COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
COMMISSIONERS
KELSEY A. BAGOT • JEHMAL T. HUDSON • SAMUEL T. TOWELL

August 17, 2026

The Honorable Scott A. Surovell
Senate of Virginia
P.O. Box 289
Mount Vernon, Virginia 22121

VIA EMAIL

Re: Proposed Acquisition of Dominion Energy, Case No. PUR-2026-00112

Dear Senator Surovell:

Thank you for your letter dated August 12, 2026. In your letter, you state that several members of the General Assembly and other third parties have "raised questions" about my participation as a Commissioner in a pending matter involving a merger application filed with the State Corporation Commission ("SCC") in light of my prior recusal in a different NextEra Energy case. In the pending matter, Virginia Electric and Power Company, if approved, would become a subsidiary of NextEra Energy. I welcome this opportunity to provide clarity on that prior matter as well as my obligations under the Canons of Judicial Conduct as an SCC Commissioner.

In the prior SCC matter—the "NextEra transmission line proposal"—a 500-kilovolt transmission line was proposed from the Leesburg area to the Winchester area as the Virginia segment of the Mid-Atlantic Resiliency Link project. After I was elected as Commissioner, NextEra filed in Virginia for SCC approval of a segment of the Mid-Atlantic Resiliency Link project. I entered a notification at the outset of that case stating that I previously provided legal services to the Mid-Atlantic Resiliency Link project in 2023 and that I would not participate in the Mid-Atlantic Resiliency Link proceeding before the Commission.

Taking this step was consistent with my commitment to you and other members of the General Assembly. At the time of my nomination, I represented that, if elected, I would resign my position with NextEra Energy and recuse "from participating in any matter before the SCC related to the NextEra transmission line proposal, and any other matter as required by the Virginia Judicial Code of Ethics."[1] I have lived up to this commitment and will continue to do so.

[1] Coy Ferrell, *Newly Appointed SCC Judge Will Recuse Herself from Western Loudoun Transmission Line Case*, Loudoun-Times Mirror (Jan. 24, 2024), https://www.loudountimes.com/news/politics_and_government/newly-appointed-scc-judge-will-recuse-herself-from-western-loudoun-transmission-line-case/article_b29f76c4-bb12-11ee-a904-cf824272f0e4.html.

In addition to promising that I would recuse from Mid-Atlantic Resiliency Link proceedings given my past work supporting the project, I also committed to recusing from any other matter if so required by the Canons of Judicial Conduct. Ordinarily, I would say nothing about a recusal issue but rather conduct my duties as Commissioner in the regular course as dictated by those Canons. I make an exception here in order to render unnecessary additional speculation about my involvement in the pending matter as well as to provide notification, as contemplated by the Canons, of a past client representation that terminated less than three years ago.[2]

As has been demonstrated by long-standing historical Commissioner practice, mere work history with a regulated entity has not served as a categorical basis requiring recusal. As I am sure you recognize, having been appointed to this position, it is my obligation to faithfully and impartially discharge all the duties of a Commissioner unless I am precluded from doing so. Because of that obligation and my respect for the institutional interests of the SCC, I also sought advice from independent counsel on the question of whether any factor under the Canons would prevent me from fulfilling those duties in the pending merger proceeding. Consistent with that counsel, please be advised that I have not found it necessary to issue a notification of recusal.

Respectfully yours,



Kelsey A. Bagot, Chair – Virginia State Corporation Commission

cc: Speaker Don Scott, Virginia House of Delegates

[2] *See* Canons of Judicial Conduct 1.D.4. I will enter such notification in the case record as well.