

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

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Amended Application of Duquesne : Docket No.
Light Company. For the citing and : A-110150F0031
construction of a 138 kV Line in :
Hampton, McCandless, and Ross :
Townships, Allegheny County. :
-----x
Mark R. Janosko v. Duquesne Light : Docket No.
Company. : C-20065987
Public input hearings. :
-----x

Pages 102 through 146

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1000 Ross Municipal Drive
Pittsburgh, Pennsylvania

DOCUMENT
FOLDER

Tuesday, June 27, 2006

Met, pursuant to notice, at 7:00 p.m.

BEFORE:

FRED R. NENE, Administrative Law Judge

APPEARANCES:

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(Pro se)

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and Respondent)

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FOR IDENTIFICATION IN EVIDENCE

(None.)

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FORM 2

P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE FRED R. NENE: We are
3 going to start. Anyone who wants to testify, please sign
4 in. This is the second of three public input hearings that
5 the Commission has scheduled regarding the application of
6 Duquesne Light's intent to cite and construct a 138,000-
7 volt transmission line. It's approximately five miles in
8 length and it runs through three townships, Ross, Hampton
9 and McCandless.

10 What we are here for now is to develop, for the
11 Commission, a record of the customers and the people might
12 be concerned with the structure.

13 My name is Fred Nene and I'm the Administrative Law
14 Judge assigned by the Commission to develop a record not
15 only of the public input, but also technical hearings which
16 will be held July 11th, 12th and 13th, if necessary, in the
17 State Office Building in downtown.

18 We have a court reporter here who is going to
19 transcribe everything. On the far end is Attorney Regina
20 Sestak. She is representing the Applicant, Duquesne Light.
21 I'm going to ask her to say a few words in a minute, and
22 she has some people here from Duquesne Light who might be
23 able to answer some of your questions informally
24 afterwards.

25 There are three ways you can participate in this.

1 You can be sworn as a witness and testify, and all your
2 comments will be made part of the record. Then the
3 attorney for the Applicant can ask you questions on cross
4 examination if they want to explore more from what you
5 testified to.

6 You can make a statement, if you like, without
7 swearing or averring the truth, and that will not be made
8 part of the record, but you can express yourself, or you
9 can just listen and take it from there.

10 What I do is after we take the testimony here and we
11 take the technical testimony -- that is the Applicant has
12 to meet certain legal burdens of proving the need for the
13 line, the safety and environmental impact and certain other
14 criteria that they produce expert testimony to that effect.
15 That testimony can be cross examined by Complainants or
16 Protestants.

17 In this case, there are seven people who have filed
18 formal complaints or protests to the desired action by
19 Duquesne Light. They will be actively involved in the
20 hearings. Anybody can come to the hearings, but the
21 accommodations are not nearly as large as what we have
22 here, the space here.

23 What we will do is after Ms. Sestak introduces her
24 people, we will take the testimony and make it part of the
25 record. I then issue an initial decision and that's sent

1 to the Commission. The Commission can accept exceptions
2 that somebody might file to my suggested decision, and they
3 ultimately make the final decision as to whether or not
4 Duquesne Light has met their legal burden.

5 Ms. Sestak?

6 MS. SESTAK: Yes, Your Honor. My name is Regina
7 Sestak. I'm the attorney for Duquesne Light Company here
8 today.

9 Duquesne Light Company filed an application for
10 permission to cite a 138 kV transmission line on March 4th
11 of 2005, which was amended on October 6th, 2005.

12 As the Judge said, the purpose of the hearing here
13 today is to provide him with information on which he can
14 base his decision about whether or not to approve Duquesne
15 Light Company's request.

16 You probably are already familiar with the route of
17 the line which was published with the notice of hearing.
18 I'm not going to go over the details of the route. It is
19 available on the website, www.duquesnelightwildwood.info.
20 There are also copies of the application available at two
21 public libraries, the Hampton Community Library and the
22 Northland Public Library.

23 Here today with me are two of the engineers who are
24 involved in the planning of this project. On my immediate
25 left is Homer Zucconi, who is a systems planner with

1 Duquesne Light Company. He is in charge of the Wildwood
2 upgrade project. Beside him is Paul Cass, a principal
3 engineer who is involved with the design of the line
4 itself, the final engineering design.

5 In addition, if you have questions that do not
6 directly relate to the Wildwood transmission line project,
7 in other words, if you have customer service or service
8 interruption types of questions, for customer service
9 questions, there are two Duquesne Light employees available
10 to talk to you informally.

11 I would like to introduce Irene Krepps, who is the
12 young woman in the bright blue jacket, and Vernon Edwards,
13 the gentleman in the blue shirt right there. For issues
14 regarding your service itself, Pam Niehaus, who is the
15 manager of the service center for your area, is here.
16 She's in the back.

17 Any media representatives should speak to Rich
18 Sieber, the gentleman seated next to Irene there. Any
19 governmental representatives seeking information may speak
20 with John Laudenslager. He's in the back. Thank you.

21 JUDGE NENE: Thank you, Ms. Sestak.

22 I'm going to ask for those who -- just to move this
23 along, I'm going to ask everybody who intends to testify,
24 stand and be sworn at the same time. Then we can save some
25 time.

1 Whereupon,

2 ALL PROSPECTIVE WITNESSES

3 having been duly sworn, testified as follows:

4 JUDGE NENE: Mr. Kalinski, please. You are a
5 formal protestant to this matter?

6 MR. KALINSKI: Yes, Your Honor.

7 Whereupon,

8 PAWEL KALINSKI

9 having previously been duly sworn, testified as follows:

10 DIRECT TESTIMONY

11 JUDGE NENE: Go ahead.

12 THE WITNESS: I will try to make it as brief as
13 possible.

14 JUDGE NENE: You understand that the technical part
15 of this will be on July 11th, and you are going to be
16 there, are you not?

17 THE WITNESS: I will be.

18 JUDGE NENE: You are not going to be repeating
19 yourself, are you?

20 THE WITNESS: I will try not to repeat myself. I
21 will go very briefly through the issues that I plan to
22 address on the 11th. I promise I will do it as fast as I
23 can.

