

BEFORE

THE OHIO POWER SITING BOARD

In the Matter of the Application of)
 American Transmission Systems,)
 Incorporated and The Cleveland Electric) Case No. 07-171-EL-BTX
 Illuminating Company for a Certificate of)
 Environmental Compatibility and Public)
 Need for the Geauga County 138 kV)
 Transmission Line Supply Project.)

ENTRY

The Administrative Law Judge finds:

- (1) By entry issued August 14, 2008, the procedural schedule for this case was amended as follows:

Case Status Conference	August 18, 2008
Local Public Hearings	August 27 & 28, 2008
Discovery Completion	August 29, 2008
File Direct Testimony	September 8, 2008
Local Public Hearing	September 10, 2008
File Staff Testimony	September 16, 2008
Adjudicatory Hearing	September 16, 2008

- (2) On July 21, 2008, the Village of Orwell (Orwell) filed a motion to intervene in this proceeding, in accordance with Rule 4906-7-04, Ohio Administrative Code (O.A.C.). In support of its motion, Orwell submits that its citizens and businesses have a direct interest in the quality of the existing electric service and the reliability issues to be addressed by this project. A review of the case docket for this proceeding indicates that no memorandum contra was filed in response to Orwell's motion. The Administrative Law Judge finds that Orwell's motion meets the requirements for intervention under Rule 4906-7-04, O.A.C. Accordingly, the Administrative Law Judge finds that Orwell's petition for intervention should be granted.

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- (3) On July 30, 2008, Mr. George K. Davet filed a motion to intervene in this proceeding, in accordance with Rule 4906-7-04, O.A.C. In support of his motion, Mr. Davet asserts that he is a property owner who will be directly impacted by the proposed building of the power lines and poles on his property (under the preferred route). Mr. Davet further asserts that his interests cannot be adequately protected without his being made a formal party to the proceeding.
- (4) On August 13, 2008, American Transmission Systems, Inc. (ATSI) and The Cleveland Electric Illuminating Company (CEI) (jointly, the Companies) filed a memorandum in opposition to Mr. Davet's motion for intervention. The Companies first opine that Mr. Davet's motion fails to allege facts sufficient to support granting the motion for intervention. Next, in the alternative, the Companies do not object to Mr. Davet's intervention provided that he is consolidated for the purposes of discovery, witness presentation, cross-examination of witnesses, motions and briefing with intervenor Citizens Advocating Responsible Energy (C.A.R.E). The Companies assert their belief that this consolidation is appropriate as Mr. Davet is a member of C.A.R.E. and his interests are adequately represented by C.A.R.E. The Administrative Law Judge notes that this motion was discussed by the parties during the August 18, 2008 case status conference, which was conducted by telephone. As part of the discussion, counsel for Mr. Davet represented that Mr. Davet is no longer a member of C.A.R.E. Accordingly, the Administrative Law Judge finds that Mr. Davet's petition for intervention should be granted. The Administrative Law Judge further finds that, because Mr. Davet's interests are no longer consistent with those of C.A.R.E., the Companies' request for the consolidation of Mr. Davet with C.A.R.E for the purposes of discovery and the adjudicatory hearing should be denied.
- (5) On August 18, 2008, Mr. Chris Parker filed a motion for intervention in this proceeding, in accordance with Rule 4906-7-04, O.A.C. In support of his motion, Mr. Parker submits that, as a resident of Munson Township, he makes frequent use of the Maple Highlands Trail as a cyclist. Mr. Parker asserts that no other party to this proceeding will represent his interests exclusively and that no other party has identified the issues that cyclists will face on the trail if the proposed project is

constructed along the Maple Highlands Trail. A review of the case docket for this proceeding indicates that no memorandum contra was filed in response to Mr. Parker's motion. The Administrative Law Judge finds, first, that the Maple Highlands Trail is not within one of the proposed routes under consideration in the Companies' application. Further, the Geauga County Park District was previously granted intervention in this proceeding and whose responsibilities include the Maple Highlands Trail. The Administrative Law Judge finds, therefore, that Mr. Parker's interests would be adequately represented by the Geauga County Park District and that his motion for intervention should be denied. The Administrative Law Judge notes that, if Mr. Parker is not able to testify at the September 10, 2008 local public hearing, he may file a statement regarding his concerns in this docket.

- (6) Last, with respect to the next case status conference, counsels for the parties are reminded to call the teleconference bridge number (614 644-1099) on Tuesday, September 9, 2008, at 1:30 p.m. to participate in the case status conference.

It is, therefore,

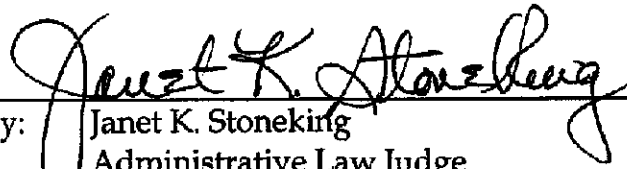
ORDERED, That the petitions for intervention filed by the Village of Orwell and George K. Davet are granted. It is, further,

ORDERED, That petition for intervention filed by Chris Parker is denied. It is, further,

ORDERED, That the parties are to participate in the next case status conference, as stated in finding (6). It is, further,

ORDERED, That a copy of this entry be served upon the Companies and their counsel, those individuals served a copy of the certified application pursuant to Rule 4906-5-05, O.A.C., and all other interested persons of record.

THE OHIO POWER SITING BOARD

By: 
Janet K. Stoneking
Administrative Law Judge

/ct *PTD*

Entered in the Journal

SEP 04 2008



Renee J. Jenkins
Secretary