

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

April 23, 2010

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 AND FACSIMILE :
304.340.0325

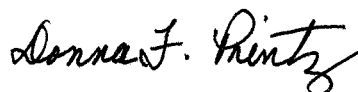
Re: Case No. 09-1758-E-C

Dear Ms. Squire:

Enclosed please find an original and twelve (12) copies of *Complainants' Request for Hearing, April 23, 2010*, a copy of which has been provided to Defendant's counsel.

Thank you for your assistance.

Very truly yours,



Donna F. Printz

For Complainants:
DONNA PRINTZ,
THOMAS and KATHY HILDEBRAND,
and JOHN COLEMAN

DFP/c

Enclosures

cc: John Philip Melick, Esquire
Elizabeth A. Amandus, Esquire
Randall B. Palmer, Esquire
Mr. William F. Wahl III

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COMMISSION
SECRETARY'S OFFICE

Complainants' Request for Hearing, April 23, 2010

TO: SANDRA SQUIRE
Executive Secretary

DATE: April 23, 2010

FROM: Donna Printz
for Complainants

RE: CASE NO. 09-1758-E-C
DONNA PRINTZ, THOMAS and KATHY HILDEBRAND,
and JOHN COLEMAN
V.
TRANS-ALLEGHENY INTERSTATE LINE COMPANY

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In response to the Final Joint Memorandum, from John Auville, PSC Staff attorney dated April 14, 2010, the complainants would like to request a hearing concerning the facts of our complaint and the filings in the case file.

The complainants would like an opportunity to present evidence of TrAILCo's violation of the PSC orders. As stated in previous filings, the photographs attached in to our complaint were only examples of perceived violations and did not represent the entire extent of our complaint. Based on further investigation by the complainants we believe that violations of the PSC orders are more extensive than originally identified in our complaint of October 19, 2009. However, in order to make a hearing most productive, the complainants request that the PSC compel TrAILCo to provide information as to what areas were cleared by TrAILCo or its contractors. The conclusions of the staff April 14, 2010 Final Joint Staff Memorandum appear to be largely based on assumptions as to what parties were responsible for clearing along the length of the line. Broad conclusions, such as those made in the staff memo that "over the entirety of the route" TrAILCo has not violated the PSC clearing orders, require a knowledge of what parties conducted clearing along the entirety of the route. Such knowledge has not been made available to the complainants despite a November 19, 2009 request for such information. From TrAILCo's response to other discovery questions we see that, in at least one case, TrAILCo had Supreme Industries clear some of the ROW in Hardy County to Class 1 specifications, even where clearing maps indicated selective clearing. We have recently observed other areas being cleared by TrAILCo contractors. From the scattered clearing maps obtained through discovery, the complainants can see that some specific areas were not selectively cleared as specified in TrAILCo's clearing maps, yet the broader question of TrAILCo's activities "over the entirety of the route" is unanswerable without further information as to the parties responsible for clearing.

Mr. Ellars confirms that the photos submitted in our complaint accurately depict the clearing activities that have occurred and that portions of the ROW are wider than 200 feet and much of the ROW is completely devoid of vegetation and 40 feet or greater survey lines were cut in areas where the conductor height is greater than 100 feet. However, in the final memorandum conclusions appear to be drawn concerning the entirety of the route.

Recently we have observed that clear cutting of ROW over the route is primarily to Class 1 specifications, and clearing widths are from 200 feet to 400 feet. In reviewing the TrAILCo application, the ROW is listed as 200 feet with a clearing of 150 feet. Mr. Auville's statement that there is no requirement that the line be cleared to 150 feet or any specific width is inconsistent with statements made by TrAILCo in its application.

Mr. Ellars states that there do appear to be many areas that were clear cut and speculates that those areas may have contained little or no smaller vegetation because the larger tree canopy prevented their growth. While this may or may not be true, no evidence is provided to support such speculation. From our own observation, we can attest to the forest undergrowth frequently being thick with rhododendrons, mountain laurel, blueberry bushes and other assorted flora. We can provide photographs to that effect. TrAILCo has cleared these and other low-growing species across the entire 200-foot width of the ROW in most locations not just in locations for the convenient movement of equipment or blow-out areas. TrAILCo has removed more than danger trees beyond their stated cleared 150-foot width. The Line Route Evaluation Report and Environmental Report, at page 89 (attached), provides:

"Right-of-way clearing would require the removal of all trees within a 150-foot cleared (NOTE THAT THIS SECTION DOES NOT SAY NOMINAL 150-FOOT ROW) right-of-way that could potentially grow close to the conductors. Additionally, TrAILCo would remove danger trees (trees of sufficient height to come into contact with the conductor if the trees were to fall) from an additional 25 feet on each side of the cleared right-of-way. In total, the right of way would be 200-feet wide."

TrAILCo's application was very specific that in the majority of locations only 150 feet would be cleared, unless site specific conditions were identified that required wider clearing (application materials page 89 attached). In fact, TrAILCo used a 150 foot clearing width to claim that in West Virginia only 1,737 acres of forest would be converted to grassland.

In the WV ROW Clearing Specifications (attached), a document created in order to fulfill the CAD stipulations incorporated in the PSC August 1, 2008 order, TrAILCo has stated that in West Virginia the line would not be cut to Class I clearing specifications (removal of all vegetation to bare ground) and yet it appears to the complainants that a large portion of the entire route is cut to the Class 1 standard. Mr. Ellars states that TrAILCo will use selective vegetation practice going forward and he considers that reasonable. A reading of the permit application materials and the PSC orders would suggest that the clearing orders and stipulations applied to initial clearing, not just ongoing ROW maintenance.