24 JUDGE NENE: All right.

25 THE WITNESS: Ladies and gentlemen, three issues

1 that are of my concern. It's impact of high-voltage
2 transmission lines on the property values and the lack of
3 consideration of such negative impact in the application...

4 JUDGE NENE: Wait. You are going to have to slow
5 down for the court reporter's sake.

6 THE WITNESS: I'm sorry. I know I speak too fast
7 and I have mixed Polish and Dutch accent.

8 The first issue is the impact of high-voltage
9 transmission lines on the values of the property alongside.
10 I'm concerned about a lack of consideration for such
11 negative impact, as displayed in the current application.

12 The second issue I would like to address is the
13 discussion of the existing evidence that has resulted in
14 the current classification of electromagnetic fields as
15 class 2-B carcinogen, a potential carcinogen. I would like
16 to briefly discuss the newest data on this topic.

17 My research has been based on information available
18 on the Internet, however, also at the University of
19 Pittsburgh Cancer Institute. I also got direct access to
20 the newest published literature on this topic and I think
21 this will be relevant.

22 I am concerned about the deficits of the presented
23 study of the environmental impact of the proposed siting of
24 the 138 kV line, and I am concerned that as a result of the
25 perceived flaws, which I believe do not take into account

1 the impact of such high-voltage transmission line on the
2 residents residing alongside the exiting 23 kV
3 distribution. I believe in contrast to the assumptions, a
4 different impact does exist and I think it should be taken
5 into account.

6 Very, very briefly, as far as the impact of high-
7 voltage transmission lines on the property values, there
8 are numerous studies that are published in reputable
9 journals, not something that someone can put on the
10 Internet anytime, but something that goes through the
11 process of editors and other colleagues and specialists in
12 the same fields.

13 Some articles that have been published, such as in
14 Assessment Journal and many others. The high-voltage
15 transmission lines are identified as these power lines.
16 Alongside a 60 kV or greater transmission line, the
17 property values seem very uniformly to fall by five to ten
18 percent. Part of it is perceived safety issues and health.
19 It's very, very clear in all of the literature that there
20 was concern about (inaudible) things.

21 Independently was their concern about health.
22 People simply do not want to live under something that
23 looks -- big poles and transmission lines above ground. We
24 think people don't feel comfortable in the vicinity of this
25 kind of structure.

1 A study that has been published in England and
2 Scotland specifically identifies that it's not only a close
3 proximity to lines, transmission lines. The biggest impact
4 is whenever you are within 100 feet from the transmission
5 line, but even if you are farther away, up to 200 meters
6 away from such transmission, there is the perceived
7 negative impact on the value, and this was an analysis of
8 real estate agents and the actual values.

9 As far as the potential negative impact of
10 electromagnetic fields on health of people, currently the
11 electromagnetic are classified as class 2-B carcinogen,
12 potential carcinogen. The difference between a potential
13 carcinogen and a carcinogen is that there have been no
14 studies about the mechanism of such or the potential
15 impact.

16 There are multiple studies that demonstrate that
17 there is increased frequency of two specific types of
18 cancer in the vicinity of the high-voltage transmission
19 lines. They specifically address acute lymphoblastic
20 leukemia and acute myelocytic leukemia.

21 In 2002, electromagnetic fields had been classified
22 by the International Agency for Research on Cancer, or
23 AIRC, as possible carcinogens. I believe that there were
24 two important studies published in the British Journal of
25 Cancer and International Journal of Cancer, both reputable

1 journals addressing cancer, its origins and its treatments.

2 In the first of the study, 2005, 29,000 children
3 with cancer, including nearly 10,000 with leukemia,
4 specifically demonstrating the increase of leukemia in
5 children who live within the vicinity of high-voltage power
6 lines compared to the children living a distance of 600
7 meters or 60 yards from such lines.

8 I should mention this correlation was specifically
9 to childhood leukemia, and other cancers were not being
10 correlated, which tells something about the specificity of
11 defect. The study, while it has only been published on-
12 line so far, will be published in the August 1st issue of
13 International Journal of Cancer, Kabuto, and analyzed 320
14 children with newly diagnosed acute lymphoblastic leukemia
15 and myelocytic leukemia in comparison to 603 health
16 controls. This concluded the same observations. Both
17 types of leukemia were elevated in children living within
18 -- living in houses whose bedrooms are exposed to the
19 electromagnetic fields of 0.4 (inaudible) or higher.

20 No one knows where does this correlation come from.
21 But they seem -- it may be (inaudible) correlation,
22 electromagnetic fields may be carcinogenic and can also
23 weaken the immune system. Along with these other factors,
24 it may be also a correlation with socioeconomic factor. We
25 don't know how it works, but it is difficult to believe

1 that such a danger does not exists.

2 We can argue how big is this danger. I think the
3 site of current selection of the high-voltage, which runs
4 through the vicinity of at least 125 houses to whom the
5 information of the meeting is sent, and probably all the
6 other houses on the other side of the street -- it may not
7 make sense to run the line along the route that is the most
8 densely populated area. In contrast, some of the
9 considered routes, such as route 8 or along the existing
10 railway, may result in much lesser exposure of people to
11 EMFs.

12 The final part of my statement, I am deeply
13 concerned that it appears, and perhaps you would like to
14 comment on it, the environmental evaluation of the
15 environmental impact of the proposed 138 kV, there is an
16 assumption that those people who are living in the vicinity
17 of the current 23 kV will not be affected any more than
18 they are now. That issue, I'm deeply concerned about
19 because a 23 kV lines are not recognized as high-voltage
20 power lines and all of the studies don't apply to them,
21 economic impact and health impact.

22 Second, they are not referred to as transmission
23 lines, they are referred to as distribution lines, so it's
24 a different type of stature.

25 The impacts that I am concerned about is for

1 economic impact, potential safety hazard, for health and
2 access of vehicles.

