

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 8, 2016

SCC-CLERK'S OFFICE
DOCUMENT CONTROL CENTER

2016 JAN -8 P 3: 26

APPLICATION OF

TOLL ROAD INVESTORS
PARTNERSHIP II, L.P.

CASE NO. PUE-2015-00137

For an increase in tolls pursuant to
§ 56-542 I of the Code of Virginia

ORDER FOR NOTICE

On December 30, 2015, Toll Road Investors Partnership II, L.P. ("TRIP II" or "Company"), the operator of the Dulles Greenway, filed an application with the State Corporation Commission ("Commission") for an increase in tolls pursuant to § 56-542 I of the Code of Virginia ("Code") ("Application").

Section 56-542 I of the Code provides that, upon application to the Commission and public notification,

the Commission shall approve to become effective within 45 days any request to increase tolls by a percentage that (i) is equal to the increase in the [Consumer Price Index] . . . from the date the Commission last approved a toll increase, plus one percent, (ii) is equal to the increase in the real [Gross Domestic Product] . . . from the date the Commission last approved a toll increase, or (iii) 2.8 percent, whichever is greatest

The Code also permits an application under § 56-542 I to include "an addition to the toll increase to allow the operator to include, in its tolls, the amount by which its local property taxes paid in the immediately preceding calendar year increased by more than the annual percentage increase above such payments for the previous calendar year."

TRIP II's Application proposes a 2.8% increase¹ in tolls along with a \$0.0182 addition to its tolls to collect a portion of the approximately 13.5% increase in local property taxes paid by TRIP II to Loudoun County and the Town of Leesburg in 2015. TRIP II requests that these tolls be effective upon issuance of an Order by the Commission approving the tolls. TRIP II proposes that the posted tolls collected for 2-axle vehicles be increased to \$4.40 (and to \$5.35 during weekday peak periods; *i.e.*, 6:30 a.m. to 9 a.m. for eastbound traffic and 4 p.m. to 6:30 p.m. for westbound traffic). TRIP II's Application also proposes, among other things, toll increases for vehicles with 3 or more axles, discounts for certain motorists using an automatic vehicle identification system (*e.g.*, EZ Pass), and discounts for vehicles utilizing certain exit ramps on the Dulles Greenway, all of which are set forth in the proposed tariff attached as Exhibit E of the Application.

NOW THE COMMISSION, having considered the matter, finds that the Application should be docketed; that the Company should be directed to provide public notification of its Application; and that the Commission should receive written and electronic public comments on the Application. The Commission further finds that the Commission Staff ("Staff") should investigate the Application and file a report on its findings and recommendations.

Accordingly, IT IS ORDERED THAT:

(1) As provided by § 56-542 I 1 of the Code and related provisions of Title 56 of the Code, this Application is docketed as Case No. PUE-2015-00137 and all papers shall be filed therein.

¹ The Company calculated an increase in the Consumer Price Index plus one percent of 2.07% and the annual increase in the Real Gross Domestic Product of 2.55% (*see* Application at 2, Exhibits A and B). Therefore, TRIP II proposes an increase in tolls of 2.8% as authorized by § 56-542 I of the Code.

(2) As provided by Rule 5 VAC 5-20-80 C, *Public witnesses*, of the Commission's Rules of Practice and Procedure ("Rules of Practice"), on or before February 5, 2016, any person or entity may file written comments on the Application with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Diskettes, compact disks, or any other form of electronic storage medium may not be filed with written comments. In the alternative, any person or entity may submit comments electronically on or before February 5, 2016, by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. All comments shall refer to Case No. PUE-2015-00137.

(3) As provided by Rule 5 VAC 5-20-80 D, *Commission staff*, of the Rules of Practice, the Staff shall conduct an investigation of the Application, evaluate the issues raised, and, on or before February 5, 2016, file with the Clerk of the Commission a report regarding its investigation.

(4) On or before January 25, 2016, the Company shall serve a copy of this Order for Notice on the mayor of the Town of Leesburg, the chairmen of the boards of supervisors of Fairfax and Loudoun Counties, the chair of the Metropolitan Washington Airports Authority, the chair of the Commonwealth Transportation Board, and the Secretary of Transportation of the Commonwealth. Service shall be made by first class mail or delivery to the customary place of business or residence of the official served.

(5) On or before January 25, 2016, the Company shall publish the following notice on one occasion as display advertising (not classified) in a newspaper or newspapers of general circulation in Fairfax and Loudoun Counties:

NOTICE TO THE PUBLIC OF THE APPLICATION
OF TOLL ROAD INVESTORS PARTNERSHIP II, L.P.,
FOR AN INCREASE IN TOLLS ON THE DULLES GREENWAY
PURSUANT TO § 56-542 I OF THE CODE OF VIRGINIA
CASE NO. PUE-2015-00137

On December 30, 2015, Toll Road Investors Partnership II, L.P. ("TRIP II" or "Company"), the operator of the Dulles Greenway, filed an application with the State Corporation Commission ("Commission") for an increase in tolls pursuant to § 56-542 I of the Code of Virginia ("Code") ("Application"). Section 56-542 I of the Code provides that, upon application to the Commission and public notification, the Commission shall approve to become effective within 45 days any request to increase tolls by a percentage that (i) is equal to the increase in the [Consumer Price Index] . . . from the date the Commission last approved a toll increase, plus one percent, (ii) is equal to the increase in the real [Gross Domestic Product] . . . from the date the Commission last approved a toll increase, or (iii) 2.8 percent, whichever is greatest" The Code also permits an application under § 56-542 I to include "an addition to the toll increase to allow the operator to include, in its tolls, the amount by which its local property taxes paid in the immediately preceding calendar year increased by more than the annual percentage increase above such payments for the previous calendar year."

