

FILE

Taft/ 16

Taft Stettinius & Hollister LLP

200 Public Square, Suite 3500 / Cleveland, OH 44114-2302 / Tel: 216.241.2838 / Fax: 216.241.3707 / www.taftlaw.com
Cincinnati / Cleveland / Columbus / Dayton / Indianapolis / Northern Kentucky / Phoenix / Beijing

JULIE A. CROCKER
(216) 706-3960
jcrocker@taftlaw.com

July 24, 2008

RECEIVED-DOCKETING DIV
2008 JUL 25 AM 10:25
PUCO

VIA FEDERAL EXPRESS

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, Ohio 43215-3793

Re: In the Matter of the Certificate Application of American Transmission Systems, Inc. and The Cleveland Electric Illuminating Company for a Certificate of Environmental Compatibility and Public Need for the Construction of the Geauga County 138KV Transmission Line Supply Project, Ohio Power Siting Board Case No. 07-0171-EL-BTX

To Whom It May Concern:

Enclosed are the original and eleven copies of Citizens Advocating Responsible Energy's Second Set of Interrogatories and Document Requests to American Transmission Systems, Incorporated and The Cleveland Electric Illuminating Company.

Please file the original and ten copies and return one time-stamped copy to me in the enclosed self-addressed stamped envelope. Thank you.

If you have any questions, please feel free to contact me.

Sincerely,


Julie A. Crocker

JAC/cm
Enclosures
cc: Thomas J. Lee, Esq.

(K0437483.1)

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Tm Date Processed 7/25/2008

**BEFORE
THE OHIO POWER SITING BOARD
OF
THE STATE OF OHIO**

2008 JUL 25 AM 10: 25

RECEIVED-BOOKING DIV

PUCO

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

CASE NO. 07-0171-EL-BTX

**CITIZENS ADVOCATING RESPONSIBLE ENERGY'S SECOND SET OF
INTERROGATORIES AND DOCUMENT REQUESTS TO AMERICAN
TRANSMISSION SYSTEMS, INCORPORATED AND
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY**

Pursuant to Ohio Administrative Code Rule 4906-7-07, Intervenor Citizens Advocating Responsible Energy ("CARE") hereby requests that Applicants American Transmission Systems, Inc. and The Cleveland Electric Illuminating Company (collectively the "Applicants") serve a written response to each of the following discovery requests within twenty (20) days of service. All requests are to be answered in accordance with the following instructions and definitions:

INSTRUCTIONS

1. With respect to all requests, all information, tangible things and documents are to be divulged which are within the knowledge, possession or control of the Applicants, its attorney or other representative.

2. When a discovery request calls for an answer in one or more parts, the parts should be separated in the answers so that they are clearly understandable.

3. The space for the answer following each request is not intended to limit your response or to suggest in any way the length of the answer that is required. If additional space is required to answer as fully as needed, please attach a separate sheet to the page upon which the interrogatory appears and indicate on such sheet the number of the interrogatory to which the answer relates.

4. If a request is made for the identification or production of documents or other tangible things which are no longer in the possession or subject to the control of the Applicants, please state when such documents or other tangible things were most recently in the possession or subject to the control of the Applicants and what has become of them, and identify the persons presently in possession or control of the documents or other tangible things. If any documents or other tangible things have been destroyed, please state when such documents or other tangible things were destroyed and the person who directed that the documents or other tangible things be destroyed and state the reason(s) the documents or other tangible things were destroyed.

5. If you object to providing the answer to any request, in whole or in part, please state clearly the basis for the objection. If a privilege is claimed, please identify any document or communication for which a privilege is claimed and set forth the nature of the privilege asserted.

6. These requests shall be deemed to be continuing to the extent permitted by Ohio Administrative Code Rule 4906-7-07. You are under a continuing duty to seasonably supplement your responses to these requests, including your responses with respect to

any question relating to the identity and location of persons having knowledge of discoverable matters, and to correct any responses which you know or later learn to be incorrect.