3 I'm also concerned about my privacy and privacy of
4 my neighbors. Construction of this high-voltage
5 transmission line with result in the need of clearing of
6 some of the vegetation underneath the line and adjacent to
7 it. Existing trees cause a sound barrier between our
8 houses and the existing streets and they give us more
9 privacy.

10 All of these things, I think will be affected. I
11 would like to argue that the current costs of the building
12 of the 138 kV along the current corridor, which was only
13 \$500,000 less expensive than running the same line along
14 Route 8, in fact will be much more expensive both in the
15 economic sense and the impact of such on the well being of
16 all of the residents. Thank you, Your Honor.

17 JUDGE NENE: Ms. Sestak, do you have any questions
18 or comments?

19 MS. SESTAK: No, Your Honor.

20 JUDGE NENE: Thank you.

21 THE WITNESS: Thank you.

22 (Witness excused.)

23 JUDGE NENE: Mr. Balik.

24 MR. BALIK: Your Honor, mine is also a technical
25 discussion. My understanding from the homeowners is that I

1 will not be able to -- since I'm not one of the seven
2 filing a complaint, that I will not be able to be invited
3 for the technical hearings, so that's why I'm here tonight.

4 JUDGE NENE: Yes. Do you have a lengthy statement?

5 MR. BALIK: Somewhat. I could go at the end of
6 that would be acceptable to you and let others...

7 JUDGE NENE: No, we will take your testimony now.
8 You have been sworn?

9 MR. BALIK: Yes, sir.

10 Whereupon,

11 JIM BALIK

12 having previously been duly sworn, testified as follows:

13 DIRECT TESTIMONY

14 JUDGE NENE: Please state your name and address.

15 THE WITNESS: My name is Jim Balik. I live at 2154
16 Coventry Drive. I have been asked by a group of homeowners
17 to present my assessment of the GAI study. I'm an
18 independent consultant.

19 MS. SESTAK: Your Honor, I would object to an
20 independent consultant being called at a witness at this
21 public input hearing.

22 JUDGE NENE: Well, I...

23 MS. SESTAK: If he intends to testify as expert
24 witness, Duquesne Light should have been previously
25 provided with his report and his testimony.

1 JUDGE NENE: That's true, and this really is not
2 the place for technical testimony. We are here to get the
3 concerns of the customers along the route firsthand.

4 THE WITNESS: How do I get invited to the technical
5 hearing?

6 JUDGE NENE: Maybe you could see if one of the --
7 if you could qualify yourself as an expert witness and
8 maybe one of the Complainants would be willing to retain
9 your services.

10 THE WITNESS: I have to convince Duquesne Light
11 that I am an expert witness?

12 JUDGE NENE: You would have to convince myself.

13 THE WITNESS: How do I do that, sir.

14 JUDGE NENE: Your credentials would have to be
15 established.

16 THE WITNESS: Before the July 11th meeting?

17 JUDGE NENE: You can't come in as a freelancer, is
18 what I am saying. You have to come in as a representative
19 on behalf of a party that's...

20 THE WITNESS: That's why I'm here tonight, and I
21 would participate July 11th in that same capacity.

22 JUDGE NENE: You could do that as a representative
23 of one of the parties.

24 THE WITNESS: Yes, and then in addition, I would
25 have to demonstrate to you that I'm qualified to be an

1 expert witness?

2 JUDGE NENE: Correct, okay?

3 THE WITNESS: Okay, fine.

4 JUDGE NENE: Then we will see you if you can match
5 up with one of the parties, and I think see Mr. Kalinski
6 nodding his head, yes.

7 THE WITNESS: Certainly.

8 JUDGE NENE: Okay.

9 MS. SESTAK: Your Honor, may I request that this
10 gentleman's testimony be pre-filed prior to the
11 commencement of the hearings on July 11th?

12 JUDGE NENE: You are entitled to that. Expert
13 testimony was supposed to be filed by -- was it yesterday?

14 MS. SESTAK: It was the 20th of June.

15 JUDGE NENE: The 20th of June, so if you were to
16 prepare your testimony, it's only fair that Duquesne Light
17 knows what you are going to testify about, sir.

18 THE WITNESS: I understand. Let me also say that I
19 actually was on E-1, the original proposed line, and this
20 line was to go 50 feet out my back door, so of course,
21 being an environmental consultant and having some
22 capability in this area, I was very concerned about it, so
23 I have done quite a bit of research, spoke at the Hampton
24 meeting, and if tonight I can speak in the capacity of a
25 homeowner as opposed to consultant, I would like to do

1 that.

2 JUDGE NENE: Ms. Sestak?

3 MS. SESTAK: Your Honor, I got the impression was
4 here as a consultant who investigated this matter. If he
5 appears solely as a concerned homeowner, I have no
6 objection.

7 THE WITNESS: I'm not being paid by the homeowners,
8 and the technical issues go way, way beyond what a normal
9 homeowner can evaluate. I had the capability and I offered
10 my services for free. A year ago I definitely had a vest
11 interest in this project.

12 JUDGE NENE: I think it would be prejudicial to the
13 Applicant to have expert testimony presented without prior
14 notice of what it involves.

15 THE WITNESS: By a homeowner?

16 JUDGE NENE: No, as an expert witness. I think you
17 can testify now if you keep it a reasonable length and as a
18 homeowner.

19 THE WITNESS: Sure, and I will keep it short.
20 First let me say -- I've got three points to make. Number,
21 the GAI study was not conducted in conformance Chapter
22 57(g). There were seven proposed line routes that were
23 evaluated, assessed as part of the environmental and
24 socioeconomic impact analysis.

25 The GAI environmental and environmental and

1 socioeconomic resources evaluated to determine impacts for
2 projected for the seven alternative routes. The study also
3 explained that the impact analysis was only conducted for
4 the portion of each of the alternative routes that were on
5 new right-of-ways or on existing non-electric right-of-
6 ways. That would be, for example, the railroad right-of-
7 way. The study further said that the approach was based on
8 the premise that the portions of the routes that are
9 located on existing electric line right-of-way are not
10 considered to generate substantially new impacts.

