

BEFORE THE
OHIO POWER SITING BOARD

In the Matter of the Application of)	
American Transmission Systems, Incorporated)	Case Numbers:
for a Certificate of Environmental Compatibility)	11-4884-EL-BTX
and Public Need for the East Springfield London -)	11-4885-EL-BSB
Tangy Transmission Line Project and the London)	
Substation Project)	

INITIAL TESTIMONY OF

JAY A RUBERTO

ON BEHALF OF

AMERICAN TRANSMISSION SYSTEMS, INCORPORATED

1
2 **TESTIMONY OF MR. JAY A. RUBERTO**

3
4 **INTRODUCTION AND PURPOSE**

5 **Q. PLEASE STATE YOUR NAME, EMPLOYER, BUSINESS ADDRESS AND**
6 **POSITION.**

7 A. My name is Jay A Ruberto. I am employed by the FirstEnergy Service Company. My
8 business address is 5001 NASA Boulevard, Fairmont WV 26554. I am a Senior Advisor in
9 the Transmission and Substation Engineering Group of the Energy Delivery organizational
10 unit. Additional information regarding my education and work experience can be found in
11 Attachment A.

12
13 **OBSERVATIONS THAT WILL ASSIST THE READER WITH UNDERSTANDING**

14 **THIS TESTIMONY**

15
16 **Q. BEFORE TURNING TO SUBSTANTIVE MATTERS, DO YOU HAVE ANY**
17 **OBSERVATIONS THAT WILL ASSIST THE READER WITH UNDERSTANDING**
18 **THIS TESTIMONY?**

19 A. Yes. My testimony is being submitted in the proceedings for both the East Springfield –
20 London – Tangy Transmission Line Project (Ohio Power Siting Board Case no. 11-4884-EL-
21 BTX) and the London Substation Project (Ohio Power Siting Board Case no. 11-4885-EL-
22 BSB) which have been consolidated for the purposes of investigation and hearing.

23 Unless otherwise indicated, capitalized terms that are used in my testimony have the same
24 meaning as the same capitalized terms have in the Application The common terms used in
25 my testimony are as follows:

1
2 **Applications:** means the Applications of American Transmission Systems, Incorporated for
3 a Certificate of Environmental Compatibility and Public Need for the East Springfield –
4 London – Tangy Transmission Line Project and the London Substation Project.

5 **Applicant:** means American Transmission Systems, Incorporated

6 **ATSI:** means American Transmission Systems, Incorporated, the Applicant in this
7 proceeding.

8 **London Transmission Substation:** means the conversion of the existing London
9 distribution substation to a transmission switching substation as proposed for the Preferred
10 Site of the proposed Project as described in Case No. 11-4885-EL-BSB.

11 **OPSB:** means the Ohio Power Siting Board.

12 **Project:** means the proposed East Springfield – London – Tangy Transmission Line Project
13 and the London Substation Project.

14 **ODNR:** means the Ohio Department of Natural Resources.

15 **ODOT:** means the Ohio Department of Transportation.

16 **OEPA:** means Ohio Environmental Protection Agency.

17
18 Also, I note that the Applications are filed with the OPSB and posted on the Board's website,
19 and therefore available to all parties who have been granted intervention and other interested
20 parties.

1 Finally and again speaking as sponsor of the Applications, in the unlikely event that there is a
2 difference between data or information provided in the Applicants' prefiled testimony and
3 the Applications, the data or information in the prefiled testimony will control.

4 5 **OVERVIEW OF THE APPLICATION**

6 7 **Q. WHAT IS THE PURPOSE OF THIS PART OF YOUR TESTIMONY?**

8 A. This section of my prefiled testimony will provide a summary of how the Applications are
9 organized, and to briefly summarize each section of the Applications.

10 11 **Q. HOW IS THE APPLICATION ORGANIZED?**

12 A. The Applications were submitted in Dockets Nos. 11-4884-EL-BTX and 11-4885-EL-BSB.

13 The Applications were prepared in accordance with the OPSB's rules as provided in Chapter
14 4906-15 of the Ohio Administrative Code which is titled "Instructions for the Preparation of
15 Certificate Applications for Electric Power, Gas and Natural Gas Transmission Facilities."

