

**COMMONWEALTH OF VIRGINIA
BEFORE THE
STATE CORPORATION COMMISSION**

**APPLICATION OF)
)
TRANS-ALLEGHENY INTERSTATE LINE)
COMPANY)
)
For certificates of public convenience)
and necessity to construct facilities:)
500 kV Transmission Line from)
Virginia-West Virginia Boundary to)
Virginia Electric and Power Company)
Transmission Line #580)**

CASE NO. PUE-2007-00033

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

February 5, 2008

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, Greensburg,
3 Pennsylvania 15601-1689.

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

7 A. Yes. My Direct Testimony was submitted with the TrAILCo Application in this docket.

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

9 A. My rebuttal testimony addresses certain routing issues, concerns presented during the
10 public input hearings, and TrAILCo's plans to address permitting requirements for the
11 construction of its portion of the 502 Junction-Loudoun line.

12 Q. HOW DOES YOUR TESTIMONY RELATE TO THE REBUTTAL TESTIMONY OF
13 TRAILCO WITNESSES JACK HALPERN AND CYRIL WELTER?

14 A. In general, my rebuttal testimony addresses concerns raised by various witnesses relating
15 to activities that will occur *after* siting approval is obtained from the Virginia State
16 Corporation Commission ("Commission"). In contrast, the testimony of Jack Halpern
17 and Cyril Welter address issues relating to the corridor evaluation and the site selection
18 process that have already occurred.

19 Q. HAVE YOU REVIEWED THE WRITTEN TESTIMONY FILED PREVIOUSLY IN
20 THIS PROCEEDING AND THE TESTIMONY PROVIDED AT THE PUBLIC INPUT
21 HEARINGS?

1 A. Yes. I have reviewed the written testimony filed in this proceeding, and attended most of
2 the public input hearings.

3 LRE PROCESS ISSUES

4 Q. AT THE PUBLIC INPUT HEARINGS, NUMEROUS WITNESSES CHALLENGED
5 THE ADEQUACY OF TRAILCO'S PROCESS IN THE BERGER GROUP'S AND
6 BURNS & MCDONNELL'S LINE ROUTE EVALUATION REPORTS ("LRE") TO
7 IDENTIFY IMPACTED WETLANDS, WILDLIFE AND HISTORICAL AND
8 ARCHEOLOGICAL SITES. WHAT IS YOUR GENERAL RESPONSE TO SUCH A
9 CRITICISM?

10 A. These witnesses are not considering the full picture of how a transmission line is
11 approved and built. The analyses described in the LRE represent only part of the process
12 used to identify wetlands, wildlife and historical/archeological sites. Following initial
13 identification through the process discussed in the LRE, TrAILCo plans to have
14 consultants perform additional field work to locate and determine the exact extent of
15 wetlands, to locate and assess any potential impacts to rare, threatened or endangered
16 ("RTE") species along the Virginia portion of the 502 Junction-Loudoun line route, and
17 to ensure full compliance with any Virginia Department of Historic Review ("DHR")
18 issues. Thus, TrAILCo's identification of wetlands, wildlife and historical/archeological
19 sites does not end with the LRE, but also includes a critical field component that comes
20 later in the process. It is standard practice for such tasks to be performed after the
21 Certificate of Public Convenience and Necessity has been issued, during the engineering

1 and permitting phase of the project, when access to private property is more readily
2 available.

3 WETLANDS ISSUES

4 Q. PLEASE ELABORATE ON THE EXPECTED FUTURE EFFORTS TO IDENTIFY
5 WETLANDS.

6 A. TrAILCo expects to have a certified wetlands consultant perform additional in-depth,
7 field delineation work along the proposed route for the 502 Junction-Loudoun line in
8 Virginia to locate the exact extent of wetlands. This work will be subject to and
9 performed in accordance with the US Army Corp of Engineers manual on wetlands.

10 Q. HOW WILL THIS WETLANDS STUDY IMPACT THE FINAL DESIGN OF THE
11 TRANSMISSION LINE?

12 A. In many cases, wetlands impacts can be minimized by careful placement of line
13 structures and access roads to avoid the delineated wetlands. If any wetlands impacts are
14 found to be unavoidable, all necessary permits will be applied for and obtained prior to
15 construction, as suggested by the Virginia Department of Environmental Quality's Office
16 of Wetlands and Water Protection ("DEQ-OWWP").

17 WILDLIFE ISSUES

18 Q. DO YOU AGREE WITH THOSE WITNESSES WHO HAVE CHALLENGED
19 TRAILCO'S EFFORTS TO IDENTIFY IMPACTS TO RTE PLANT OR ANIMAL
20 SPECIES?

1 A. No. The situation is similar to the wetlands issue I just discussed. First, TrAILCo
2 witnesses Halpern and Welter, in their testimony and exhibits filed with TrAILCo's
3 Application, address the work conducted previously to identify possible impacts that
4 TrAILCo's portion of the 502 Junction-Loudoun line in Virginia might have on RTE
5 plant and animal species. As a part of the line route evaluation study, reviews of the
6 study area were made by obtaining information from various government agencies.
7 While detailed field studies were not made at that time, this process is dynamic and on-
8 going. For example, in the report issued by the Department of Environmental Quality
9 ("DEQ") on September 20, 2007 and sponsored by Mr. Michael Murphy ("DEQ
10 Report"), the wood turtle (*Glyptemys insculpta*) was mentioned as a species of concern,
11 along with several streams which are potential habitats for these turtles. Field studies to
12 locate and assess any potential impacts to these or any other RTE species will be
13 conducted along the route of TrAILCo's portion of the 502 Junction-Loudoun line in
14 Virginia by consultants (including certified biologists) specializing in these types of
15 studies. If needed, mitigation plans will be prepared, forwarded to the appropriate
16 government agencies, and put in place to ensure compliance with all regulations prior to
17 construction. This work has not commenced in earnest but will after Commission
18 approval to site the Virginia portion of the 502 Junction-Loudoun line. The
19 recommendations in the DEQ Report concerning in-stream activity restrictions at the
20 Shenandoah River therefore should not be an issue for this Commission's consideration
21 of the 502 Junction-Loudoun line.