11 What this results in, and using route E as an
12 example, less than one percent of that entire route was
13 analyzed for these 23 environmental and socioeconomic
14 resources criteria. Basically the approach yields flawed
15 results because if you look at -- the definition of a high-
16 voltage transmission line is a voltage greater than 100,000
17 volts, so each of those seven lines meets the definition of
18 a high-voltage line in Pennsylvania under the siting
19 criteria.

20 There's no exemptions in subchapter G that would
21 exclude an existing right-of-way, an existing right-of-way
22 with a low-voltage line on it, from the full impact
23 analysis. So, the study basically doesn't yield an apples-
24 to-apples comparison. Basically what it does, the results
25 give you whichever alternative has the lowest right-of-way.

1 That's going to give you the best score and that's going to
2 be the selected alternative regardless whether there's
3 existing low-voltage lines on it or not.

4 Second point. Indicated before that the GAI study
5 says, "Based on the premise that the portions of the routes
6 that are located on existing electric line right-of-ways
7 are not considered to generate substantially new impact."
8 That's all in quotes. What they are saying is that they
9 excluded exiting low-voltage right-of-way from the study
10 because they are not considered to generate substantially
11 new impacts.

12 The premise that you are going to take an existing
13 right-of-way with a 24,000 volt distribution line and then
14 turn it into 138,000 volt transmission line will not
15 generate substantially new impact is not accurate. To me
16 it's disingenuous to say there are no new substantial
17 impacts. There are safety conditions, pole height, pole
18 width, etcetera, etcetera.

19 We talked about EMF earlier. We wouldn't even be he
20 talking about EMF on a 24,000 volt transmission line. So,
21 there is a difference, there is a change in putting that
22 138,000 volt line on existing 24,000 right-of-ways.

23 Lastly on this issue, the study stated there were
24 substantially no new impacts. I've done a lot of
25 regulatory analysis in a lot of other areas, and that

1 implies to me -- by them saying there are substantially no
2 new impacts, well there are existing impact then. If you
3 are saying there are no new ones, that implies there are
4 existing impacts.

5 If you look at their calculations, the existing the
6 right-of-way, the low-voltage right-of-way is assigned
7 zero. It's not even considered. Common sense would tell
8 you that if I take a 24,000 line right down Route 8 versus
9 a 24,000 volt line through a residential area, there's a
10 difference there, but in your analysis, it's zero.
11 Everything that is existing is zero.

12 Lastly, the study used the 500 kV GPU/Duquesne Light
13 weighting criteria. I know a lot of this is pretty detail
14 oriented. General Public Utilities and Duquesne Light
15 submitted an application in 1991, we are all familiar with
16 it, for 268 miles of 500 kV line from Three-Mile Island
17 outside of Harrisburg to Pittsburgh.

18 The GAI study used weighting factors that were
19 developed as part of that study. The weighting criteria
20 were then used to assess those 23 socioeconomic impacts.

21 Three points on this. The use of the GPU/Duquesne
22 Light weighting criteria is not appropriate for the
23 proposed transmission line for the following reasons.

24 Number one, the GPU/Duquesne Light project was a
25 268-mile transmission line. Over 90 percent of that line

1 was traversing undeveloped rural areas between Pittsburgh
2 and Harrisburg. Wildwood Substation project traverses a
3 heavily developed urban, residential and commercial area.

4 The developing of that weighting criteria involved
5 the stakeholders of that project. The stakeholders of that
6 project are much, much different than the stakeholders of
7 this project and the group of stakeholder affected by this
8 project would create a much different weighting criteria
9 that in 1990 when the GPU/Duquesne Light study was done.

10 One example of the importance of this, if you look
11 in your study, you have a weighting criteria associated
12 with if the line runs next to a commercial or densely
13 populated area, the weighting is 88.8. If it runs next to
14 a residential area, it's 76.9, and I can give you the pages
15 numbers that I pulled these from.

16 Without getting into detail, they are basically
17 saying that the -- the weighting criteria from the
18 GPU/Duquesne Light 1990 study is saying it's more favorable
19 to locate a line along a residential than it is in a
20 commercial densely populated area. I just can't -- to me,
21 it's counter-intuitive that any stakeholder group in the
22 North Hills of Pittsburgh or the north hills of
23 Philadelphia or any heavily urban area in the state, would
24 create weighting criteria that would favor a residential
25 area over a commercial area.

1 The last point is, that weighting criteria is over
2 16 years old, and the public perception of relative
3 importance changes, and I will give you an example of this.
4 We talked about EMFs. In 1990, I'm not even sure I heard
5 much of anything about EMFs and their impact. Right now,
6 Duquesne Light has experts saying -- I've read their
7 reports stating a variety of scientific studies state that
8 the health hazards from EMF are inconclusive.

9 However, these same studies suggest that "prudent
10 avoidance" be practiced until more research has been
11 conducted. The same studies that the Duquesne Light
12 experts cite in demonstrating that the research is
13 inconclusive, those same studies state, "However, we should
14 be practicing prudent avoidance."

15 Prudent avoidance really is a concept that means
16 that we should avoid exposure to EMF when possible. This
17 concept didn't even exist in 1990, and the PUC and the
18 public should expect this criteria to be assessed in 2007,
19 and it's just not there. Prudent avoidance has not been
20 integrated into this analysis. Thank you.

21 JUDGE NENE: Did you recommend an alternate route?
22 I didn't hear on.

23 THE WITNESS: Do you want me to recommend an
24 alternate route?

25 JUDGE NENE: You criticized this one.

1 THE WITNESS: Excuse me?

2 JUDGE NENE: You criticized the one they elected,
3 but what do you...

4 THE WITNESS: The one I would pick would be number
5 one, the railroad. I understand, I've done the research,
6 I've talked to CSX, and as of June of last year, they
7 weren't even aware that this project was going to happen.
8 The ideal, to me, is the railroad.

