testimony, transcripts and briefs deposited for this paper. At least one capacity factor figure was filed as extraordinarily sensitive and is redacted from the public versions, so these are the figures the public record carries rather than all the figures before the Commission. The comparison across analyses is the intervenor’s characterisation and is quoted as such.

4. What the contract does not contain

The three precedent agreements filed as Exhibit I to CP26-14 run 124 pages, 86 of them image scans, and the search ran against a full extraction combining the filed text layer with optical character recognition of the rest. They contain no occurrence of “data center,” “generation,” “generating,” “generator,” “electric,” “power plant,” “end use,” or “load.” The word “power” occurs twelve times and every occurrence sits inside the shipper’s own name. Redactions in that filing delete the underlying text rather than covering it, so this is the public version, not the executed agreements entire.

What the agreement does say is that a shipper will take a stated quantity for a stated term. The word “Dominion” appears four times in the public extraction, three in the notices block and one in an address field. One of the four names the entity, Dominion Energy Services, Inc., as a copy recipient. None sits in an operative term.

This is not an oversight in drafting. It is the doctrine, and the Commission stated it three months later in a neighbouring certificate: it “views transportation service for all shippers as providing public benefits and does not weigh end uses differently for the purpose of determining need for a project.” A precedent agreement demonstrates need because a creditworthy party signed it. What the gas will do at the far end is not a question the instrument exists to answer.[48]

On rehearing the Commission said it again and went further. Petitioners argued in 2026 that the shippers could pass the cost of the capacity to captive ratepayers. The Commission disagreed, and named the forum that should look: “[l]ocal distribution company and utility contracts are subject to the scrutiny of state regulatory authorities, and are not within the Commission’s purview.” A shipper’s procurement decisions are “outside the Commission’s jurisdiction and best left to state regulators” where, the order adds, there is no credible evidence of self-dealing, because doing otherwise may “infringe upon the role of state regulators in determining the prudency of expenditures by the utilities they regulate.” Costs a shipper incurs by subscribing are “matters left to the appropriate state utility regulators.”[49] The federal agency has said, in terms, whose question this is.

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[48] Transcontinental Gas Pipe Line Co., 194 FERC ¶ 61,078 at P 28 (Jan. 29, 2026) (Southeast Supply Enhancement Project) [hereinafter SSE Certificate Order]. Paragraph numbers throughout are taken from the Commission’s own issuance-format paragraph numbering, verified against the opening paragraph of each order.

[49] Transcontinental Gas Pipe Line Co., 195 FERC ¶ 61,217 at P 43 (June 18, 2026) (Order Addressing Arguments Raised on Rehearing and Setting Aside Prior Order, in Part), quoting Transco. The same order set the SSE Certificate Order aside in part, on unrelated points:

It has also said what it relies on the states to have done. Rejecting the argument that it deferred improperly to state commissions, it held that electricity demand "clearly exists" and that this is "reflected in recently state public utility commission-reviewed and approved utility integrated resource plans."[50] The resource plan doing that work for Virginia is the one whose gas transportation appendix reached the certificate case through one intervenor's testimony, which relays three of its points in paraphrase.

5. The control case

The objection to section 4 is obvious. Certificate instruments are terse, absence of a phrase proves nothing, and a contract for transportation has no business naming the buyer's downstream plant. The nearest test available is the same Commission's record on two other Virginia projects, under the same statute and resting on the same kind of instrument.

On 16 November 2023 FERC issued a single order covering two Virginia projects: Transco's Commonwealth Energy Connector and Columbia Gas Transmission's Virginia Reliability Project. They were filed the same day, 24 August 2022, and decided together.[51] Both serve one shipper, Virginia Natural Gas, which the order calls "a local distribution company."[52] Both rest on a binding precedent agreement for one hundred percent of the project's capacity, for a twenty-year term, at negotiated rates.[53]

That is the same instrument as the agreement Virginia Power Services Energy Corp. signed two years later. Binding precedent agreement. Twenty years. Negotiated rates. The subscription differs in structure and not in degree: the 2023 projects are fully subscribed by one shipper each, while MVP Boost is fully subscribed by three, of which Virginia Power Services holds 200,000 of 600,000.[54] The 2023 order calls its shipper "a non-affiliated shipper," and the MVP Boost application heads its shipper section with the same term; in

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the Commission agreed that it had overstated the project's incremental revenues and had omitted $2,464,183 in variable costs from the incremental project cost of service used in making its predetermination finding. Id. at P 25. The market need finding and the end-use holding at P 28 of the Certificate Order were not disturbed.

[50] Id. at PP 39, 43.

[51] Transcontinental Gas Pipe Line Co. and Columbia Gas Transmission, LLC, 185 FERC ¶ 61,130 at PP 1-2 (Nov. 16, 2023) (Order Issuing Certificates and Approving Abandonment) [hereinafter CEC/VRP Order]. Docket Nos. CP22-502-000 and CP22-503-000, both filed 24 August 2022 and decided in one order.

