

**COMMONWEALTH OF VIRGINIA
BEFORE THE
STATE CORPORATION COMMISSION**

APPLICATION OF)

PATH ALLEGHENY VIRGINIA)

TRANSMISSION CORPORATION)

) CASE NO. PUE 2009-00043

For approval and certificate of electric)
Transmission facilities under Va. Code)
Sec. 56-46.1 and the Utilities Facilities Act,)
Va. Code sec. 65-265.1 et seq.)

NOTICE OF PARTICIPATION AS RESPONDENTS:

[REDACTED]

1. Pursuant to Rule 5 VAC 5-20-80B of the Rules of Practice and Procedure of the State Corporation Commission (hereinafter "Commission") and paragraph 7 of the Commission's Order for Notice and Hearing, dated June 12, 2009, in the above captioned case, [REDACTED] hereby file their notice of participation as respondents in response to the Application of Path Allegheny Virginia Transmission Corporation (hereinafter "PATH-VA.") for approval and certification of electric transmission facilities for the construction of a 765 kV transmission line across Frederick, Clarke and Loudoun Counties, Virginia, and state as follows:

2. Service of all documents in this proceeding for [REDACTED]
[REDACTED] should be made to the respondents' home address:

RESPONDANTS' PROPERTY INTEREST

3. [REDACTED] are owners and residents of 35.07 acres in Loudoun County, north of Lovettsville and in the direct path of one of the proposed routes for the PATH-VA transmission line. The property was purchased in 1997 and contains a spring, two creeks, several acres of mature hardwood trees, and open pasture/crop land in the Virginia Land Use Program, and part of the New Lovettsville Agricultural and Forestal District. Continuation in these

programs and of the resultant financial incentives is contingent on continued use of the property for agriculture. The spring and creeks are used in part to provide water for livestock that are maintained in partial fulfillment of the Land Use Program requirements and, along with the aquifer, drain into the family well, which is the sole source of potable water. Creeks and runoff flow to the Potomac River, 1 ½ miles to the north. The family home dates back to the 1790's and was the home of one of the earliest and most influential residents of northern Loudoun County, thus being a historic landmark in the area.

4. In its application, PATH-VA proposes to locate its 765 kV line on and/or over the respondents' property, including the area on which the spring, creek, productive pasture and several acres of mature hardwood trees are located. This proposal, if approved, will result in the destruction of numerous trees, and poison the creek and potentially the well with chemical herbicides, directly or as runoff (Application, paragraph 12: right-of-way (ROW) management plans include "plans for use of chemical herbicides."). These herbicides may be sprayed from helicopters, thereby threatening residents, pasture, trees, gardens, and livestock, etc. outside the ROW. In addition, PATH-VA's proposal will cause the area to be dangerous to the respondents' health, and particularly the health of their grandchildren. PATH-VA's proposed line, if approved, will present the visual impact of a 100'-200' high HVAC transmission line directly across the property, and have a devastating economic impact on the respondents' land value, an important component of the respondents' financial well being for their imminent retirement.

PATH-VA's application purports to take an easement interest only. Yet, PATH-VA's Application demonstrates that it will possess and exercise all of the rights of a fee owner. PATH-VA. will:

- (a) remove all trees from its ROW and prevent the fee owners from substantive agricultural use of their land;

- (b) flood the area within the proposed ROW with dangerously high levels of electromagnetic fields(EMF);

- (c) cause herbicide contamination of the surrounding land and substrata;

- (d) drill down to any depths necessary and create concrete abutments to support the poles from which the 765 kV line will be suspended; and

- (e) result in unwanted and disruptive intrusion through the property of maintenance personnel and vehicles.

While PATH-VA purports that the EMF has not been "proven" to be a health risk to humans and livestock, there is a substantial body of science that has concluded otherwise, and by PATH-VA's own admission, the EMF readings within the ROW and adjoining land will far exceed those levels found to be harmful in such studies. There is sufficient evidence in contradiction of PATH-VA's assertions that the hazard cannot be dismissed.

PATH-VA proposes to take an easement interest only when in fact it will appropriate the air above the land, the land surface and the sub-surface. Aerial use of herbicides threatens respondents' land in and outside the ROW. PATH-VA's proposed ROW will deny the respondents' their legal surface rights, the area above the surface, subsurface and riparian rights. The structures proposed by PATH-VA. to support its 765 kV line may require blasting of which the consequences are unknown.

5. As property owners who may be directly and adversely effected by PATH-VA.'s proposed high voltage transmission line, the respondents have an interest in assuring that the proposed line is fully justified and/or appropriately engineered.

6. The respondents desire to participate in the outcome of this proceeding to adduce facts, examine witnesses, engage in discovery and otherwise fully participate in all aspects of this proceeding.

7. In light of the foregoing, [REDACTED] are interested parties as defined by section 56-46.1 D of the Code of Virginia.

WHEREFORE, the respondents request the Commission:

- a. Permit their participation as respondents in the above captioned matter;
- b. Permit them the opportunity to develop facts, examine witnesses, engage in discovery and present argument before the Commission;
- c. Deny the PATH-VA application for lack of demonstrable need, and the adverse financial had health impacts of the project.
- d. Grant such further relief as is deemed necessary, including future damages that may not be apparent during these hearings.

Respectfully submitted,

original signed and mailed to SCC on July 23, 2009 and received by SCC on July 24, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above Notice of Participation as Respondents was mailed postage pre-paid, on this 10th day of July, 2009 to

Mr. Richard D. Gary, Esquire
Hunton & Williams, LLP
Riverfront Plaza, East Tower
East Byrd Street
Richmond, Va. 23219-40734

Mailed one original and 15 copies to Hon. Joel A. Peck, State Corporation Commission, Clerk of the Commission, Document Control Center, P.O. Box. 2118, Richmond, Va. 23218

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