TrAILCo's claim that any clearing done contrary to the PSC orders was conducted by others and outside their control, is impossible to verify without documentation as to who conducted the clearings along the route. Given that clearing contrary to the PSC orders has been documented, allowing TrAILCo a blanket denial of responsibility, renders many of the clearing stipulations in the PSC orders meaningless.

In conclusion, we feel our complaint has significant merit and that a hearing on our Complaint is the only way to fully present the facts of our case and respond to assertions made by TrAILCo and the conclusions drawn by PSC staff. The issues presented in this correspondence should not be construed to be the full extent of our concerns for hearing and we refer to our original complaint dated October 19, 2009 and our Summary Statement filed January 19, 2010.

CERTIFICATE OF SERVICE

I, Donna Printz, do certify that I have served the foregoing *Complainants' Request for Hearing, April 23, 2010* upon the below named counsel on the date indicated, by depositing a true and correct copy of the foregoing in the United States Mail, first class, postage prepaid as follows:

John Philip Melick, Esquire
Elizabeth A. Amandus, Esquire
Counsel for TrAILCo
Jackson & Kelly PLLC
Post Office Box 553
Charleston, West Virginia 25322-0553

Randall B. Palmer, Esquire
Assistant General Counsel
Allegheny Energy Inc.
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601-1689

Mr. William F. Wahl, III
VP, Controller, CAO
Trans-Allegheny Interstate Line Company
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601-1989

on this 23rd day of April, 2010.



Donna Printz, for Complainants

THOMAS and KATHY HILDEBRAND,
JOHN COLEMAN and DONNA PRINTZ

G1 Five or fewer documented occurrences, or very few remaining individuals globally. Extremely rare and critically imperiled; or because of some factor(s) making it especially vulnerable to extirpation.

G2 Six to 20 documented occurrences, or few remaining individuals globally. Very rare and imperiled; or because of some factor(s) making it vulnerable to extirpation.

G3 Twenty-one to 100 documented occurrences. Either very rare and local throughout its range or found locally in a restricted range; vulnerable to extinction.

G4 Common and apparently secure globally, though it may be rare in parts of its range, especially at the periphery.

G5 Very common and demonstrably secure, though it may be rare in parts of its range, especially at the periphery.

G#Q Species of questionable taxonomy (ex. G4Q).

G#T# Signifies the rank of a variety or subspecies. For example, G5T2 would apply to a species that is secure globally (G5), but the subspecies has a rank of T2, imperiled.

4.4.2 Impacts on Vegetation

Right-of-way clearing would require the removal of all trees within a 150-foot cleared right-of-way that could potentially grow close to conductors. Additionally, TrAILCo would remove danger trees (trees of sufficient height to come into contact with the conductor if the trees were to fall) from an additional 25 feet on each side of the cleared right-of-way. In total, the right-of-way would be 200-feet wide.

TrAILCo's right-of-way clearing specifications have three distinct classes of clearing which specify what vegetation is allowed to remain in various sections of the right-of-way. Class I clearing would be the basic type of clearing, occurring in all right-of-way areas with the exception of stream and road crossings or other designated areas. Class I clearing would require the removal of all woody vegetation within the 150-foot cleared right-of-way described above, with grasses, ferns, herbaceous plants, and seedlings of shrub species remaining. Class II clearing would occur in designated areas such as those with high visibility or wildlife needs. Class II clearing would remove all woody vegetation within the conductor path (80-feet) with low growing vegetation, including shrubs such as azalea, huckleberries, blueberries, and rhododendron being allowed in the remaining 35-feet on each side of the cleared right-of-way. Class III clearing would occur within 100 feet of streams, at designated road crossings, and in areas of high public use. In Class III clearing areas, low growing woody vegetation, such as those species listed in Class II clearing, would remain under the conductor path up to 5-feet in height. Outside the conductor path, low growing flowering trees and shrubs, such as dogwoods, spicebush, elder, and scrub oak would remain up to 25-feet in height.

In total, assuming TrAILCo would clear trees from the entire 200-foot right-of-way, up to 2,316 acres of forest could be affected in West Virginia. The actual amount of forest converted to grassland would be less, however, because clearing operations would only remove danger trees within the 25-feet on each side of the cleared 150-foot right-of-way. Therefore, the actual amount of forest converted to grassland would be closer to 1,737 acres in West Virginia. The Preferred Route parallels an existing 500-kV transmission line right-of-way, beginning east of the Mt. Storm substation, for 45.6 miles (33.1 miles in West Virginia). As a result, the forested vegetation affected in these areas is forest edge, not interior forest. Construction of the Preferred Route would only move this forested edge approximately 200 feet. As a result, impacts to interior forest, and therefore fragmentation, would be minimized.

WV ROW Clearing Specifications

- As a result of the WV stipulation, the Allegheny ROW clearing specification (MS 2400-03) will be applied as follows:
 - Class I clearing will not be used.
 - Class II clearing will be applied in all areas previously defined as Class I clearing. See Slide #6 for clarification of species to be removed from the ROW.
 - Class III clearing will be applied as defined in the specification.
 - Section 7.5 will be modified as per the following slides.