[52] Id. at P 1.

[53] Id. at PP 7, 11, 23. Transco "executed a binding precedent agreement with Virginia Gas for the entire 105,000 Dth per day of firm transportation service for a primary term of 20 years. Virginia Gas elected to pay negotiated rates." Id. at P 7. Columbia's project carries 100,000 Dth per day of gas received from Transco for redelivery to the same shipper, under its own binding precedent agreement for a 20-year term at negotiated rates. Id. at PP 2, 11.

both the word means unaffiliated with the pipeline rather than with a utility.[55] The hardware matches too, across Transco's two Virginia projects. The Commonwealth Energy Connector installs "a new 33,000 horsepower (hp) electric motor-driven compressor at Transco's Compressor Station 168 in Mecklenburg County." Southeast Supply Enhancement installs "two new 33,000-horsepower (HP) electric motor-driven compressor units" at Station 165 in Pittsylvania County. Same operator, same unit rating, in two Virginia counties, and both orders recite what the gas is for: the 2026 order gives Transco's statement that the project will meet growing demand for "natural gas-fired power generation, as well as for commercial, residential, and industrial use."[56]

Two things differ. The first is scale. PJM's Independent Market Monitor converts pipeline capacity into generating units. In its 2026 second-quarter report each of the two Virginia distribution projects, at 105,000 and 100,000 dekatherms a day, "would not be enough supply to run one combined cycle power plant." MVP Boost at 600,000 "would be enough to supply three combined cycle power plants." Southeast Supply Enhancement at 1,596,900 is about seven.[57] The edition has to be named, because the Monitor's own numbers move. The 2025 annual gives Southeast Supply Enhancement 1,591,900 dekatherms a day and about eight, does not cover MVP Boost at all, and converts its gas projects on an 1,100 megawatt combined-cycle unit that the same volume's own Section 7 had already superseded at 1,362 megawatts.[58]

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[54] MVP Boost Application, Ex. I at 93.

[55] CEC/VRP Order at P 23 ("a non-affiliated shipper"); MVP Boost Application § V, headed "Binding Non-Affiliate Agreements for 100% of the MVP Boost Capacity." In the 2023 order the shipper is a local distribution company unaffiliated with the pipeline. In CP26-14 one of the three shippers is unaffiliated with the pipeline and is an indirect subsidiary of the utility whose generation the capacity is said to serve.

[56] CEC/VRP Order at P 6; SSE Certificate Order at P 4 (facility list) and PP 3, 22 (end use). The SSE order limits Compressor Station 165 to a total incremental horsepower of 45,000. It also authorises replacement of three 12,500-horsepower units with three 33,000-horsepower units at a separate station, which is not the comparison drawn here.

[57] Monitoring Analytics, LLC, 2026 Quarterly State of the Market Report for PJM: January through June, § 8, at 585-88. The 105,000 and 100,000 dekatherm characterisations and the MVP Boost characterisation are quoted verbatim; the Southeast Supply Enhancement equivalence is given there as about seven combined cycle power plants. The section prints in two columns that interleave in plain-text extraction, and the counts here were taken after cutting the page to columns.

[58] Monitoring Analytics, LLC, 2025 State of the Market Report for PJM, vol. 2, § 8, at 502-03. That section converts on a 1,100 MW combined-cycle unit at 6.543 MMBtu/MWh, citing the 2023 annual report's Table 7-55, while the same volume's own § 7 Table 7-59 uses 1,362 MW. The 2026 Q2 report converts on the 1,362 MW basis. Neither edition's equivalences are adopted here as findings; they are the Monitor's characterisations and are cited with their vintage named.

The second difference is in how the end use is stated. The 2023 order states it in a single clause. The capacity "will enable Virginia Gas to meet growing demand for natural gas from its residential, industrial, and commercial customers in southeastern Virginia."[59] Searched in full, body and footnotes, that order contains no occurrence of "data center," "power generation," "electric generation," or "generating station." The negative does not extend further: "electric generator" appears once, describing a shipper class, and "power-plant" once in a quoted case citation. Neither states this project's end use.[60] The order states it in a clause instead, and names the customers.

Set that beside CP26-14. Same instrument, same Commonwealth, a shipper that exists to manage one utility's fuel, and in the public redacted agreements as fully extracted, none of the eight end-use terms searched. The narrative section of the application says the capacity will "meet the existing power generation needs of its affiliate."[61] The contract does not, and the contract is what establishes need.

The inference, and its limit. Each record read names an end use somewhere. The 2023 order names the distribution customers. The 2026 order gives Transco's statement that the capacity will serve power generation as well as commercial, residential and industrial use. The CP26-14 application says the capacity will serve the generation needs of the shipper's affiliate. The one set of precedent agreements read for this paper, the public redacted agreements filed in CP26-14, names none. The 2023 precedent agreements and those behind the 2026 order were not read for this paper, as of 24 October 2026, so whether they name an end use is not established here, and no contrast between distribution and generation instruments is drawn. Four dockets in one state is not a denominator in any case. What the record read shows is consistent with the doctrine doing what it says: the Commission "does not weigh end uses differently for the purpose of determining need for a project," so an agreement has no reason to state one.

