

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) On September 28, 2007, as amended on January 2, 2008, American Transmission Systems, Incorporated, (ATSI) and The Cleveland Electric Illuminating Company (CEI) (collectively, the Companies) filed an application for a certificate of environmental compatibility and public need to construct a 138-kilovolt (kV) transmission line in Geauga County (Gauga County Project). The proposed Gauga County Project involves the construction of a looped extension of an existing 138 kV electric transmission line to supply a new 138 kV to 36 kV distribution substation located along Mayfield Road in the Huntsburg Township area of Geauga County. The transmission line would be constructed as a double circuit 138 kV transmission line primarily supported on single wood pole tangent structures.
- (2) On September 28, as amended October 1, 2007, ATSI and CEI filed a motion for a protective order regarding confidential information filed on September 28, 2007. Also, on November 8 and November 26, 2007, ATSI and CEI filed motions for protective orders regarding confidential information filed on November 8, and November 26, 2007, respectively. In their motions for protective orders, the Companies state that the information filed under seal in this matter on September 28, November 8, and November 26, 2007, is required as part of its application by Rule 4906-15-02(A)(4), Ohio Administrative Code (O.A.C.). The Companies further state that the information filed under seal includes raw power flow base case information concerning the design, structure, and condition of the transmission system owned and operated by ATSI. The

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Companies assert that the raw power flow data meets the definition of a trade secret under Section 1331.61 (D), Revised Code, because it contains proprietary data on the design, structure, and condition of the transmission system owned and operated by ATSI. The Companies request, therefore, that the confidentiality of this information be maintained, in accordance with Rule 4901-1-24, O.A.C.

- (3) After reviewing the information filed under seal, the Administrative Law Judge finds that the information constitutes a trade secret as contemplated by Section 1331.61(D), Revised Code. Accordingly, the Companies' request for a protective order is reasonable and should be granted. In accordance with Rule 4901-1-24(F), O.A.C., the information filed under seal in this matter shall be granted protective treatment for 18 months from the date this entry is issued. Any request to extend the protective order must be filed at least 45 days before the order expires.
- (4) By letter dated November 28, 2007, the Board notified the Companies that their application for the proposed project had been certified as complete. The effective date of the filing of the application shall be March 10, 2008.
- (5) On January 15, 2008, Citizens Advocating Responsible Energy (CARE) filed a petition to intervene in this proceeding. In its petition, CARE asserts that its main purpose is to preserve and promote the existing natural environment and oppose the construction of a new transmission line utility corridor through Thompson, Montville, and Huntsburg Townships. CARE further asserts that its membership consists primarily of concerned residents of Geauga County who will be directly impacted by the construction of ATSI's transmission line along Route 528 or Clay Street. On February 1, 2008, ATSI and CEI filed their response stating that they have no objection to CARES' petition to intervene. Accordingly, the Administrative Law Judge finds that CARES' petition to intervene should be granted.
- (6) A local public hearing in this matter will be held on Monday, May 12, 2008, at 4:30 p.m., at the Geauga County Commissioners' Office, Building 8 - Conference Room, 470 Center Street, Chardon, Ohio 44204. The adjudicatory hearing

will commence on Wednesday, May 21, 2008, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11<sup>th</sup> floor, Hearing Room F, Columbus, Ohio 43215-3793.

- (7) The Companies should issue public notices of the application and the hearings, in accordance with Rule 4906-5-08, O.A.C. As part of the information to be included in the notices, as required by Rule 4906-5-08, O.A.C., the Companies shall include a statement that the public hearing in this case shall consist of two parts:
- (a) a local public hearing, pursuant to Section 4906.08(C), Revised Code, where the Board shall accept written or oral testimony from any person on Monday, May 12, 2008, at 4:30 p.m., at the Geauga County Commissioners' Office, Building 8 - Conference Room, 470 Center Street, Chardon, Ohio 44204; and
  - (b) an adjudicatory hearing commencing on Wednesday, May 21, 2008, at 10:00 a.m., at the offices of the Public Utilities Commission of Ohio, 180 East Broad Street, 11<sup>th</sup> floor, Hearing Room F, Columbus, Ohio 43215-3793.
- (8) Further, regarding the initial public notice required under Rule 4906-5-08(B)(1), O.A.C., the Companies shall include the following statement:

Petitions to intervene in the adjudicatory hearing will be accepted by the Board up to 30 days following publication of the notice required by Rule 4906-5-08(B)(1), O.A.C., or later if good cause is shown. However, the Board strongly encourages interested persons who wish to intervene in the adjudicatory hearing to file their petitions as early as possible. Petitions should be addressed to the Public Utilities Commission of Ohio, 180 East Broad Street, Columbus, Ohio 43215-3793 and cite the above listed case number.

It is, therefore,

ORDERED, That the Companies' motions for a protective order are granted as discussed in finding 3. It is, further,

ORDERED, That CARE's petition for intervention is granted as discussed in finding 5. It is, further,

ORDERED, That hearings in this case be scheduled at the times and places designated in finding 6. It is, further,

ORDERED, That the Companies publish notice of the application and hearings in this matter in accordance with findings 7 and 8. 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

*Janet K. Stoneking*  
By: Janet K. Stoneking  
Administrative Law Judge

*JJ*/ct

Entered in the Journal

**MAR 03 2008**

*Renee J. Jenkins*

Renee J. Jenkins  
Secretary