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Via Electronic Filing

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Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re Docket No. C-2021-3028283
Samantha Bryant v. Metropolitan Edison Company and Mid-Atlantic Interstate Transmission, LLC

Main Brief

CERTIFICATE OF SERVICE

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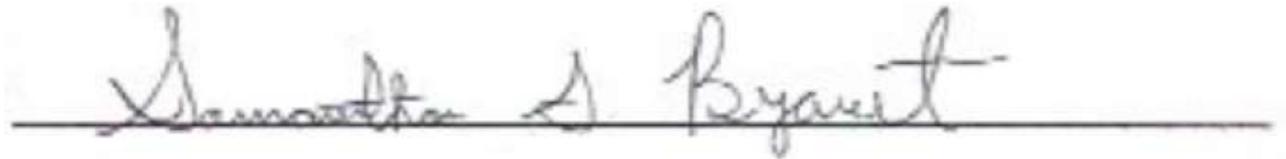
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If there are any questions, please contact me.

Thank you,

Your signature(s)

A handwritten signature in cursive script that reads "Samantha A. Bryant". The signature is written in dark ink and is positioned above a solid horizontal line.

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List of pertinent proceedings that have been consolidated noted below:

C-2021-3028186- DEBORA CONNELL v. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028464-TRACY AND JILL TROUTMAN V. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028278-REBECCA WALIZER V. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028416- NEAL WALMER v. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028211 - MICHAEL AND MARGARET MARINO v. METROPOLITAN EDISON & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028346- STANLEY & EILEEN KRASINSKI v. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028286-MICHAEL FLORIO v. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028283-SAMANTHA BRYANT v. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028314-MICHAEL KRAMER v. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028414 -ANDREW S. FREIBERG v. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028418-KAREN AND MICHAEL FEDASH v. METROPOLITAN EDISON COMPANY & MID- ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3030530-GREGORY BAIR v. METROPOLITAN EDISON COMPANY & MID-ATLANTIC INTERSTATE TRANSMISSION, LLC

C-2021-3028302-PINGOI DAI v. METROPOLITAN EDISON COMPANY

C-2021-3028348-COREY & BETTY RIGBERG v. METROPOLITAN EDISON COMPANY

C-2021-3028627-PATRICIALANE V. METROPOLITAN EDISON COMPANY

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Table of Contents

I.	<u>STATEMENT AND INTRODUCTION</u>	1
II.	<u>BACKGROUND AND SUMMARY OF ARGUMENTS</u>	2
III.	<u>CONCLUSION</u>	10

I. STATEMENT AND INTRODUCTION

1. Metropolitan Edison Co. (MetEd), a FirstEnergy Corporation company (collectively “FirstEnergy”)¹ informed residents of the Meadows in early to mid-2021 of its intent to replace the existing 69kV transmission lines with taller poles spaced further apart.² Upon receipt of the notice to replace the transmission lines and poles, residents of the Meadows requested additional information, expressed concern, and inquired about adjustments to the proposed project plan. Meadows’ residents were met with non-responses and/or incomplete responses to their inquiries, thus filed formal Complaints with the PUC as early as September 2021.³
2. Complainants oppose the project to replace a portion of the Campbell-Middletown-North Hershey 69 kV transmission lines in a similar manner to how the transmission lines are currently constructed, above-ground with wooden poles. All Complainants are homeowners in the Meadows neighborhood through which the transmission lines run. The transmission lines either pass through Complainants’ property or are located nearby Complainants’ property where Complainants walk and/or drive under the lines. The easement allows for the lines to be installed underground and the Complainants argue that underground transmission lines is the safest path forward.
3. The current project plan to replace the above ground transmission lines with like transmission lines, except with higher poles spaced further apart, poses health and

¹ Mid-Atlantic Interstate Transmission (MAIT) is also a subsidiary of FirstEnergy and a named Respondent in some Complaints in this matter.

