

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN RE: APPLICATION OF TRANS-ALLEGHENY	:	
INTERSTATE LINE COMPANY FOR	:	
(I) A CERTIFICATE OF PUBLIC CONVENIENCE	:	
TO OFFER, RENDER, FURNISH AND/OR	:	
SUPPLY TRANSMISSION SERVICE IN THE	:	
COMMONWEALTH OF PENNSYLVANIA;	:	
(II) AUTHORIZATION AND CERTIFICATION	:	
TO LOCATE, CONSTRUCT, OPERATE AND	:	Docket No. A-110172
MAINTAIN CERTAIN HIGH VOLTAGE ELECTRIC	:	A-110172F0002
TRANSMISSION LINES AND RELATED ELECTRIC	:	A-110172F0003
SUBSTATION FACILITIES; (III) AUTHORITY	:	A-110172F0004
TO EXERCISE THE POWER OF EMINENT	:	G-000721229
DOMAIN FOR THE CONSTRUCTION AND	:	
INSTALLATION OF AERIAL ELECTRIC	:	
TRANSMISSION FACILITIES ALONG THE	:	
PROPOSED TRANSMISSION LINE ROUTES	:	
IN PENNSYLVANIA; (IV) APPROVAL OF AN	:	
EXEMPTION FROM MUNICIPAL ZONING	:	
REGULATION WITH RESPECT TO THE	:	
CONSTRUCTION OF BUILDINGS; AND	:	
(V) APPROVAL OF CERTAIN RELATED	:	
AFFILIATED INTEREST ARRANGEMENTS	:	

**REBUTTAL TESTIMONY OF
ALAN J. FLEISSNER, P.E.**

Re: Routing and Permitting Issues

December 10, 2007

REBUTTAL TESTIMONY OF ALAN J. FLEISSNER, P.E.

1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

2 A. My name is Alan J. Fleissner. My business address is 800 Cabin Hill Drive,
3 Greensburg, Pennsylvania 15601-1689.

4

5 Q. HAVE YOU PREVIOUSLY SUBMITTED DIRECT TESTIMONY IN THIS
6 PROCEEDING ON BEHALF OF TRANS-ALLEGHENY INTERSTATE LINE
7 COMPANY ("TrAILCo")?

8 A. Yes. My Direct Testimony is marked as "TrAILCo Statement No. 6" and my
9 Supplemental Direct Testimony is marked as "TrAILCo Statement No. 6A".

10

11 Q. PLEASE DESCRIBE THE PURPOSE OF YOUR REBUTTAL TESTIMONY.

12 A. My rebuttal testimony addresses certain routing issues, concerns presented during
13 the public input hearings, and TrAILCo's plans to address permitting
14 requirements for the construction of the TrAIL project.

15

16 Q. HOW DOES YOUR TESTIMONY RELATE TO THE REBUTTAL
17 TESTIMONY OF TRAILCO WITNESS JACK HALPERN IN TRAILCO
18 STATEMENT NO. 5-R?

19 A. In general, my rebuttal testimony addresses concerns raised by various witnesses
20 relating to activities that will occur *after* siting approval is obtained from the
21 Pennsylvania Public Utility Commission ("Commission"). In contrast, Mr.
22 Halpern addresses issues relating to the corridor evaluation and the site selection

1 process that have already have occurred, as well as the submission of the Line
2 Route Evaluation ("LRE") and his testimony to the Commission. However, it is
3 also important to understand that the studies and evaluation of the proposed route
4 for TrAIL are quite dynamic and on-going, and there is an inevitable overlap
5 between activities being addressed by Mr. Halpern and myself in our respective
6 rebuttal testimonies.

7

8 Q. HAVE YOU REVIEWED THE WRITTEN TESTIMONY FILED
9 PREVIOUSLY IN THIS PROCEEDING AND THE TESTIMONY PROVIDED
10 AT THE PUBLIC INPUT HEARINGS AND SITE VISITS?

11 A. Yes. I have reviewed the written testimony filed in this proceeding, participated
12 in the various site visits and attended most of the public input hearings.

