

**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>IN RE: APPLICATION OF TRANS-ALLEGHENY</b>	<b>:</b>	
<b>INTERSTATE LINE COMPANY FOR</b>	<b>:</b>	
<b>(I) A CERTIFICATE OF PUBLIC CONVENIENCE</b>	<b>:</b>	
<b>TO OFFER, RENDER, FURNISH AND/OR</b>	<b>:</b>	
<b>SUPPLY TRANSMISSION SERVICE IN THE</b>	<b>:</b>	
<b>COMMONWEALTH OF PENNSYLVANIA;</b>	<b>:</b>	
<b>(II) AUTHORIZATION AND CERTIFICATION</b>	<b>:</b>	
<b>TO LOCATE, CONSTRUCT, OPERATE AND</b>	<b>:</b>	<b>Docket Nos. A-110172</b>
<b>MAINTAIN CERTAIN HIGH VOLTAGE ELECTRIC</b>	<b>:</b>	<b>A-110172F0002</b>
<b>TRANSMISSION LINES AND RELATED ELECTRIC</b>	<b>:</b>	<b>A-110172F0003</b>
<b>SUBSTATION FACILITIES; (III) AUTHORITY</b>	<b>:</b>	<b>A-110172F0004</b>
<b>TO EXERCISE THE POWER OF EMINENT</b>	<b>:</b>	<b>G-00071229</b>
<b>DOMAIN FOR THE CONSTRUCTION AND</b>	<b>:</b>	
<b>INSTALLATION OF AERIAL ELECTRIC</b>	<b>:</b>	
<b>TRANSMISSION FACILITIES ALONG THE</b>	<b>:</b>	
<b>PROPOSED TRANSMISSION LINE ROUTES</b>	<b>:</b>	
<b>IN PENNSYLVANIA; (IV) APPROVAL OF AN</b>	<b>:</b>	
<b>EXEMPTION FROM MUNICIPAL ZONING</b>	<b>:</b>	
<b>REGULATION WITH RESPECT TO THE</b>	<b>:</b>	
<b>CONSTRUCTION OF BUILDINGS; AND</b>	<b>:</b>	
<b>(V) APPROVAL OF CERTAIN RELATED</b>	<b>:</b>	
<b>AFFILIATED INTEREST ARRANGEMENTS</b>	<b>:</b>	

**SUPPLEMENTAL TESTIMONY OF JAY RUBERTO**

**Re: Identity of Properties Subject to**  
**Request for Eminent Domain Authority**

**March 19, 2008**

SUPPLEMENTAL TESTIMONY OF JAY RUBERTO

1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

2 A. My name is Jay Ruberto and my business address is Allegheny Energy, Inc.,  
3 Fairmont Corporate Center, 1310 Fairmont Avenue, P.O. Box 1392, Fairmont,  
4 WV 26555-1392.

5

6 DUTIES AND RESPONSIBILITIES

7 Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

8 A. I am employed by Trans-Allegheny Interstate Line Company ("TrAILCo") as  
9 Director, Transmission Siting. In this capacity I am responsible for directing the  
10 activities associated with the siting of transmission lines, real estate and rights of  
11 way, drafting documents and records, permitting and surveying.

12

13 PRIOR TESTIMONY

14 Q. HAVE YOU TESTIFIED PREVIOUSLY IN THIS PROCEEDING?

15 A. Yes. I submitted rebuttal testimony which was previously marked as TrAILCo  
16 Rebuttal Statement No. 11.

17

18 PURPOSE OF SUPPLEMENTAL TESTIMONY

19 Q. PLEASE DESCRIBE THE PURPOSE OF YOUR SUPPLEMENTAL  
20 TESTIMONY.

1 A. The purpose of this supplemental testimony is to identify those properties and  
2 property owners against whom TrAILCo currently believes it may need to  
3 exercise eminent domain authority in Pennsylvania to site TrAIL.

4

5 Q. WILL THE USE OF VARIOUS TERMS IN YOUR SUPPLEMENTAL  
6 TESTIMONY BE CONSISTENT WITH THE DEFINITIONS ASSIGNED TO  
7 THOSE TERMS IN THE TABLE OF NOMENCLATURE ATTACHED TO  
8 TRAILCO WITNESS FLITMAN'S DIRECT TESTIMONY AS TRAILCO  
9 EXHIBIT DEF-1?

