

**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
JAY RUBERTO**

January 4, 2008

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 Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN THIS PROCEEDING?

6 A. No.

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

8 A. On behalf of Trans-Allegheny Interstate Line Company (“TrAILCo”), this Rebuttal
9 Testimony addresses testimony filed in December 2007 by several intervenors
10 concerning TrAILCo’s acquisition of rights-of-way (“ROW”) and associated
11 survey work in West Virginia.

12 Q. WILL YOU BE USING THE SAME TERMS IN YOUR REBUTTAL
13 TESTIMONY AS SET FORTH IN THE TABLE OF NOMENCLATURE
14 ATTACHED TO THE APPLICATION?

15 A. Yes. I may also define other specific terms in this rebuttal testimony.

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

17 A. For TrAILCo, I serve as Director, Transmission Siting. In this capacity I am
18 responsible for directing the activities associated with the siting of transmission

1 lines, real estate and ROW, drafting documents and records, permitting and
2 surveying.

3 Q. PLEASE DESCRIBE YOUR PROFESSIONAL EXPERIENCE AND
4 EDUCATIONAL BACKGROUND.

5 A. I graduated from Pennsylvania State University in 1983 with a Bachelor of
6 Science in Electrical Engineering. My resume, Exhibit JR-1, describes in greater
7 detail my educational background and prior work experience.

8 Q. WHAT EVIDENCE HAS BEEN SUBMITTED CONCERNING TRAILCO'S
9 ROW AND ASSOCIATED EFFORTS IN WEST VIRGINIA?

10 A. Ms. Dallas at pages 13-14 of her testimony says that, "We have been ill informed,
11 told that the TrAIL would absolutely be approved, stalked by helicopters that
12 hover feet above our property, and intimidated into agreeing to right-of-ways." At
13 pages 15-16, she refers to two letters (her Exhibits N and O) that I sent, which
14 concerned our need to access her property for surveying, core boring, and cultural
15 and environmental assessment.

16 Mr. Giessler asserts in Item #5 of his testimony that he was dealt with "in a
17 deceitful fashion" in August 2007, when he says he was not informed that TrAIL
18 was subject to PSC certification.

19 I should also note that Col. Hildebrand, at page 10 of his testimony, mentions a
20 controversy in Pennsylvania that is the subject of a motion filed in that

1 jurisdiction, which he includes as Attachment 3. This concerns our efforts to
2 negotiate with landowners whose property is already the subject of easements
3 obtained by West Penn Power in the 1970s, an issue unique to Pennsylvania.

4 Q. WHAT EASEMENTS OR OTHER AGREEMENTS HAVE BEEN OBTAINED
5 BY TRAILCO FROM ANY THESE THREE WITNESSES?

6 A. We have obtained no rights from either the Dallahs or Mr. Giessler, as our
7 negotiation efforts have thus far been unsuccessful. Col. Hildebrand's property is
8 not within the proposed 200 foot ROW associated with the Preferred Route for
9 TrAIL, so we have not communicated with him about obtaining any rights.

10 . Q. HAS TRAILCO ATTEMPTED TO LEAD PROPERTY OWNERS TO BELIEVE
11 THAT TRAIL WAS NOT SUBJECT TO CERTIFICATION BY THIS
12 COMMISSION, OR TRIED TO EXCLUDE THEM FROM PARTICIPATING
13 IN THIS CASE?

14 A. No. In fact, my two letters submitted with Ms. Dallas's testimony say just the
15 opposite. The first sentence in my May 10, 2007, letter (her Exhibit N) says that
16 we had applied to the Public Service Commission of West Virginia. This letter
17 went to all persons on our mailing list who owned property that would be
18 traversed by any portion of the 200 foot ROW associated with the Preferred Route
19 for TrAIL, including Mr. Giessler, as confirmed by Exhibit JR-2. My June 22,
20 2007, letter (Ms. Dallas's Exhibit O) even included the Commission's website,

1 mailing address, and toll-free telephone number, along with the reminder that the
2 reader could participate in the Commission proceedings. This letter (with its
3 referenced enclosure, the same, detailed notice published in local newspapers as
4 directed by the Commission) went to the same people who received my May 10
5 letter, plus anyone else whom we believed to own property within 1,100 feet of the
6 centerline of the Preferred Route. This letter was not sent via certified mail, but I
7 have confirmed that both Mr. Giessler and Col. Hildebrand appear on the mailing
8 list, as follows:

STEVEN F & LISA M GIESSLER	3927 RIVER ROAD	MORGANTOWN	WV	26501
THOMAS & KATHY HILDEBRAND	7336 SHERATON DR	MANASSAS	VA	20112

9
10 These are the same addresses from which Mr. Giessler and Col. Hildebrand have
11 been sending materials to the Commission in this proceeding.