13

14 EXHIBITS

15 Q. HAVE YOU PREPARED ANY EXHIBITS IN CONNECTION WITH YOUR
16 REBUTTAL TESTIMONY?

17 A. Yes. Those exhibits will be identified and described in detail later in this rebuttal
18 testimony.

19

20 LRE PROCESS ISSUES

21 Q. AT THE PUBLIC INPUT HEARINGS, NUMEROUS WITNESSES
22 CHALLENGED THE ADEQUACY OF TRAILCO'S PROCESS IN THE LRE
23 TO IDENTIFY IMPACTED WETLANDS, WILDLIFE AND HISTORICAL

1 AND ARCHEOLOGICAL SITES. WHAT IS YOUR GENERAL RESPONSE
2 TO SUCH A CRITICISM?

3 A. These witnesses are not considering the full and complete picture as the process
4 used in the LRE represents only part of the process used to identify wetlands,
5 wildlife and historical/archeological sites. Following initial identification
6 through the process discussed in the LRE, TrAILCo plans to have consultants
7 perform additional field work to locate the exact extent of wetlands, to locate and
8 assess any potential impacts to rare, threatened or endangered species along the
9 TrAIL route and to ensure full compliance with any Pennsylvania Historical and
10 Museum Commission requirements. Thus, TrAILCo's identification of wetlands,
11 wildlife and historical/archeological sites does not end with the LRE, but in fact
12 contains a critical field component that comes later in the process.

13

14 AIRPORT ISSUES

15 Q. PLEASE ADDRESS THE CONCERNS RAISED BY VARIOUS WITNESSES
16 REGARDING NOTIFICATION TO AND APPROVALS BY THE FEDERAL
17 AVIATION ADMINISTRATION ("FAA") AND THE PA AVIATION
18 ADMINISTRATION ("PAAA")?

19 A. Yes. OTS witness Gary Yocca in OTS Statement No. 1, page 51 and various
20 public input hearing witnesses have suggested that TrAILCo has failed to obtain
21 formal FAA approval for TrAIL project. Their concerns on this issue are
22 unfounded. First, it is not necessary under the Commission's siting regulations
23 that such approvals be in hand prior to the submission of a request for

1 transmission line siting approval. Second, TrAILCo is fully aware of all airports
2 potentially impacted by the proposed TrAIL route and is seeking all necessary
3 approvals. During the routing process, our line route evaluation experts, The
4 Louis Berger Group ("Berger"), identified all known airports, together with a
5 buffer zone that was placed around those sites. The proposed TrAIL route falls
6 marginally within one of those zones when it passes near the Bandel Airport.
7 However, this situation does not mean that there is a conflict with air traffic
8 safety. It only means that TrAIL is close enough that TrAILCo will need to
9 coordinate with the FAA to insure that the line is not an aviation obstruction.
10 TrAILCo has already planned to make the appropriate notification to the FAA
11 under Title 14, Part 77 of the Code of Federal Regulations. The notification to
12 the PAAA (PA Department of Transportation Bureau of Aviation form AV-57)
13 will be made in similar fashion. None of the concerns raised about airport safety
14 or notification/approval from the authorized aviation agencies is meritorious.

15
16 Q. WHEN DOES TRAILCO ANTICIPATE MAKING THE APPROPRIATE
17 FILINGS WITH THE FAA AND THE PAAA?

18 A. Title 14, Part 77 of the Code of Federal Regulations requires that all details of a
19 project be known and supplied to the FAA for its final determination. Since the
20 exact surveyed TrAIL route has not yet been established and the final line design
21 details (e.g., tower locations, tower heights, wire sag, etc.) are not yet completely
22 known, no such filing can be made. However, once these details are set,

1 TrAILCo will make the filing. Similarly the same design details are needed for
2 the PAAA filing and will be made once these details are set.

3

4 Q. BASED ON YOUR EXPERIENCE, IS IT LIKELY THAT THE FAA WILL
5 HALT THE TRAIL PROJECT?

6 A. No. Tower lines are frequently placed much closer to airport flight paths than
7 what is planned in this case. If any obstruction issues are found during a review,
8 the FAA typically recommends special painting or lighting requirements. This
9 could result in the towers near the airport being painted aviation red and white,
10 aviation marker balls being placed on the wires, and/or aviation lights or strobe
11 lights being placed on top of the towers. However, it is unlikely that even those
12 measures will be needed if the towers in this area are carefully designed.

13

14 WETLANDS ISSUES

15 Q. ARE THE EFFORTS TO IDENTIFY WETLANDS DESCRIBED IN THE LRE
16 THE TOTALITY OF THE WORK TRAILCO INTENDS TO DO ON THIS
17 ISSUE?

18 A. No, not at all. TrAILCo expects to have a consultant do additional in-depth field
19 delineation work along the proposed TrAIL route to locate the exact extent of
20 wetlands. This work will be performed by a certified wetlands consultant
21 consistent with the US Army Corp of Engineers manual on wetlands.

22

1 Q. HOW WILL THIS WETLANDS STUDY IMPACT THE FINAL TRAIL
2 DESIGN?

3 A. In many cases, wetlands impacts can be minimized by careful placement of line
4 structures and access roads to avoid the delineated wetlands. If any wetlands
5 impacts are found to be unavoidable, all necessary permits will be applied for and
6 obtained prior to construction.

7

8 Q. DO YOU HAVE ANY FINAL THOUGHTS ON THE CRITICISMS THAT
9 HAVE BEEN MADE REGARDING TRAILCO'S ANALYSIS OF
10 WETLANDS?

11 A. Yes. The work done previously to identify wetlands in connection with the line
12 route evaluation and corridor selection was reasonable and appropriate for a route
13 selection study. TrAILCo recognizes that more is needed as part of the final
14 design and construction phases. None of the challenges to TrAILCo's wetlands
15 activities – either before or after the filing of this proceeding with the
16 Commission – is grounds to deny TrAILCo's request of siting approval.

17

18 WILDLIFE ISSUES

19 Q. DO YOU AGREE WITH THOSE WITNESSES WHO HAVE CHALLENGED
20 TRAILCO'S EFFORTS TO IDENTIFY IMPACTS TO RARE, THREATENED,
21 OR ENDANGERED ("RTE") PLANT OR ANIMAL SPECIES?

22 A. No. The situation is similar to the wetlands issue I just discussed. First,
23 TrAILCo witness Halpern in TrAILCo Rebuttal Statement No. 5-R addresses the

1 work conducted previously to identify possible impacts TrAIL might have on
2 RTE plant and animal species. As a part of the line route evaluation study,
3 reviews of the study area were made by obtaining information from various
4 government agencies. While detailed field studies were not made at that time, for
5 the reasons specified by Mr. Halpern, this process is dynamic and on-going.
6 Field studies to locate and assess any potential impacts to RTE species will be
7 conducted along the TrAIL route by consultants (including certified biologists)
8 specializing in these types of studies. If needed, mitigation plans will be
9 prepared, forwarded to the appropriate government agencies, and put in place to
10 ensure compliance with all regulations prior to construction. This work has
11 already been commenced and will continue in earnest after Commission approval
12 to site TrAIL.

13
14 HISTORICAL AND ARCHEOLOGICAL SITES

15 Q. DO YOU AGREE WITH THOSE WITNESSES WHO HAVE RAISED
16 CONCERNS ABOUT THE LACK OF FORMAL APPROVAL FROM THE PA
17 HISTORIC AND MUSEUM COMMISSION ("PAHMC") REGARDING THE
18 POTENTIAL EFFECTS OF TRAIL ON HISTORIC AND ARCHEOLOGICAL
19 SITES?

20 A. No. Mr. Halpern in his rebuttal testimony addresses this issue from the
21 perspective of the line route evaluation study and corridor selection process. In
22 general, TrAILCo conducted a literature search and consulted with the PAHMC
23 as a part of the line route evaluation study. Many historic sites were located and

1 mapped as a part of this study. Archeological sites were also mapped, but
2 because such sites can be subject to vandalism from people, such as arrowhead
3 seekers, Berger agreed to not produce any public maps showing these known
4 sites. As discussed in greater detail by Mr. Halpern, our approach to the
5 identification and study of historical and archeological sites is fully consistent
6 with the Commission's siting regulations and standard practice.

7
8 However, this is not the planned final step by TrAILCo for historic and
9 archeological review. A consultant approved by the PAHMC will conduct field
10 studies to ensure full compliance with any PAHMC requirements. The extent
11 and nature of the studies have already been approved by the PAHMC.

12
13 It should also be noted that in the case of archeological finds careful tower design
14 frequently can actually enhance the preservation of these sites. If a tower or
15 access road is located near the location of a known archeological site, the
16 presence of the wires overhead can in some cases protect the site from future
17 construction and development. At the completion of the field investigations,
18 National Register of Historic Places evaluation and mitigation plans will be
19 prepared, if needed, and forwarded to the PAHMC for approval. In general,
20 however, towers can be relocated to avoid archeological sites, and site boundaries
21 with appropriate buffer zones can be delineated to avoid impact to a site by
22 construction activities. This will ensure compliance with all PAHMC regulations

1 prior to construction. This field investigation work is already under way in some
2 areas and will be accelerated after siting approval for TrAIL has been obtained.

3

4 TRAIL LOCATION AND ALLEGED CHANGES

5 Q. DURING THE SITE VIEWS AND PUBLIC INPUT HEARINGS MANY
6 PERSONS COMPLAINED THAT TRAILCO WAS CHANGING THE
7 LOCATION OF THE PROPOSED LINES. CAN YOU COMMENT?

8 A. Yes. It strikes me as ironic, to say the least, that people would complain about
9 TrAILCo making minor adjustments to the line at the request of impacted
10 property-owners or otherwise to improve the line and lessen its local impacts.
11 That said, there have been just three changes to the original TrAIL route filed in
12 the Application. Two of these changes were addressed in my supplemental
13 testimony, TrAILCo Statement No. 6A, that was filed in July. Since that time,
14 one additional change has been made on the Bruckner property located at 220
15 Valley View Road, Jefferson, PA 15344 to address a conflict with a civil war
16 cemetery and a residence. This short relocation is within 550' of the original
17 TrAIL route and falls within the expanded zone authorized under Section
18 57.76(b) of the Commission siting regulations to address local line siting issues.
19 The Bruckners have agreed to this relocation and have signed a new easement
20 option agreement for this relocation. Otherwise, the location of TrAIL has not
21 changed from its originally filed location.

