

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17105-3265**

**Re: PA PUC, et al. vs. Trans-Allegheny Interstate Line Company**

**Public Meeting: November 13, 2008**  
**1204960-OSA-0016**  
**Docket A-110172, et al., G-00071229**

**MOTION OF CHAIRMAN CAWLEY**

Before this Commission are five separate Applications of Trans-Allegheny Interstate Line Company (“TrAILCo” or “Company”), including (1) an Application for a Certificate of Public Convenience to offer, render, furnish and/or supply transmission service in the Commonwealth of Pennsylvania; (2) an Application for authorization to locate, construct, operate, and maintain certain high-voltage electric substation facilities; (3) an Application for authority to exercise the power of eminent domain along the proposed transmission line routes in Pennsylvania; (4) an Application for approval of an exemption from municipal zoning regulation with respect to the construction of buildings; and (5) an Application for approval of certain related affiliated interest agreements. Evidentiary hearings were held on March 24-28, 2008, and on March 31, April 1, and April 3, 2008. On August 21, 2008, the Administrative Law Judges (“ALJs”) issued a Recommend Decision (“R.D.”) denying the Applications. TrAILCo filed Exceptions to the R.D. on September 10, 2008. On September 25, 2008, TrAILCo and the Greene County Board of Commissioners filed a Settlement Agreement (“Settlement Agreement”) proposing a collaborative for the purposes of discussing alternatives to the TrAILCo’s Prexy Facilities, and providing for other terms and conditions.

This motion eliminates the need to conduct a binding poll on each of the substantive issues raised in Exceptions, and addresses the Prexy Facilities.

Based on the substantial record before us, the stay on the portion of the Application concerning the Prexy Facilities should be granted, consistent with the Settlement Agreement between Greene County and TrAILCo and consistent with the discussion herein.

The Settlement Agreement should be adopted, and the parties are encouraged, but not required, to participate in a collaborative as set forth therein to develop a more cost-effective solution to the potential reliability violations presented in this proceeding in the Prexy area. The Commission also encourages TrAILCo to accept community participation in the collaborative, to the extent any interested parties are not already participants in this proceeding.

In approving this Settlement Agreement, the Commission is mindful of the due process concerns of the parties. The participation, or lack thereof, of any interested person in the collaborative or the instant proceeding will not affect that

person's ability to participate in any future new or amended application proceeding related to the Prexy Facilities. To this end, the Office of Administrative Law Judge is encouraged to ensure that all interested parties are provided the notice and opportunity to be heard as required under the law.

Lastly, the above findings of fact and conclusions of law are solely based upon the record before us and the issues presented. We have reached no conclusions of law regarding the ability of the applicant to recover all or any portion of the costs of this project through federal or state tariffs. Rate recovery is not an issue that is before us.

**THEREFORE, I move that:**

1. The Settlement Agreement be approved.
2. Consideration of the Application with regard to the Prexy Facilities is stayed pending the outcome of the collaborative set forth in the Settlement Agreement and the filing of a new or amended application.
3. The Office of Special Assistants draft an appropriate order consistent with this motion.

November 13, 2008  
**Date**

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**James H. Cawley, Chairman**