7. If the Applicants claim privilege as a ground for not answering any interrogatory, in whole or in part, or for not producing any requested document, they shall describe the factual basis for the claim of privilege with sufficient detail so as to permit the Administrative Law Judge to adjudicate the validity of the claim. Furthermore, the Applicants shall identify and list all documents or communications requested but withheld from production on the ground of privilege. All such documents or communications shall be retained intact pending a ruling by the Administrative Law Judge on any claim of privilege. Each document or communication shall be identified by:

- (a) the names and titles of all authors and recipients;
- (b) the date the document or communication was prepared;
- (c) the name and title of each person who had access to or custody of the document or communication;
- (d) a general description of the subject matter and nature of the document or communication;
- (e) the present custodian;
- (f) the subject matter and nature of the privilege claimed; and
- (g) if the attorney-client privilege is claimed, the date when the alleged attorney-client relationship arose.

8. All answers and responses to these discovery requests shall be delivered to counsel for CARE at the following address:

Thomas J. Lee
Taft Stettinius & Hollister LLP

200 Public Square, Suite 3500
Cleveland, Ohio 44114

9. Unless otherwise specifically stated, the authenticity and admissibility of each and every document you submit in response to this request for production shall be deemed admitted for purposes of this action, including at the adjudicatory hearing.

10. For each response to a request for production of documents, indicate the title of, or if unknown, briefly describe each document being produced. If any subject matter is deleted or redacted from a document that is produced, state the reason(s) for the deletion or redaction and describe generally the subject matter of the deleted or redacted material.

11. As used in these requests, unless incompatible with the intent of the questions where used, words in the singular tense shall be construed to include the plural and vice versa, and pronouns of any gender shall be construed to include masculine and feminine genders.

12. The present tense shall be construed to include the past tense and the past tense shall be construed to include the present tense. Where the context herein makes it appropriate, each singular word shall include its plural and each plural word shall include its singular.

DEFINITIONS

Unless a contrary meaning appears in the context of a specific request, the following definitions apply:

1. The term "communication" shall include any and all forms of communication including, but not limited to, conversations, conferences, meetings and other face-to-face communications, telephone calls and other forms of verbal or oral communication,

correspondence, telegrams, telexes, faxes, e-mails, and all other forms of written communication. In the case of parties to a conversation or consultation:

- (a) The name, last known business and home address, and home telephone number of each party;
- (b) The present position or title for each party;
- (c) The position or title of each party at the time referred to in the particular Interrogatory;
- (d) The exact date of the conversation or consultation.

2. "Document" or "documents" means any original and any non-identical copy, regardless of origin or location, written, typed, printed, recorded or graphic matter, however produced or reproduced, of any type or description, regardless of origin or location, including without limitation all correspondence, records, tables, charts, analyses, graphs, schedules, reports, memoranda, notes, lists, calendar and diary entries, letters (sent or received), e-mails, telegrams, telexes, Internet communications, messages (including, but not limited to reports of telephone conversations and conferences), studies, books, periodicals, magazines, booklets, circulars, bulletins, instructions, papers, files, minutes, other communications including, but not limited to, inter and intra office communications such as e-mail, questionnaires, contracts, memoranda or agreements, assignments, licenses, ledgers, books of account, orders, invoices, statements, bills, checks, vouchers, notebooks, receipts, acknowledgments, data processing cards, computer generated matter (including material on computer diskettes, back-up tapes or hard drives), photographs, photographic negatives, phonograph records, tape recordings, wire recordings, other mechanical recordings, transcripts or logs of any such recordings,

all other data compilations from which information can be obtained, or translated if necessary, and any other tangible thing of a similar nature.

3. The terms "identify," "identity," and "identification," "describe" and "description" mean:

(a) In the case of an individual, to state:

- (1) his name and last known business and home address;
- (2) his present position or title; and
- (3) his position or title at the time referred to in a particular Interrogatory.

(b) In the case of a firm or organization, to state the name, address and telephone number of the firm or organization.

4. "And" and "or" as used herein are both conjunctive and disjunctive.

5. "Any" shall be construed to include "all" and "all" shall be construed to include the word "any".

6. "Each" shall be construed to include the word "every" and "every" shall be construed to include the word "each."

7. The term "Applicants," "you," and "your" shall refer to Applicants American Transmission Systems, Inc. and The Cleveland Electric Illuminating Company, and any of their representatives, agents, and assigns.