10 A. Yes. In addition, I may define other terms in my supplemental testimony.

11

12 EXHIBITS

13 Q. PLEASE IDENTIFY THE EXHIBITS TO YOUR SUPPLEMENTAL  
14 TESTIMONY.

15 A. TrAILCo Exhibit JR-4 is described and discussed later in this supplemental  
16 testimony.

17

18 EMINENT DOMAIN ISSUES

19 Q. PLEASE SUMMARIZE TRAILCO'S REQUEST IN THIS PROCEEDING FOR  
20 THE EXERCISE OF EMINENT DOMAIN AUTHORITY AND HOW YOUR  
21 SUPPLEMENTAL TESTIMONY RELATES TO IT.

22 A. TrAILCo witness Alan J. Fleissner in TrAILCo Statement No. 6 provides the  
23 background, support and rationale for TrAILCo's request for authority under

1 Pennsylvania law to exercise the power of eminent domain. In connection with  
2 that testimony, Mr. Fleissner provided in TrAILCo Exhibit AJF-3 a list of the  
3 names and addresses of all known persons, corporations and other entities of  
4 record owning property within the proposed right of way ("ROW"). His direct  
5 testimony goes on to indicate that TrAILCo will be required to obtain ROW for  
6 TrAIL from each individual that owns property within 100 feet of the centerline  
7 of the proposed 500 kV route and property within 50 feet of the centerline of the  
8 proposed 138 kV routes. It has continued to be TrAILCo's goal in the  
9 development of TrAIL to use condemnation authority only when good faith  
10 efforts to acquire easements voluntarily have not been successful, particularly  
11 since TrAILCo has ROW for approximately forty-four of the fifty-two miles in  
12 Pennsylvania. As TrAIL has continued to be developed during the course of this  
13 proceeding, we have been able to more precisely identify the properties and  
14 property owners with whom TrAIL may not be able to negotiate easements,  
15 thereby requiring the exercise of eminent domain in order to complete the project.

16

17 Q. PLEASE DESCRIBE TRAILCO EXHIBIT JR-4.

18 A. TrAILCo Exhibit JR-4 is a list of the 44 properties and property owners for whom  
19 TrAILCo is requesting eminent domain authority in this proceeding. The exhibit  
20 also contains aerial photographs showing the nature and scope of the easement  
21 TrAILCo expects to condemn under the authority being requested. Given the  
22 public concerns that have been raised by a project of this magnitude, TrAILCo  
23 has worked diligently to minimize the number of properties that will need to be

1 the subject of condemnation. We request that such authority be granted with  
2 respect to the properties identified in TrAILCo Exhibit JR-4.

3

4 Q. ARE ALL THE PROPERTIES LISTED ON TRAILCO EXHIBIT JR-4  
5 PROPERTIES IN WHICH TRAILCO HAS NO EXISTING EASEMENT?

6 A. No. Of the 44 properties listed on TrAILCo Exhibit JR-4, 27 are properties that  
7 are subject to easements in favor of West Penn that are proposed to be transferred  
8 to TrAILCo in this proceeding. However, the easements on these properties are  
9 being challenged in pending litigation in Washington County. While TrAILCo is  
10 confident that the validity of these easements will ultimately be upheld, we have  
11 included these properties on this list because TrAILCo may need to exercise its  
12 eminent domain rights later in the unlikely event that the challenge to these  
13 easements is upheld by the court. In such a case, TrAILCo will need to condemn  
14 easements across these properties for TrAIL.

15

16 Q. DESPITE THIS REQUEST TO EXERCISE EMINENT DOMAIN  
17 AUTHORITY, WILL TRAILCO CONTINUE ITS EFFORTS TO NEGOTIATE  
18 MUTUALLY ACCEPTABLE EASEMENT TERMS WITH THE PROPERTY  
19 OWNERS LISTED ON TRAILCO EXHIBIT-JR-4?

20 A. Yes. TrAILCo expects to continue right of way negotiations with all the  
21 remaining property owners, and will do so until it must commence local  
22 condemnation activities. As we have stated throughout the development of

