

**PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON**

**Case No. 07-0508-E-CN**

**TRANS-ALLEGHENY INTERSTATE LINE COMPANY**

**Application of Trans-Allegheny Interstate Line  
Company for a certificate of public convenience  
and necessity under W. Va. Code § 24-2-11a  
authorizing the construction and operation of the  
West Virginia segments of a 500 kV electric  
transmission line and related facilities in Monongalia,  
Preston, Tucker, Grant, Hardy, and Hampshire  
Counties, and for related relief**

**REBUTTAL TESTIMONY OF  
ALAN J. FLEISSNER**

**January 4, 2008**

1 Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

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

4 Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS PROCEEDING?

5 A. Yes. I have filed written Direct and Supplemental Testimony on behalf of Trans-  
6 Allegheny Interstate Line Company (“TrAILCo”).

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

8 A. My rebuttal testimony addresses certain concerns raised about public involvement  
9 in the route selection process, and describes TrAILCo’s intentions with respect to  
10 further regulatory requirements following Commission certification of TrAIL. I  
11 will also address the concerns of Mr. Ellars about the proximity of wind turbines,  
12 the concerns of Mr. Lynn about his private airfield, minor line route corrections,  
13 and a rerouting suggestion made by the Dallas family.

14 Q. WILL YOU BE USING THE SAME TERMS IN YOUR REBUTTAL  
15 TESTIMONY AS IN YOUR PREVIOUS TESTIMONIES AND AS SET FORTH  
16 IN THE TABLE OF NOMENCLATURE ATTACHED TO THE  
17 APPLICATION?

18 A. Yes. In addition, I may define other specific terms in this rebuttal testimony.

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1                                    PUBLIC INPUT IN ROUTE SELECTION PROCESS

2    Q.    ON BEHALF OF THE SIERRA CLUB, DR. KOTCON (PAGES 8-9, 15) SAYS  
3           THAT THE PUBLIC WAS NOT GIVEN THE OPPORTUNITY TO PROVIDE  
4           MEANINGFUL PUBLIC COMMENT.   SIMILARLY, SOME SPEAKERS AT  
5           THE PUBLIC INPUT HEARINGS COMPLAINED THAT TRAILCO  
6           “CHANGED” THE PROPOSED LOCATION OF TRAIL AFTER THE OPEN  
7           HOUSES. CAN YOU COMMENT?

8    A.    The purpose of the open houses was to give a status report to the public on  
9           alternative routes that had been identified and at the same time collect data from  
10          the public where they had specific knowledge about the alternatives that may not  
11          have been part of the public record.   At the open houses, the Routing Team  
12          showed a variety of possible route segments and collected comments, which were  
13          later considered in arriving at the Preferred Route.   Given that the open houses  
14          were a part of the route selection process, it does not seem fair to criticize the  
15          Routing Team for arriving at the Preferred Route later.

16                                    FURTHER REGULATORY COMPLIANCE

17    Q.    SOME SPEAKERS AT THE PUBLIC INPUT HEARINGS AND OPPOSING  
18          WITNESSES HAVE SAID THAT THE INFORMATION SET FORTH IN  
19          TRAILCO’S APPLICATION IS INSUFFICIENT UNDER A VARIETY OF  
20          STATUTES AND RULES ENFORCED BY ENVIRONMENTAL AND OTHER

1            AGENCIES.      WHAT IS YOUR GENERAL RESPONSE TO THAT  
2            CRITICISM?

3    A.    Mr. Halpern and Mr. Gaul will address some of the specific issues in their rebuttal  
4            testimony. As a general matter, TrAILCo appreciates the need to do more with  
5            respect to environmental and other regulations after this Commission certifies  
6            TrAIL. The work reflected in the LRE represents only the part of the process used  
7            to identify wetlands, wildlife, and historical/archeological sites for purposes of  
8            route selection. It is customary during the engineering and permitting phase of  
9            any large utility project to have additional field work performed to locate the exact  
10            extent of wetlands, to locate and assess any potential impacts to rare, threatened,  
11            or endangered (“RTE”) species, and to ensure full compliance with any other post-  
12            certification regulatory requirements. TrAILCo’s detailed work on wetlands,  
13            wildlife, and historical/archeological sites is not something that concluded with the  
14            preparation of the LRE filed with the Application. The work done to date has  
15            been reasonable and appropriate for a route selection project, but TrAILCo  
16            recognizes that more work will have to be done as part of the final design and  
17            construction phases. In fact, contrary to the criticism that not enough of this work  
18            has been completed, in the interests of having TrAIL available on a timely basis,  
19            TrAILCo has already initiated some of these studies in parallel with these  
20            proceedings, as TrAILCo’s numerous discovery answers on these topics illustrate.

1 Q. PLEASE ELABORATE ON SOME OF THESE PARTICULAR ISSUES,  
2 BEGINNING WITH WETLANDS.

3 A. TrAILCo expects to have a consultant do additional, in-depth field delineation  
4 work along the Preferred Route to locate the exact extent of wetlands. This work  
5 will be performed by a certified wetlands consultant consistent with the U.S. Army  
6 Corp of Engineers manual on wetlands. In most cases, impacts can be minimized  
7 by careful placement of line structures and access roads to avoid the delineated  
8 wetlands. If any wetlands impacts are found to be unavoidable, then all necessary  
9 permits will be applied for and obtained prior to construction.