6. What Virginia does hold

Southeast Supply Enhancement is certificated at 1,596,900 dekatherms a day, running from Transco's existing Station 165 Zone 5 Pooling Point and the Cherrystone Interconnect with Mountain Valley in Pittsylvania County.[62] Virginia hosts that origin node, two new compressor units, and part of a 31.2-mile loop of new 42-inch pipe that runs on into Rockingham County, North Carolina; the order does not break out the Virginia mileage.[63] The order recites ten precedent agreements and lists twelve shippers, whose quantities sum exactly to the certificated capacity. Two are Virginia entities: the City of Danville at

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[59] CEC/VRP Order at P 23.

[60] Id., searched in full including footnotes. The four quoted terms return zero occurrences. "Electric generator" appears once, in a description of "imbalances created by electric generator and local distribution company shippers during high demand cold days," id. at P 38, and "power-plant" once, hyphenated, inside a quoted case citation.

[61] MVP Boost Application at 14.

[62] SSE Certificate Order at P 3.

1,500 dekatherms a day and Southwestern Virginia Gas Company at 5,000.[64] Six thousand five hundred of 1,596,900.

What the Commonwealth holds over any of it is environmental, and the Commonwealth is not absent from the federal dockets. Members of the Virginia General Assembly, the Department of Environmental Quality and the Department of Conservation and Recreation all filed comments on the Southeast Supply Enhancement environmental assessment.[65] The Department of Environmental Quality issues the water quality certification.[66] On the 2023 projects a standard joint permit application went to the Army Corps, the Department of Environmental Quality and the Marine Resources Commission, and the Virginia State Historic Preservation Office was consulted.[67]

Every Virginia instrument the two orders name is environmental, and most are federal programs the Commonwealth administers. Only the orders were read and Virginia agency files were not searched, so the list is not established as complete. What happens to the state certification is the part worth reading closely. The Southeast Supply Enhancement order provides that "all conditions attached to the water quality certifications issued by the Virginia Department of Environmental Quality and the North Carolina Department of Environmental Quality constitute mandatory conditions of the Certificate Order."[68] The order covering the two Virginia distribution projects adds the qualifier: those conditions bind "except those that the Director of OEP, or the Director's designee, may identify as waived pursuant to 40 CFR § 121.9."[69]

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[63] Id. at P 4 ("construct approximately 31.2 miles of 42-inch-diameter pipeline in Pittsylvania County, Virginia, and Rockingham County, North Carolina (Eden Loop)").

[64] Id. at P 6, listing twelve shippers under ten precedent agreements. The twelve quantities sum to 1,596,900 Dth/d. The order's recital of ten agreements against twelve shippers is the order's own; this paper does not reconcile it.

[65] Id. at P 57, which also records comments from members of the U.S. House of Representatives, members of the North Carolina General Assembly and the North Carolina State Historic Preservation Office.

[66] Id. at P 66.

[67] CEC/VRP Order at P 85. Transco and Columbia "submitted a Standard Joint Permit Application with the USACE, the Virginia DEQ, and Virginia Marine Resources Commission" for Clean Water Act § 404 authorisation. The applicant submits; the Marine Resources Commission is among the recipients.

[68] SSE Certificate Order at P 66 and app., Environmental Condition 12, which the order adds to incorporate the conditions of the Virginia and North Carolina water quality certifications.

[69] CEC/VRP Order, app. B, Environmental Condition 13 (Commonwealth Energy Connector). The Southeast Supply Enhancement order contains no occurrence of 40 CFR § 121.9 and no such waiver qualifier.

Virginia's instrument becomes a federal condition, enforced federally, and in the 2023 order a federal office director may waive parts of it. The Southeast Supply Enhancement order carries no such qualifier, and no occurrence of 40 CFR § 121.9.

Each order states the federal limit in one standard paragraph. State or local permits for the facilities "must be consistent with the conditions of this certificate," and state and local agencies may not, through state or local law, "prohibit or unreasonably delay the construction or operation of facilities approved by this Commission," under a footnote citing the rule that conflicting state regulation is preempted.[70] What the orders do with the Commonwealth's own instrument is absorb it. It is not displaced in terms. It is written into the federal certificate as a condition and administered there.

Trace the chain. The State Corporation Commission defers emissions review to the Department of Environmental Quality as a matter of discretion. The Department's certification of the pipeline becomes a condition of the federal certificate, and in one of the two orders a federal office may waive parts of it. The federal certificate rests on a precedent agreement whose end use the federal agency declines to weigh. Each forum is acting within its mandate. The fuel contract falls between all of them.

7. The statute that would have reached them

The comfortable reading of section 6 is that Virginia never legislated over interstate pipelines. That reading is wrong, and the correction strengthens rather than weakens the point.