1 TrAIL, the use of condemnation for easement purposes is clearly a last resort  
2 option.

3

4 Q. DOES THIS CONCLUDE YOUR SUPPLEMENTAL TESTIMONY?

5 A. Yes. However, I reserve the right to file such additional testimony as may be  
6 necessary or appropriate.

## Properties Subject to Washington County Litigation

Property Owners	Landowners Mailing Address	Address of Subject Property	Deed Book and Page Number	County Parcel/Tax ID Number	Drawing Number Reference
Arthur L. Brogley	28 Letherman Bridge Road, Scenery Hill, PA 15360	28 Letherman Bridge Road, Scenery Hill, PA 15360	Deed Book 1989 at Page 389	490-006-00-00-0001-02	
Barron P McCune, Jr	45 Chesterfield Drive, Scenery Hill, PA 15360	45 Chesterfield Drive, Scenery Hill, PA 15360	Deed Book 2448 at Page 273	490-003-00-00-0001-00	303-012
Charles J Grese , Jr	One Kings Lane, Venetia, PA 15367	One Kings Lane, Venetia, PA 15367	Deed Book 2591 at Page 612	530-008-01-00-0001-00	
Charles R Wonsettler	47 Wonsettler Road, Scenery Hill, PA 15360	Along Brady Road	Deed Book 2342 at Page 277	490-006-00-00-0013-00	
Curtis J Neill	PO Box 236, Eighty Four, PA 15330	110 Wilson Avenue, Eight-Four, PA 15330	Deed Book 2709 at Page 538	520-005-00-00-0052-00	304-551
David P Piroch	648 Barr Run Road, Marianna, PA 15345	648 Barr Run Road, Marianna, PA 15345	Instrument Number 200211632	660-011-00-00-0007-00	
Donald D. Brady	47 Brady Road, Scenery Hill, PA 15360	47 Brady Road, Scenery Hill, PA 15360	Deed Book 927 at Page 309	490-007-00-00-0005-00	
Eric P. Mark	18 Sugar Run Rd, Eighty Four, PA 15330	18 Sugar Run Rd, Eighty Four, PA 15330	Deed Book 2686 at Page 240	530-011-00-00-0002-03	201-308
Gary L. Hollier	78 Hoge Summit Rd, Eighty Four, PA 15330	78 Hoge Summit Rd, Eighty Four, PA 15330	Deed Book 1948 at Page 201	580-001-00-00-0038-11	302-703
George D Goroncy	974 Daniels Run Road, Scenery Hill, PA 15360	974 Daniels Run Road, Scenery Hill, PA 15360	Instrument Number 200007393	490-016-00-00-0003-00	
Greg A. Bandel	57 Bandel Rd, Eighty Four, PA 15330-2047	57 Bandel Rd, Eighty Four, PA 15330-2047	Instrument Number 199961139	490-001-00-00-0010-02	
Harry D Cross	1408 E National Pike, Scenery Hill, PA 15360	Along National Pike Road	Deed Book 2357 at Page 451	490-006-00-00-0018-00	
James A. Sanford	10 Sugar Run Rd, Eighty Four, PA 15330	10 Sugar Run Rd, Eighty Four, PA 15330	Instrument Number 200339263	530-011-00-00-0002-04	201-308
James R. Blockinger	112 W Patterson Rd, Eighty Four, PA 15330	112 W Patterson Rd, Eighty Four, PA 15330	Deed Book 2421 at Page 561	520-006-00-00-0013-08	302-774
James S Johnston	162 McBride Rd, Cannonsburg, PA 15317	Along McBride Road	Deed Book 2464 at Page 461	520-015-07-00-0020-19	304-622
Joan A Blank	1162 Daniels Run Road, Scenery Hill, PA 15360	Along National Pike Road	Deed Book 2399 at Page 591	490-007-00-00-0011-00	303-101
John Thomas Hollowood, Jr	163 Red Mail Box Rd, Eighty Four, PA 15330	163 Red Mail Box Rd, Eighty Four, PA 15330	Instrument Number 200310273 and Instrument Number 200244380	580-002-00-00-0017-01, 580-002-00-00-0017-07	302-791
Joseph S. Newman	154 West Patterson Rd, Eighty Four, PA 15330	154 West Patterson Rd, Eighty Four, PA 15330	Deed Book 2291 at Page 1	520-006-00-00-0013-06	302-774
Karl K Kirschner	53 Young Rd, Eighty Four, PA 15330	Along Young Road	Deed Book 1872 at Page 292	580-001-00-00-0038-10	302-703
Michael D. Cross	80 Cross Lane, Scenery Hill, PA 15360	80 Cross Lane, Scenery Hill, PA 15360	Instrument Number 200422159	490-006-00-00-0018-04	
Paul A. Spilak, Jr.	173 Lindley Rd, Cannonsburg, PA 15317	173 Lindley Rd, Cannonsburg, PA 15317	Deed Book 2486 at Page 642	520-015-00-00-0017-00	
Richard J Blank	1008 Daniels Run Road, Scenery Hill, PA 15360	1008 Daniels Run Road, Scenery Hill, PA 15360	Instrument 198813971	490-017-00-00-0004-00	
Richard J Blank	1008 Daniels Run Road, Scenery Hill, PA 15360	1008 Daniels Run Road, Scenery Hill, PA 15360	Deed Book 3040 at Page 192	490-012-00-00-0006-00	
Robert L. Cameron	293 Lively Rd, Eighty Four, PA 15330	293 Lively Rd, Eighty Four, PA 15330	Instrument Number 200120531	580-002-00-00-0017-00	302-674
Terry W. Simmons	1033 Thomas Eighty Four Rd, Eighty Four, PA 15330	1050 Thomas Eighty Four Rd, Eighty Four, PA 15330	Instrument Number 200436807	520-004-00-00-0055-00	
Val G Nicholl	90 Young Rd, Eighty Four, PA 15330	Along Young Road	Deed Book 2606 at Page 641	580-004-00-00-0015-02	302-703
W Gleason Schultz	878 Daniels Run Road, Scenery Hill, PA 15360	878 Daniels Run Road, Scenery Hill, PA 15360	Deed Book 1820 at page 72	490-016-00-00-0002-00	