1 Q. IF TRAILCO HAS ONLY MOVED THE PROPOSED LINE THREE TIMES
2 SINCE THE SITING APPLICATION WAS FILED, WHY HAVE PROPERTY
3 OWNERS SEEN SO MUCH FIELD ACTIVITY AROUND THEIR
4 PROPERTY SINCE LAST APRIL?

5 A. This activity is not related to moving TrAIL as much as it is related to (i) doing
6 detailed survey and engineering work (including soil boring and environmental
7 assessment) to precisely locate the line in the field and (ii) conducting the field
8 work necessary to meet the local permitting and other approvals to build the line,
9 some of which I discussed previously in this rebuttal testimony. We have
10 generally characterized this on-site work as right-of-way activities, but in reality
11 it is much broader in scope. Because these activities have been the subject of
12 much testimony and concern by property owners and the public, TrAILCo has
13 attempted to restrict itself to public roads and property where it has permission to
14 do this preliminary work and has implemented an entire additional set of
15 protocols that are reflected in the Code of Conduct discussed by TrAILCo
16 witness Jay Ruberto in TrAILCo Rebuttal Statement No. 11.

17

18 Q. HAS TRAILCO TAKEN ANY RECENT STEPS TO PROVIDE MORE
19 DETAILED INFORMATION TO PROPERTY OWNERS ABOUT THE
20 LOCATION OF TRAIL ON THEIR PROPERTIES?

21 A. Yes. To address comments and concerns raised at the public input hearings,
22 TrAILCo has recently prepared a set of detailed aerial photographs showing the
23 proposed TrAIL route and the properties affected. These photographs are

1 attached to my rebuttal testimony as TrAILCo Rebuttal Exhibits AJF-7 through
2 AJF-9.

3

4 Q. ARE THERE ANY POINTS YOU WISH TO NOTE WITH RESPECT TO
5 THESE PHOTOGRAPHS?

6 A. Yes. The property information shown on these photographs was prepared using
7 tax map information received from the respective county assessment offices and
8 is therefore subject to any inaccuracies in the source information. The exact
9 location of the centerline will ultimately be set on the ground by survey crews,
10 but the photographs represent the best information currently available showing
11 the location of the proposed TrAIL route.

12

13 Q. WILL THESE VARIOUS AERIAL PHOTOGRAPHS BE SHARED WITH
14 AND PROVIDED TO AFFECTED PROPERTY OWNERS?

15 A. Yes. As detailed in Mr. Roberto's rebuttal testimony, TrAILCo Rebuttal
16 Statement No. 11, real estate activities are currently suspended in Pennsylvania.
17 However, when they begin again, these aerial photographs will be made available
18 to the land agents to share with affected property owners.

19

20 PROPERTY OWNER EXPECTATIONS ABOUT TRAIL

21 Q. PLEASE COMMENT ON THE CLAIMS MADE BY VARIOUS WITNESSES
22 AT THE PUBLIC INPUT HEARINGS AND SITE VISITS THAT PROPERTY
23 OWNERS DID NOT CONTEMPLATE THE SIZE OF THE TRANSMISSION

1 LINE TO BE BUILT WHEN THEY EXECUTED EASEMENTS IN FAVOR
2 OF WEST PENN POWER COMPANY OVER 25 YEARS AGO.

3 A. Although I was not present during the negotiations between the property owners
4 and the land agents for West Penn Power Company at that time, I can say that
5 virtually the same type of transmission line was proposed to be built in the
6 1970's as is planned for TrAIL today. The Prexy 500 kV line segment was
7 always planned to be a 500 kV tower line, with the dimensions of those towers
8 comparable to those currently planned. In the case of the Prexy 138 kV lines, the
9 1970s design called for the use of double circuit steel towers. Our current plans
10 are to use double circuit tubular steel poles for the 138 kV lines. These structures
11 will be of similar height and dimensions as the towers that were originally
12 proposed. Indeed, the current plan to use steel poles will actually reduce the
13 footprint of the line structures on each property, thereby reducing -- rather than
14 increasing, as has been suggested -- the impacts to the property. The size of the
15 easements remains the same in all cases. Therefore, the claim of unfair surprise
16 registered by various property owners in connection with the size of TrAIL is not
17 consistent with the facts.

18

19 Q. DOES THIS CONLCUDE YOUR REBUTTAL TESTIMONY?

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