12 Mr. Giessler had been repeatedly informed about the Application and this
13 Commission's role in the TrAIL project before he spoke with Mr. Turnipseed in
14 August 2007.

15 Q. WHAT HAS TRAILCO DONE TO MINIMIZE THE LIKELIHOOD OF THE
16 CONDUCT ALLEGED BY MS. DALLAS AND MR. GIESSLER?

17 A. Exhibit JR-3 is a recently adopted Code of Conduct that addresses the methods for
18 engaging in ROW activities and interacting with property owners. This does not

1 vary the way in which we have always attempted to deal with people. However,
2 we think this more formalized set of “do’s and don’ts” will clearly communicate
3 to all those involved in the ROW negotiation process TrAILCo’s expectations of
4 how the process should work and, more importantly, how property owners and
5 others should be treated.

6 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

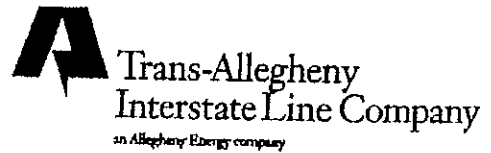
7 A. Yes, it does.

**RESUME OF
JAY RUBERTO**

I am Director, Transmission Siting, for Trans-Allegheny Interstate Line Company. My business address is Allegheny Energy, Inc., Fairmont Corporate Center, 1310 Fairmont Avenue, P.O. Box 1392, Fairmont, WV 26555-1392. I have been in my current position since April 2006, where my responsibilities include management of transmission siting, real estate, right of way acquisition, surveying, and drafting. Prior to that time I was named Director, Customer Service in 1999, General Manager, Customer Service Center (CSC) in 1998, Team Leader, CSC Support in 1996, Supervisor, Division Customer Services and Accounting in 1989, and various engineering positions since 1984, all of which were with Allegheny Power (or West Penn Power Company). I graduated from Pennsylvania State University in 1983 with a Bachelor of Science in Electrical Engineering.

WV-110-2-069.000

Jeff T



May 10, 2007

STEVEN F & LISA M GIESSLER
3927 RIVER ROAD
MORGANTOWN WV 26501

Dear Landowner:

TRANS ALLEGHENY INTERSTATE 500KV LINE

On March 30, 2007, Trans-Allegheny Interstate Line Company (TrAILCo) applied to the West Virginia Public Service Commission for authorization to construct and operate the West Virginia segments of the Trans Allegheny Interstate Line. The West Virginia segments will consist of approximately 114 miles of 500 kV electric transmission line crossing six counties: Monongalia, Preston, Tucker, Grant, Hardy and Hampshire. PJM Interconnection L.L.C. (PJM) the independent regional transmission organization responsible for maintaining electric reliability in a 13 state region including West Virginia, has determined that this line must be built to address emerging transmission reliability problems caused by a growing demand for electricity.

You have been identified as a property owner along the proposed line route in GRANT District, Monongalia County, West Virginia. This letter is to notify you that for the purpose of preliminary engineering including, but not limited to surveying, core boring and cultural and environmental assessment, access to your property is necessary. A right-of-way agent representing TrAILCo will contact you in the near future to discuss this project in more detail and address any concerns you may have regarding the preliminary engineering.

If you have any questions, please call 1-866-472-7699.

