

1 PLACE: Dobbs Building  
2 Raleigh, North Carolina  
3 PLACE: Dobbs Building, Raleigh, North Carolina  
4 DATE: October 31, 2017  
5 DOCKET NO.: E-2, Sub 1150  
6 TIME IN SESSION: 9:58 A.M. TO 12:29 P.M.  
7 BEFORE: Commissioner Daniel G. Clodfelter, Presiding  
8 Commissioner Bryan E. Beatty  
9 Commissioner Lyons Gray  
10  
11  
12

IN THE MATTER OF:

13 Application of Duke Energy Progress, LLC for  
14 a Certificate of Environmental Compatibility  
15 and Public Convenience and Necessity Pursuant  
16 to N.C. Gen. Stat. 62-100 et seq. to Construct  
17 Approximately 11.5 Miles of New 230 kV  
18 Transmission Line in Cleveland area of  
19 Johnston County, North Carolina  
20

21 Volume 2  
22  
23  
24

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1	E X H I B I T S	
2		IDENTIFIED/ADMITTED
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4	for a Certificate of Environmental	
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## 1 P R O C E E D I N G S

2 COMMISSIONER CLODFELTER: Good morning. We'll  
3 come to order at this point, and we'll call for hearing  
4 Docket No. E-2, Sub 1150. My name is Dan Clodfelter, and  
5 I am the Commissioner who's been assigned by Chairman  
6 Finley to preside over this particular panel. With me on  
7 the panel this morning are Commissioners Bryan Beatty who  
8 sits to my left and Lyons Gray who's sitting here to my  
9 right.

10 We're calling for hearing Docket E-2, Sub 1150,  
11 which is In the Matter of the Application of Duke Energy  
12 Progress, LLC, for a Certificate of Environmental  
13 Compatibility and for Public Convenience and Necessity to  
14 Construct Approximately 11.5 Miles of New 230 kV  
15 transmission line in Johnston County, North Carolina.

16 At this point, in compliance with the  
17 requirements of the State Government Ethics Act, I'll  
18 remind the panel members of our duty to avoid conflicts  
19 of interest, and ask whether any member of the panel has  
20 a known conflict of interest with respect to this  
21 particular matter?

22 (No response.)

23 COMMISSIONER CLODFELTER: Madam Court Reporter,  
24 let the record reflect that no conflicts were identified

1 by the panel.

2 I'll give the history of the matter. On July  
3 14th of this year, Duke Energy Progress filed an  
4 Application pursuant to General Statute 62-100 and others  
5 for a Certificate of Environmental Compatibility and  
6 Public Convenience and Necessity to construct  
7 approximately 11-1/2 miles of 230 kV transmission line  
8 and a substation located in Johnston County, North  
9 Carolina. With the Application was filed the direct  
10 testimony of Timothy Same and James Umbdenstock, along  
11 with a routing study and an environmental report.

12 On July 18th of this year, the Commission  
13 issued an Order scheduling the Hearings, Requiring Filing  
14 of Testimony, Establishing Discovery Guidelines and  
15 Requiring a Public Notice. That Order scheduled the  
16 public witness testimony for Monday, October 30th, 2017,  
17 in Smithfield, NC, which was last night, and the  
18 testimony of the parties to the action, the Applicant,  
19 the Public Staff, and the Intervenors for today, Tuesday,  
20 October 31st at this time and place.

21 On September 21st, 2017, Duke Energy Progress  
22 filed an Affidavit of Publication of Notice for this  
23 hearing today. The Commission has received and has  
24 docketed numerous consumer statements of position about

1 this Application. Based on concerns expressed in a lot  
2 of those written filings, on September 25th of this year  
3 the Commission issued an Order requiring Duke Energy  
4 Progress to provide additional information in response to  
5 certain written questions. And on October 9th, 2017,  
6 Duke Energy Progress filed answers and responses to those  
7 additional questions from the Commission.

8 On October 11th, 2017, the State Clearinghouse  
9 sent an email to the Commission indicating that  
10 Clearinghouse will complete its review of the Application  
11 by November 3rd, 2017. Let me interrupt the recitation  
12 of the history to say because we don't have the  
13 Clearinghouse response back today, we will -- at the  
14 conclusion of the testimony, we'll hold this hearing open  
15 until, let's say, November -- Monday, November 6th. That  
16 will give the Clearinghouse time to get any comments  
17 they've got in, which will be next Friday. So we will  
18 hold the hearing open and then the time for post-hearing  
19 briefs will run from that date. Is that agreeable?

20 MR. KAYLOR: Yes.

21 MR. SOMERS: Yes.

22 COMMISSIONER CLODFELTER: Okay. On October  
23 16th, 2017, the Public Staff filed a letter recommending  
24 that the Commission grant the requested certificate.

1           On October 23rd, 2017, Oliver Canaday filed a  
2   Petition to Intervene as a party to the proceeding, and  
3   on October 25th, the Commission issued an Order granting  
4   Mr. Canaday's permission to intervene as a party.

5           On October 25th, 2017, Duke Energy Progress  
6   filed written rebuttal testimony from Timothy Same and  
7   James Umbdenstock.

8           That is the history of the matter to date. As  
9   I said, again, we did have the public hearing in  
10   Smithfield last night and heard from approximately 20  
11   public witnesses, so today we will be hearing from the  
12   witnesses for the parties themselves.

13           Let me call on counsel who are here today.  
14   And, also, Mr. Canaday, you're not a lawyer, but you are  
15   a party, so I will call you to introduce yourself at the  
16   appropriate time. So we will start with the Applicant,  
17   Duke Energy Progress. Introduce yourselves, please.

18           MR. KAYLOR: Thank you, Mr. Chairman, members  
19   of the Commission. Robert Kaylor appearing on behalf of  
20   Duke Energy Progress.

21           COMMISSIONER CLODFELTER: Okay.

22           MR. SOMERS: Good morning, Mr. Chairman,  
23   members of the Commission. Bo Somers, Deputy General  
24   Counsel, also on behalf of Duke Energy Progress.



1 MS. FENNELL: Good morning, Chairman. Heather  
2 Fennell with the Public Staff on behalf of the Using and  
3 Consuming Public.

4 COMMISSIONER CLODFELTER: Okay. Mr. Canaday.

5 MR. CANADAY: My name is Oliver Canaday, and  
6 I'm representing myself.

7 COMMISSIONER CLODFELTER: Glad to have you  
8 here.

9 MR. CANADAY: Yes, sir.

10 COMMISSIONER CLODFELTER: Thank you. Are there  
11 any preliminary motions or anything we need to take up  
12 before we start the testimony of the witnesses?

13 MR. KAYLOR: No.

14 COMMISSIONER CLODFELTER: Anybody got anything  
15 that we need to deal with before we start the testimony?

16 (No response.)

17 COMMISSIONER CLODFELTER: All right. If not,  
18 we will proceed. Mr. Canaday, the way -- the order that  
19 we'll go is they're the Applicants, so we'll hear their  
20 witnesses first and they'll put on their testimony first,  
21 and then you and Ms. Fennell will have a chance to ask  
22 questions of their witnesses. And then when that's done,  
23 we'll go to the Public Staff, if they've got witnesses,  
24 and then we'll come to you and you'll be able to provide

1 your witnesses and ask your questions, and the lawyers  
2 will get to ask questions in response. Got it?

3 MR. CANADAY: Yes, sir.

4 COMMISSIONER CLODFELTER: Okay. We're all  
5 agreed, so let's start.

6 MR. SOMERS: Thank you, Mr. Chairman. We're  
7 going to call as a panel the Duke Energy Progress  
8 witnesses, Mr. Timothy Same and Mr. James Umbdenstock.  
9 And for sake of efficiency, I would just plan to present  
10 both their direct and rebuttal at the same time.

11 COMMISSIONER CLODFELTER: You're going to  
12 present the direct and the rebuttal at the same time?

13 MR. SOMERS: Yes, sir.

14 COMMISSIONER CLODFELTER: Okay. Come forward,  
15 gentlemen.

16 JAMES UMBDENSTOCK; Having been duly sworn,  
17 testified as follows:

18 TIMOTHY J. SAME; Having been duly sworn,  
19 testified as follows:

20 COMMISSIONER CLODFELTER: Proceed.

21 MR. SOMERS: Thank you, Mr. Chairman.

22 DIRECT EXAMINATION BY MR. SOMERS:

23 Q I'm going to begin first with you, Mr. Same.

24 Would you please state your name for the record.

1 A (Same) Timothy John Same.

2 Q And what is your business address?

3 A 410 South Wilmington Street, Raleigh, North  
4 Carolina.

5 Q And what is your position with Duke Energy?

6 A I'm currently a Manager in our Substation  
7 Engineering Group, but at the time of the Application I  
8 was the Lead Siting Specialist for Duke Energy Progress.

9 Q Thank you. Mr. Same, did you cause to be  
10 prefiled direct testimony in this case of some 21 pages?

11 A Yes, I did.

12 Q And do you have any changes or corrections to  
13 your prefiled direct testimony?

14 A No, I do not.

15 Q Okay. Subsequent to the filing of the  
16 Company's Application in this case, has the Company  
17 agreed to make certain slight revisions to the route  
18 based upon input from the property owners that were along  
19 the route?

20 A Yes. So we are continuing to evaluate three  
21 separate minor adjustments, as indicated on the maps that  
22 we have brought today.

23 MR. SOMERS: Okay. And Mr. Chairman, the map  
24 that Mr. Same is referring to are the same maps that were

1 marked, I believe, as Public Staff Exhibit 1 last night  
2 at the public hearing. We can use that nomenclature, or  
3 if you'd like me to re-mark it and call it Same Exhibit  
4 1, we could do that, whatever the preference is for the  
5 record.

6 COMMISSIONER CLODFELTER: It's the same as the  
7 maps that were shown last night? These are not different  
8 or new maps?

9 MR. SOMERS: That's correct. With the  
10 exception that I believe last night the public witnesses  
11 signed their name to indicate where their property was.

12 COMMISSIONER CLODFELTER: That is correct, but  
13 the route of the proposed line has not been changed since  
14 last night?

15 MR. SOMERS: That's correct. And on the Public  
16 Staff Exhibit 1 from last night's public hearing, the  
17 three segments, and we can get into this in a little bit  
18 more detail --

19 COMMISSIONER CLODFELTER: All right.

20 MR. SOMERS: -- with Mr. Same, are identified  
21 on that exhibit.

22 COMMISSIONER CLODFELTER: All right. I think  
23 we can keep the consistency of the same exhibit number.  
24 That way we don't have to have -- wonder which one we've

1    been talking about.  So we'll refer to this as Public  
2    Staff Exhibit Number 1.

3               MR. SOMERS:  Thank you, Mr. Chairman.

4               COMMISSIONER CLODFELTER:  Thank you.

5               Q     Just to summarize briefly, Mr. Same, and we can  
6    get into this later, but in those three areas that you  
7    mentioned, what is Duke Energy Progress evaluating and  
8    agreeing to do, just at a summary level?

9               A     Yeah.  Sure.  So at the request of the property  
10   owners, there are three primary requests:  one for  
11   Roberts' parcel, the second being a Langdon parcel  
12   request, and third being a Barefoot request.  
13   Essentially, the request was in some instances to just  
14   slightly adjust the line to further move the proposed  
15   center line away from a structure such as a residence.  
16   So that's essentially what the modifications are.

17              Q     And what process did Duke Energy Progress go  
18   through with the surrounding property owners to evaluate  
19   that request?

20              A     So we not only discussed that the request of  
21   the individual owner that made the request with them,  
22   that they have asked for that adjustment, but in essence  
23   by doing so we -- ultimately, the alignment shifted  
24   slightly on some adjacent properties, so we've

1     communicated that shift in those areas as well. And, you  
2     know, what -- what we're hearing from our real estate  
3     folks that are in the field is that all those parties  
4     have agreed to that minor -- minor alignment.

5           Q     Okay. And on the -- what's the cover page of  
6     the first page of what was marked at the public hearing  
7     as Public Staff Exhibit 1, are those three locations  
8     identified on the first page of that exhibit as Location  
9     1, Location 2, and Location 3?

10          A     Yes, they are.

11          Q     Okay. With that supplement to your prefiled  
12     direct testimony, if I were to ask you the same questions  
13     in your prefiled direct testimony, would your answers be  
14     the same?

15          A     Yes, they would.

16                MR. SOMERS: All right. At this time, Mr.  
17     Chairman, I would ask that Mr. Same's prefiled direct  
18     testimony, as supplemented from the stand, be entered  
19     into the record as if given orally from the stand.

20                COMMISSIONER CLODFELTER: Mr. Canaday, what --  
21     what's just happened is the written statements that these  
22     gentlemen gave before the hearing, you've seen those,  
23     he's just said let's put them in the record, just like we  
24     did last night with people's written statements, okay?

1 MR. CANADAY: Yes, sir.

2 COMMISSIONER CLODFELTER: Without objection,  
3 then, that will be so ordered.

4 MR. SOMERS: Thank you.

5 (Whereupon, the prefiled direct  
6 testimony of Timothy J. Same, as  
7 supplemented on the stand, was  
8 copied into the record as if  
9 given orally from the stand.)  
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BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 1150

In the Matter of )  
 )  
Application of Duke Energy Progress, LLC )  
For A Certificate of Environmental )  
Compatibility and Public Convenience and )  
Necessity Pursuant to N.C. Gen. Stat. § 62- )  
100 et seq. to Construct Approximately 11.5 )  
Miles of New 230kV Transmission Line in )  
Cleveland area of Johnston County, North )  
Carolina )

**DIRECT TESTIMONY OF  
TIMOTHY J. SAME FOR  
DUKE ENERGY PROGRESS,  
LLC**

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1   **Q.   PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2   A.   My name is Timothy J. Same, and my business address is 410 S. Wilmington  
3       Street, Raleigh, North Carolina 27601.

4   **Q.   BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5   A.   I am employed as Lead Transmission Siting Specialist, Transmission Siting,  
6       Permitting, and Engagement by Duke Energy Progress, LLC ("DEP").

7   **Q.   WHAT ARE YOUR RESPONSIBILITIES AS LEAD TRANSMISSION**  
8       **SITING SPECIALIST?**

9   A.   As Lead Transmission Siting Specialist, Transmission Siting and Permitting, I  
10       am responsible for both the siting/due diligence of substation sites to be  
11       purchased in fee, as well as the selection of preferred/least impactful routes  
12       for transmission lines which require easement and/or right of way ("ROW")  
13       acquisition for DEP territories.

14   **Q.   PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL**  
15       **BACKGROUND.**

16   A.   I am a registered Professional Engineer in the state of North Carolina, having  
17       received a Bachelor of Science in Civil Engineering from Clarkson  
18       University. I began my career in Pennsylvania working as a job engineer in  
19       the field for Lane Construction, rebuilding Route 22 through Bethlehem,  
20       Pennsylvania. I then began employment with Dunn & Sgromo Engineers in  
21       Syracuse, New York, where I worked as an assistant engineer and began  
22       designing site work and utilities. In 1999, I began working for Costich  
23       Engineering, P.C. where I continued designing site work and utilities for land

1 development projects, and eventually became a Senior Project Manager before  
2 leaving in 2006 to begin working for the John R. McAdams Company, Inc. as  
3 a Project Manager. While with the John R. McAdams Company, Inc., I  
4 handled increasingly more complex land development projects including  
5 multi-phase, private sector, and mixed-use development/construction projects.  
6 In 2009, I continued my career in Project Management with Greenhorne &  
7 O'Mara, where I transitioned into overseeing architects and engineers working  
8 on federal projects on military installations in the mid-Atlantic region. In  
9 addition, while at Greenhorne & O'Mara, I began designing projects for  
10 Progress Energy Carolinas, Inc. (now DEP). In 2013, I began my  
11 employment with DEP in the substation engineering unit. In September 2014,  
12 I transitioned into my current role as the Lead Siting Specialist for DEP.

13 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE NORTH**  
14 **CAROLINA UTILITIES COMMISSION?**

15 A. No, but I have previously submitted pre-filed direct testimony before this  
16 Commission in Docket No. E-2, Subs 1102 and 1111.

17 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

18 A. The purpose of my testimony in this proceeding is to support DEP's  
19 Application for a Certificate of Public Convenience and Necessity to construct  
20 11.5 miles of new 230kV transmission line in the Cleveland area of Johnston  
21 County, North Carolina, which I will refer to as the "Cleveland-Matthews line"  
22 or "Project".

1 Q. WERE YOU INVOLVED IN PREPARING DEP'S APPLICATION IN  
2 THIS DOCKET?

3 A. Yes.

4 Q. TO YOUR KNOWLEDGE, WILL DEP FILE AND PROVIDE ALL  
5 INFORMATION, BEGIN PUBLIC NOTICE REQUIRED BY THIS  
6 COMMISSION, AND OBTAIN ALL FEDERAL AND STATE  
7 LICENSES, PERMITS, AND EXEMPTIONS REQUIRED FOR  
8 CONSTRUCTION AND OPERATION OF THIS TRANSMISSION  
9 LINE?

10 A. Yes.

11 Q. PLEASE DESCRIBE THE PROCESS UTILIZED TO SITE THE  
12 CLEVELAND-MATTHEWS LINE.

13 Duke Energy Progress retained Burns & McDonnell Engineering Company,  
14 Inc. ("Burns & McDonnell"), a full service international engineering and  
15 construction firm with substantial utility and infrastructure siting experience,  
16 to assist the Company with the line siting and public input for the Project.  
17 Burns & McDonnell conducted a comprehensive siting study and prepared a  
18 Routing Study and Environmental Report (the "Routing Study"), which is  
19 attached as Exhibit A to the Application. My role was to oversee Burns &  
20 McDonnell from preliminary route alternative identification through the  
21 selection of the preferred route.

22 The following is an overview of the steps involved in the identification  
23 of the route alternatives and the selection of a preferred route for the Project.

1 The limits of the study area were established based on the proposed location  
2 of the Cleveland-Matthews Road Substation at the southeast corner of the  
3 intersection of Polenta Road and Matthews Road in Johnston County; the  
4 locations of the Lee-Milburnie 230kV, Erwin-Milburnie 230kV, and Erwin-  
5 Selma 230kV transmission lines; and a preliminary review of potential routing  
6 opportunities and constraints in the area. The study area, which encompasses  
7 approximately 277 square miles, is shown in Figure 2-1 of the Routing Study.  
8 The study area was defined to incorporate potential Project tap points while  
9 offering an area large enough to provide a set of reasonable and  
10 geographically distinct route alternatives.

11 After establishing the study area, data was collected from publicly  
12 available sources, including State, county, and local agencies, for constraints  
13 and environmental concerns that could result in challenges for the siting of a  
14 transmission line. The collected data were used to create a raster-based  
15 suitability surface within a GIS framework. The purpose of the suitability  
16 surface, and subsequent analysis, was to aid in the identification of areas more  
17 likely suitable for the placement of a transmission line route. DEP also held  
18 two community workshops and received input from residents in the study  
19 area.

20 Collected data were grouped into one of ten categories: cultural  
21 resources, flood zones, land cover, community amenities and public  
22 infrastructure, natural resources, occupied buildings, prime and important  
23 farmland, public visibility, water features, and current zoning. Each category

1 was further divided into individual criteria and assigned a weight from 1 to 5  
2 according to each criterion's potential sensitivity to a transmission line, as  
3 determined by members of DEP's Project team and feedback obtained from  
4 public comments. The weight scale of 5 representing the highest  
5 consideration during the evaluation. For example, Residential Proximity  
6 Score has a weight scale of 5.

7 The suitability surface was created using the weighted criteria. Using  
8 GIS, criteria were combined through a process called overlay analysis, which  
9 results in a cumulative suitability rating by adding the weighted criteria  
10 together for each cell within the suitability raster. This results in a single  
11 suitability surface that can be reviewed by the siting team as a means of  
12 identifying preferred siting areas. GIS can then use color-coding to help  
13 visually display areas of lesser potential impact (see Figure 4-1 of the Routing  
14 Study.).

15 After completion of a suitability analysis, potential routes were  
16 identified. The objective was to identify economically feasible routes that  
17 connected the proposed Cleveland-Matthews Road Substation to either the  
18 Lee-Milburnie 230kV, Erwin-Milburnie 230kV, or Erwin-Selma 230kV  
19 transmission lines while avoiding or minimizing impacts to both community  
20 and natural resources. Local, State, and Federal government agencies were  
21 contacted by DEP to obtain information on resources of particular concern  
22 that were relevant to the routing process. The potential route alternatives were  
23 shared with the public and local officials throughout the route identification

1 process to obtain input for the evaluation of the alternatives. The study team  
2 then quantified the engineering, social, and environmental resources that  
3 would be impacted by each feasible route. Quantitative data and public input  
4 were used to evaluate the alternatives and to select a preferred route for the  
5 proposed transmission line.

6 **Q. HOW DID YOU DEVELOP THIRTY-TWO ALTERNATE ROUTES**  
7 **FOR THE CLEVELAND-MATTHEWS LINE?**

8 A. The objective of the routing analysis was to identify an economically feasible  
9 route that offered the most benefits in terms of providing reliable electric  
10 service, but also limited adverse impacts to the social and natural environment  
11 within the study area. This effort included four main components:

- 12 • Field reconnaissance of the study area from publicly accessible  
13 roadways
- 14 • Review of USGS topographic maps and recent aerial photography
- 15 • Review of local planning and zoning documents and available GIS  
16 data
- 17 • Contacts with local, State, and Federal agencies

18 Based on the information gathered, a set of feasible routes were identified that  
19 connect the proposed Cleveland-Matthews Road Substation to either the Lee-  
20 Milburnie 230kV, Erwin-Milburnie 230kV, or Erwin-Selma 230kV  
21 transmission lines. The primary goals regarding routing were to:

- 22 • Minimize overall impacts by paralleling existing ROWs, including  
23 transmission lines, highways, and roads, where possible

- 1                   • Maximize the distance of the line from existing residences
- 2                   • Minimize the overall length of the route

3                   The route alternatives consist of individual segments that can be

4 combined in different arrangements to form a continuous path from the

5 proposed substation to either the Lee-Milburnie 230kV, Erwin-Milburnie

6 230kV, or Erwin-Selma 230kV transmission lines. