# PUBLIC SERVICE COMMISSION OF WEST VIRGINIA CHARLESTON

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 24<sup>th</sup> day of June 2009.

CASE NO. 09-0770-E-CN

PATH WEST VIRGINIA TRANSMISSION COMPANY, LLC; PATH ALLEGHENY TRANSMISSION COMPANY, LLC; PATH-WV LAND ACQUISITION COMPANY; AND PATH-ALLEGHENY LAND ACQUISITION COMPANY

Joint application for Certificate of Convenience and Necessity for the construction and operation of the West Virginia segments of a 765kV electric transmission line and related facilities in Putnam, Kanawha, Roane, Calhoun, Braxton, Lewis, Upshur, Barbour, Tucker, Preston, Grant, Hardy, Hampshire, and Jefferson Counties, including modifications to the Amos Substation in Putnam County and a new substation in Hardy County, and for related relief.

#### **COMMISSION ORDER**

By this order the Commission directs the Applicants to publish notice of the final day for intervention in this matter.

## **BACKGROUND**

On May 15, 2009, PATH West Virginia Transmission Company, LLC ("PATH-WV"), PATH Allegheny Transmission Company, LLC ("PATH-Allegheny"), PATH-WV Land Acquisition Company ("PATH-WV LAC"), and PATH-Allegheny Land Acquisition Company ("PATH Allegheny LAC") (collectively, "Applicants") filed with the Public Service Commission of West Virginia ("Commission") an application for a certificate of public convenience and necessity pursuant to W.Va. Code §24-2-11a ("Application") authorizing the construction and operation of the West Virginia segments of a 765 kV electric transmission line known as Potomac-Appalachian Transmission Highline ("PATH") and related facilities, including modifications to the Amos Substation in Putnam County and a new substation in Hardy County (collectively, and as more fully described in the Application, the "PATH Project"). The portions of the PATH Project in West Virginia will consist of approximately 224 miles of 765 kV electric transmission line in Putnam, Kanawha, Roane, Calhoun, Braxton, Lewis, Upshur, Barbour, Tucker, Preston, Grant, Hardy, Hampshire, and Jefferson Counties ("West Virginia Segments"), modifications to the Amos

Substation in Putnam County, and a proposed new substation in Hardy County ("Welton Spring Substation"). The West Virginia Segments will begin at the Amos Substation in Putnam County, exit West Virginia to Frederick County, Virginia from Hampshire County, re-enter West Virginia in Jefferson County, and then exit West Virginia a second time into Loudoun County, Virginia. The Commission has designated the Application as Case No. 09-0770-E-CN.

On May 15, 2009, (as amended by Corrective Order of May 18, 2009¹) the Commission required the Applicants to publish notice of this Application. The order stated that individuals or entities interested in participating in the proceeding as full parties file a petition to intervene with the Commission's Executive Secretary within thirty days following the date of publication, unless otherwise modified by Commission Order.

# **DISCUSSION**

It has come to the Commission's attention that the final publication of the Notice of Filing occurred on June 11, 2009 in Calhoun County. Thus, the final day to file petitions to intervene in this matter will be Monday, July 13, 2009.<sup>2</sup>

Rule 12.6.a of the Commission's *Rules of Practice and Procedure* allows that petitions to intervene may be made prior to or at the time the case is called for hearing, "but not thereafter except for good cause shown." The Commission recognizes the need to balance (i) the interests of those impacted by the proposed PATH Project, with (ii) processing this Application in an orderly fashion. Because of the large number of petitions to intervene received thus far, and the large number of petitions to intervene that the Commission expects to receive prior to the end of the intervention deadline, allowing petitions to intervene at the time of the hearing will create logistical and procedural difficulties that will hamper the ability to address the substance of the case.

To avoid those procedural difficulties, the Commission will not grant any petitions to intervene that are filed after July 13, 2009. The Commission will require that the Applicants publish the attached notice in each of the counties impacted by the proposed PATH Project

May 15, 2009, Notice of Filing Order:

http://www.psc.state.wv.us/scripts/WebDocket/ViewDocument.cfm?CaseActivityID=267586

May 18, 2009, Commission Corrective Order:

http://www.psc.state.wv.us/scripts/WebDocket/ViewDocument.cfm?CaseActivityID=267770

<sup>&</sup>lt;sup>1</sup> The Commission's Orders, including a description of the proposed route of the project, are available at the following Internet addresses:

<sup>&</sup>lt;sup>2</sup> June 11 plus thirty days falls on July 11, 2009, a Saturday. The Commission will move the final date forward to the next work day as provided by statute.

to provide those members of the public who may be impacted by the PATH Project with notice of this deadline.

# FINDING OF FACT

The Notice of Filing Order stated that the final date for petitions to intervene would be thirty days after final publication. That date is Monday, July 13, 2009 at 4:00 p.m.

## **CONCLUSIONS OF LAW**

- 1. To balance the interests of those impacted by the proposed PATH Project with the need to process this Application in an orderly fashion, it is reasonable to set a deadline for petitions to intervene.
- 2. It is reasonable to require the Applicants to publish notice of the July 13, 2009, deadline for petitions to intervene.

#### **ORDER**

IT IS THEREFORE ORDERED that the final time and date to intervene in this proceeding shall be Monday, July 13, 2009 at 4:00 p.m. Petitions to intervene must be submitted to the Commission Executive Secretary, 201 Brooks Street, Charleston, West Virginia, 25323 on or before that time.

IT IS FURTHER ORDERED that the Applicants give notice of this Order by publishing a copy of the attached notice one time in newspapers published and of general circulation in Putnam, Kanawha, Roane, Calhoun, Braxton, Lewis, Upshur, Barbour, Tucker, Preston, Grant, Hardy, Hampshire, and Jefferson Counties, making due return to this Commission of proper certification of publication immediately after publication.

IT IS FURTHER ORDERED that the Commission Executive Secretary serve a copy of this Order upon all parties of record by United States First Class Mail and upon Commission Staff by hand delivery.

A True Copy, Teste:

Sandra Squire Executive Secretary

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#### NOTICE OF DEADLINE TO INTERVENE

On May 15, 2009, PATH West Virginia Transmission Company, LLC ("PATH-WV"), PATH Allegheny Transmission Company, LLC, PATH-WV Land Acquisition Company, and PATH-Allegheny Land Acquisition Company (collectively, "Applicants") filed with the Public Service Commission of West Virginia an application for a certificate of public convenience and necessity pursuant to W.Va. Code §24-2-11a ("Application") authorizing the construction and operation of the West Virginia segments of a 765 kV electric transmission line known as Potomac-Appalachian Transmission Highline ("PATH") and related facilities, including modifications to the Amos Substation in Putnam County and a new substation in Hardy County (collectively, and as more fully described in the Application, the "PATH Project"). The portions of the PATH Project in West Virginia will consist of approximately 224 miles of 765 kV electric transmission line in Putnam, Kanawha, Roane, Calhoun, Braxton, Lewis, Upshur, Barbour, Tucker, Preston, Grant, Hardy, Hampshire, and Jefferson Counties ("West Virginia Segments"), modifications to the Amos Substation in Putnam County, and a proposed new substation in Hardy County. The West Virginia Segments will begin at the Amos Substation in Putnam County, exit West Virginia to Frederick County, Virginia from Hampshire County, re-enter West Virginia in Jefferson County, and then exit West Virginia a second time into Loudoun County, Virginia. The Commission has designated the Application as Case No. 09-0770-E-CN.

Previous Commission Orders in this proceeding contained a description of the proposed route of the PATH Project. See, the May 15, 2009, Notice of Filing Order: http://www.psc.state.wv.us/scripts/WebDocket/ViewDocument.cfm?CaseActivityID=267586 and the May 18, 2009, Commission Corrective Order:

http://www.psc.state.wv.us/scripts/WebDocket/ViewDocument.cfm?CaseActivityID=267770

Individuals or entities interested in participating in the proceeding as full parties must file a petition to intervene with the Commission's Executive Secretary on or before 4:00 p.m., Monday, July 13, 2009. Petitions to intervene should state the above case number, the name and address of the petitioner, the name and address of the petitioner's attorney, if any, a clear and concise statement of the grounds for the intervention, the position and interest of the petitioner, and a concise statement of the relief desired. Requests to intervene must comply with the rules on intervention set forth in the Commission *Rules of Practice and Procedure* and must be addressed to Sandra Squire, Executive Secretary, P.O. Box 812, Charleston, West Virginia 25323. If you have previously submitted a petition to intervene in this proceeding it is not necessary to do so again.

EXECUTIVE SECRETARY
PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA