

DONNA F. PRINTZ
884 Lost Road
Martinsburg, West Virginia 25403

October 19, 2009

Ms. Sandra Squire, Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
Post Office Box 812
Charleston, West Virginia 25323

VIA U.S. MAIL & FACSIMILE
304-340-0325

Re: Case No. 09-0770-E-CN

Dear Ms. Squire:

In accordance with the Public Service Commission's Rules of Practice and Procedure, please find attached a notarized *Petition for Action by the Public Service Commission Concerning Clearing and Construction Activities by Allegheny Energy for its Trans-Allegheny Interstate Line (TrAIL)*, the original of which is being transmitted to you by United States mail.

Very truly yours,


Donna F. Printz

Enclosure

Form No. 1

COMPLAINT
State of West Virginia
Public Service Commission
Charleston

CASE NO. _____ (leave blank),
Complainant (Mr./Mrs./Ms.) names and addresses of complainants attached _____
of Tucker and Hardy counties

email: emails attached with addresses _____

vs. Allegheny Energy and subsidiary "TrAILCo", Defendant

The petition of the above-named complainant, respectfully shows:

1. That the above-named Allegheny Energy, is a public utility engaged in the business of transmission of electricity at **Allegheny Energy, Inc. 800 Cabin Hill Drive Greensburg, PA 15601-1689**, in the State of West Virginia, and as such is subject to the provisions of Chapter 24 (or 24A) of the Code of West Virginia, 1931, as amended, and the provisions thereof applicable to said class of public utilities.
2. That the said defendant has violated the laws of the State of West Virginia, governing said public utility business, in the following particulars, to-wit:

(a) Complaint:

- 1. Clearing of all vegetation across the full width of the 200 foot right of way, including at stream crossings, contrary to the application approved by the PSC order of August 1, 2008 (case 07-0508-E-CN)**
- 2. Clearing of vegetation beyond the TrAIL right-of-way width, contrary to the application approved by the PSC order of August 1, 2008 (case 07-0508-E-CN).**
- 3. Clearing of all vegetation in valley bottoms where conductor height is greater than 100 feet contrary to PSC order of August 1, 2008 (case 07-0508-E-CN), in particular, non-compliance with section IV.C.2.(a) (page 74), which reads as follows: "Areas with 100 feet or more conductor-to-ground clearance will not be cleared."**

Attached: Specifics of the above referenced violations.

(b) Remedy sought:

- 1. A limit to clearing for the TrAIL right-of-way to 150 feet in width as specified in Allegheny's application (Appendix D, page 6). Clearing to the full 200 foot of the right-of-way to be limited only to locations where it has been demonstrated that it is "necessary for the safe and reliable operation of the line." as specified in the TrAILCO Application (Appendix D). The halt of all right-of-way clearing greater than a 200 foot width.**
- 2. An immediate and permanent halt, in all counties, to all cutting of all timber above 1 inch diameter breast height (DBH) for "sight lines" or right-of-ways in areas where conductors will be 100 feet or more above the ground.**
- 3. A halt to all survey, right-of-way, or any other clearing along the TrAIL route in all counties of West Virginia until all portions of the route that will have a 100 foot or more conductor-to-ground clearance (no-clear portions) have been identified through GIS or other analysis.**
- 4. Provision to the petitioners of a plan by Allegheny Energy for fully and honestly implementing the PSC order of August 1, 2008 concerning clearing of right-of-way where the conductor-to-ground clearance exceeds 100 feet and where the right-of-way crosses streams.**
- 5. Provision to the petitioners evidence that right-of-way agreements with landowners will incorporate clear-cutting related conditions of the PSC orders as committed to by Allegheny in the PSC order of August 1, 2008 (page 73).**
- 6. Provision to the petitioners, in paper and digital form, of 1 inch = 500 feet scale maps of all no-clear portions of the route based on analysis of the topography and tower placement planned by TrAIL.**

Wherefore, the complainant prays that the said defendant **_Allegheny Energy and subsidiary TrAILCo_** be required to answer the charges herein above set out, and that, after due investigation, an order may be made commanding the said defendant to cease and desist from the wrongful conduct aforesaid, and for such other and further order as the Public Service Commission of West Virginia may deem necessary, reasonable and just in the premises.

[Prayer may ask for the ascertainment of lawful rates of practices, and an order requiring the defendant to conform thereto.]

Signatures attached.

