

SUPREME COURT OF VIRGINIA

Lansdowne Conservancy v. State Corporation Commission, et al.;
Loudoun County, Virginia v. State Corporation Commission, et al.

Loudoun County v. SCC · No. Record Nos. 250492, 250493, 250494, and 250495 · Decided February 19, 2026

SUMMARY

The Supreme Court of Virginia reviewed consolidated appeals challenging the State Corporation Commission’s approval of certificates of public convenience and necessity for VEPCO’s Aspen-Golden and Apollo-Twin Creeks transmission projects in Loudoun County. The appellants primarily argued that a portion of the Aspen-Golden transmission lines should be constructed underground and that the Commission failed to properly verify reliability data and consider statutory, scenic, historic, environmental, and comprehensive-plan concerns. The Court held that the Commission adequately verified the supporting information and reasonably determined that overhead construction was the feasible option, affirming the Commission’s judgments.

CASE DETAILS

COURT	Supreme Court of Virginia
WRITING FOR THE COURT	Justice Teresa M. Chafin; All the Justices
JURISDICTION	Virginia
DECIDED	February 19, 2026
DOCKET	Record Nos. 250492, 250493, 250494, and 250495
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from final orders of the State Corporation Commission approving Virginia Electric and Power Company applications for certificates of public convenience and necessity for the Aspen-Golden and Apollo-Twin Creeks transmission projects.
STANDARD OF REVIEW	The Supreme Court of Virginia reviews the Commission's conclusions of law de novo, while factual findings receive a presumption of correctness and will not be disturbed unless contrary to the evidence or unsupported by evidence. The Commission's discretionary refusal to impose additional conditions is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published opinion; precedential

PARTIES

Lansdowne Conservancy, Loudoun County, Virginia v. State
Corporation Commission, Virginia Electric and Power Company

TOPICS

judicial review of agency action

administrative law

public utilities

statutory interpretation

municipal law

PRACTICE AREAS

administrative law

public utilities

municipal law

environmental law

QUESTIONS PRESENTED

1. Whether the Commission adequately verified the load-flow modeling, contingency analyses, and reliability needs supporting the Aspen-Golden Project and its proposed overhead installation method.
2. Whether the Commission reasonably rejected underground construction of a portion of the Aspen-Golden transmission lines based on cost, engineering challenges, analytical deficiencies, and potential impediments to timely construction.
3. Whether the Commission adequately considered the Belmont Scenic Viewshed Easement in selecting the Aspen-Golden route.
4. Whether the Commission was required to determine that the Aspen-Golden transmission lines were in substantial accord with Loudoun County's comprehensive plan under Code § 15.2-2232.
5. Whether the Commission adequately determined that the selected route would avoid or reasonably minimize adverse impacts to scenic, historic, cultural, and environmental resources.
6. Whether the Commission abused its discretion by declining to impose additional conditions proposed by Lansdowne Conservancy.
7. Whether approval of the Apollo-Twin Creeks Project required provisions accommodating underground construction of the Aspen-Golden lines.

HOLDINGS

1. The Commission satisfied Code § 56-46.1(B) by verifying the load-flow modeling, contingency analyses, and reliability needs supporting the Aspen-Golden Project and its proposed overhead installation method.
2. The Commission reasonably considered and rejected underground construction of a portion of the Aspen-Golden transmission lines because of increased cost, engineering challenges, analytical deficiencies, and impediments to timely completion.
3. The Commission adequately considered the Aspen-Golden Project's effects on the Belmont Scenic Viewshed Easement and reasonably determined that Route 1AA was the optimal route after weighing those effects with other statutory factors.
4. Code § 56-46.1(A) required the Commission to receive and give consideration to Loudoun County's comprehensive plan, but did not require a separate substantial-accord determination under Code § 15.2-

2232.

5. The Commission reasonably determined that Route 1AA avoided or reasonably minimized adverse impacts to scenic assets, historic and cultural resources, and the environment to the greatest extent reasonably practicable.
6. The Commission did not abuse its discretion by declining to impose additional conditions addressing the visual impacts of the Aspen-Golden Project.
7. The Commission did not err by approving the Apollo-Twin Creeks Project without provisions accommodating underground construction of the Aspen-Golden transmission lines.

KEY QUOTATIONS

“Before issuing a CPCN for the construction of a new electrical transmission line of 138 kV or more, the Commission must initially determine whether the new transmission line is needed.” (13)

“This subsection of the statute eliminates the need for any separate “substantial accord” analysis under Code § 15.2-2232 addressing the proposed Aspen-Golden transmission lines.” (19)

“The term “minimize” does not require the elimination of all impact.” (20)

FACTUAL BACKGROUND

Virginia Electric and Power Company sought certificates of public convenience and necessity for two high-voltage transmission projects in Loudoun County, including the Aspen-Golden Project along Route 7 and the Apollo-Twin Creeks Project near the region known as Data Center Alley. Loudoun County and Lansdowne Conservancy opposed overhead construction and proposed placing approximately three miles of the Aspen-Golden lines underground, but the proposed underground plan was substantially more expensive and presented engineering, routing, environmental-analysis, and timing problems. The Commission found that the overhead route reasonably minimized adverse impacts while meeting projected reliability needs before anticipated 2028 system violations and approved both projects.

PROCEDURAL HISTORY

The State Corporation Commission consolidated VEPCO's two certificate applications for hearing. A senior hearing examiner recommended approval of both projects and rejection of the proposed underground construction plan. The Commission adopted the hearing examiner's findings, approved the applications, issued the certificates, and declined to impose additional conditions requested by Lansdowne Conservancy. Lansdowne Conservancy and Loudoun County appealed to the Supreme Court of Virginia.

DISPOSITION

affirmed

CASES CITED

- BASF Corp. v. State Corp. Comm'n, 289 Va. 375, 391, 394-95, 399-400

- Office of the Att'y Gen. v. State Corp. Comm'n, 288 Va. 183, 190
- Appalachian Voices v. State Corp. Comm'n, 277 Va. 509, 516
- West Virginia v. State Corp. Comm'n, 304 Va. 148, 158, 160, 162-63 (2025)
- Appalachian Power Co. v. State Corp. Comm'n, 301 Va. 257, 292
- Board of Supervisors v. Appalachian Power Co., 216 Va. 93, 100, 104-05
- Piedmont Env't Council v. Virginia Elec. & Power Co., 278 Va. 553, 559, 570 (2009)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/virginia-supreme-court-of-virginia/2026/lansdowne-conservancy-v-state-corporation-commission-et-al-tt20iy00>