9 The reason why Duquesne Light is going south to
10 north is because of growth in northern Allegheny County.
11 That railroad line is a straight shot, not just from
12 Allison Park up to the Wildwood Substation, but Duquesne
13 Light at some point in the future, is going to go further
14 north to their most northern substations. They are going
15 to taking a 138,000 volt line further north, and the
16 railroad provides an ideal -- in my opinion, it is the most
17 ideal selection. Yes, it costs money.

18 Let me also say that five years ago, CSX filed for
19 abandonment of that railroad line, so now you have a short
20 line and you regional operating on it right now running one
21 train a day. In two years, three years, four years
22 perhaps, if those short-line railroads go out of business
23 or stop that one train a day, CSX will file for abandonment
24 and if they have no takers, it will be Rails-To-Trails.

25 So, what we will be doing now is taking 138,000 volt

1 line through a heavily populated residential area when at
2 some point in the future, I believe in my heart, that will
3 be Rails-To-Trails. I'm looking at not just today, but in
4 the future -- right now the railroad line has minimal
5 residential impact. That's frankly my biggest concern.

6 JUDGE NENE: Ms. Sestak, do you have any questions?

7 MS. SESTAK: No, Your Honor.

8 JUDGE NENE: Thank you, Mr. Balik.

9 (Witness excused.)

10 JUDGE NENE: Laura.

11 MS. GRGURAS: Laura Grguras. I just here to make a
12 statement. I did not swear in, Your Honor.

13 JUDGE NENE: You did not...

14 MS. GRGURAS: I did not swear in. I'm just here to
15 make a statement.

16 JUDGE NENE: You know this will be off the record?

17 MS. GRGURAS: Yes.

18 JUDGE NENE: Off the record.

19 (Statement off the record.)

20 JUDGE NENE: Back on the record.

21 Mr. Henderson, have you been sworn, sir?

22 MR. HENDERSON: I have.

23 Whereupon,

24 KIRK HENDERSON

25 having previously been duly sworn, testified as follows:

1 DIRECT TESTIMONY

2 JUDGE NENE: Go ahead, sir.

3 THE WITNESS: My name is Kirk Henderson and I live
4 at 8196 Streamside Drive. My back yard borders on property
5 -- the back yard of house on Thompson Run Road, so my house
6 is about 50 yards or so from where this line will come down
7 Thompson Run Road. This is the southern portion of
8 McCandless.

9 I have looked at some of the information involving
10 this, done some reading on the Internet, and I don't want
11 to rehash everything that's already been said.

12 My concern is this, what the last gentleman referred
13 to as prudent avoidance. That's my concern. In my
14 neighborhood alone, within, in my estimation, of a hundred
15 yards of where these lines come through, there are 30
16 children who live there, just in my neighborhood alone.

17 My concern is what impact this will have on my
18 children. From what I understand, the science with the EMF
19 is inconclusive at this point. However, there is a concern
20 as to what it will do children. I have three children
21 of my own, and I'm very concerned what will happen to them
22 living this close to this kind of voltage power lines.

23 I would hope that there could be an alternative
24 route that doesn't impact residential neighborhoods in the
25 way that this line will. Down Route 8 perhaps, the rail

1 line perhaps, but somewhere other than cutting through the
2 heart of the residential portion of the North Hills.

3 JUDGE NENE: Is there a line there now?

4 THE WITNESS: There are. It is -- I forget the
5 voltage, it's the lesser.

6 JUDGE NENE: The 23 kv.

7 THE WITNESS: The 23, yes, and that is what runs
8 through the neighbor that I share a back yard with, through
9 his front yard. That's what it is. I'm not concerned now
10 with that, but increasing that six-fold, living that close
11 gives me great concern.

12 JUDGE NENE: Ms. Sestak, any questions?

13 MS. SESTAK: No, Your Honor.

14 JUDGE NENE: Thank you, sir.

15 THE WITNESS: Thank you for your time.

16 (Witness excused.)

17 JUDGE NENE: Robert Kunkel.

18 Whereupon,

19 ROBERT KUNKEL

20 having previously been duly sworn, testified as follows:

21 DIRECT TESTIMONY

22 THE WITNESS: Most of the other people that spoke,
23 especially the first two, they had a great deal of evidence
24 which I agree with and was going to -- had some evidence
25 that pretty much mirrors that.

1 I would like to go on record to say that I do live
2 on Thompson Run Road.

3 JUDGE NENE: Just a second. For the record, just
4 state your name.

5 THE WITNESS: Robert Kunkel, K-u-n-k-e-l.

6 JUDGE NENE: Thank you.

7 THE WITNESS: I do live on Thompson Run Road
8 directly along the path of this proposed route. My biggest
9 concern is the health of my children. I have three
10 children and two of them are under the age of five years
11 old. The health affects of this project really, really
12 concern me. I just wanted to go on record as saying that I
13 am opposed to it.

14 JUDGE NENE: How close is the line to your
15 residence?

16 THE WITNESS: About 300 feet, but all the studies
17 I've read go out to, as was mentioned earlier,
18 approximately 600 feet, I believe it is. I also have a --
19 one of the studies that I refer to, if you want me to quote
20 that, I can.

21 The study was actually done in the United Kingdom
22 and it was a longitudinal study done over a period of 33
23 years involving 35,000 children diagnosed with cancer. It
24 correlated their distance to the nearest electrical
25 transmission line, high-power, high-tension line, whatever

1 you want to call it. Apparently the risk, from what their
2 findings were, is that the risk double for people living in
3 close proximity to these lines. They were using the figure
4 of 100 meters.

5 Children age zero to five, according to their study,
6 would be even more vulnerable and the risk would be even
7 higher because the study -- they considered the younger
8 kids more vulnerable to the effects of this type of
9 facility.

10 I just wanted to voice my concerns because I do live
11 close and I do have young children.

12 JUDGE NENE: Ms. Sestak, any questions?

13 MS. SESTAK: No, Your Honor.

14 JUDGE NENE: Thank you, Mr. Kunkel.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 JUDGE NENE: Who is next? I don't have the sheet.

