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November 17, 2009

Via Hand Delivery
Ms. Sandra Squire
Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
Charleston, West Virginia 25323

RECEIVED
2009 NOV 17 A 11: 41
WVA PUBLIC SERVICE
COMMISSION
SECRETARY'S OFFICE

Re: Case No. 09-0770-E-CN
Joint application for W. Va. Code § 24-2-11a certification and related relief
PATH West Virginia Transmission Company, LLC; PATH Allegheny
Transmission Company, LLC; PATH-WV Land Acquisition Company;
and PATH-Allegheny Land Acquisition Company.

Dear Ms. Squire:

Enclosed please find the original and twelve copies of Applicants' Revised Proposal to Toll Statutory Decision Due Date and Extend Procedural Schedule in this matter.

Please file this letter and the brief and circulate the twelve additional copies of the letter to the appropriate parties at the Commission. We also ask that you date stamp the extra copy provided and return it with our messenger. As always, we appreciate your assistance.

Very truly yours,

Christopher C. Callas

CLC/mb
Enclosures

c: All Parties as shown on Certificate of Service

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

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 certificates of public convenience and necessity under W. Va. Code § 24-2-11a authorizing the construction and operation of the West Virginia segments of a 765 kV 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.

APPLICANTS' REVISED PROPOSAL TO TOLL STATUTORY DECISION DUE DATE
AND EXTEND PROCEDURAL SCHEDULE

Applicants submit this memorandum pursuant to the November 10, 2009 Commission Order.

Motion to Dismiss

The Potomac Edison Company's November 9, 2009 commitment (filed that same day in this docket) should demonstrate to all but the most cynical opponents of the PATH Project that the application warrants Commission consideration. Applicants are also authorized to state that Potomac Edison's filing with the Maryland Public Service Commission by December 31, 2009 will be an application seeking certification of those portions of the PATH Project in Maryland, ending at the Kemptown Substation.

Some intervenors will no doubt continue to urge dismissal of the application. Those arguments should be recognized for what they are: opposition to the PATH Project, at any time

and any place, rationalized with whatever procedural or other argument may come to mind. Applicants respectfully suggest that it would be improvident for the Commission to dismiss the application or to take any other steps that unnecessarily delay consideration of the certification of the PATH Project on its merits. Moreover, dismissal of the application now and the filing of a new application with this Commission in conjunction with the filing of the application in Maryland by the end of December 2009 would result in a Commission statutory decision date that is earlier than the tolled statutory decision date proposed by Applicants below.

A Workable Revised Schedule

Applicants are willing to substantially accept the Staff rescheduling recommendations to afford reasonable time to the parties and the Commission to litigate and resolve the case. Applicants now extend their offer to toll the current decision due date for 247 days, to February 24, 2011. The schedule proposed below not only provides substantially more time in which to consider the forthcoming information from PJM, but also acknowledges the Commission's concerns about the potential difficulty of distinguishing, at this time, between electrical need and other issues in the context of pre-filed testimony or hearing.¹

Event	Date
Discovery reopens on issues of electrical need	Monday, February 1, 2010
Applicants file supplemental testimony on issues of electrical need and any other issues requiring supplementation	Noon, Tuesday, June 29, 2010
Staff and intervenors propound discovery on supplemental testimony filed 6/29/2010	Noon, Tuesday, July 13, 2010
Staff's and Intervenors' prepared direct testimony and rebuttal to the direct testimony of Applicants	Noon, Tuesday, August 31, 2010

¹ The Commission has noted that bifurcation of the testimony or hearing may create a "morass." However, the Commission will have further opportunity to consider management of the hearing as the issues become defined through the pre-filing of testimony. It may become apparent that steps such as setting aside certain days for the presentation of witnesses whose testimony is focused on particular issues and paneling multiple witnesses for purposes of cross-examination will create a more concise record for the Commission's consideration. Applicants urge the Commission to keep these opportunities for hearing management in mind as the case proceeds.

Event	Date
Deadline for propounding discovery in response to testimony due 8/31/2010	Noon, Tuesday, September 7, 2010
Applicants' rebuttal testimony to the direct testimony for Staff and Intervenor, and for Staff and Intervenor rebuttal testimony to the direct testimony of one another	Noon, Tuesday, September 28, 2010
Deadline for propounding discovery in response to the rebuttal testimony due 9/28/10	Noon, Tuesday, October 5, 2010
Written opening statements	Noon, Thursday, October 14, 2010
Evidentiary hearing begins	Monday, October 18, 2010
Evidentiary hearing ends	Tuesday, November 2, 2010
Initial briefs and proposed orders	Noon, Tuesday, November 30, 2010
Reply briefs	Noon, Thursday, December 16, 2010
Deadline for Commission decision	Thursday, February 24, 2011

Applicants are authorized to represent to the Commission that Staff concurs in this recommended schedule if the Commission proceeds to consider the application.


Conclusion

The schedule proposed above fairly accommodates the interests of Staff, intervenors, and the Commission in an efficient process and a timely decision based on the facts and governing law. Applicants request that the Commission enter an order adopting this schedule.

Respectfully submitted this 17th day of November, 2009.

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

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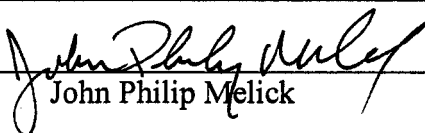
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CERTIFICATE OF SERVICE

I certify service of APPLICANTS' REVISED PROPOSAL TO TOLL STATUTORY DECISION DUE DATE AND EXTEND PROCEDURAL SCHEDULE on November 17, 2009 by United States First Class Mail, postage prepaid, to:

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