The Utility Facilities Act defines a public utility as any company that "owns or operates facilities within the Commonwealth of Virginia for… the production, storage, transmission, or distribution… of natural gas… for sale for heat, light or power." Twelve exceptions follow. None is for interstate pipelines, and none mentions the Natural Gas Act.[71]

The Commission has applied that definition to a pipeline. Chickahominy Pipeline petitioned to be declared outside the Act and made precisely the argument an interstate carrier would make: it does not sell the gas. Its customer buys from a third party and pays Chickahominy only to move gas the customer already owns. The Commission rejected it on reconsideration: "there is nothing in Code § 56-265.1(b) that limits the Commission's jurisdiction based on ownership of the commodity. Rather, the Commission's jurisdiction over the 'public utility' is expressly based on ownership or operation of the specific facilities identified therein."[72] Chickahominy was held a public utility subject to

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[70] SSE Certificate Order at P 120 and n.; CEC/VRP Order at P 147 and n., each citing Schneidewind v. ANR Pipeline Co., 485 U.S. 293, 310 (1988), and Dominion Transmission, Inc. v. Summers, 723 F.3d 238, 245 (D.C. Cir. 2013) ("state and local regulation is preempted by the NGA to the extent it conflicts with federal regulation").

[71] Va. Code § 56-265.1(b), quoted from the retrieved copy whose hash and source are recorded in the deposited manifest, 10.5281/zenodo.22099427. The exceptions are (1) through (12) of that subsection.

certification. The pipeline in that case was to carry gas to a gas-fired generating station in Charles City County.[73]

Transco operates Compressor Station 165 in Pittsylvania County, is authorized to install two new 33,000 horsepower units there, and is authorized to build the Eden Loop, 31.2 miles of 42-inch pipe running from that county into North Carolina. Neither FERC certificate order records a Virginia certificate proceeding for those facilities. Virginia agency files were not searched.

What this does not establish. No tribunal has applied § 56-265.1(b) to an interstate pipeline in the materials examined. Whether Natural Gas Act preemption is what keeps the question from arising is the obvious explanation and is not established here: each certificate order addresses preemption only in the standard paragraph described in section 6, which does not mention the Commonwealth's statute, and no Virginia case law search was run. Both Chickahominy orders construe the statute's pre-2022 wording. What the reconsideration order removes is the commodity-ownership objection, which was the strongest reading under which these carriers would sit outside the Commonwealth's statute on its own terms.

8. What this shows, and what it does not

It shows that the federal agency has named a forum and the Virginia forum has not answered. FERC certificates the capacity on a precedent agreement, declines to weigh what the gas is for, and holds that, absent credible evidence of self-dealing, a shipper's decision to subscribe is beyond the scope of its review and belongs to state regulators. The Virginia commission approved a gas plant without writing down what the fuel costs, what capacity factor it assumed, or which pipeline delivers, and answered a challenge to that silence by relying on the presumption that it considered all of the evidence. Each is right about its own mandate. Between them sits a number that no order read for this paper states.

It does not show wrongdoing, or that the Commission failed to consider the evidence. Every forum acted within its statutory mandate, the anti-duplication limitation the Commission applied is in the Code, and the Company's rebuttal distinction between firm commodity supply and firm delivery of it is coherent on its own terms and fits the fuelling practice the Company's resource plan described in October 2024, seven months before the question was put in discovery. The Commission has stated on reconsideration that it weighed the whole record whether or not it discussed it, and a Virginia Supreme Court presumption backs that. The finding is about the written record, not about what the Commission thought. Nothing retrieved from the case tests the headroom question, and the order states no capacity factor. This is a claim about Virginia alone. The Southeast Supply Enhancement order rests part of its need finding on North Carolina and South Carolina

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[72] Application of Chickahominy Pipeline, LLC, Case No. PUR-2021-00211, Order on Reconsideration at 4 (Va. State Corp. Comm'n Mar. 28, 2022).

[73] Id.; see also Application of Chickahominy Pipeline, LLC, Case No. PUR-2021-00211, Final Order (Va. State Corp. Comm'n Dec. 22, 2021). Both orders construe the pre-2022 text of the statute.

commission proceedings, and routes the ratepayer-subsidy question to state commissions expressly.

