

IN THE
SUPREME COURT OF VIRGINIA

Record No. 090253

PIEDMONT ENVIRONMENTAL COUNCIL,

Appellant,

v.

VIRGINIA ELECTRIC & POWER COMPANY D/B/A DOMINION VIRGINIA POWER,
TRANS-ALLEGHENY INTERSTATE LINE COMPANY, STATE CORPORATION
COMMISSION, AND THE ATTORNEY GENERAL OF VIRGINIA

Appellees.

ASSIGNMENTS OF ERROR

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Counsel for Piedmont Environmental Council

April 10, 2009

Now comes Piedmont Environmental Council, Appellant in the above-captioned case, by counsel, pursuant to Rule 5:21(i) of the Rules of the Supreme Court of Virginia, and files its Assignments of Error to the Final Order dated October 7, 2008, of the State Corporation Commission in Cases No. PUE-2007-00031 and PUE-2007-00033.

ASSIGNMENTS OF ERROR

1. The Commission erred as a matter of law in concluding that federal law precludes Virginia public utilities from conducting the integrated transmission and generation planning, which was urged by the appellant and required by Va. Code § 56-46.1, before it authorized construction of a new transmission line.

2. The Commission erred as a matter of law in concluding that federal law or policy prevented PJM Interconnection, LLC from ordering construction of a generating plant to solve a clear reliability problem on a transmission line.

3. The Commission erred as a matter of law and abused its discretion in concluding that it could not perform an independent analysis to determine if a utility should construct generating capacity to solve a clear reliability problem on a transmission line.

4. The Commission erred as a matter of law and abused its discretion in declining to consider alternatives to construction of a proposed new transmission line pursuant to Va. Code §§ 56-46.1 and 56-265.2.

5. The Commission erred as a matter of law in concluding that federal law mandated separation of transmission and generation in the Commission's determination of the need for construction of a new transmission line.

6. The Commission erred as a matter of law and abused its discretion in adopting the results of load deliverability, generator deliverability and other reliability tests conducted by private entities without making an independent determination of the need for the new transmission line pursuant to Va. Code §§ 56-46.1 and 56-265.2.

7. The Commission erred as a matter of law in delegating to a private entity or entities the responsibility for making the determination of the need for the new transmission line, which responsibility is assigned to the Commission pursuant to Va. Code §§ 56-46.1 and 56-265.2.

8. The Commission erred as a matter of law and abused its discretion by failing to verify the applicants' load flow modeling, contingency analyses and reliability needs presented to justify the new transmission

line, as the Commission was required to do by Va. Code § 56-46.1A before authorizing construction of the new transmission line.

9. The Commission erred as a matter of law and abused its discretion by considering and weighing the potential environmental effects of construction of a new transmission line in terms of the relative impacts of alternative routes only and by failing to consider and weigh the environmental effects of constructing the new transmission line against not constructing it at all.

10. The Commission erred as a matter of law in failing to integrate generating and transmission considerations in determining the need for the new transmission line.

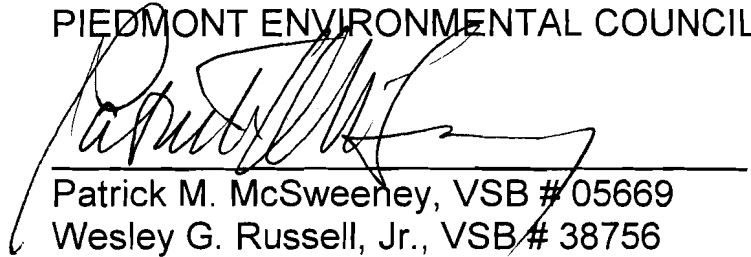
11. The Commission's decision to authorize construction of the new transmission line proposed by the applicants is contrary to the evidence regarding need, economic development effects, environmental effects and service reliability of the proposed facilities.

12. The Commission erred by failing to adequately protect the interests of consumers of the Commonwealth in violation of Article IX, Section 2 of the Virginia Constitution by a) adopting a process which favored transmission solutions over generation solutions without a predicate determination that the decisional bias in favor of transmission is

in the best interest of consumers, and b) failing to properly evaluate other less costly alternatives.

Respectfully submitted,

PIEDMONT ENVIRONMENTAL COUNCIL

A handwritten signature in black ink, appearing to read 'Patrick M. McSweeney', is written over a horizontal line. The signature is stylized and cursive.

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CERTIFICATE OF SERVICE

I certify that on April 10, 2009, copies of the attached Assignments of Error were hand- filed with the Clerk of the Supreme Court of Virginia and mailed to:

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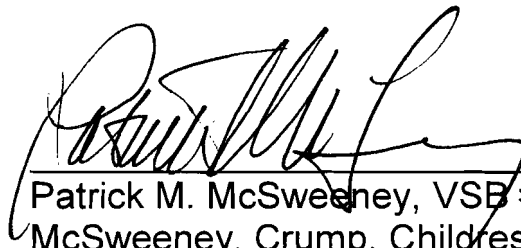
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