18 Yes, sir. Now I really need you to state your name
19 since I don't have it in front of me.

20 MR. MARTIN: Mike Martin, Ringeisen Road.

21 JUDGE NENE: You've been sworn?

22 MR. MARTIN: Yes, sir.

23 Whereupon,

24 MIKE MARTIN

25 having previously been duly sworn, testified as follows:

DIRECT TESTIMONY

1
2 JUDGE NENE: Go ahead.

3 THE WITNESS: I would like to make a quick comment
4 about that railroad situation. At the McCandless town
5 meeting, the attorney, the young lady here, said that they
6 don't want to get involved with the railroad because the
7 railroad might grant them a lease which they could take
8 back, create problems and so forth and so on, and it's hard
9 to get a right-of-way from the railroad.

10 Well, a little investigation on my part found that
11 that was completely erroneous because granting right-of-
12 ways is a lucrative side business for CSX, and they
13 actively pursue such scenarios.

14 Also, I would like the people to know that this
15 isn't a done deal for Duquesne Light. They are going to go
16 before the PUC and the PUC is not a rubber stamp for them.
17 Just as when any public utility requests a rate increase,
18 it's brought before the PUC and all the impacts are taken
19 into consideration. They might possibly get a rate
20 increase, but it's not always a done deal.

21 Also another point I would like to make is that I've
22 been in contact with all the levels of government that we
23 have from our state representative, Mike Terzi, our state
24 senator, Jane Orie, our McCandless town council, our county
25 executive, Dan Onarato, and our congresswoman, Melissa

1 Hart, and all are adamantly opposed to this route that they
2 have selected.

3 All of them that I have spoken to prefer the route
4 that goes through the railroad or the route that goes on
5 Route 8. They all don't agree with going through a heavily
6 populated residential neighborhood for a transmission line.

7 Those are the points that I wanted to make. Thank
8 you very much.

9 JUDGE NENE: Ms. Sestak, any questions?

10 MS. SESTAK: No, Your Honor. I would like to
11 concur with Mr. Martin's statement that the Public Utility
12 Commission is not a rubber stamp for the utilities. It
13 would make my job easier if it was, but the truth is that
14 in the interest of justice, the Public Utility Commission
15 does make an independent decision.

16 THE WITNESS: The reason I made that statement is I
17 want people to realize that -- to keep up the fight. This
18 isn't over. By the grace of God, I really do believe we
19 will prevail in this endeavor. Thank you.

20 JUDGE NENE: Yes, sir.

21 (Witness excused.)

22 Who is next? Yes, sir. Mr. Janosko, you testified
23 this afternoon at 1:00.

24 MR. JANOSKO: I did. I spoke this morning, Your
25 Honor, this afternoon, yes. Do I need to sign in again?

1 JUDGE NENE: Well, we really don't need you to
2 sign, you are a party, but it would be nice if you did
3 sign. Are you going to repeat your testimony?

4 MR. JANOSKO: No I am not.

5 JUDGE NENE: All right.

6 Whereupon,

7 MARK R. JANOSKO

8 having previously been duly sworn, testified further as
9 follows:

10 DIRECT TESTIMONY

11 JUDGE NENE: Go ahead.

12 THE WITNESS: First of all, Your Honor, I would
13 like to say that I am happy that Duquesne Light is actually
14 looking on modernizing its electric grid. I think
15 electricity is something that obviously everybody uses and
16 needs. I'm happy they are looking on modernizing their
17 grid.

18 That being said, as Mr. Kalinski and Mr. Balik
19 brought up earlier, I think that they need to look at the
20 alternative routes, that the study from GAI doesn't put
21 enough emphasis on residential communities. They look at
22 the existing corridor and really don't put much impact on
23 it when it comes to -- because it's already established as
24 a right-of-way.

25 They put more emphasis on new construction and don't

1 consider that this is new construction. Even though it's a
2 right-of-way that is established, it is a new high-voltage
3 line. There is not a high-voltage line that exists there
4 currently.

5 Duquesne Light has even alluded to in their
6 statement, their testimony, that when they look at
7 modernizing their electrical system, their electrical grid,
8 they try to minimize the effect on property and property
9 owners. They don't want to improve someone else's property
10 while hurting someone else's property.

11 I don't think much emphasis has been put on the
12 potential health effects, as I mentioned earlier this
13 afternoon, and also they didn't take into account potential
14 negative effects on property values. They really mentioned
15 nothing of that in their testimony.

16 Those are my concerns. Their own expert witness,
17 Dr. Bailey, who's credentials are very reputable -- he sat
18 on the board called the International Agency of Researching
19 Cancer. This was done on behalf of the World Health
20 Organization, and this was done in 2001. They published
21 about a 400-page manual looking at all kinds of effects.

22 One of them was looking at electromagnetic fields
23 from high-voltage lines. When they looked at EMFs, they
24 concluded at that time in 2001, that it is a possible
25 carcinogen. That doesn't mean it is, but it doesn't mean

1 it isn't.

2 If there was no other alternative to this corridor
3 they picked, line E, the proposed line, I would say, okay,
4 that's fine, that's the only one you have. They have seven
5 alternatives, and the one that's been mentioned about going
6 on the railroad, which is line C, their own consultants,
7 GAI, have said that's a reasonable alternative to what is
8 being proposed right now. They have already said that, so
9 their own people have said that.

10 Since there is a reasonable alternative and we have
11 a potential a possible carcinogenic effect, we don't know
12 for sure, why not look at this other alternative?

13 I really think it's being done out of convenience.
14 You have a corridor that's already established and this is
15 the easiest way for them to go about doing it.

16 JUDGE NENE: Let me ask you this. When you filed
17 your complaint -- this is an amended application. Did you
18 file your complaint to the original application?

19 THE WITNESS: No, sir. I filed it to the amended
20 one.

21 JUDGE NENE: Okay.

22 THE WITNESS: My house is 50 feet away from the
23 current line, the 23 kV line. When I bought that property,
24 I bought it knowing what was there. Every homeowner in
25 this area bought with what was there at that time. But,

1 now they are proposing something that is six times more
2 powerful and we don't know the effects. I have three young
3 children, my daughter who is two, my son who is seven and
4 my other daughter is nine. We don't know the potential
5 effects.