One forum may yet reach it. The Southern Environmental Law Center took the case to the Supreme Court of Virginia on behalf of the Chesterfield County branch of the NAACP, Appalachian Voices and Mothers Out Front. The third of the three assignments of error is that the Commission erred in "[d]eclining to require Dominion to provide a reliable cost estimate associated with the fuel required to run the facility."[74] That is the subject of this paper, and at the snapshot date it was a live question before the Commonwealth's highest court. The federal certificate is separately under review in the D.C. Circuit.[75]

What would settle whether the gap matters. Not the two dollar figures, which answer different questions. Advanced Energy United priced firm fuel service on an out-of-state proxy. Dominion said CERC needs no new pipeline transportation or storage contract because its existing portfolio will serve the plant. The Company's own fuel-cost projection, which intervenors put to witnesses at the hearing, rests on a model that offers the units oil from December through March. What no document retrieved from the case states, other than through that out-of-state proxy, is what CERC costs to run if the existing portfolio has less room than assumed. A plant certificated for reliability in extreme weather, modelled on oil through the winter at what Glick put at four to six times the price of gas, is either a cheap insurance policy or an expensive one, and which it is depends on how often it runs. The record carries at least four different capacity factors for these units and the order names none of them. That number surfaces afterwards in the fuel factor under Code § 56-249.6, which asks whether costs were prudently incurred once they have been incurred, and by then the plant is built.[76]

Virginia does have a statutory test built for the instrument itself, and on the attribution given in its note it has been law since 2020. Where a utility seeks to recover the cost of "a natural gas capacity contract for a term of more than 10 years that procures more than 250,000 dekatherms per day that has not previously been subject to a review under this

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[74] Southern Environmental Law Center, press release, Community and nonprofit groups take Chesterfield fight to Supreme Court of Virginia (May 27, 2026), listing the three assignments of error. The notice of appeal was filed 17 February 2026. The assignments are quoted from the Center's account of the filing; the petition itself was not retrieved.

[75] Appalachian Voices v. FERC, No. 26-1100 (D.C. Cir. filed Apr. 28, 2026), a joint petition for review by Appalachian Voices, Southern Alliance for Clean Energy, 7 Directions of Service and Sierra Club of the SSE Certificate Order and of the Commission's Notice of Denial of Rehearing by Operation of Law and Providing for Further Consideration, 195 FERC ¶ 62,007 (Apr. 2, 2026), FERC Docket Nos. CP25-10-000 and CP25-10-001.

[76] Va. Code § 56-249.6, "Recovery of fuel and purchased power costs." Subsection E authorises rules "necessary to allow the recovery by electric utilities of all of their prudently incurred fuel costs." The section as published on 14 September 2026 is recorded in the deposited manifest, 10.5281/zenodo.22099427, as primary/statute/st_56-249.6_capture_2026-09-14.txt.

subdivision," the Commission must require proof by a preponderance of the evidence that the utility studied alternatives and "determined that the natural gas capacity contract or contracts are the lowest-cost available option, taking into consideration fixed and variable costs and a reasonable projection of utilization." Absent that proof, "the Commission shall deny the utility's recovery of such costs."[77] That is the question this paper has been describing, written into the Code, with a term trigger and a volume trigger.

The Mountain Valley agreement runs twenty years at 200,000 dekatherms a day. It clears the term trigger and sits fifty thousand dekatherms a day below the volume trigger. Nothing in this record addresses whether the test would apply to it, whether its costs reach a Virginia fuel factor at all, or how the quantity came to be what it is, and nothing here suggests the threshold was in anyone's contemplation. What the record supports is narrower and worth stating plainly: the statutory test in § 56-249.6 D 2 of whether a gas capacity contract is the lowest-cost option has a volume trigger, and the contract at the centre of this paper is below it.[78]

After the snapshot date, on 20 October 2026, the Cumberland County Board of Supervisors voted 3 to 1 to grant a conditional use permit for Dominion's Cumberland Energy Center, a natural gas plant of about 3,000 megawatts that still requires the Commission's approval and an air permit from the Department of Environmental Quality. Neither of the two reports of the vote cited here says how the plant would be supplied with gas.[79]

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[77] Id. § 56-249.6 D 2, second paragraph. The paragraph was added by 2020, c. 661 (House Bill 167, signed 6 April 2020), five years before the agreement described here. Attribution of the paragraph to that act rests on contemporaneous trade reporting of the bill describing the same term and volume thresholds; the enrolled act was not retrieved and the Legislative Information System bill page refused automated access.

[78] MVP Boost Application, Ex. I at 93 (term and quantity). Whether the costs of a shipper's capacity contract reach a Virginia fuel factor proceeding, and on what terms, is not addressed in any document retrieved for this paper.

[79] Dave Cantor, Cumberland supervisors approve Dominion gas plant proposal, WHRO (Oct. 21, 2026) (the Board "voted 3 to 1" to approve; "about 3,000 MW"); Maggie Glass, Cumberland supervisors approve massive natural gas power plant, 12 On Your Side (Oct. 21, 2026) ("voted 3-1 Tuesday"; "The project still needs an air permit from the Department of Environmental Quality"), which also reports that approval from the State Corporation Commission is still needed. Both place the vote on Tuesday, which was 20 October 2026.

Appendix. Claim-and-source table for section 2

Built 14 September 2026 against the deposits listed in the register's source document and in CERC_Record_Retrieval_2026-09-13.md. Column 2 states each claim in the form section 2 asserts it, so that it can be checked in place. Grades are the ones used throughout this corpus: [P] primary, [S] corroborated secondary, [S¹] single source, [I] author inference. A negative is graded as a negative and carries the search that established it.