TRIP II's Application proposes a 2.8% increase in tolls along with a \$0.0182 addition to its tolls to collect a portion of the approximately 13.5% increase in local property taxes paid by TRIP II to Loudoun County and the Town of Leesburg in 2015. TRIP II requests that these tolls be effective upon issuance of an Order by the Commission approving the tolls. TRIP II's Application also proposes, among other things, toll increases for vehicles with 3 or more axles, discounts for certain motorists using an automatic vehicle identification system (*e.g.*, EZ Pass), and discounts for vehicles utilizing certain exit ramps on the Dulles Greenway, all of which are set forth in the proposed tariff attached as Exhibit E of the Application.

1. 2-Axle Vehicles

The application of a 2.8% increase to the existing toll rates as well as the \$0.0182 increase results in the following tolls, as calculated by TRIP II:

| | Maximum Base Tolls | Congestion Management Tolls |
|---------------------|---------------------|-----------------------------|
| Mainline Toll Plaza | \$4.40 | \$5.35 |
| Route 606 (Exit 8) | \$4.40 | \$5.35 |
| Route 607 (Exit 7) | \$4.40 | \$5.35 |
| Route 772 (Exit 6) | \$3.70/\$3.25 (AVI) | \$4.65/\$4.20 (AVI) |
| Route 901 (Exit 5) | \$3.70/\$3.25 (AVI) | \$4.65/\$4.20 (AVI) |
| Route 659 (Exit 4) | \$3.70/\$3.25 (AVI) | \$4.65/\$4.20 (AVI) |
| Route 653 (Exit 3) | \$3.30/\$2.80 (AVI) | \$3.30/\$2.80 (AVI) |

2. Vehicles with 3 Axles or more

The application of a 2.8% increase to the existing toll rates as well as the \$0.0182 increase results in the following tolls, as calculated by TRIP II:

| | Maximum Base Tolls | Congestion Management Tolls |
|----------|--------------------|-----------------------------|
| 3 axles | \$8.85 | \$10.65 |
| 4 axles | \$11.15 | \$13.40 |
| 5 axles | \$13.40 | \$16.05 |
| 6 axles | \$15.60 | \$18.75 |
| 6+ axles | \$15.60 | \$18.75 |

TAKE NOTICE that the final toll rates approved by the Commission in this proceeding may be different than those proposed by the Company as a result of the requirements of § 56-542 I of the Code.

The Commission has docketed the Application as Case No. PUE-2015-00137 and ordered the Commission Staff to conduct an investigation. The Commission has also established procedures for receiving comments on the Application.

Copies of the public version of all documents filed in Case No. PUE-2015-00137 may be inspected in the Commission's Document Control Center, Office of the Clerk of the Commission, First Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Unofficial copies of these documents also may be viewed at the Commission's website, <http://www.scc.virginia.gov/case>, by clicking the "Docket Search" function and entering Case No. PUE-2015-00137 in the appropriate box.

A copy of the Application is available for public inspection during regular business hours at the Company's office, 45305 Catalina Court, Suite 102, Sterling, Virginia 20166.

On or before February 5, 2016, any person or entity may file written comments on the Application with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. Diskettes, compact disks, or any other form of electronic storage medium may not be filed with written comments. In the alternative, any person or entity may submit comments electronically on or before February 5, 2016, by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. All comments shall refer to Case No. PUE-2015-00137.

An official copy of the Commission's Order for Notice in this proceeding may be obtained from Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.

TOLL ROAD INVESTORS PARTNERSHIP II, L.P.

(6) On or before February 5, 2016, the Company shall file with the Clerk of the Commission a certificate of the mailing of the notice prescribed in Ordering Paragraph (4) and proof of the newspaper publication directed in Ordering Paragraph (5). The certificate of mailing shall include the name and address of the officials and officers served.

(7) On or before February 9, 2016, the Company may file any response to the report filed by the Commission Staff.

(8) This case is continued until further order of the Commission.

AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: Richard D. Gary, Esquire, and Timothy E. Biller, Esquire, Hunton & Williams, LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 900 East Main Street, Second Floor, Richmond, Virginia 23219. A copy shall

be delivered to the Commission's Office of General Counsel and Divisions of Energy Regulation and Utility Accounting and Finance.

A True Copy
Teste:



Clerk of the
State Corporation Commission