6 Duquesne Light, in all respect, they will studies
7 that do not support any health effect with EMFs. There's
8 been plenty published, but their own expert witness, Dr.
9 Bailey, has concluded in this large study that there is a
10 possible carcinogenic effect.

11 Mr. Kalinski mentioned earlier that the study was
12 published in 2005, and I mentioned that earlier in my
13 testimony at 1:00 today. That study was not included in
14 their -- was not available when they had done their initial
15 recommendation back in 2001.

16 What impact that would have on that committee's
17 decision, we don't know. Right now I think, given it's a
18 possible carcinogen. I don't want to live next to a
19 possible carcinogen if I don't have to, and I think there's
20 reasonable alternatives here.

21 If I remember right, there's one other corridor
22 that's actually been suggested by GAI as being a reasonable
23 alternative. I think it's the Route 8 alternative. I'm
24 not sure on that.

25 That's it, Your Honor.

FORM 2

1 JUDGE NENE: Thank you, Mr. Janosko.

2 Ms. Sestak?

3 MS. SESTAK: I have no questions.

4 JUDGE NENE: Thank you.

5 THE WITNESS: Thank you, Your Honor.

6 (Witness excused.)

7 JUDGE NENE: Is there anybody else who would like
8 to make a statement?

9 MR. HAMROCK: I did not sign in, did not swear in.

10 JUDGE NENE: There's somebody before you.

11 MS. ZAUN: He can go ahead.

12 JUDGE NENE: Okay, then sign in and I will swear
13 you in.

14 MR. HAMROCK: I'm Steven Hamrock. I live on 8201
15 Streamside Drive.

16 JUDGE NENE: For the record it's H-a-m...

17 MR. HAMROCK: H-a-m-r-o-c-k.

18 JUDGE NENE: Thank you. Would you raise your right
19 and be sworn

20 Whereupon,

21 STEVEN HAMROCK

22 having previously been duly sworn, testified as follows:

23 DIRECT TESTIMONY

24 JUDGE NENE: Go ahead.

25 THE WITNESS: I have lived in this house for

1 approximately 20 years. It will be about 300 feet, my
2 assessment, from where the new line would come through.

3 JUDGE NENE: There's no line there now?

4 THE WITNESS: Well, it's the 23 kV line which is
5 there now.

6 JUDGE NENE: Okay.

7 THE WITNESS: I've been there 20 years. I am
8 concerned, as you have already heard, about the potential
9 carcinogenic health risks that are associated with it. I
10 am an electrical engineer by education and by trade. I do
11 not profess to be a power line expert, but I do have a
12 background in electrical engineering.

13 My concern basically is similar to what you have
14 already heard, and I just want to be on record that I too
15 opposed this particular route for this high-voltage power
16 line, mainly for the concern to the health potential,
17 health risks to the neighborhood. My children are grown,
18 but I do have grandchildren that come to the area.

19 Also I'm concerned for the property values. As it's
20 known, people generally will have an emotional effect if
21 not a real effect, and this is what generates property
22 values. This is what will have an impact, both positive
23 and negative, on property values. Those are my concerns.

24 JUDGE NENE: Thank you, sir.

25 Ms. Sestak, any questions?

1 MS. SESTAK: No, Your Honor.

2 JUDGE NENE: Thank you.

3 THE WITNESS: Thank you.

4 (Witness excused.)

5 JUDGE NENE: Ma'am. Have you been sworn?

6 MS. ZAUN: I have been.

7 Whereupon,

8 BARBARA ZAUN

9 having previously been duly sworn, testified as follows:

10 DIRECT TESTIMONY

11 JUDGE NENE: State your name, please.

12 THE WITNESS: My name is Barbara Zaun, Z-a-u-n. I
13 live at 8233 Thompson Run Road. I have lived there for 19
14 years, and the home in which I live is one of the oldest
15 homes in that area, so I have known the home the home for
16 40 years. I say that because I grew up in this area.

17 One of the reasons for my choosing Thompson Run was
18 because although it parallels McKnight Road, which is
19 totally urban and very commercialized, our road is very
20 residential, a lot of trees, and in the fall, those of us
21 who live there, know of wonderful fall foliage. It was one
22 of the reason in my choosing the home along with the home
23 itself.

24 I found out about this last October when I received
25 a letter, so I was not aware of the hearings a year ago.

1 I'm affected by the amended route. My concerns are
2 basically those of the people that preceded me.

3 I'm a language teacher. I do not have a technical
4 background, but I am concerned for safety, I'm concerned
5 for the property value and I am also concerned about both
6 the ethical and the fiscal responsibility that Duquesne
7 Light has, and I would like to mention each of these
8 briefly by referring to my notes.

9 For the safety, when I was invited to meet with the
10 community members and I heard what those with the technical
11 background had to say, I went home and I called my brother,
12 who is an electrical engineer, and asked him about the
13 safety of the 138 kV line.

14 He does not work with the high-voltage lines, but to
15 his knowledge and what he said to me in layman's terms, it
16 would be similar to standing in front of your toaster all
17 day and your television all day, and that's 24/7. Not one
18 of us in here stands in front of the toaster and/or a TV
19 all day, and of course, there are stronger lines.

20 My next question to him was, and he has three
21 children, please give me an honest answer. Would you be
22 concerned if these lines were going through your property
23 and/or would you consider buying a home if your home was
24 close to this line? My home, my front porch is 47 feet
25 from my telephone pole with the 23 kV line.

1 He said to me, "Barbara, my honest answer is I would
2 be concerned, and if I were looking for a home, I would not
3 purchase that home." Again, that's brother to sister. He
4 is not an expert in high voltage.

