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**FILE**

September 8, 2008

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**PUCO**

VIA HAND DELIVERY

Ms. Reneé Jenkins  
Public Utilities Commission of Ohio  
13th Floor  
180 East Broad Street  
Columbus, OH 43215

**Re: American Transmission Systems, Incorporated and The  
Cleveland Electric Illuminating Company;  
Case No. ~~08-287-TP-UNC~~  
07-171-EL-BTX**

Dear Ms. Jenkins:

Enclosed is the original and requisite number of copies of the testimony of David B. Hartt and Philip King on behalf of the City of Chardon to be filed in the above-referenced proceeding.

If you have any questions, please call me at the number listed above.

Sincerely,

Sally W. Bloomfield

cc: Parties of Records (via regular U.S. Mail)

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**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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. 07-171-EL-BTX

**DIRECT TESTIMONY OF**

**Philip King**

**on behalf of**

**The City of Chardon**

**September 8, 2008**

1    1.    Q.    PLEASE STATE YOUR NAME.

2            A.    My name is Philip King.

3    2.    Q.    WHAT IS YOUR OCCUPATION?

4            A.    Attorney at Law.

5    3.    Q.    BY WHOM ARE YOU EMPLOYED?

6            A.    The law firm of Schraff & King located at 4230 SR 306, Willoughby, Ohio.

7    4.    Q.    HOW LONG HAVE YOU LIVED IN THE CITY OF CHARDON?

8            A.    I was raised in the Village of Chardon and left in 1984. I returned and have lived

9            in the City of Chardon since 1986.

10   5.    Q.    PLEASE STATE YOUR POSITION WITH THE CITY OF CHARDON.

11           A.    I was elected to Council in 2004 and 2008, and also serve as Vice-Mayor and

12           Vice-President of Council.

13   6.    Q.    ARE YOU FAMILIAR WITH THE AMERICAN TRANSMISSION

14           SYSTEMS INC. AND CLEVELAND ELECTRIC ILLUMINATING

15           COMPANY'S APPLICATION AT THE OHIO POWER SITING BOARD?

16           A.    Yes I am.

17   7.    Q.    HAS THE CITY OF CHARDON TAKEN A POSITION WITH RESPECT

18           TO THE LINE ADVOCATED BY CITIZENS ADVOCATING

19           RESPONSIBLE ENERGY ("C.A.R.E.")?

20           A.    Yes. The Council of the City of Chardon passed a resolution on May 8, 2008

21           opposing the construction of the C.A.R.E. proposed overhead 138kV electrical

22           transmission line on the Maple Highlands Trail and within the City of Chardon.

23   8.    Q.    PLEASE PROVIDE SOME BACKGROUND ABOUT THE CITY OF

24           CHARDON.

25           A.    Chardon was created as a town in 1812 and designated the seat of government for

26           Geauga County. The town square is the center of the City and is immediately

1 surrounded by government offices and businesses such as law offices, title  
2 agencies, restaurants, retail stores, personal services and insurance agencies.  
3 Outward from the square are the older houses within the City. Chardon is a  
4 commercial center for residents of the City and surrounding townships. The City  
5 continues to develop as a residential community. The population in 2000 was  
6 5,156. Chardon is the only city in Geauga County.

7 **9. Q. PLEASE DESCRIBE THE DEVELOPMENT WITHIN THE CITY OF**  
8 **CHARDON DURING THE PAST 10 YEARS.**

9 **A.** Since January 1, 1998, 259 sublots for single family homes have been approved,  
10 most of which are located in five subdivisions and planned development unit  
11 developments ("PUDs"). Since January 1, 1998, 220 zoning permits have been  
12 issued for construction of single family homes.  
13 Since January 1, 1998, 37 sublots for commercial or industrial development have  
14 been approved. New businesses in the past decade include WalMart, Home  
15 Depot, Staples, Giant Eagle, four banks, a pharmacy, four fast food restaurants  
16 and a medical facility which includes medical offices and treatment facilities such  
17 as physical therapy and urgent care. This recent construction as well as expected  
18 future construction results in a congested urban area.

19 **10. Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

20 **A.** I will address the negative impact upon the residents of the City of Chardon if the  
21 C.A.R.E. proposed 138kV electrical transmission line is constructed through the  
22 City.

1 11. Q. PLEASE DESCRIBE THE AREA OF CHARDON THROUGH WHICH  
2 THE ROUTE ADVOCATED BY C.A.R.E. WOULD TRAVEL.

3 A. From the eastern edge of the City, the C.A.R.E. proposed line would proceed  
4 along the Maple Highlands Trail to South Street, passing Chardon Park Estates (a  
5 residential subdivision), the Fox Pointe residential PUD, a municipal park and the  
6 Burlington Oval Condominiums. The abandoned railroad right-of-way is elevated  
7 about 20 feet near the easterly municipal boundary and gradually slopes to ground  
8 level at South Street. This elevation results in higher visibility of the 80-85 foot  
9 poles than those constructed on grade with the surrounding area. The proposed  
10 route then proceeds westerly across South Street next to the Burlington Green  
11 Condominiums. It then turns northwesterly and continues next to the Chardon  
12 Lakes Golf Course and approximately 150 feet from the municipal cemetery.  
13 Thereafter, it passes through the center of Chardon's commercial area and then  
14 northerly between two industrial uses to the Pine Grove substation.

15 12. Q. DESCRIBE THE NEGATIVE IMPACT OF THE C.A.R.E. PROPOSED  
16 138kV ELECTRICAL TRANSMISSION LINE UPON THE AREAS YOU  
17 DESCRIBED AND THE CITY OF CHARDON IN GENERAL.

18 A. The construction of overhead transmission line through the City of Chardon is not in the  
19 best interests of the residents of Chardon. The City of Chardon is predominantly  
20 residential with concentrated areas of light industry and commercial development. The  
21 City recently expended substantial funds, including a Northeast Ohio Areawide  
22 Coordinating Agency grant for the development

of a comprehensive plan that preserves the small town, Western Reserve character of the City. Construction of this transmission line is in direct opposition of the City's plan to preserve its small town character in future development and expansion. One of the primary reasons families and individuals select the City of Chardon to live is because of its small town charm, quietness, and safety. Construction of the C.A.R.E proposed transmission line transecting the City would make the City less attractive for families to relocate here, and some residents would choose to move from the City to avoid the environmental and aesthetic impact the transmission line would create. Few, if any, residents of the City of Chardon support construction of the C.A.R.E. proposed 138kV electrical transmission line through the City.

If this line were constructed, it would cause a substantial decrease in the market values of homes, real property, businesses and other commercial enterprises. Furthermore, the right of way required for the C.A.R.E proposed transmission line will have a devastating impact on area land in close proximity of the line.

Chardon City council has worked hard to improve the quality of life for its residents, including such projects as interconnecting off road pathways for bikes and pedestrian walking traffic to reduce traffic congestion, reducing emissions and expanding public parks; and zoning changes to promote compatible business expansion and development. Construction of the C.A.R.E proposed transmission line through the City will adversely impact these vital projects and could cause substantial, irreversible harm to the City. More specifically, the C.A.R.E

proposed line would destroy the very environment that has enabled Chardon to thrive for 200 years.

13. Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes it does.