² Complainants’ Direct Written Testimony (DWT), Exhibit 1; Exhibit 2, Diagram 1, page 15 and Diagram 2, page 17. Complaints include Debora Connell, Tracy and Jill Troutman, Rebecca Walizer, Neal Warner, Michael and Margaret Marino, Stanley and Eileen Krasinski, Michael Florio, Samantha Bryant, Michael Kramer, Andrew Freiberg, Karen and Michael Fedash, Gregory Bair, Pingqi Dai, Corey and Betty Rigberg, and Patricia Lane

³ See for example, C-2021-3028186- DEBORA CONNELL; C-2021-3028464-TRACY AND JILL TROUTMAN; C-2021-3028278-REBECCA WALIZER; C-2021-3028416-NEAL WALMER; C-2021-302821-MICHAEL AND MARGARET MARINO; C-2021-3028346-STANLEY AND EILEEN KRASINSKI; C-2021-3028286-MICHAEL FLORIO; C-2021-3028283-SAMANTHA BRYANT; C-2021-3028314-MICHAEL KRAMER; C-2021-3028414-ANDREW S. FREIBERG; C-2021-3028418-KAREN AND MICHAEL FEDASH; C-2021-3030530-GREGORY BAIR; C-2021-3028302-PINGQI DAI; C-2021-3028348-COREY & BETTY RIGBERG; C-2021-3028627-PATRICIA LANE.

safety risks to the residents of the Meadows. It should be noted that the residents of this neighborhood do not directly benefit from the electricity transmitted on the lines at issue. The environmental impact, and health risks of the carcinogenic chemicals on the utility poles, and the safety risks of the overhead transmission lines are of great concern.

4. Above ground transmission lines have a history of falling and causing death and dismemberment, as well as destruction of property. The toxic chemicals used on wood utility poles have been shown to cause cancer and contaminate drinking water sources. Children play near these poles, and all homes in the Meadows draw from individual wells for water supply. The project to replace the transmission lines that pass through the Meadows neighborhood needs to be redesigned such that the transmission lines are buried underground in order to decrease the aforementioned risks that are further detailed below.

II. BACKGROUND AND SUMMARY OF ARGUMENTS

5. The poles and 69kV transmission lines predate the Meadows development which was established in or around 1991. An easement was granted to MetEd by Martin B. Nye in 1941⁴ allowing MetEd to install electric lines, private communication wires and related equipment upon, over, across, and under the land. Mr. Nye was allowed to continue to cultivate the land under the lines and around the poles so long as it did not interfere or obstruct the rights to MetEd. The land use has changed since the initial transmission lines and poles were erected. It is no longer an open field used to cultivate crops, but instead a neighborhood with more than 40 homes and families. Whereas a fallen line in the distant past might have damaged corn, a fallen line now and in the future could end a human life.
6. Currently, there are 8 poles spanning a distance of 0.37 miles through the Meadows. The distance between poles ranges from 219 to 261 feet. The transmission lines

⁴ DWT page 2, lines 6-7.

currently range between 45 to 135 feet from homes.⁵ The current maximum sweep radii, (i.e., the maximum distance around the pole the wire can reach if the 69kV transmission line falls) range from 212 to 255 feet.

7. The proposed plan would replace the existing 8 poles with 7 poles spanning the same 0.37 miles through the Meadows neighborhood. However, these poles would be placed further apart, with longer spans of wiring, thus allowing for a greater potential sweep of downed lines. Based on stake placements on site, approximate distances between the proposed pole placements appear to range from 234 to 446 feet⁶ and the maximum potential sweep radii of downed live wires range from 226 to 442 feet⁷. Given the increased sweep of the proposed transmission lines, a down line would have a significantly greater likelihood of coming into contact with more homes and residents as compared to the existing lines. In fact, the Poynton electrocution case (discussed in detail below) demonstrates that the area of risk is actually larger than simply the sweep or contact area.⁸ Mr. Poynton was electrocuted while standing on energized ground 70 feet from the fallen wire.
8. Given that the neighborhood is home to more than 40 families, health and safety is a concern for its residents. When the easement was granted in 1941 the land was an uninhabited farm field and the impact of overhead powerlines on the health and safety of residents was not of prominent concern. The makeup of the area surrounding a portion of the Campbell-Middletown-North Hershey 69 kV transmission lines is now a vibrant neighborhood full of active families. In the time since the transmission lines were constructed an increased awareness of the dangers of overhead transmission lines has come to light in addition to the benefits of undergrounding utility lines.
9. When overhead transmission lines are downed, electrocution, bodily injury, and property damage can occur. Additionally, pentachlorophenol (PCP) treated poles

⁵ DWT page 16, lines 370-386.

