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St. George, WV 26287
304-642-7642

April 30, 2010

Sandra Squire
Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

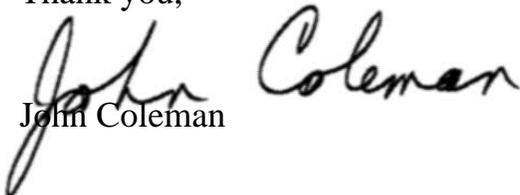
RE: Case No. 09-1758-E-CN

Via: U.S. Mail and Facsimile

Dear Ms. Squire,

Please find enclosed an original and 12 copies of a statement by complainants titled: "Additional evidence of non-compliance in clearing for TrAIL: Prickett Creek"., a copy of which has been provided to defendant's counsel. **Because of the color photographs included in the document, a copy is also posted at: <http://Powerlines.PotomacStewards.com/>**

Thank you,


John Coleman

for complainants:
DONNA PRINTZ,
THOMAS and KATHY HILDEBRAND,
and JOHN COLEMAN

Additional evidence of non-compliance in clearing for TrAIL: Prickett Creek

TO: SANDRA SQUIRE
Executive Secretary

DATE: April 30, 2010

FROM: John Coleman
for complainants

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

Complainants are filing additional information related to non-compliance with PSC orders and permits granted for construction of the TrAIL transmission line.

While driving in the Grafton area, complainants observed construction/clearing crews at the site of TrAIL's crossing of Hwy 310 in Marion County. The crews had cleared the right-of-way to Class 1 standards (bare ground) across a branch of Prickett Creek. They appear to have failed to follow any erosion control best management practices in clearing and constructing an access road across a branch of Prickett Creek (photos #1-2 attached). TrAILCo contractors: Kenny Construction, Central Contracting, and PSI equipment and crews were observed and photographed in the area.

Approximately 5 days later, while flying over the site, complainants further documented the clearing-cutting across the branch of Prickett Creek and lack of erosion control or stream protection in the ROW or at the access road crossing (aerial photos #3-5 attached). At this site, TrAILCo contractors have conducted Class 1 clearing (bare ground) at a stream crossing, contrary to TrAILCo's application which stated:

"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 addition to being a stream crossing, this location at Prickett Cr. has topography such that the it appears that the proposed line would be more than 100 feet above the ground and therefore, only selective clearing should have been conducted, as specified in the PSC order of August 2009. Again we request that TrAILCo provide their analysis of the line height and the associated clearing maps.

The attached photos show the TrAILCO powerline crossing the branch of Prickett Creek near WVa Hwy 310 and the access road constructed within the powerline right-of-way. There is gully erosion running down-slope to the branch of Prickett Cr. and the erosion/collapse of the creek bank can be seen in photo #1 taken April 12th. The aerial photos show water in the creek, the clearing to bare ground, soil disturbance by clearing/construction activities and the access road crossing through the creek without any stream protection.

During flights over the entire TrAIL right-of-way in mid-April complainants observed that Class I clearing across the full 200 foot right-of-way had been conducted for more than 50% of the line in West Virginia, contrary to statements by TrAILCo that Class I clearing would not be used. Multiple streams had been crossed by Class I clearing without concern for stream protection or following the above quoted commitment by TrAILCo to use Class III clearing within 100 feet of streams.

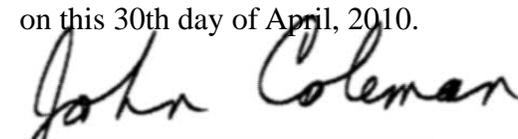
Complainants submit this evidence in support of their request for a hearing concerning the lack of compliance with PSC orders and permits obtained by TrAILCo. Complainants have made their request for a hearing in line with TrAILCo's anticipation that there would be hearings for the segments of TrAIL (see PSC order of February 13, 2009, page 13 paragraph 1) and PSC's order (February 13, 2009, page 14) which states: "TrAILCo and the parties/complainants will have the opportunity to learn from the issues that arise in earlier phases of the project and use that knowledge to avoid similar problems in later phases of the project." and that "failure to meet these conditions may be brought to the attention of the Commission through the Commission complaint process."

CERTIFICATE OF SERVICE

I, John Coleman, do certify that I have served the foregoing "**Additional evidence of non-compliance in clearing for TrAIL: Prickett Creek**" 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
Counsel for TrAILCo
Jackson & Kelly PLLC
Post Office Box 5533
Charleston, West Virginia 25322

on this 30th day of April, 2010.



John Coleman, for Complainants

Fig. 1



Fig. 2



Fig. 3



N 39.41830° W 080.05096° WGS 84

164° in Flight

2010/04/17 14:50:29 IMG_3524

Fig. 4



N 39.41388° W 080.05018° WGS 84

176° in Flight

2010/04/17 14:50:38 IMG_3530

Fig. 5



N 39.42354° W 080.05808° WGS 84

86° in Flight

2010/04/17 14:50:09 IMG_3518