Petition for action by the Public Service Commission concerning clearing and construction activities by Allegheny Energy for its Trans-Allegheny Interstate Line (TrAIL)

Petitioners: Donna Printz
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Landowners in West Virginia Counties hereby complain and petition the Public Service Commission (PSC) to order Allegheny Energy to halt all activity on its Trans-Allegheny Interstate Line (TrAIL) transmission line until it demonstrates that it intends to obey PSC orders related to forest clearing. Petitioners further ask that the PSC order and direct Allegheny Energy to immediately cease clearing for their Potomac-Appalachian Transmission Highline (PATH) transmission line.

Petitioners have determined that Allegheny Energy is not complying with PSC orders related to the TrAIL transmission line, particularly orders related to forest clearing and the protection of streams. Violation of the PSC orders poses a threat to stream health and is destructive to forest integrity. Non-compliance by Allegheny has included:

Clearing of all vegetation across the full width of the 200 foot right of way, including at stream crossings.

In its application for TrAIL (Appendix D, page 6, Case No. 07-0508-E-CN), Allegheny Energy stated that "The right-of-way will be cleared to a nominal width of 150 feet centered on the right-of-way." However, where right-of-way clearing has occurred, Allegheny has been removing all vegetation to a width of 200 or more feet. Such clearing can be seen in Hardy County (http://www.lic.wisc.edu/users/Trail/DSC07223_tag.jpg) and Tucker County (http://www.lic.wisc.edu/users/Trail/P8165152_tag.jpg). At stream crossings, Allegheny Energy has not followed the intent of the PSC stipulations, which were to provide streams with the maximum protection possible, nor does Allegheny Energy follow its own guidelines for right-of-way clearing at stream crossings (see Allegheny Energy document MS 2400-03). At some stream crossings Allegheny has removed nearly all vegetation from the right-of-way (http://www.lic.wisc.edu/users/Trail/P8165138_tag.jpg) and has allowed clearing equipment to enter streams, contrary to their commitment in the August 1, 2008 PCS order (page 57). This does not comply with Class III clearing specified in MS 2400-03, in that no vegetation has been left outside the conductor path.

Clearing of vegetation beyond the TrAIL right-of-way width.

At several locations in Tucker County, Allegheny Energy has cleared a right-of-way that is substantially wider than that approved for the TrAIL project. Where the TrAIL right-of-way crosses the North Branch of the Potomac River, near Fairfax Stone, the cleared right-of-way was measured at 350 feet in width (http://www.lic.wisc.edu/users/Trail/P8165152_tag.jpg), which would appear to be wide enough to accommodate both the TrAIL and PATH right-of-ways. On the west slope of Backbone Mountain, Allegheny has cleared a right-of-way that is 350 to 400 feet wide (http://www.lic.wisc.edu/users/Trail/PA110080_tag.jpg), again much wider than the 200 foot right-of-way for which they obtained permits under their TrAIL application. This is again in an area where the PATH line is proposed to run parallel with TrAIL.

Clearing of all vegetation in valley bottoms where conductor height is greater than 100 feet.

In at least two cases, Allegheny Energy has cleared 40 foot swaths through the forest while telling landowners they would be only doing some "hand trimming" to facilitate surveying of the transmission line centerline. In Tucker County, Allegheny Energy cut a forty foot wide swath through mature forest, abandoning the timber on the slopes and the valley bottom (http://www.lic.wisc.edu/users/Trail/P8165183_tag.jpg). At another site, while "hand trimming" for surveying, Allegheny Energy cleared a 40 foot swath through mature forest (http://www.lic.wisc.edu/users/Trail/P8285501_tag.jpg). Analysis of the topography at this second site indicates that the trees in the valley bottom should not have been cut (http://www.lic.wisc.edu/users/Trail/profile01c_B-W.pdf) because the line would be more than 100 feet above the ground. Analysis of a location in Tucker County where a 400 foot wide clearing up the side of Backbone Mountain has been made (http://www.lic.wisc.edu/users/Trail/Br_Lime_Hollow1_tag.JPG) showed that this branch of Lime Hollow was cleared to the bottom even though the lines would be more than 100 feet above ground (http://www.lic.wisc.edu/users/Trail/Lime_Hollow.pdf). In Hardy County, in a location where the TrAIL line crosses a valley, it appears that the conductors would be greater than 100 feet above the ground, yet all vegetation was cleared from the right-of-way (http://www.lic.wisc.edu/users/Trail/DSC07215_tag.jpg)

While clearing in Hardy County and Tucker County for the right-of-way and for surveying, Allegheny has cut timber in a manner contrary to the stipulations in the PSC order of August 1, 2008. That order states, on Page 74, that:

"TrAILCo will perform the minimum amount of clearing required for line construction and maintenance for the West Virginia Segments of TrAIL. Areas with 100 feet or more conductor-to-ground clearance will not be cleared."