Unless otherwise stated, every document cited is in Virginia State Corporation Commission Case No. PUR-2025-00037. Each is listed under primary/scc/ in the manifest deposited with the Virginia generation data apparatus, all versions 10.5281/zenodo.22099427, with its SHA-256 and, where one was recorded, its source URL. Pin cites are to printed page numbers, not PDF pages; the two diverge in every document in this case.

#	Claim as section 2 asserts it	Source and pin	Grade	Status
1	CERC's dual-fuel capability "allows for operation even when there are constraints on the natural gas pipelines"	Miscikowski Direct at 3	[P]	Verified verbatim
2	Gas is "proposed to be delivered to CERC via existing pipelines operated by Columbia Gas of Virginia and TC Energy"	Miscikowski Direct at 3-4	[P]	Verified verbatim in the witness's own testimony rather than a Staff paraphrase of it
3	Neither delivery operator is Mountain Valley or Transco	Miscikowski Direct at 3-4	[I]	Inference from the two names stated. Nothing establishes what else may serve the site
4	Four documents in the case name Columbia Gas of Virginia	SCC DocketSearch keyword index, searched 14 Sept 2026	[S]	Index-derived, not read-derived. The Commission warns its PDFs "were created by Optical Scan" and that "search results cannot assure 100% accuracy"
5	The Company's rebuttal attachments list "Eliminating need for new natural gas pipeline infrastructure" among the environmental benefits of the site	Ericson Rebuttal, Rebuttal Schedule 1 at 273	[P]	Verified verbatim; the same passage appears in Volume 3 of the same rebuttal
6	The Company received Sierra Club's fourth set of interrogatories on 23 May 2025	Glick Direct, Ex. DG-8	[P]	Verified on the face of the response
7	Question 2 asked whether the Company anticipated "having a firm gas contract for the CERC project by 2030"	Glick Direct, Ex. DG-8	[P]	Verified verbatim
8	The response, prepared by Dominion Energy Virginia's Fuel Commodity Specialist, was the single word "Yes"	Glick Direct, Ex. DG-8	[P]	Verified. Preparer named on the response as Michael S. Oberleitner
9	Glick filed the exchange as Exhibit DG-8 on 25 July 2025	Glick Direct, certificate of service	[P]	Date taken from the certificate of service, not from a filing stamp
10	"[F]irm gas pipeline capacity is constrained in Dominion's service area. Any new gas resource without a firm supply of fuel is not actually a firm resource unless it can also operate on oil"	Glick Direct at 60	[P]	Verified verbatim. Bracketed capital marks a mid-sentence quotation

#	Claim as section 2 asserts it	Source and pin	Grade	Status
11	The 2024 IRP states that because the fleet "is in a fully subscribed pipeline corridor, pipeline constraints and associated restrictions to secondary flexibility rights are commonplace"	2024 IRP, App. 5B at 2, Case No. PUR-2024-00184	[P]	Verified verbatim against a non-layout extraction. Glick paraphrases it without quotation marks and without its last six words; § 2 quotes the plan
12	"Fully subscribed" means "there is no available, unsubscribed, firm transportation on the pipeline"	Glick Direct, Ex. DG-7 (Company Response to Staff Set 07-154(k), Case No. PUR-2024-00184)	[P]	Verified verbatim. The Company's own definition, given in a different docket
13	Glick concluded the Company "plans to have a firm gas contract in place for the plant but provided no further information on timing or cost"	Glick Direct at 61	[P]	Verified verbatim
14	The IRP's operating constraint falls on secondary receipt and delivery flexibility "beyond primary firm contractual rights"	2024 IRP, App. 5B at 1	[P]	Verified verbatim
15	The Company "can utilize interruptible pipeline transportation service for CTs because these peaking resources typically operate with less than 20% capacity factors and are typically equipped with on-site backup fuel"	2024 IRP, App. 5B at 1	[P]	Verified verbatim
16	For new combustion turbines the Company "assumed gas availability in the spring, summer, and fall, with oil-only operations in the winter when gas is most constrained"	2024 IRP, App. 5B at 1	[P]	Verified verbatim
17	CERC is four combustion turbines with twelve million gallons of oil, roughly seven days at full load	Miscikowski Direct at 3	[P]	Verified. The final order and the order on reconsideration state no oil-storage duration
18	Roumpani filed the same day as Glick	Both certificates of service, 25 July 2025	[P]	Verified on both documents