8. The term "Action" shall refer to the case captioned *The Certificate Application of American Transmission Systems, Inc. and The Cleveland Electric Illuminating Company for a Certificate of Environmental Compatibility and Public Need for the Construction of the Geauga County 138KV Transmission Line Supply Project, Ohio* Power Siting Board Case No. 07-0171-EL-BTX.

9. The term "CARE" shall refer to Intervenor Citizens Advocating Responsible Energy.

10. "Employee," "trustee," "agent," "consultant," or "representative," shall mean any person serving, acting or being in such capacity at a relevant time even if such person may no longer be acting in that capacity.

11. "Project" means the Geauga County 138kV Transmission Line Supply Project, as set forth in the Application of American Transmission Systems, Inc. and the Cleveland Electric Illuminating Company for a Certificate of Environmental Compatibility and Public Need.

12. "Person" means an individual, corporation, proprietorship, partnership, professional corporation, association, organization, group, governmental agency or agent, and any other entity as referenced in Ohio Revised Code Chapter 4906.

13. "Relating to" means referring to, reflecting directly or indirectly, mentioning or describing, pertaining to or being connected with the matter at issue in any manner logically, factually, directly or indirectly.

14. The term "Application" shall refer to the Application of American Transmission Systems Incorporated and The Cleveland Electric Illuminating Company for a Certificate of Environmental Compatibility and Public Need for the construction of the Geauga County 138 kV Transmission Line Supply Project, which was filed in the instant matter.

15. "Cross-Country Route" shall refer to the proposed route identified as the "Preferred Route" in the Application, which runs through Madison Township of Lake County and Thompson, Montville, and Huntsburg Townships of Geauga County.

16. "Clay Street Route" shall refer to the proposed route identified as the "Alternate Route" in the Application, which runs primarily adjacent to Clay Street and through Thompson, Montville, and Huntsburg Townships of Geauga County.

17. "Confidential Documents" shall refer to any documents containing confidential, financial, business, critical infrastructure, trade secret, and/or proprietary information, and/or information that is not otherwise publicly known or available.

18. The term "Rachel Line" shall refer to the Rachel Transmission Line Project as proposed by The Cleveland Electric Illuminating Company in Ohio Power Siting Board Case No. 95-600-EL-BTX.

INTERROGATORIES

Interrogatory No. 23:

Identify why "the alternate strategy of reliability improvements and the installation of voltage control equipment" that were implemented are no longer sufficient to satisfy the need for electrical power in Geauga County as set forth in Applicants' response to CARE'S Interrogatory No. 5.

ANSWER:

Interrogatory No. 24:

Explain the connection between the existing 34kV circuit which runs along the Geauga Park District Maple Highlands Trail and MF-22.

ANSWER:

Interrogatory No. 25:

Identify whether the Cross-Country Route would serve the same need as the proposed Rachel Line in Ohio Power Siting Board Case No. 95-600-EL-BTX.

ANSWER:

Interrogatory No. 26:

Identify whether the Clay Street Route would serve the same need as the proposed Rachel Line in Ohio Power Siting Board Case No. 95-600-EL-BTX.

ANSWER:

Interrogatory No. 27:

Identify every person who participated in preparing responses to this Second Set of Interrogatories and Requests for Production of Documents.

ANSWER:

Interrogatory No. 28:

Identify the “environmentally sensitive areas” as set for in the Applicants’ Supplemental Response to Interrogatory No. 16 of the Staff’s First Set of Interrogatories.

ANSWER:

Interrogatory No. 29:

Identify the “other transmission lines that have been proposed to and approved by the OPSB” that used “the multi-objective decision analysis” described in the Application and as stated in Section 4.0 of the Application on page 17.

ANSWER:

Interrogatory No. 30:

Identify the date the 138 kV Pinegrove substation was constructed.

ANSWER:

Interrogatory No. 31:

Identify the “minor modifications to the proposed routes” that were made after the Public Information Meetings were conducted as set forth in the Route Selection Study of the Application on page 32 and identify whether any of these modifications changed the rankings of the routes.

ANSWER:

Interrogatory No. 32:

Identify the location of the temporary access roads that will be needed if construction of the Project occurs along the Cross-Country Route.

ANSWER:

Interrogatory No. 33:

Identify the location of the temporary access roads that will be needed if construction of the Project occurs along the Clay Street Route.