16 This chapter of the OPSB's rules is divided into seven second level divisions, sections 4906-
17 15-01 through 4906-15-07. The seven sections are further divided into third level divisions,
18 (A), (B), (C), ..., (n) section titles. Some section titles are further divided into fourth level
19 divisions, (1), (2), (3), ..., (n) subsection titles. Some subsection titles are further divided
20 into fifth level divisions, (a), (b), (c), ..., (n) subheadings. Some of the subheadings are
21 further divided into sixth level divisions, (i), (ii), (iii), ..., (n) sub-subheadings. The OPSB's
22 rules generally instruct an applicant to provide narrative and other data in response to each
23 section, section titles, subsection, and subheadings. Most of the sub-subheadings direct the

1 applicant to provide information on maps or figures and typically do not require a narrative
2 response.

3
4 The Applications mirror the organization of Chapter 4906-15 of the Ohio Administrative
5 Code. Thus the Applications are organized into seven sections, each of which corresponds to
6 the sections in Chapter 4906-15-01 through 4906-15-07 of the OPSB rules. Each page of
7 each section is numbered with identification unique to that section, for example the page
8 numbers of the section corresponding to section 4906-15-01 are number 01-1, 01-2, 01-3,
9 etc. Further, the various Tables, Exhibits and Appendixes of each section also utilize a
10 similar numbering nomenclature. The sections of the Applications are further divided to
11 correspond to the section titles, subsection titles, subheadings and sub-subheadings, each of
12 which is numbered with a heading that corresponds to the associated parts of Chapter 4906-
13 15 of the OPSB rules. Where the appropriate response to the OPSB rules requires inclusion
14 of information on a map, exhibit or similar document, more so for the sub-subheading
15 aspects of the rules, the information is provided on a map or exhibit and usually is described
16 in the narrative of the next higher division.

17
18 **Q. PLEASE BRIEFLY SUMMARIZE EACH SECTION OF THE APPLICATIONS.**

19 A. The Project Applications were submitted to the OPSB on May 18, 2012 in two separate
20 filings. The East Springfield – London – Tangy Transmission Line Project was submitted in
21 2 volumes marked as the East Springfield – London – Tangy Transmission Line Project and
22 the London Substation Project was submitted in one volume marked as the London

1 Transmission Substation Project. In addition, on July 17, 2012, ATSI filed a revision to the
2 East Springfield – London – Tangy Transmission Line Project was identified as Revision 1.

3
4 The seven sections of each Application are:

- 5 • Section 1 - Project Summary and Facility Overview, beginning at page 1-1 of the
6 Application, addresses the requirements of the OPSB rules provided in Ohio
7 Administrative Code Section No. 4906-15-01 – Project Summary and Facility
8 Overview;
- 9 • Section 2 – Review of Need for Proposed Project, beginning at page 2-1 of the
10 Application, addresses the requirements of the OPSB rules provided in Ohio
11 Administrative Code Section No. 4906-15-02 – Review of Need for Proposed Project;
- 12 • Section 3 – Site and Route Alternatives Analysis, beginning at page 3-1 of the
13 Application addresses the requirements of the OPSB rules provided in Ohio
14 Administrative Code Section No. 4906-15-03 – Site and Route Alternatives Analysis;
- 15 • Section 4 – Technical Data, beginning at page 4-1 of the Application addresses the
16 requirements of the OPSB rules provided in Ohio Administrative Code Section No.
17 4906-15-04 – Technical Data;
- 18 • Section 5 – Financial Data, beginning at page 5-1 of the Application addresses the
19 requirements of the OPSB rules provided in Ohio Administrative Code Section No.
20 4906-15-05 – Financial Data;
- 21 • Section 6 - Socioeconomic and Land Use Impact Analysis, beginning at page 6-1 of
22 the Application addresses the requirements of the OPSB rules provided in Ohio

Administrative Code Section No. 4906-15-06 – Socioeconomic and Land Use Impact Analysis; and

- Section 7 – Ecological Impact Analysis, beginning at page 7-1 of the Application addresses the requirements of the OPSB rules provided in Ohio Administrative Code Section No. 4906-15-07 –Ecological Impact Analysis. Please note, that in the case of the Application for the East Springfield – London – Tangy 138 kV Transmission Line Project, a detailed wetland and stream delineation report was electronically filed in that matter.

