

PUBLIC SERVICE COMMISSION OF WEST VIRGINIA

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

SIERRA CLUB, INC.

and

WEST VIRGINIA HIGHLANDS CONSERVANCY

PETITION TO INTERVENE AND REQUEST FOR PUBLIC HEARING

1. Pursuant to Rule 12.6 of the Commission's Rules of Practice and Procedure, Code of State Regulations §§150-1-1, et seq., the Sierra Club, Inc. and the West Virginia Highlands Conservancy hereby petition to intervene in this proceeding.

2. The name and address of the intervenors' attorney is:

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3. The Sierra Club, Inc. (hereafter "Sierra Club"), founded by John Muir in 1892, is among the oldest environmental organizations in the United States and is dedicated to the preservation of America's natural heritage. The Sierra Club is a non-profit, California corporation with a national membership in excess of 600,000, including approximately 1,800 citizens of the state of West Virginia. A primary objective of the Sierra Club is improvement of air pollution generally. A particular objective is reduction of emissions of green house gases that contribute to global warming. The proposed electric transmission line will seriously compromise the Sierra Club's ability to meet these objectives.

4. The West Virginia Highlands Conservancy, organized in 1967, is a non-profit corporation chartered by the state of West Virginia. It is West Virginia's oldest and largest independent statewide environmental organization, with a membership of approximately 1600 citizens. The purposes of the WV Highlands Conservancy are to promote, encourage, and work for the conservation – including both preservation and wise use – and appreciation of the natural resources of West Virginia and the Nation, and especially of the Highlands Region of West Virginia, for the cultural, social, educational, physical, health, spiritual and economic benefit of present and future generations of West Virginians and Americans.

5. Potomac-Appalachian Transmission Highline (PATH) is a proposed interstate high voltage electric transmission line to be built by a joint venture of various wholly-owned subsidiaries of American Electric Power (AEP) and Allegheny Energy, Inc. (Allegheny), all of whom are listed as applicants in this proceeding, and who are referred to hereafter, collectively, and interchangeably with the proposed line, as “PATH.” Specifically the applicants seek a certificate of convenience and necessity authorizing the construction and operation of a single 765 kV transmission line from AEP’s John Amos substation in Winfield, W.Va., to a new substation in Hardy County, West Virginia, and continuing across West Virginia and Virginia to a termination point at a second new substation near Kemptown, southeast of Frederick, Md. PATH is estimated to cost a total of \$1.89 billion – more than two-thirds of which (\$1.32 billion) is associated with construction in West Virginia.

6. The proposed transmission line would be 224-miles long in West Virginia, and cross thousands of acres of unspoiled land, including lands essential to preservation of biodiversity and, on information and belief, lands utilized by members of the Sierra Club and the West Virginia Highlands Conservancy, and other citizens of the State of West Virginia, for hiking and other outdoor activities. Moreover, the activities to be authorized by the requested certificate include a significant potential for adverse effects on the members of the Sierra Club and the West Virginia Highlands Conservancy, the citizens of West Virginia and the United States generally, and electric energy consumers in particular. The proposed transmission line will expand the infrastructure for coal-fired electricity, increase coal use generally, cause significant increases in coal ash storage, and result in greatly increased emissions of green house gases, specifically CO₂.

7. Additionally, the proposed transmission line will cause the increased utilization of, and a dramatic increase in air pollution from, AEP’s and Allegheny's coal-fired electric power plants, and a corresponding increase in adverse impacts from coal mining, in particular the adverse effects of increased mountaintop removal and other surface mining disturbances. Furthermore, despite its contrary claims, construction of the proposed transmission line would conflict with the nationally recognized need for energy efficiency and conservation.

8. The purported reliability violations which PATH proposes to address, and which are asserted as justification for the line’s construction by June 30, 2014, are

derived from analytical studies that pre-date the significant economic downturn that occurred in the Fall of 2008. The obsolescence of PJM's 2007 RTEP, on which PATH was initially based, has been publicly recognized on two occasions, first last fall and again as recently as April 2009, by PJM itself.

9. Moreover, those purported reliability violations can be avoided by the expenditure of considerably less money, on a timely basis, and with significantly reduced adverse environmental impacts, by modest upgrades to existing transmission lines, either alone or in combination with Demand Side Management techniques, energy efficiency and conservation efforts generally. The expenditure of vast financial resources on an unnecessary and environmentally destructive high-voltage electric transmission line, diverts scarce funds that would otherwise be available for renewable energy efforts, which are in fact necessary to avoid the adverse effects of global warming.


10. The Sierra Club and West Virginia Highlands Conservancy request ultimate relief in the form of an order denying the requested certificate of necessity and convenience. The intervention of the Sierra Club and West Virginia Highlands Conservancy will engage issues pertinent to the issues already before the Commission, in particular the adverse environmental impacts required to be considered by the Commission under W. Va. Code 24-2-11a and will not broaden this proceeding.

WHEREFORE, the Sierra Club and West Virginia Highlands Conservancy respectfully request that their Petition to Intervene in this proceeding be granted. Further, because they believe that the proposed transmission line and its location are against the public interest, the Sierra Club and West Virginia Highlands Conservancy respectfully request that the Commission convene a public hearing on the application.

Respectfully submitted,

SIERRA CLUB, INC.
and
WEST VIRGINIA HIGHLANDS CONSERVANCY

By Counsel



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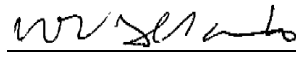
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition to Intervene of the Sierra Club and West Virginia Highlands Conservancy was served on the following persons by First Class, U.S. Mail, postage pre-paid this 1st day of June, 2009:

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