ANSWER:

Interrogatory No. 34:

Identify the results and findings of any surveys conducted from April 1, 2008 to present related to the presence of Indiana bats in Geauga County.

ANSWER:

Interrogatory No. 35:

Identify whether Indiana bats have been found in areas surrounding and along the Cross-Country and the Clay Street Routes from April 1, 2008 to present, and if so, provide the location where the Indiana bat(s) were found.

ANSWER:

Interrogatory No. 36:

Other than the restrictions set forth in the Applicants' response CARE's Interrogatory No. 6, identify any other restrictions that exist that limit construction along the "certificated Rachel route" as set forth on page 33 of the Route Selection Study contained in the Application.

ANSWER:

Interrogatory No. 37:

Identify the basis for the response to CARE's Interrogatory No. 16 that "[i]t is Applicants' understanding that the normal practice of the Ohio Department of Transportation is to not allow the structures for overhead electric transmission lines to be located within and paralleling the right-of-way of a limited access highway."

ANSWER:

Interrogatory No. 38:

Identify the basis for the response to CARE's Interrogatory No. 16 that "the Ohio Department of Transportation does not normally allow the placement of a single pole within the right-of-way of a limited access highway, although there are a few exceptions to this normal practice."

ANSWER:

Interrogatory No. 39:

Identify the exceptions to the Ohio Department of Transportation's "normal practice" of not allowing the placement of a single pole within the right-of-way of a limited access highway as referenced in the Applicants' response to CARE's Interrogatory No. 16.

ANSWER:

Interrogatory No. 40:

Identify the individuals, other than counsel for Applicants, who assisted and/or participated in drafting responses to the Ohio Power Siting Board Staff's First Set of Interrogatories Directed to Applicants and Request for Production of Documents.

ANSWER:

REQUESTS FOR PRODUCTION

Document Request No. 13:

Any and all Confidential Documents Applicants filed under seal in this Action.

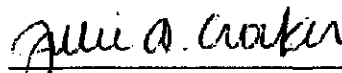
ANSWER:

Document Request No. 14:

Any and all Confidential Documents submitted to Ohio Power Siting Board Staff related to the Project, the Application, and/or this Action.

ANSWER:

Respectfully submitted,



Thomas J. Lee (0009529)

tlee@taftlaw.com

Julie A. Crocker (0081231)

jcrocker@taftlaw.com

Taft, Stettinius & Hollister LLP

200 Public Square, Suite 3500

Cleveland, OH 44114-2302

(216) 241-2838

(216) 241-3707

Counsel for Citizens Advocating
Responsible Energy

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Second Set of Interrogatories and Document Requests to American Transmission Systems, Incorporated and The Cleveland Electric Illuminating Company was served this 23rd day of July, 2008, via electronic mail and regular U.S. Mail upon the following:

Christopher Schraff
cschraff@porterwright.com
Robert J. Schmidt, Jr.
rschmidt@porterwright.com
Porter Wright Morris & Arthur
41 South High Street
Columbus, Ohio 43215

Attorneys for Applicants
American Transmission Systems, Inc.
And The Cleveland Electric Illuminating
Company

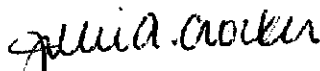
I hereby certify that a true and accurate copy of the foregoing Second Set of Interrogatories and Document Requests to American Transmission Systems, Incorporated and The Cleveland Electric Illuminating Company was served this 23rd day of July, 2008, by regular U.S. Mail upon the following:

Ted Krauss
American Transmission Systems, Inc.
76 South Main Street
Akron, Ohio 44308-1890

Representative of Applicant American
Transmission Systems, Inc.

Morgan Parke
Michael R. Beiting
First Energy Service Company
76 South Main Street
Akron, Ohio 44308

Representatives of Applicants
American Transmission Systems, Inc.
and The Cleveland Electric
Illuminating Company



Julie A. Crocker

VERIFICATION

State of Ohio)
) :ss
County of)

_____ swears under oath that he/she has answered the foregoing Interrogatories truthfully and correctly to the best of his/her ability.

Signature

Title

Sworn to and subscribed in my presence this ____ day of _____, 2008.

My commission expires: _____

Notary Public