APPLICANTS' WITNESSES' RESPONSIBILITIES FOR SPONSORING THE
VARIOUS PARTS OF THE APPLICATION

Q. PLEASE IDENTIFY THE APPLICANTS' WITNESSES THAT ARE SPONSORING EACH PART OR SUBPART OF THE APPLICATION.

A. I am sponsoring both Applications as entire documents.

Q. WHAT DO YOU MEAN WHEN YOU SAY YOU ARE SPONSORING THE ENTIRE APPLICATION?

A. That the data and information in the identified parts of the Applications, including tables, figures and appendices (if any), were either prepared by or prepared under my supervision as the person at ATSI responsible for the overall preparation of the Applications. For the parts of the Applications where I relied on technical knowledge or other information provided by consultants, experts or other individuals working on behalf of ATSI, I am familiar with those

1 portions of the Applications and the information provided therein, and I am sponsoring that
2 information on behalf of ATSI.

3
4 **Q. TO THE BEST OF YOUR INFORMATION AND BELIEF ARE THE**
5 **APPLICATIONS SUBMITTED TO THE OHIO POWER SITING BOARD IN THESE**
6 **CONSOLIDATE PROCEEDINGS COMPLETE AND ACCURATE?**

7 A. Yes.

8
9 **ADDITIONAL TESTIMONY IN RESPONSE TO PUBLIC COMMENTS AND OTHER**
10 **ISSUES**

11
12 **Q. DID YOU ATTEND THE JANUARY 7 AND JANUARY 8, 2013 PUBLIC HEARING**
13 **ON THE PROJECT?**

14 A. Yes.

15
16 **Q. DO YOU HAVE ANY COMMENTS ON TESTIMONY GIVEN AT THE PUBLIC**
17 **HEARING?**

18 A. Two public hearings were held in this matter on January 7 and January 8, 2013 in the Project
19 Area. During the hearings, members of the public offered a number of comments on the
20 Projects. At the time of the preparation of this pre-filed testimony, the court reporters for
21 these public hearings had yet to file the transcripts of those hearings with the Board. In order
22 to respond to the testimony provided during the public hearings, ATSI reserves the right to
23 provide additional testimony in this matter, either through additional filings or at the

1 evidentiary hearing scheduled for January 23, 2013, as needed to address the comments made
2 at the public hearing or to respond to any questions the Administrative Law Judges may
3 have. As the comments made at the public hearing were varied and covered a number of
4 topics, ATSI reserves the right to call additional witnesses with appropriate knowledge to
5 respond to those concerns.

6
7 **Q. WHAT ARE YOUR COMMENTS ON THESE INDIVIDUAL'S TESTIMONY?**

8 A. ATSI reserves the right to provide additional testimony in response to the comments made at
9 the public hearing once the transcripts of those proceedings are filed in this matter and
10 Applicant has had an opportunity to review those comments.

11
12 **Q. DID YOU REVIEW THE JANUARY 7, 2013 LETTER FROM CSX**
13 **TRANSPORTATION, INC. TO THE PUBLIC UTILITIES COMMISSION OF OHIO**
14 **IN THE DOCKET FOR THE PROJECT?**

15
16 A. Yes

17
18 **Q. DO YOU AGREE WITH THE TWO CONDITIONS THAT CSX TRANSPORTATION,**
19 **INC. RECOMMENDS IN THE LETTER?**

20
21 A. Based on our experience of working on prior projects involving CSX Transportation, Inc. and
22 other railroads, with two exceptions, we do not see anything in letter from CSX

1 Transportation, Inc. that significantly differs from what we would expect from their normal
2 requirements when working on or near their property.

3
4 **Q. WHAT IS THE FIRST EXCEPTION?**

5
6 A. The first exception is to the first recommended condition. Although we do not anticipate
7 installing structures in railroad right of way on this project, some prior projects have
8 including obtaining the railroad's approval for installing poles within railroad right of way.
9 As the specific wording for conditions may be used for subsequent projects, we would
10 reword the first proposed condition to "No new structures shall be constructed within railroad
11 rights of way without the railroad's prior authorization; ...".

12
13 **Q. WHAT IS THE SECOND EXCEPTION?**

14
15 A. The second exception is to the second recommended condition. The second recommended
16 condition would require in part that all work "... within railroad rights of way shall comply
17 with all applicable safety and engineering requirements of the affected railroad, ...".
18 Although from a practical point of view we would expect this to occur, we are concerned that
19 the actual requirements of this part are both undefined and subject to the identification of a
20 third party not subject to the Board's authority, and could be used to overly burden or even
21 stop the installation of a project. As such, we believe this section of the recommended
22 conditions should not be used or included in any Certificates issued by the Board. ATSI
23 reserves the right to object to any final Certificate that includes such a condition.