#	Claim as section 2 asserts it	Source and pin	Grade	Status
19	Dominion "has expressed its intention to procure firm gas supply for the CERC units," and "this cost has not been incorporated into the analysis"	Roumpani Direct at 36	[P]	Verified verbatim
20	The $21/kW-yr proxy "could add approximately $300 million (NPV) to the cost of CERC"	Roumpani Direct at 36	[P]	Verified verbatim. The proxy is a Public Service Company of Colorado figure, Colo. PUC Proceeding No. 24A-0442E, and is an out-of-state rate. The Colorado filing was not retrieved
21	The proxy prices a firm fuel cost for combustion turbines; the resource plan describes fuelling that class from firm capacity not otherwise needed by combined-cycle units and, when available, interruptible service	Roumpani Direct at 36; 2024 IRP, App. 5B at 1	[I]	Inference from two primary texts. Neither document draws the comparison
22	The project cost is approximately $1.47 billion excluding financing costs	Final Order at 3	[P]	Verified verbatim
23	"There are no natural gas pipeline (transportation or storage) contract cost components currently, nor are they anticipated to be incurred… the Company will use its existing natural gas pipeline transportation and storage contract portfolio"	Crabtree Rebuttal at 32	[P]	Verified verbatim. All eight occurrences of "gas supply" in that document sit in this one answer
24	The rebuttal answer fits the fuelling practice for combustion turbines that the 2024 resource plan describes	Crabtree Rebuttal at 32; 2024 IRP, App. 5B at 1 (filed 15 Oct 2024)	[I]	Inference from the two texts. The rebuttal does not cite the plan
25	Oil-fired operation is "four-to-six times more expensive" than gas and "reliance on oil is a bad long-term strategy"	Glick Direct at 61	[P]	Verified verbatim; the characterisation is the witness's

#	Claim as section 2 asserts it	Source and pin	Grade	Status
26	No document retrieved from the case tests whether the existing portfolio has headroom	Nineteen documents retrieved and searched in full	[P, negative for the retrieved set]	Bounded to the nineteen documents listed in the retrieval note. Not a claim about the whole docket
27	On 16 October 2025 the fuel subsidiary executed a twenty-year precedent agreement for 200,000 Dth/d on Mountain Valley	MVP Boost Application, Ex. I at 93	[P]	Verified against the agreement's own term table
28	The shipper "intends to use the additional Mainline System capacity to meet the existing power generation needs of its affiliate, Dominion Energy Virginia in the Commonwealth of Virginia"	MVP Boost Application at 14	[P]	Verified verbatim. The statement is in the application narrative, not in the agreement
29	Nothing establishes that the Mountain Valley capacity is CERC's fuel supply	Miscikowski Direct at 3-4; MVP Boost Application at 14	[P, negative]	The Company's own filings point elsewhere for CERC delivery. § 2 states the non-identity expressly
30	Post-hearing briefs were filed 27 October 2025, four days after Mountain Valley filed the agreement at FERC	Final Order at 5; FERC Docket No. CP26-14 accession 20251023-5112	[P]	Verified. Seven of the eight hearing participants filed briefs
31	No party brought the agreement into the Virginia case; "precedent agreement" returns nothing in the case	SCC DocketSearch keyword index, searched 13-14 Sept 2026	[S]	Index-derived. Controls on the same index return thirty-nine documents for "natural gas" and twenty-nine for "precedent" alone. Six of the seven post-hearing briefs were not read
32	The final order contains no occurrence of "firm gas," "firm transportation," "fully subscribed," "gas supply," "Columbia Gas," "TC Energy," or "300 million"	Final Order, searched in full	[P, negative]	The order's text layer is an optical scan rendering "Roumpani" as "Roumpam," "Sierra" as "Siena," "Dominion" as "Dommion." A zero is a zero against an imperfect transcription

#	Claim as section 2 asserts it	Source and pin	Grade	Status
33	The order cites Glick's direct testimony at pages 8, 51-54 and 61	Final Order, searched in full	[P]	Three pin cites, verified
34	The order quotes Roumpani in one footnote, citing one page, for the need for dispatchable capacity and for her objection that CERC "is neither the only, nor the optimal, resource to provide that capacity"	Final Order at 10 n.22	[P]	Verified verbatim
35	All four hearing transcripts, 23 to 26 September 2025, 1,576 pages, complete text layer	Docs 384174, 384178, 384336, 384344	[P]	Page-by-page coverage check: zero image-only pages in any of the four
36	Day 1 contains one use of "gas supply," a public witness; Day 3 contains one use of "fuel supply," a witness on Winter Storm Elliott	Tr. Day 1 at 244; Tr. Day 3 at 757	[P]	Verified verbatim
37	"Firm gas," "gas contract," "firm transportation," "fully subscribed" and "precedent agreement" appear in none of the four transcripts	Transcript bodies, all four, searched in full	[P, negative]	These are public versions with confidential material redacted. Counts taken from the transcript bodies; the four-column word index at the back interleaves in plain-text extraction and was not used
38	The order credits the Project's "ability to interconnect with existing natural gas pipeline and electric transmission infrastructure, thus reducing additional cost as well as environmental impacts"	Final Order at 16	[P]	Verified verbatim
39	The order finds "fuel delivery to the CERC - which will be largely by pipeline - is less intrusive than ground transport fuel to the former Chesterfield 6 unit"	Final Order at 22	[P]	Verified verbatim, including the order's own hyphens

#	Claim as section 2 asserts it	Source and pin	Grade	Status
40	"Mountain Valley" appears in four documents in the case: two memoranda transmitting public comments and two party filings citing the 2021 Lambert Compressor Station permit denial	SCC DocketSearch keyword index; Post-Hearing Brief doc 384888; Petition for Reconsideration	[S] for the index count, [P] for the two party filings read	The two party filings were retrieved and read; the two memoranda were not
41	On air emissions the Commission held the modeling issues "are properly considered by DEQ, are beyond the scope of the Commission's expertise and mandate, and we decline to duplicate DEQ's emissions-related efforts here"	Final Order at 19	[P]	Verified verbatim
42	The anti-duplication limitation is in Code § 56-580 D	Final Order at 19; Va. Code § 56-580 D	[P]	Verified 14 Sept 2026. At 19 the order quotes § 56-580 D and refers to § 56-46.1 A in footnote 61; it quotes § 56-46.1 A separately in its statement of applicable law at 6
43	On reconsideration the Commission held the allegation "that the Commission ignored evidence and argument if not expressly discussed in the Final Order is incorrect as a matter of both fact and law"	Order on Reconsideration at 3	[P]	Verified verbatim. The Cost section repeats the holding in slightly different words (at 4)
44	The footnote cites the Virginia Supreme Court for the presumption that a Commission decision "comes to us with a presumption that it considered all of the evidence of record"	Order on Reconsideration at 3 n.7, quoting Bd. of Supervisors of Loudoun Cnty. v. State Corp. Comm'n, 292 Va. 444, 454 n.10 (2016)	[P] for the order's quotation of the case	The reported decision itself was not retrieved; the quotation is as the Commission gives it

#	Claim as section 2 asserts it	Source and pin	Grade	Status
45	On environmental justice the Commission "considered the entire record… not simply the parts expressly discussed in the Final Order"	Order on Reconsideration at 5	[P]	Verified verbatim
46	"[H]aving made such factual determination, the Commission need not - and did not - reach the legal question as to whether further analyses of air quality issues in this proceeding are precluded by statute or otherwise"	Order on Reconsideration at 5	[P]	Verified verbatim
47	That was a discretionary deferral rather than a holding that the Commission lacked power	Order on Reconsideration at 5	[I]	Inference, and the order's own words are the whole of the support. The emissions passage is not read as a jurisdictional limit
48	Nineteen documents from PUR-2025-00037 were retrieved and searched in full	Retrieval note, four passes	[P]	Distinct deposits as counted on 14 Sept 2026, one duplicate excluded

What this table does not carry

The claim-and-source apparatus for sections 1 and 3 to 8 is the footnote apparatus in the paper itself. This table exists for section 2 because its argument rests on a set of negatives, each of which needs its search and its bound visible in one place.

Open at the date of this table

- The enrolled text of 2020, c. 661 (House Bill 167), which added the § 56-249.6 D 2 threshold paragraph cited in section 8, was not retrieved. The Legislative Information System bill page refused automated access, and attribution of the paragraph to that act rests on contemporaneous trade reporting describing the same term and volume thresholds. The current section text is recorded in the deposited manifest as primary/statute/st_56-249.6_capture_2026-09-14.txt.
- Six of the seven post-hearing briefs were not retrieved. Claim 31 rests on the keyword index for those six.
- The Colorado filing underlying Roumpani's $21/kW-yr proxy was not retrieved.

About the author

Tommy N. Turner is an independent researcher and writer who documents the local-government and energy dimensions of the data center build-out. His series of jurisdiction-level case studies covers the counties and the fall-line corridor where Virginia's data center decisions have been made, refused, or contested, and the analytical volumes extend that work into the systems those decisions run on: the transmission network and the cost-allocation machinery in the first volume, generation in the second, and a federal corporation's siting practice in the third. Like the rest of the series, this paper is assembled from primary records: nineteen filings from the certificate proceeding in State Corporation Commission Case No. PUR-2025-00037, including all four hearing transcripts and the whole reconsideration phase; three Federal Energy Regulatory Commission certificate and rehearing orders, with one certificate application and its precedent agreements; an integrated resource plan appendix; the Utility Facilities Act and two orders construing it; and the fuel cost recovery statute. The matters this edition adds rest on a court-stamped petition for review, two Federal Register notices, two Securities and Exchange Commission filings and three news reports, each cited where it is used. His work spans data center fiscal and environmental policy, local public finance, and the governance questions the two raise, and he writes opinion and analysis on Virginia public affairs for outlets including the Richmond Times-Dispatch, the Virginia Mercury, the Virginian-Pilot, the Roanoke Times, Cardinal News, and RTO Insider. He serves on the advisory board of an Alfred P. Sloan Foundation-funded study at Emory University on data centers and the Southern energy buildout. The study had no role in this paper. The case studies and analytical volumes are published as open, citable editions, each pinned to a deposited evidence archive. He works from Williamsburg and Christiansburg, Virginia.

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