⁶ DWT, page 17, Diagram 2.

⁷ DWT, page 19, Diagram 4.

⁸ DWT, page 11, lines 264-274.

that support the transmission lines can pose harm through physical contact, contaminate well water, and pose other health risks.⁹ Utilities across the nation are trending toward undergrounding for reasons of safety, reliability, and long-term cost savings.¹⁰ Underground transmission lines: reduce the occurrence of power outages and the consequences thereof; eliminate the environmental and health impacts of the chemicals used to treat the poles; eliminate the possibility of death, bodily harm, and property damage caused by downed transmission lines; and decrease the frequency of emergency maintenance calls due to downed transmission lines.¹¹

10. While several arguments exist for placing transmission lines underground, safety is the primary concern of the Complainants. Pennsylvania’s Public Utility Commission (PUC) considers safety a factor when considering transmission line siting applications. The PUC states that “[t]he proposed route [of transmission lines] must be established as the best out of other alternatives considering **safety**, environmental impacts; impacts on scenic and historic sites; existing land use; soil and sedimentation; plant and wildlife habitats; terrain; hydrology; and landscape.”¹²
11. Safety is referenced in multiple PUC codes and statutes. For example, the PUC will not grant an application for high voltage lines unless “it will not create an unreasonable risk of danger to the health and safety of the public.”¹³ Further, “[e]very public utility shall furnish and maintain adequate, efficient, **safe**, and reasonable service and facilities, **and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements** in or to such service and

⁹ DWT, page 8, lines 174-195 and page 9, lines 196-216.

¹⁰ DWT, page 24, lines 552-556 and lines 561-563; page 25, lines 564-571; pages 27-28, lines 642-684 and lines 687-702; page 33, lines 777-782.

¹¹ DWT, page 8, lines 174-195; page 9, lines 196-220; page 10, lines 226-256; page 11, lines 261-290; page 12, lines 295-307; page 24, lines 552-56 and lines 561-563; page 27, lines 642-664; page 28, lines 665-684 and lines 687-702; and page 33, lines 777-782.

¹² DWT, page 4, lines 47-53, “Transmission Line Siting, the PUC and the Role of Residents,” PUC, January 2018, https://www.puc.pa.gov/general/consumer_ed/pdf/Transmission_Lines.pdf. (Emphasis added).

¹³ DWT, page 4, lines 55-61, 52 Pa. Code § 57.76 (a) (2023).

facilities as shall be necessary or proper for the **accommodation**, convenience, and **safety of its patrons**, employees, and the **public**.”¹⁴

12. First Energy puts a strong emphasis on safety, stating that its “core values encompass what matters most” and include both “Integrity” and “Safety.”¹⁵ FirstEnergy’s Sam Belcher, Senior Vice President, Operations, states, “Safety is, and always will be, an unwavering core value at FirstEnergy and is at the forefront of everything we do. Keeping one another safe in every situation, every day, is at the heart of our safety commitment. Our leaders are our role models and sponsors of safety, and our employees should know that that they have support from the leadership team to do the right thing every time. As we continue to improve our safety culture, we must not only focus on keeping one another safe, but ensure our customers and communities are, too.”¹⁶
13. Safety has been compromised in the Meadows neighborhood, as presented by several residents in the DWT.¹⁷ These residents reported several hazardous incidents describing downed live wires, smoke coming from the top of one of the utility poles, sparks, fireballs, and broken wires.¹⁸
14. Indications are that safety will continue to be comprised in the future. The PA Department of Environmental Protection projects that there will be more severe weather in PA due to climate change, which will impact the integrity of overhead lines, leading to greater frequency of incidents.¹⁹
15. We demand the safest option. The best safety practice is the option least likely to cause injury, property damage or death. Therefore, undergrounding is the only solution to ensure safety and eliminates Complainants’ concerns.

