

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 24th day of April, 2008

CASE NO. 07-0508-E-CN

TRANS-ALLEGHENY INTERSTATE LINE COMPANY

Application for a Certificate of Convenience and Necessity authorizing the construction and operation of the West Virginia segments of a 500 kV electric transmission line and related facilities in Monongalia, Preston, Tucker, Grant, Hardy, and Hampshire Counties, and for related relief.

COMMISSION ORDER

This Order (i) grants the Revised Motion to Toll, and (ii) sets a procedural schedule for addressing the April 15, 2008, Joint Stipulation.

Background

On March 30, 2007, the Trans-Allegheny Interstate Line Company (“TrAILCo”)¹ filed with the Public Service Commission of West Virginia (“Commission”) an application for a certificate of public convenience and necessity (“Application”), pursuant to W. Va. Code § 24-2-11a, authorizing the construction and operation of the West Virginia segments of a 500 kilovolt (“kV”) electric transmission line, including its towers, conductors, and the terminal equipment and related facilities (the Trans-Allegheny Interstate Line, or “TrAIL”). As proposed and described by TrAILCo, the portions of the segments of the TrAIL that will be constructed in West Virginia will consist of approximately 114 miles of 500 kV transmission line and related facilities in Monongalia, Preston, Tucker, Grant, Hampshire, and Hardy Counties, entering West Virginia from Pennsylvania approximately 0.9 miles northwest of Bowlby in Monongalia County, and exiting West Virginia into Virginia approximately 2.5 miles east of Capon Springs in Hampshire County.

¹ TrAILCo is wholly owned by Allegheny Energy Transmission, LLC, which in turn is wholly owned by Allegheny Energy, Inc.

On August 10, 2007, TrAILCo filed Supplemental Materials as required by a June 11, 2007 Commission Order, including TrAILCo's study of an alternate route (referred to hereinafter as the "Grafton Area Route") for a portion of TrAIL.

On April 15, 2008, TrAILCo, the Consumer Advocate Division of the Public Service Commission of West Virginia, the Staff of the Public Service Commission of West Virginia, and the West Virginia Energy Users Group, filed a Joint Stipulation and Agreement for Settlement ("Joint Stipulation"). TrAILCo also filed a Motion to Toll the statutory deadline in this case until June 2, 2008, to provide the Commission with additional time to consider the Joint Stipulation.

On April 17, 2008, the Commission issued an Order stating that the thirty-day suspension period requested by TrAILCo would not provide an adequate period of time for the Commission to (i) obtain comments from the other parties, (ii) schedule and convene a hearing to receive testimony and/or argument from the parties regarding the Joint Stipulation, and (iii) issue a final decision in this case.

On April 17, 2008, intervenor CPV Power Development, Inc. ("CPV"), filed a Response to TrAILCo's Motion to Toll. CPV asked that the Commission enter an order permitting the non-settling parties to file a response to the Joint Stipulation on or before May 16, 2008.

On April 18, 2008, TrAILCo filed a Revised Motion to Toll (i) withdrawing its request that the Commission toll this matter for only a thirty-day period, and (ii) requesting that the Commission toll the statutory decision due date in this case until 12:01 a.m., Saturday, August 2, 2008, for the reasons set forth in its April 15, 2008 Motion to Toll.

DISCUSSION

W.Va. Code § 24-2-11(f) and (g) provides a four-hundred day deadline for processing applications for high voltage transmission lines. At present the statutory deadline is Saturday, May 3, 2008. TrAILCo's Revised Motion to Toll seeks to toll the statutory deadline until 12:01 a.m., Saturday, August 2, 2008. The Commission will grant the Revised Motion to Toll.

The Commission will use the following procedural schedule to assist in its review of the Joint Stipulation:

Simultaneous initial comments from all parties regarding the Joint Stipulation.	Due on or before 4:00 p.m., May 16, 2008.
Simultaneous reply comments from all parties regarding the Joint Stipulation.	Due on or before 4:00 p.m., May 22, 2008.
Hearing on the Joint Stipulation	On Tuesday, May 27, 2008, beginning at 9:30 a.m., Public Service Commission building, HMC Hearing Room, 201 Brooks Street, Charleston, West Virginia.

During the May 27, 2008 hearing, each of the parties to the Joint Stipulation must be prepared to sponsor a witness or witnesses to testify regarding the Joint Stipulation. All parties, as part of their respective initial comments, shall identify the witness or witnesses the party anticipates calling during the May 27, 2008 hearing.

ORDER

IT IS THEREFORE ORDERED that TrAILCo's April 18, 2008, Revised Motion to Toll is hereby granted. The statutory due date in this matter is tolled until 12:01 a.m., Saturday, August 2, 2008.

IT IS FURTHER ORDERED that the procedural schedule established herein, including the May 27, 2008 hearing, is hereby adopted for use in this proceeding.

IT IS FURTHER ORDERED that each of the parties to the Stipulation shall appear at the May 27, 2008 hearing prepared to sponsor a witness or witnesses to testify regarding the Joint Stipulation.


IT IS FURTHER ORDERED that each party in this case shall, as part of the May 16, 2008 initial comments, identify the witness or witnesses the party anticipates calling during the May 27, 2008 hearing.

IT IS FURTHER ORDERED that TrAILCo give notice of the above described hearing by publishing a copy of Appendix A of this Order as a Class II publication in newspapers qualified by the Secretary of State, published and of general circulation in Berkeley, Cabell, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Kanawha, Logan, Marion, Marshall, Mason, McDowell, Mercer, Mineral, Mingo, Monongalia, Ohio, Preston, Raleigh, Randolph, Taylor, Tucker, and Wood Counties, making due return to this Commission of proper certification of publication immediately after publication. Such publication shall be completed prior to May 23, 2008.

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this Order upon all parties of record by United States First Class Mail and upon Commission Staff by hand delivery.

Chairman Michael A. Albert is recused in this case.

A True Copy, Teste:


Sandra Squire
Executive Secretary

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NOTICE OF HEARING ON JOINT STIPULATION

On April 15, 2008, Trans-Allegheny Interstate Line Company, the Consumer Advocate Division of the Public Service Commission of West Virginia, the Staff of the Public Service Commission of West Virginia, and the West Virginia Energy Users Group, filed a Joint Stipulation and Agreement for Settlement ("Joint Stipulation") in the above proceeding.

By Order of the Public Service Commission of West Virginia entered on April 24, 2008, the Commission set a hearing to discuss the status of this case. Such hearing will begin at 9:30 a.m., on Tuesday, May 27, 2008, in the Howard M. Cunningham Hearing Room, Public Service Commission Building, 201 Brooks Street, Charleston, West Virginia. The hearing is open to the public. The May 27, 2008, hearing is only for the purpose of addressing the Joint Stipulation. The Commission will not take public comment during this hearing.

TRANS-ALLEGHENY INTERSTATE LINE COMPANY