Sincerely,

Jay Ruberto
Director, Transmission Siting
Trans-Allegheny Interstate Line Company

WV-MO 2-69

U.S. Postal Service[™]
CERTIFIED MAIL[™] RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$.52
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.77

STEVEN F & LISA M GIESSLER

3927 RIVER ROAD
MORGANTOWN WV 26501

7006 2760 0000 5916 2201

POST OFFICE
MORGANTOWN WV
MAY 11 2007

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

STEVEN F & LISA M GIESSLER
3927 RIVER ROAD
MORGANTOWN WV 26501

MON

2 69

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Lisa Giessler Agent Addressee

B. Received by (Printed Name)
Lisa Giessler

C. Date of Delivery
5-11-07

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> O.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number
(Transfer from service label) ||| 7006 2760 0000 5916 2201

Form 3811, February 2004 Domestic Return Receipt 102506-02-M-1540

**Trans-Allegheny Interstate Line Company
TrAIL Project**

**Code of Conduct
for
Right-of-Way Agents and Subcontractor Employees in Pennsylvania**

This Code of Conduct applies to all communications and interactions with property owners and occupants of property by all right-of-way agents and subcontractor employees representing Trans-Allegheny Interstate Line Company (“TrAILCo”) in Pennsylvania in the negotiation of right-of-way and the performance of surveying, environmental assessments and other activities for the Trans-Allegheny Interstate Line (“TrAIL”) Project in Pennsylvania on property not owned by TrAILCo or any of its affiliates.

- 1. All communications with property owners and occupants of property must be factually correct and made in good faith.**
 - a. Do not make false or misleading statements.
 - b. Do not misrepresent any fact.
 - c. If you do not know the answer to a question, do not speculate about the answer. Advise the property owner that you will investigate the question and provide an answer later.
 - d. Follow-up in a timely manner on all commitments to provide additional information.
 - e. Until TrAILCo has been authorized by the Pennsylvania Public Utility Commission (“PUC”) to construct the TrAIL Project, do not suggest that the TrAIL Project is a “done deal” or is “99 percent sure” or make any similar statement suggesting that the PUC has authorized construction of the project.
 - f. Do not suggest that the project is required for national or homeland security reasons or has been authorized by the federal government.
 - g. Do not send written communications suggesting an agreement has been reached when, in fact, an agreement has not been reached.

- 2. All communications and interactions with property owners and occupants of property must be respectful and reflect fair dealing.**
 - a. When contacting a property owner in person, promptly identify yourself as representing TrAILCo and display your TrAILCo photo ID badge.
 - b. When contacting a property owner by telephone, promptly identify yourself as representing TrAILCo.
 - c. Do not engage in behavior that may be considered harassing, coercive, manipulative, intimidating or causing undue pressure.

- d. All communications by a property owner, whether in person, by telephone or in writing, in which the property owner indicates that he or she does not want to negotiate or does not want to give permission for surveying or other work on his or her property must be respected and politely accepted without argument. Unless specifically authorized by TrAILCo, do not contact the property owner again regarding negotiations or requests for permission.
- e. When asked to leave property, promptly leave and do not return unless specifically authorized by TrAILCo.
- f. If discussions with the property owner become acrimonious, politely discontinue the discussion and withdraw from the situation.
- g. Obtain unequivocal permission to enter property for purposes of surveying or conducting environmental assessments or other activities. Clearly explain to the property owner the scope of work to be conducted based on the permission given. Attempt to notify the occupant of the property each time you enter the property based on this permission.
- h. Do not represent that a relative, neighbor and/or friend has signed any document or reached any agreement with TrAILCo.
- i. Do not ask a relative, neighbor and/or friend of a property owner to convince the property owner to take any action.
- j. Do not represent that a relative, neighbor and/or friend supports or opposes the TrAIL Project.
- k. Do not suggest that any person should be ashamed of or embarrassed by his or her opposition to the TrAIL Project or that such opposition is inappropriate.
- l. Do not argue with property owners about the merits of the TrAIL Project.
- m. Do not suggest that an offer is "take it or leave it."
- n. Do not threaten to call law enforcement officers or obtain court orders.
- o. Do not threaten the use of eminent domain.
- p. Do not suggest that TrAILCo will seek federal authorization to construct the project.
- q. Avoid discussing a property owner's failure to note an existing easement when purchasing the property and other comments about the property owner's acquisition of the property.

3. All communications and interactions with property owners and occupants of property must respect the privacy of property owners and other persons.

- a. Do not discuss your negotiations or interactions with other property owners or other persons.
- b. Do not ask relatives, neighbors and/or friends to influence the property owner or any other person.
- c. Avoid discussions of personal matters about the property owner, others and yourself.