¹⁴ DWT, page 4, lines 63-68, 66 Pa. C.S. § 1501 (1978).

¹⁵ “An environment where people thrive” FirstEnergy, https://www.firstenergycorp.com/careers/why_firstenergy/values_culture.html.

¹⁶ “Safety, Health and Wellness,” FirstEnergy, <https://www.fecorporateresponsibility.com/fecorporateresponsibility/employee/safety-health-and-wellness.html>.

¹⁷ DWT page 5, lines 75-76.

¹⁸ DWT Exhibit 7 (C-2021-3028211), Exhibit 8 (C-2021-3028414) and Exhibit 11 (C-2021-3028186).

¹⁹ DWT page 5, lines 87-92.

16. Wood utility poles in the proposed replacement transmission line project are treated with PCP.²⁰ PCP is a man-made toxic chemical that is no longer available to the general public and application is restricted to certified applicators.²¹ The CDC's Toxic Substances Portal states that, "[c]hildren should avoid touching or playing near" utility poles treated with PCP, "especially in the hot summer months during which elevated temperatures will result in increased release of pentachlorophenol into the air from treated wood surfaces."²² PCP can cause liver damage and is considered to be carcinogenic to humans.²³
17. The residents in the Meadows rely on private wells for water and evidence indicates that treated utility poles placed near private water sources increases the likelihood of drinking water contamination. According to an article in the *American Journal of Public Health*, Vermont introduced new legislation in 2012 that recommended restricting the installation of treated utility poles in areas near drinking water sources and suggested burial of wires is a safer alternative to treated wood poles.²⁴
18. It is apparent from the testimony of Kevin C. Irvine, Transmission Line Engineer and Project Manager at FirstEnergy, that the safety concerns expressed by the Complainants²⁵ were not considered. Mr. Irvine was not aware that the PCP treated utility poles are harmful to humans and can contaminate drinking water.²⁶ Due to the dangers associated with PCP the United States Environmental Protection Agency ("EPA") decided to phase out manufacture and use of PCP starting in 2022. Starting in March 2024, manufacturers will no longer be allowed to produce new PCP but may use existing stock while transitioning to alternatives and continue to

²⁰ DWT, Exhibit 12.

²¹ DWT, page 8, lines 174-185, "ToxFAQs for Pentachlorophenol, Center for Disease Control ("CDC") Toxic Substances Portal, <https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=401&toxid=70> ("ToxFAQs").

²² ToxFAQs.

²³ ToxFAQs.

²⁴ DWT, page 8, lines 194-195, Karlsson L, Cragin L, Center G, Giguere C, Comstock J, Boccuzzo L, Sumner A., "Pentachlorophenol Contamination of Private Drinking Water From Treated Utility Poles," *American Journal of Public Health*, 2013 Feb; 103(2):276-7.

²⁵ DWT page 8, lines 157-158, lines 174-185, and lines 194-195; page 9, lines 196-216.

²⁶ Irvine hearing testimony, page 265, lines 5-13; page 266, lines 2-4 and lines 14-17; page 268, Lines 12-19; page 269, lines 2-10.

sell PCP treated wood only until February 28, 2027.²⁷ Further the EPA states that, “[w]ood treated with PCP...is not approved...for residential use.”²⁸ Given the EPA’s decision to phase out and ban PCP, the Complainants argue that treated poles should not be placed in their residential neighborhood. The continued use of PCP in a residential setting is both immoral and unethical.