Washington County - No Easements

Property Owners	Landowners Mailing Address	Address of Subject Property	Deed Book and Page Number	County Parcel/Tax ID Number	Drawing Number Reference
Albert S Bier and Scott J Bier, A & S Landscaping	1914 Route 519 South, Canonsburg, PA 15317	1914 Route 519 South, Canonsburg, PA 15317	Instrument Number 199959076	520-014-00-00-0012-00	
Shirley J. DeWoody	688 Linden Road PO Box 368, Eighty Four, PA 15330	688 Linden Road PO Box 368, Eighty Four, PA 15330	Deed Book 1085 at Page 97	520-005-00-00-0054-00	
John A Rice	1478 Marianna Lone Pine Road, Marianna, PA 15345	Along Topsail Lane	Instrument Number 200018927 and Deed Book 1020 at Page 330	660-023-00-00-0017-00, 660-016-00-00-0008-00	
ICI Americas, Inc	900 Uniqema Blvd, New Castle, DE 19720	Along Thomas Eighty Four Road	Deed Book 2457 at Page 576	520-004-00-00-0024-00	
Theodore Ankrom	108 Ankrom Rd, Eighty Four, PA 15330	108 Ankrom Rd, Eighty Four, PA 15330	Deed Book 736 at Page 593	580-003-00-00-0020-00	
Thomas A Robinson	108 Frosty Valley Lane, McMurray, PA 15317	Along Barr Road	Instrument Number 200628496 and Instrument Number 200628497	530-004-00-00-0059-00, 530-004-00-00-0059-01	
Woodruff Partners LLP	2820 Washington Rd, McMurray, PA 15317	Along U. S. Highway 19	Deed Book 3159 at Page 520 and Deed Book 3159 at Page 526 and Deed Book 3162 at Page 340 and Instrument Number 200306308	520-014-00-00-0022-00	

Greene County - No Easements

Property Owners	Landowners Mailing Address	Address of Subject Property	Deed Book and Page Number	County Parcel/Tax ID Number	Drawing Number Reference
Alan W Butcher	1062 Garards Fort Rd, Waynesburg, PA 15370	Along Girards Fort Road	Deed Book 121 at Page 821	29-06-126, 29-06-135	
Carol A. Phillips	406 Bald Hill Rd, Mt Morris, PA 15349	Along Bald Hill Road	Deed Book 571 at Page 143	20-06-137,06-04-102	
Cumberland Resources LP	158 Portal Rd, PO Box 1020, Waynesburg, PA 15370	Along Girards Fort Road	Deed Book 213 at Page 1032	29-05-126A	303-097
Cumberland Resources LP	PO Box 1020, Waynesburg, PA 15370	Along Rocky Ridge Road	Deed Book 234 at Page 767	29-06-127A	
Donald K. Hice	218 Sharpnack Hollow Rd, Jefferson, PA 15344	Along Sharpnack Hollow Road	Deed Book 302 at Page 181	15-05-152	
Garrett Albert Phillips, Jr	162 Bald Hill Rd, Mt Morris, PA 15349	Along Bald Hill Road	Deed Book 307 at Page 412	20-06-142	
Jeanne R Russell	Box 116, Mt Morris, PA 15349	North of WV State Line	Deed Book 5 at Page 144	06-04-104	
Rebecca E. Foley	127 Valley View Rd, Jefferson, PA 15344	Along Valley View Road	Deed Book 358 at Page 721	15-05-148	
Richard L Douglass	1116 Garards Fort Rd, Waynesburg, PA 15370	Along Girards Fort Road	Deed Book 34 at Page 1044	29-06-133	
Wayne E. Switalski	121 Part Avenue, Carmichaels, PA 15320	Along Girards Fort Road	Deed Book 272 at Page 666	29-06-134	