1
2 **Q. WITH THESE TWO MODIFICATIONS, DOES THE APPLICANT AGREE WITH**
3 **THE RECOMMENDED CONDITIONS?**
4

5 A. No. Although the modifications would make the recommended conditions workable, we do
6 not see anything in the conditions that would change our approach to the Projects, and that
7 would not already be included within the typical process of working with railroad right of
8 way to obtain their approval prior to any construction activity within railroad right-of-way.
9 As such, the conditions are superfluous and ATSI does not believe that any of the
10 recommendations in the CSX Letter should be included in any Certificate issued for the
11 Projects.
12

13 **Q. DID YOU HAVE THE OPPROTUNITY TO REVIEW THE COMMENTS THE**
14 **PHILLIP FREY SUBMITTED TO THE BOARD?**
15

16 A. Yes. I reviewed both the Board's January 10, 2013 response and Mr. Frey's submittal. In
17 particular, Mr. Frey indicated that he went to the Plain City Library and was not able to
18 review the Application for the Project. It appears that Mr. Frey's submittal was made
19 between January 7, and January 10, 2013, he does not indicate when he visited the Plain City
20 Library. We shipped a copy of the Application to the Plain City Library via United Parcel
21 Service and delivery was confirmed between August 17 and August 21, 2012. We became
22 aware that the Application was not available at the Plain City Library on December 19, 2012

1 and made arrangements for our External Manager to hand deliver a second copy of the
2 Application to the Plain City Library on the morning December 21, 2012.

3
4 **Q. DOES THIS CONCLUDE YOUR INITIAL DIRECT TESTIMONY?**

5 A. Yes it does. However, I reserve the right to supplement my initial testimony if anything
6 changes with respect to the status of the Applications, the Staff's Recommended Conditions,
7 the development of any stipulations with the intervening parties is reached, or in response to
8 any comments made at the local public hearings.

ATTACHMENT A

SUMMARY OF EDUCATION AND WORK EXPERIENCE OF JAY A.

RUBERTO

1 **Q. HOW LONG HAVE YOU BEEN EMPLOYED BY FIRSTENERGY SERVICE**
2 **COMPANY, FIRSTENERGY CORP., ITS OTHER SUBSIDIARIES OR**
3 **PREDECESSOR COMPANIES?**

4 A. I have been employed with FirstEnergy Service Company, or other FirstEnergy subsidiaries
5 or predecessors continuously since September, 1984.
6

7 **Q. WHAT IS YOUR CURRENT JOB TITLE?**

8 A. I am Senior Advisor, Transmission and Substation Engineering in the Transmission
9 Engineering Group of the Energy Delivery organizational unit.
10

11 **Q. HOW LONG HAVE YOU BEEN IN YOUR CURRENT POSITION?**

12 A. I was named to my current position in April, 2011 following the merger between FirstEnergy
13 and Allegheny Energy.
14

15 **Q. PLEASE DESCRIBE YOUR CURRENT POSITION.**

16 A. In this position I provide support for FirstEnergy's and its subsidiaries, including ATSI,
17 efforts to site new transmission facilities, by assisting with efforts in developing transmission
18 line route siting studies, transmission substation siting studies, and associated regulatory
19 filings. This also involves working with internal and external resources that include
20 FirstEnergy's Legal-Regulatory, Real Estate, Transmission Engineering, Customer Support,
21 External Affairs Managers, Environmental Permitting & Compliance, Vegetation
22 Management, Operations Support, Transmission Lines Services Department, Public

1 Communications, Regional Organizations, Area Managers, and Asset Management
2 Departments.

3
4 **Q. PLEASE BRIEFLY GENERALLY DESCRIBE IN THE POSITIONS YOU HAVE**
5 **HELD IN YOUR CAREER WITH FIRSTENERGY.**

6 A. Prior to the merger with Allegheny Energy, I was employed by Allegheny Energy Service
7 Corporation as Director, Transmission Siting since 2006 and was responsible for directing
8 the activities associated with the siting of transmission lines, real estate and rights of way,
9 drafting, documents and records, permitting and surveying for the regulated companies of
10 Allegheny Energy. Prior to that position, I was Director, Customer Service Center since
11 1999 where I directed the call center and various customer service and billing functions for
12 the operating companies of Allegheny Energy. Prior to that I held various positions
13 including General Manager of the Customer Service Center, Team Leader of Customer
14 Service Center Support, Supervisor, Division Customer Services and Accounting, and
15 various Engineering positions. My current assignments include leading and assisting in the
16 coordination of environmental studies and regulatory permitting for various FirstEnergy's
17 transmission projects.

