

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 12th day of May 2011.

CASE NO. 09-1758-E-C

DONNA PRINTZ
Martinsburg, Berkeley County

THOMAS and KATHY HILDEBRAND
Manassas, Virginia

JOHN COLEMAN
Saint George, Tucker County,

PAULA STAHL,
Parsons, Tucker County,

Complainants,

v.

TRANS-ALLEGHENY INTERSTATE LINE COMPANY,
a public utility,

Defendant.

COMMISSION ORDER

The Commission sets an additional hearing date in this case.

BACKGROUND

Case No. 07-0508-E-CN

On August 1, 2008, the Commission entered a Final Order in Case No. 07-0508-E-CN granting a certificate of convenience and necessity to the Trans-Allegheny Interstate Line Company (TrAILCo), authorizing construction of a 500 kV electric transmission line, subject to certain conditions regarding, among other things, rights-of-way.

On February 13, 2009, the Commission issued an Order on Reconsideration. Among other things, the Commission rescinded the decision in its Final Order to hold compliance hearings in regards to this project. The Commission questioned the efficiency of the

compliance hearing process, noting that it duplicates the existing and continuing jurisdiction of the Commission to entertain disputes through its formal complaint process on the question of whether compliance has been accomplished. The Commission stated:

Therefore, the Commission will not require a compliance hearing in this case. Instead, the Commission will require TrAILCo to file a verification that it has met the preconstruction conditions including supporting detail demonstrating compliance. The Commission notes that removing the compliance hearing requirement does not obviate the need for TrAILCo to comply with all conditions established in this Order or the Final Order and that failure to meet these conditions may be brought to the attention of the Commission through the Commission complaint process.

Order on Reconsideration, p. 14.

Present Case

On October 19, 2009, Donna Printz, Thomas and Kathy Hildebrand, and John Coleman (Complainants) filed a complaint against the Allegheny Energy and its subsidiary, the Trans-Allegheny Interstate Line Company (collectively, TrAILCo), alleging that TrAILCo has violated the laws of the State of West Virginia regarding the clearing of rights-of-way for the project.

On March 28 and 29, 2011, the Commission convened a hearing in this matter. At the close of the second day the Commission determined that an additional day of hearing would be necessary and directed the parties to work with the Commission law clerk assigned to this matter to develop proposals for additional available hearing dates. Transcript March 29, 2011, at 296-300.

DISCUSSION

The Commission understands that July 15, 2011, is available to all parties. The Commission will schedule that day for completion of this hearing. In the interest of completing this matter in one day, the Commission will (i) begin at 8:30 a.m. and the parties should be prepared to work as late in the evening as necessary to complete the presentation of testimony and evidence, and (ii) require TrAILCo to pre-file, on or before July 1, 2011, a final list of all witnesses that it intends to call and a copy of all of the exhibits that it intends on entering into evidence at the hearing. TrAILCo should ensure that copies of its witness list and exhibits are in the hands of Staff and all Complainants by the end of business, Friday, July 1, 2011.

ORDER

IT IS THEREFORE ORDERED that this matter is set for hearing to be held on July 15, 2011, beginning at 8:30 a.m., in the Howard M. Cunningham Hearing Room, 201 Brooks Street, Charleston, West Virginia. The parties should be prepared to work as late as necessary on July 15, 2011, to complete the evidentiary component of this proceeding.

IT IS FURTHER ORDERED that TrAILCo pre-file its final witness list and all of the exhibits that it intends on entering into evidence. TrAILCo shall file the witness list and exhibits with the Commission, with a copy delivered to each Complainant and to Staff, on or before 4:00 p.m., Friday, July 1, 2011.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement, by United States First Class Mail on all parties of record who have not filed an e-service agreement, and on Staff by hand delivery.

Chairman Michael A. Albert is recused in this case.

A True Copy, Teste:


Sandra Squire
Executive Secretary

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