19. Electrocutions from power lines have been reported in numerous instances. Given the increase in the sweep of the lines and the close proximity to homes, Complainants are greatly concerned about the risk of electrocution that the proposed above ground transmission lines pose. Examples of electrocution from above ground transmission lines include the following:

(a) On June 2, 2009, when 39-year-old Carrie Goretzka saw a fire coming from the power lines in her backyard, she stepped outside to get cell phone reception to call 911. A power line fell from the pole in her yard, she was electrocuted, and caught on fire. Her mother-in-law and her two young daughters Chloe (4) and Carlie (2) witnessed her being shocked continuously until the transmission line was removed by power company employees. Ms. Goretzka had burns covering 85% of her body, several fingers had been severed from her left hand and her left arm required amputation. Ms. Goretzka died on June 5, 2009. The transmission line in this electrocution was serviced by West Penn Power, a FirstEnergy subsidiary.²⁹ It is documented that the same transmission line fell in the same location less than five years prior to Ms. Goretzka’s electrocution.³⁰

(b) On July 26, 2016, Thomas Poynton (31) was pronounced dead due to electrocution in Easton, PA. A conductor (Phase C) fell to the ground approximately 70 feet from his residence. After hearing an explosion outside

²⁷ Complainants’ Rebuttal Testimony, page 3, lines 60-69, “Pentachlorophenol,” EPA, www.epa.gov/ingredients-used-pesticide-products/pentachlorophenol (“Pentachlorophenol”).

²⁸ Pentachlorophenol.

²⁹ Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. West Penn Power Company, In the PA PUC, C-2012-2307244, Joint Petition for Full Settlement of Proceeding, February 13, 2013.

³⁰ DWT, Exhibit 3, Exhibit 4.

his residence Mr. Poynton exited the rear of his home, stepped onto the grass, encountered energized ground, and was electrocuted. At no point did Mr. Poynton come into contact with Phase C. The Poynton's residence also caught fire. Thirty-six minutes after the "life and limb" call to Metropolitan-Edison, a FirstEnergy Subsidiary, the ground was de-energized, and that area was safe for first responders to provide aid. Mr. Poynton's electrocution was witnessed by his family members, including his young daughter.³¹

(c) On April 12, 2018, in West Deer, PA, Terry Colton (56) came into contact with an energized Phase A, was electrocuted, caught fire, and died. One hour and two minutes after the "life and limb" call was made to West Penn Power, a FirstEnergy subsidiary, the Phase A was de-energized, and the area was safe for the first responders to provide aid to Mr. Colton, who was continuously electrocuted until the area was de-energized.³²

20. There have been numerous settlement agreements in which FirstEnergy subsidiaries have settled with the PUC Bureau of Investigation and Enforcement (PUCBIE) for violating codes related to the aforementioned electrocutions.³³ The Poynton case demonstrates that the actual area of risk is greater than just the potential contact

³¹ Pennsylvania Public Utility Commission Bureau Of Investigation and Enforcement v. Metropolitan Edison Company, In the, PA PUC C-2019-3011675, Formal Complaint, July 22, 2019; Pennsylvania Public Utility Commission Bureau Of Investigation and Enforcement v. Metropolitan Edison Company, In the, PA PUC C-2019-3011675, Joint Petition For Approval of Settlement, October 23, 2020; Pennsylvania Public Utility Commission Bureau Of Investigation and Enforcement v. Metropolitan Edison Company, In the, PA PUC C-2019-3011675, Initial Decision, November 24, 2020.

³² Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. West Penn Power Company, In the PA PUC, C-2021-3024913, Joint Petition for Approval of Settlement, December 1, 2021; Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. West Penn Power Company, In the PA PUC, C-2021-3024913, Initial Decision, January 19, 2022.

³³ Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. West Penn Power Company, In the PA PUC, C-2012-2307244, Joint Petition for Full Settlement of Proceeding, February 13, 2013; Pennsylvania Public Utility Commission Bureau Of Investigation and Enforcement v. Metropolitan Edison Company, In the, PA PUC C-2019-3011675, Joint Petition For Approval of Settlement, October 23, 2020; PUC Approves Settlement with Met-Ed Regarding 2016 Fatal Lehigh Valley Electrocution, @ puc.pa.gov, Press Release, February 4, 2021; Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. West Penn Power Company, In the PA PUC, C-2021-3024913, Initial Decision, January 19, 2022.

area. In that case, Mr. Poynton was electrocuted while standing on charged ground 70 feet from the downed wire.³⁴