5 He does have a friend who is an electrical engineer
6 for Allegheny Power and does solely high-voltage lines. He
7 said, I will make a phone call, see what he says, give you
8 his opinion. He called me back and said that first of all,
9 this electrical engineer was very surprised that Duquesne
10 Light was even considering putting this type of voltage
11 through a residential area.

12 He then added that as far as Allegheny Power, and
13 again I do not have this in writing, this is second-hand,
14 that as far as Allegheny Power, when they construct 138 kV
15 line, which is what he does, they make sure that there are
16 not any structures within 100 feet. So, after that
17 conversation, my concern was even increased.

18 When I was at the meeting and I was looking briefly
19 through the various studies, I noticed that with your
20 studies, you included a few pictures of each of the
21 proposed routes. So, naturally I looked at the pictures
22 that were included for my proposed route, and the one is of
23 the electric substation on Thompson Run Road, and the
24 second picture is one slightly north of the power station
25 looking north, the one taking the picture. It shows a lot

1 of the trees that I said were on that road, and I believe,
2 in the picture, there were two homes in the distance.

3 Where I live on Thompson Run Road and for most of
4 the residential area on Thompson Run Road, it is home after
5 home. So, I went on the Internet and I went to a site
6 where I was able to get aerial views. Maybe you are
7 familiar with this, but I brought these this evening.

8 Perhaps, Judge, if you would like to look at this,
9 or anyone else here, but this is from a hundred yards out.
10 This is my home that's circled. It shows the proximity of
11 my home and all of my neighbors starting from Haslett Road
12 where there is a swim club with children, all the way down.

13 Then Streamside, where two people this evening,
14 their homes are on this too. The homes whose backyards
15 connect with those on Streamside, they are at least as
16 close to the line as mine, or slightly closer. I went out
17 with a yardstick and measured my line.

18 JUDGE NENE: Is the line visible on there?

19 THE WITNESS: Pardon me?

20 JUDGE NENE: Is the line visible on that
21 photograph?

22 THE WITNESS: The pole are visible. I have closer
23 aerial pictures from 70 yards out, and yes, the poles and
24 the trees are visible, so one can see those poles.

25 Then I went further down Thompson Run Road where it

1 shows another pocket of homes, also churches. The churches
2 have Bible summer school, and it shows again the proximity
3 to the homes, one to the other. I shows the proximity of
4 our homes within 50 feet.

5 When I read the studies as far as property value, of
6 course the studies say the further you are away, the
7 property value is affected less. But, for those properties
8 that are within 50 feet, that is where the nine to ten
9 percent study that that is affected. I would say that for
10 most of us along this road -- and as you can see by these
11 pictures, we are within that close proximity, so it's
12 safety.

13 I'm very concerned with the property value, and
14 again, I chose my house because the aesthetics. So, it's
15 not just property value, but along with that -- in the
16 fall, I mentioned foliage. Of course, when these lines
17 come through, we were told that the trees would have to
18 cleared within the right-of-way.

19 I have some pictures of my home that shows the trees
20 in my front yard. It shows how trees, just as those on
21 Ringeisen, they act as a barrier. They provide privacy.
22 We live on roads that have a lot of traffic, but with the
23 barrier of the trees, it's not as noticeable. Even in the
24 winter, even though the trees are bare, you still have the
25 trees and the limbs which provide that barrier and it makes

1 for a nice residential area without void of vegetation.

2 I want to end with what I call, and I may not be
3 choosing the correct words, but I would like to call it the
4 ethical and fiscal responsibility of Duquesne Light. Where
5 I live in McCandless Township, it's the township who
6 decides who collects my garbage. I don't have a choice.

7 When I live in McCandless Township, Duquesne Light
8 is my distributor of my power, of my electrical power.
9 Perhaps I have a choice for power generation if I would
10 want Blue Mountain or something else, but for the
11 distributor, I don't have a choice. I have you, and I
12 would call this -- we are a captive clientele in that we
13 don't have a choice.

14 Given the fact that we don't have a choice, which is
15 nice for you because you don't have to put out ads saying
16 buy us rather than buy someone else, as we would with a car
17 and having a choice, it seems to me that you do have a
18 responsibility to us.

19 I really appreciate the time being given to these
20 hearings, but with that, when I mention fiscal
21 responsibility, when we think of fiscal responsibility,
22 when I see an article in the paper saying that Duquesne
23 Light or Equitable Gas is coming before the PUC to raise
24 our rates, we usually think of it that way.

25 But, in thinking about it for the last few days,

1 fiscal responsibility -- when I looked at one of the other
2 studies, I was told this study is not preferred because it
3 would cost \$500,000 more. Well, we are your captive
4 clientele, so you have a responsibility to us to take into
5 consideration all of our property losses.

6 Then is there really much of a difference, or even
7 less, as far as dollar amount? It seems as though the
8 fiscal responsibility is not within the parameters of your
9 accountants' bottom line, but those parameters should
10 include the clients that they serve when those clients do
11 not have a choice of distributor.

12 By ethical responsibility, it's just what these
13 people have said this evening about safety of the children,
14 the unknowns of EMF. I don't think anyone in here would
15 want to be saying, I made that decision and then ten years
16 from now, perhaps there is a study that determines there is
17 a definite risk. Then it's too late.

18 Like the others, if the railroad is a possibility,
19 there are no residents near the railroad, then I hope, I
20 very much hope that Duquesne Light will consider that as a
21 possibility. I thank you very much.

22 JUDGE NENE: Ms. Sestak?

23 MS. SESTAK: No questions, Your Honor.

24 JUDGE NENE: Thank you very much.

25 (Witness excused.)

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Is there anyone else who would like to speak?

(No response.)

The testimony was very forthright, and I appreciate the effort and what went in to the presentation of this evidence. It's a very difficult decision that will have to be made.

We will be back here again tomorrow at 7:00 for another public input. Thank you all for coming and for your testimony.

(Whereupon, at 8:10 p.m., the hearing was adjourned.)

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were reported by me and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

BY: Barbara Heinlein
Barbara A. Heinlein

SECRETARY'S BUREAU
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2006 JUL -5 AM 9:29

FORM 2