18
19 **Q. STARTING WITH AFTER HIGH SCHOOL GRADUATION, PLEASE TELL US**
20 **YOUR EDUCATIONAL BACKGROUND.**

21 A. I earned a Bachelor of Science degree in Electrical Engineering from Pennsylvania State
22 University in 1983.

1 **Q. HAVE YOU EVER HAD TO TESTIFY PREVIOUSLY IN OHIO POWER SITING**
2 **BOARD OR OTHER ELECTRIC-UTILITY PROCEEDINGS?**

3 A. Yes. While I have not previously testified before the Ohio Power Siting Board, I have
4 testified before the Pennsylvania Public Utility Commission (“PA PUC”), the West Virginia
5 Public Service Commission (“WV PSC”), the Virginia State Corporation Commission
6 (“VSCC”), the Maryland Public Service Commission (“MD PSC”), the Federal Energy
7 Regulatory Commission (“FERC”) and in several cases in the Circuit Court in West Virginia.

8
9 **Q. HAVE YOU BEEN INVOLVED ON OTHER PROJECTS REQUIRING SUBMITTAL**
10 **OF OTHER TYPES OF SITING FILINGS FOR APPROVAL OF THE**
11 **CONSTRUCTION OF OTHER ELECTRIC TRANSMISSION PROJECTS?**

12 A. Yes, I have either prepared or participated in the preparation of numerous filings to the WV
13 PSC, the VSCC, MD PSC and the PA PUC as well as one other Application filing and one
14 Letter of Notification filing with the OPSB.

15
16 **Q. WHAT IS YOUR ROLE ON THE PROJECT?**

17 A. I am the person with responsibility for coordinating the Applicants’ efforts to obtain the
18 OPSB’s authorization to construct the proposed Project. As such, I am responsible for the
19 overall Project, including the Route Selection Study, the preparation of the Application,
20 filing the Application with the OPSB and acting as the Applicants’ lead representative to the
21 OPSB Staff throughout the Board’s regulatory process.

1 **Q. GO ON.**

2 A. In this role, I worked with the subject matter experts with expertise on the various topics that
3 are described in Chapter 4906-15 of the Board's regulations. The subject matter experts
4 were drawn from qualified employees of the Applicants or the Applicants' affiliates or, in
5 some cases, from qualified external consulting firms.

6
7 **Q. DO YOU HOLD FINAL DECISION-MAKING AUTHORITY FOR THE PROJECT?**

8 A. No. The Applicants' executives hold final decision-making authority for the Project. My
9 role is to formulate issues and recommendations for executive review and approval, and to
10 implement the executives' decisions and guidance. As such, I hold responsibility for
11 identifying issues that require executive authorization, presentation of such issues to the
12 executives – including answering questions from the executives, and then executing on
13 executive decisions and direction. In this role, I was the project lead for preparation of the
14 Application draft that was presented for executive authorization. Once the executives
15 approved filing of the Application, I was responsible for acting as the Applicant's lead
16 representative to the OPSB Staff throughout the OPSB's regulatory process.

17
18 **Q. PLEASE IDENTIFY THE RESOURCES THAT WERE AND ARE AVAILABLE TO**
19 **YOU AS YOU PERFORM YOUR DUTIES IN THIS MATTER.**

20 A. I received and continue to receive assistance from the subject matter experts. In addition, I
21 obtained and continue to obtain assistance on an "as needed" basis from other internal
22 FirstEnergy (and affiliated company) personnel in engineering, real estate, regulatory, asset
23 management, legal, construction, forestry, procurement, customer relations, area and

1 community relations, and communications resources. Finally, acting pursuant to executive
2 direction, I have access to and on an “as needed” basis receive assistance from external
3 resources, such as URS.

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Case No(s). 11-4884-EL-BTX, 11-4885-EL-BSB

Summary: Testimony of Jay Ruberto on behalf of Applicant American Transmission Systems Incorporated electronically filed by Mr. Robert J Schmidt on behalf of American Transmission Systems Inc.