

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

VIRGINIA ELECTRIC AND POWER
COMPANY, D/B/A DOMINION ENERGY
VIRGINIA; OSW PROJECT LLC,
Plaintiffs,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR; BUREAU OF OCEAN
ENERGY MANAGEMENT; DOUGLAS
BURGUM, Secretary of the Interior, in his
official capacity; MATTHEW GIACONA,
Acting Director, Bureau of Ocean Energy
Management, in his official capacity,

Defendants.

Case No. 2:25-cv-00830

**PLAINTIFFS' RESPONSE TO NOTICE OF INTENT ON SHARING
CLASSIFIED INFORMATION**

Plaintiffs Dominion Energy Virginia and OSW Project LLC (collectively, DEV) file this response to the government's December 31, 2025 "Notice of Intent on Sharing Classified Information" to inform the Court of related new information. In the December 31 Notice, the Department of Justice (DOJ) advised the Court that DOJ does not intend to share the information with Plaintiffs or their counsel in connection with the litigation. Dkt. 30. DOJ therein represented that, in a "separate" process, "the Interior and War Departments will determine, in the normal course, whether the classified information in question can be shared with appropriate Dominion representatives."

DEV has continued its diligent efforts outside the litigation to gain visibility into the nature of the alleged "national security threat" purportedly posed by DEV's CVOW project, even

via an unclassified summary. Yet on January 6, 2026, BOEM informed Plaintiffs that “DOW [Department of War] has informed [BOEM] that they are awaiting the resolution of the litigation before they would consider sharing the classified information with CVOW.” That communication is attached hereto as Attachment A.

Federal agencies have a longstanding and established practice of sharing classified information with DEV as an operator of critical infrastructure that supports the military. The government’s December 31 and January 6 communications depart from this practice without explanation, and foreclose any possibility that the government will follow normal protocols and timely share the information at the crux of BOEM’s Order outside this litigation—in any form and even with DEV personnel with “secret” level clearance.

Dated: January 7, 2026

Respectfully submitted,

/s/ Nessa Horewitch Coppinger
NESSA COPPINGER, VA Bar No. 65566
JAMES M. AUSLANDER, *pro hac vice*
R. JUSTIN SMITH, *pro hac vice pending*
HILARY T. JACOBS, *pro hac vice*
JULIUS M. REDD, *pro hac vice*
TAYLOR N. FERRELL, *pro hac vice*
Beveridge & Diamond, P.C.
1900 N Street, NW, Suite 100
Washington, D.C. 20036
Telephone: 202-789-6000
Fax: 202-789-6190
ncoppinger@bdlaw.com
jauslander@bdlaw.com
jsmith@bdlaw.com
hjacobson@bdlaw.com
jredd@bdlaw.com
tferrell@bdlaw.com

*Counsel for Virginia Electric and Power Company,
d/b/a Dominion Energy Virginia, and OSW Project
LLC*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed on January 7, 2026. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Nessa Horewitch Coppinger
NESSA HOREWITCH COPPINGER,
VA Bar No. 65566
Beveridge & Diamond, P.C.
1900 N Street, NW, Suite 100
Washington, D.C. 20036
Telephone: 202-789-6000
Fax: 202-789-6190
ncoppinger@bdlaw.com

*Counsel for Virginia Electric and Power Company,
d/b/a Dominion Energy Virginia, and OSW Project
LLC*