21. Electrocutions from downed transmission lines are not just a problem for homeowners in Pennsylvania, they also are hazardous for first responders as indicated by the electrocution below:
 - (a) On November 3, 1999, an 18-year-old Arkansas Volunteer fire fighter was electrocuted responding to a brush fire. A tree was leaning next to overhead power lines but no downed powerlines were noted. The fire fighter stomped on the smoldering brush in the easement and was electrocuted.³⁵
 - (b) On June 13, 2013, a volunteer fire fighter (36) was electrocuted and killed by downed power line in North Carolina. The specific location of the electrocution was not disclosed.³⁶
22. The health and environmental impact of overhead transmission lines including cancer causing PCP treated poles, contaminated well-water caused PCP treated poles, and infrastructure failure leading to electrocution, bodily injury, fire, and property damage are far greater than those of underground transmission lines. The Complainants and their neighbors in the Meadows are willing to deal with the disruption of undergrounding the lines as they understand that the grass will grow again and the safety of their neighborhood is prioritized.
23. The proposed design does not consider the health and safety of those impacted by the placement of the poles and transmission lines. The design is cost motivated as confirmed by Ms. Morris.³⁷ It is obvious that First Energy did not consider the Complainants' concerns. Ms. Morris stated that "[t]he requested cost information to place the specific 0.37 mile of the Project underground is not available. A high-

³⁴ DWT, page 11.

³⁵ Volunteer Fire Fighter Dies After Coming into Contact with a Downed Power Line-Arkansas, May 16, 2000, <https://cdc.gov/niosh/fire/reports/face9946.html>.

³⁶ Volunteer Fire Fighter Electrocuted by Downed Power Line Following Severe Weather – North Carolina, CDC, April 9, 2014, <https://www.cdc.gov/niosh/fire/reports/face201319.html>.

³⁷ DWT, Exhibit 12.

level review of placing facilities underground was considered, but more detailed design is required to produce a cost estimate.”³⁸ FirstEnergy reported \$11.1 billion in revenue last year and has reported \$11 billion in revenue figures for the past three years.³⁹ How much does it cost to bury 0.37 miles of transmission lines? How much is the cost of one life? Surely, the cost to one human life must outweigh the cost of burying 0.37 miles of transmission lines. The Complainants argue that the cost it takes to underground the transmission lines is worth the expense to prevent significant health issues and further loss of life. It is only 0.37 miles, less than 2,000 feet. Surely the cost of this project would be just a small fraction of the \$11 billion in annual revenue FirstEnergy reports.

III. CONCLUSION

24. FirstEnergy has an established history of PUC code violations. In the electrocution cases noted above, the PUCBIE found FirstEnergy in violation of numerous PUC codes during its investigation of each electrocution. The Settlement Agreements to which a FirstEnergy subsidiary was a party to is evidence of negligent conduct that unfortunately resulted in death. The Complainants have already witnessed downed live transmission lines in the Meadows and are concerned that the increased sweep of the lines place them at greater risk for future incidents. If it is time for these lines to be replaced, then it is time to bury the lines and eliminate the risks associated with PCP and downed transmission lines. FirstEnergy’s desire to minimize cost with fewer poles and overhead lines should not be at the expense of the Complainants’ safety.
25. Undergrounding the 0.37 miles of transmission lines through the Meadows resolves the current concerns held by the Complainants and may eliminate future liability litigation and damage awards to be paid by the Respondents. Redesigning the replacement project to underground the transmission lines reduces the risk of

³⁸ DWT, Exhibit 12.

³⁹ FirstEnergy Form 10-k for the fiscal year ended December 21, 2021, page 71.

catastrophic infrastructure failure that could lead to injury, death, or property damage and eliminates all harmful effects from PCP.

26. Complainants respectfully request that the PUC deny FirstEnergy's current design plan which intends to replace 8 PCP treated poles and overhead transmission lines with 7 PCP treated poles and overhead transmission lines spanning the same 0.37 miles through the Meadows neighborhood and mandate that FirstEnergy replace the current overhead poles and transmission lines with underground transmission lines.