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BEFORE THE
OHIO POWER SITING BOARD

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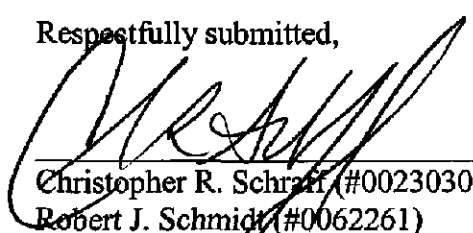
In the Matter of:)
The Application of American Transmission)
Systems, Incorporated and The Cleveland Electric)
Illuminating Company for a Certificate of)
Environmental Compatibility and Public Need)
for the Geauga County 138 kV Transmission Line)
Supply Project)

Case No. 07-0171-EL-BTX

**APPLICANTS AMERICAN TRANSMISSION SYSTEMS, INCORPORATED
AND THE CLEVELAND ELECTRIC ILLUMINATING COMPANY
MOTION FOR CONTINUANCE**

Applicants American Transmission Systems, Incorporated ("ATSI") and The Cleveland Electric Illuminating Company ("CEI") hereby move for a continuance in this matter and request that the currently scheduled Public and Adjudicatory Hearings scheduled for May 12, 13, and 21, 2008 be rescheduled at the earliest practical time in June 2008. A Memorandum in Support of this Motion for Continuance is attached.

Respectfully submitted,



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MEMORANDUM IN SUPPORT OF MOTION FOR CONTINUANCE

ATSI and CEI propose to construct a new 138 kV transmission line in Geauga County. The transmission line will connect a new 138 kV to 36 kV distribution substation located in Geauga County with the existing Ashtabula - Mayfield 138 kV transmission line located near the boarder of Lake and Geauga Counties. The proposed transmission line is needed to reinforce the existing transmission system serving the greater Geauga and Ashtabula Counties area in order to meet current and expected load growth. Residential and commercial construction continues to take place throughout the areas, and in Geauga County load growth is triple the average rate in FirstEnergy's Ohio service territories. This growth has increased, and will continue to increase, the load on local distribution and transmission facilities.

On March 26, 2008, Staff propounded its First Set of Discovery on Applicants. One of these requests, Number 16, provided as follows:

State whether a combination of the Maple Highlands Bike Trail right-of-way and utilization of an abandoned railroad corridor through the City of Chardon was considered in the route selection process. If so, provide a detailed explanation as to why this route was rejected. Include any legal constraints that may prevent acquisition of easements.

Although segments of the route described in this request were initially considered in the Route Selection Study,¹ those routes which were evaluated using the Maple Highlands Bike Trail turned north at a point east of the City of Chardon. Applicants did not evaluate the specific route suggested in Interrogatory Request No. 16, which involves utilizing a corridor through the City

¹ 893 route alternatives were evaluated as part of the Route Selection Study. See Application, Appendix 03-1. Use of approximately 75% of the Maple Highlands Bike Trail right-of way was considered in the evaluation of various alternatives in the Route Selection Study, which is included in the Application, at Appendix 03-1.

of Chardon. Applicants did not evaluate the portion of the suggested route which enters the City of Chardon.² Based upon clarification from Staff, in order to fully respond to Interrogatory No. 16, Applicants would need to collect supplemental data on the environmental and social impacts and engineering feasibility of routing the proposed transmission line along the route suggested in Interrogatory No. 16. Applicants anticipate that it will require approximately 15-30 days to collect such information and evaluate the route identified in Interrogatory No. 16 utilizing the study approach employed in the Route Selection Survey submitted with the Application.

Applicants note that, in addition to the evaluation of social impacts, environmental impacts, and engineering considerations associated with a route utilizing the Maple Highlands Bike Trail, there are also significant legal questions regarding the Applicants' legal authority³ to acquire portions of the Maple Highlands Bike Trail in the event that the Geauga County Park District refuses to consent to the use of the publicly dedicated Bike Trail for the purpose of constructing an electric transmission line. Applicants have contacted the Geauga County Park District to notify Park District management and counsel with respect to Applicants' intention to evaluate a new route which utilizes the entire length of the Maple Highlands Bike Trail from U.S. Route 322 to the City of Chardon, and will incorporate their input in the evaluation provided in response to Interrogatory No. 16.

Consequently, Applicants request that the Public and Adjudicatory Hearings currently scheduled for May 12, 13 and 21, 2008 be rescheduled as early as feasible to a date in June 2008, or as soon thereafter as possible.

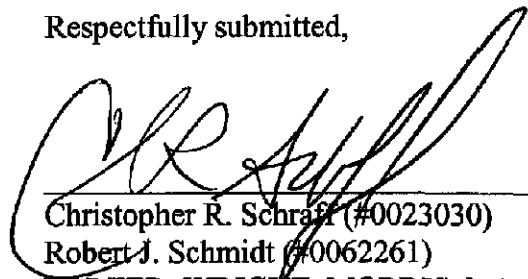
² Normally, as part of discovery, a responding party does not have the duty to search out new information in response to interrogatories. *See, e.g. Trane Co. v. Klutznick*, 87 F.R.D. 473, 476 (W.D. Wis. 1980). Thus, Applicants' legal obligation to respond to Interrogatory No. 16 normally would be satisfied by responding that the specific route identified in Interrogatory No. 16 was not considered as part of the Route Selection Study.

³ Applicants' legal authority to take property by eminent domain for an electric transmission line is found in Section 4933.15 of the Ohio Revised Code.

If Applicants' request for a continuance is granted, Applicants also request that a ruling be made regarding the form of public notice which should be issued regarding the change of hearing dates. Applicants propose to issue two public newspaper notices for the revised hearing dates -- the initial public notice at such time as directed by the Administrative Law Judge, and the second notice as prescribed by OAC 4906-5-08(B)(2).

Applicants also request a prehearing conference, at the convenience of the Administrative Law Judge, to discuss the matters raised in this motion.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'C.R. Schraft', is written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Continuance by American Transmission Systems, Incorporated and The Cleveland Electric Illuminating Company was served upon the following persons by mailing a copy, postage prepaid, on April 15, 2008, addressed to:


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