The removal of all vegetation for the full width of the 200 foot right-of-way, and more, the over-construction of service roads, and the cutting of all of vegetation down to the ground at valley bottoms does not comply with either the intent or the letter of the final PSC order of August 1, 2008. In addition to being contrary to the PSC order, clearing to the valley bottoms and across streams poses a threat to cold water fisheries and aquatic life.

Those sections of the route where the PSC order forbids clearing because there will be 100 foot of greater conductor-to-ground clearance should be identified through analysis of topographic information. Topographic information is readily available and such topographic information was used by Allegheny to identify initial and final TrAIL routes. Maps of no-clear segments of the route

should be made available to land owners, contractors and regulators. Furthermore, the right-of-way should not be cleared to the full extent of 200 feet, except in locations where it is determined to be "necessary for the safe and reliable operation of the line" (TrAIL application Appendix D, page 6).

Inquiries by the petitioners to Allegheny Energy resulted in its staff providing the company's own clearing guidelines for locations where the conductor-to-ground clearance exceeds 100 feet. Company's guidelines specify several exceptions to the PSC order. Petitioners were unable to locate any approval by the PSC of the exceptions provided in TrAILCo's guidelines. In any case, the clearing that has been observed and is documented in this petition does not appear to comply with even the Allegheny supplied guidelines.

Relief sought:

The petitioners ask for the following relief:

1. A limit to clearing for the TrAIL right-of-way to 150 feet in width as specified in Allegheny's application (Appendix D, page 6). Clearing to the full 200 foot of the right-of-way to be limited only to locations where it has been demonstrated that it is "necessary for the safe and reliable operation of the line." as specified in the TrAILCO Application (Appendix D). The halt of all right-of-way clearing greater than a 200 foot width.
2. An immediate and permanent halt, in all counties, to all cutting of all timber above 1 inch diameter breast height (DBH) for "sight lines" or right-of-ways in areas where conductors will be 100 feet or more above the ground.
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4. Provision to the petitioners of a plan by Allegheny Energy for fully and honestly implementing the PSC order of August 1, 2008 concerning clearing of right-of-way where the conductor-to-ground clearance exceeds 100 feet and where the right-of-way crosses streams.
5. Provision to the petitioners evidence that right-of-way agreements with landowners will incorporate clear-cutting related conditions of the PSC orders as committed to by Allegheny in the PSC order of August 1, 2008 (page 73).
6. Provision to the petitioners, in paper and digital form, of 1 inch = 500 feet scale maps of all no-clear portions of the route based on analysis of the topography and tower placement planned by TrAIL.

October 17, 2009
Petition re: Allegheny TrAIL construction activities

Petition for action by the Public Service Commission concerning clearing and construction activities by Allegheny Energy for their Trans-Allegheny Interstate Line (TrAIL)

Dated this 17th day of October, 2009.

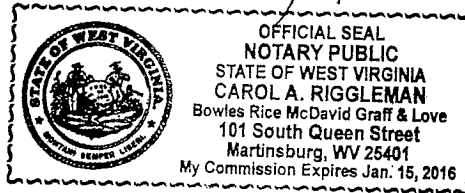
Donna Printz

Donna Printz
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wvbiker98@aol.com

Subscribed and sworn before me this 17th day of October, 2009

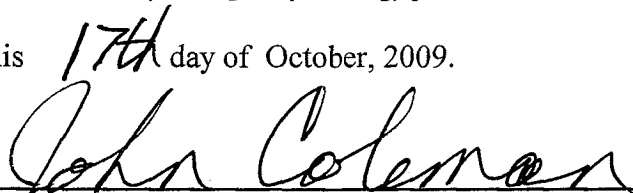
(Official signature and seal of notary)

Carol A. Riggleman



Petition for action by the Public Service Commission concerning clearing and construction activities by Allegheny Energy for their Trans-Allegheny Interstate Line (TrAIL)

Dated this 17th day of October, 2009.



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October 17, 2009
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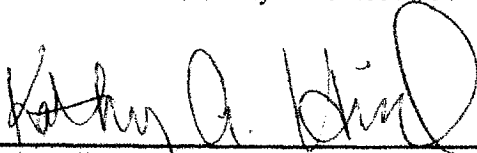
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Petition re: Allegheny TrAIL construction activities

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Dated this 17th day of October, 2009.



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