1 HISTORICAL AND ARCHEOLOGICAL SITES

2 Q. DO YOU AGREE WITH THOSE WITNESSES WHO HAVE RAISED CONCERNS
3 ABOUT THE LACK OF FORMAL APPROVAL FROM THE DHR REGARDING
4 THE POTENTIAL EFFECTS OF THE 502 JUNCTION-LOUDOUN LINE ON
5 HISTORIC AND ARCHEOLOGICAL SITES IN VIRGINIA?

6 A. No. In general, TrAILCo conducted a literature search and consulted with DHR as a part
7 of the line route evaluation studies, and a later visual study described by Mr. Gaul and
8 Mr. Welter was also performed. Many historic sites were located and mapped as a part of
9 these studies. Archeological sites were also mapped, but because such sites can be
10 subject to vandalism from people, such as arrowhead seekers, we agreed to not produce
11 any public maps showing these known sites. Our approach to the identification and study
12 of historical and archeological sites is fully consistent with the Commission's siting
13 regulations and standard practice.

14 Moreover, this is not the final step planned by TrAILCo for historic and archeological
15 review. A consultant approved by the DHR will conduct further studies to ensure full
16 compliance with any DHR requirements, as suggested in the DEQ report to comply with
17 the Section 106 review. At the completion of the field investigations, National Register
18 evaluation and mitigation plans will be prepared, if needed, and forwarded to DHR for
19 approval.

20 It should also be noted that, in the case of archeological finds, careful tower design
21 frequently can actually enhance the preservation of these sites. If a tower or access road

1 is located near the location of a known archeological site, the presence of the wires
2 overhead can in some cases protect the site from future construction and development. In
3 general, however, towers can be relocated to avoid archeological sites, and site
4 boundaries with appropriate buffer zones can be delineated to avoid impact to a site by
5 construction activities. This will ensure compliance with all DHR regulations prior to
6 construction.

7
8 Q. DO ANY OF THE SUGGESTED CONDITIONS PROPOSED IN THE DEQ REPORT
9 CAUSE ANY CONCERNS?

10 A. Yes. Mr. John Bailey, in his rebuttal testimony in Case No. PUE-2007-00031 on behalf
11 of Dominion Virginia Power and TrAILCo, suggests some areas of concern that
12 TrAILCo would also find troublesome. The suggestion that all streams be crossed by
13 clear span bridges rather than culverts, made by the Virginia Department of Game and
14 Inland Fisheries (“DGIF”) in the DEQ Report, seems an unneeded stipulation that can be
15 solved by careful and prudent use of culverts in conjunction with the proper
16 implementation of procedures outlined in the Virginia Erosion and Sedimentation Control
17 Handbook. DGIF also suggested a clearing restriction during song bird nesting periods,
18 which also appears excessive, unneeded, and troublesome for construction for the reasons
19 outlined in Mr. Bailey’s testimony. Lastly, Mr. Bailey also takes exception to the
20 extensive 300’ buffer areas around some streams in the area of RTE species. We would
21 agree with this assertion as well, in that this poses difficulties during construction

1 activities for the reasons he outlines. We would therefore also request that this suggested
2 requirement not be adopted.

3 Q. DOES TRAILCO PLAN TO USE CONSTRUCTION TECHNIQUES THAT WOULD
4 OBVIATE THE NEED FOR THESE RESTRICTIONS?

5 A. Yes. Mr. Bodenschatz's direct testimony lays out TrAILCo's standard clearing and
6 construction practices. It is TrAILCo's intention to use these and all Best Management
7 Practices, including those found in the Virginia Erosion and Sedimentation Control
8 Handbook, to ensure that adequate protection of Virginia's environment is maintained
9 throughout the construction of the 502 Junction-Loudoun line.

10 Q: WHAT IS YOUR RESPONSE TO RESPONDENTS' TESTIMONY, INCLUDING
11 MS. LEE ON BEHALF OF VIRGINIA'S COMMITMENT, SUGGESTING THAT
12 THE 502 JUNCTION-LOUDOUN LINE SHOULD BE INSTALLED
13 UNDERGROUND?

14 A: I concur with Mr. Koonce's rebuttal testimony on behalf of Dominion Virginia
15 Power and TrAILCo in Case No. PUE-2007-00031 that no portion of the
16 transmission line should be located underground, for a number of reasons including
17 the detrimental effect on service and significant increase in costs relative to the
18 overhead line.

19 Q. DO YOU HAVE ANY OTHER COMMENTS ON CONCERNS RAISED BY THE
20 RESPONDENTS ABOUT THE PROPOSED LINE ROUTE?

1 A. Several agencies in the DEQ Report, as well as Staff consultant McCoy, have suggested
2 that the proposed route be modified from the West Virginia state line to a point near
3 North Mountain. This segment is known as Route A, which follows the northern side of
4 the existing Mt. Storm to Meadow Brook 500 kV line. Mr. McCoy, *et al.*, have
5 recommended changing to Route B, which follows the southern side of the same
6 transmission line. Mr. Halpern has addressed this issue in his rebuttal testimony. I agree
7 with Mr. Halpern's testimony that Route A is TrAILCo's preferred Route for the reasons
8 he outlines.

9 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

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