10 Q. WHAT ABOUT FURTHER EFFORTS TO IDENTIFY IMPACTS TO RTE  
11 SPECIES?

12 A. The situation is similar to the wetlands issue I just discussed. Mr. Halpern in his  
13 rebuttal testimony will address the work conducted previously to identify TrAIL's  
14 possible impacts on RTE plant and animal species. Part of the work reflected in  
15 the LRE was obtaining information from various government agencies. Detailed  
16 field studies were not made at that time; rather, that process is currently ongoing.  
17 Field studies to locate and assess any potential impacts to RTE species will be  
18 conducted along the TrAIL route by certified biologists and other consulting  
19 specialists. If needed, mitigation plans will be prepared, forwarded to the  
20 appropriate government agencies, and put in place to ensure compliance with all

1 regulations prior to construction. This work has already been commenced and will  
2 continue after Commission certification of TrAIL. We also will have  
3 environmental inspectors engaged during construction, as necessary and  
4 appropriate.

5 Q. WHAT FURTHER EFFORTS ARE ANTICIPATED WITH RESPECT TO  
6 HISTORICAL, ARCHEOLOGICAL, AND OTHER CULTURALLY  
7 SIGNIFICANT SITES?

8 A. TrAILCo is facilitating necessary reviews by the West Virginia State Historic  
9 Preservation Office (“SHPO”). One of our contractors, Power Engineers, Inc., has  
10 been consulting with SHPO, and they have come to an agreement on additional  
11 historic and archeological studies to be completed prior to construction of TrAIL.  
12 I must reiterate that TrAILCo will obtain all necessary reviews and approvals from  
13 all necessary agencies before, during, or after construction. However, as most of  
14 these studies require extensive access to the properties in question, having all of  
15 this done before filing our Application with this Commission was not practicable.

16  
17 AIRFIELD ISSUES

18 Q. PLEASE ADDRESS THE CONCERNS RAISED BY ROBERT LYNN  
19 REGARDING HIS PRIVATE AIRFIELD.

1 A. We have been attempting to resolve Mr. Lynn's concerns for quite some time, as  
2 reflected in Mr. Ruberto's letters that Mr. Lynn has attached to his testimony. We  
3 continue to believe that the Preferred Route will not violate any Federal Aviation  
4 Administration ("FAA") or other applicable standard. Mr. Lynn at page 9 of his  
5 testimony seemed to acknowledge that his airfield is private, not public, and  
6 therefore not even subject to the regulations that he cites, which he has since  
7 confirmed in response to some of our discovery requests.

8 Q. IF MR. LYNN'S AIRFIELD WERE PUBLIC, DOES IT APPEAR THAT THE  
9 FAA WOULD TAKE ISSUE WITH THE PROPOSED ROUTE FOR TRAIL?

10 A. No. Again, Mr. Lynn appears to acknowledge that, even if the FAA rules were  
11 applicable, our design and location of TrAIL would not violate those rules. The  
12 FAA required slope is 20:1, and by his own calculations, TrAIL will exceed that  
13 standard by an additional 25 feet. The 20:1 slope *is* the safety margin, and does  
14 not mean that an aircraft will, in fact, fly at that slope. Mr. Lynn is, in effect,  
15 requesting this Commission to enforce a standard greater than that of the FAA.

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#### WIND TURBINES

18 Q. PLEASE ADDRESS MR. ELLARS' CONCERNS (PAGES 30-31) ABOUT THE  
19 WIND TURBINES AT MOUNT STORM.

1 A. The wind farm runs along this ridge line for almost 10 miles, making it impossible  
2 to go around. In the original routing study we had received information about an  
3 opening between what were, at that time, the proposed turbine sites. This opening  
4 was later found to be north of Turbine T-26, and at the location of a hunt club that  
5 would have been bisected. The Preferred Route was adjusted near that facility to  
6 allow the line to pass just south of the new Wind Turbine T-26, and north of the  
7 existing line. As Mr. Ellars points out in his testimony, this adjusted routing still  
8 satisfies the National Electrical Safety Code (“NESC”).

9 I should also note that we are working with the request of an owner of a structure  
10 associated with the hunt club to move the structure. This request was made prior  
11 to the rerouting associated with the wind turbine. This is the only remaining issue  
12 on this adjustment.

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#### LINE REROUTING

15 Q. SINCE THE APPLICATION WAS FILED, WHAT OTHER MINOR  
16 ADJUSTMENTS HAVE BEEN CONSIDERED IN THE PREFERRED ROUTE?

17 A. We had originally diverted from the parallel routing near the community known as  
18 Bethel Church to avoid a structure near the existing line. We have since learned of  
19 a newly constructed house impacted by the diverted route, have reverted to a

1 parallel route in this area, and are in positive negotiations to buy the structure near  
2 the existing line.

3 I should also mention the routing near the Bhavana Monastery. We have taken  
4 special care to ensure that our contractors understand that the diversion from  
5 parallel routing in this area will remain entirely on the adjacent auto salvage yard,  
6 where an option agreement is in place.

7 Q. ROBIN DALLAS (PAGE 13) AND LIBERIO DALLAS (PAGE 10) SAY THAT  
8 ELIMINATING A CHANGE IN DIRECTION OF THE PREFERRED ROUTE  
9 WOULD ELIMINATE A TOWER ON THEIR PROPERTY. PLEASE  
10 ADDRESS THEIR SUGGESTION.

11 A. The Dallas home is approximately 425 feet from the Preferred Route centerline,  
12 and 480 feet from the angle point. If this angle point were eliminated, then the  
13 line would shift farther from the Dallas house by about 250 feet. However, it  
14 would then be closer to two houses located on the west side of Wades Run Hollow  
15 Road, north of the Preferred Route. The closest of these houses is approximately  
16 400 feet from the Preferred Route centerline, and would be about 50 feet closer  
17 under the Dallases' suggestion.

18 Ms. Dallas's assertion (page 8) that the tower that she wishes to have relocated  
19 would be 200 feet tall is unfounded. This tower has not been designed, but it will  
20 likely be closer to the 125-foot average height.

- 1 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?
- 2 A. Yes, it does.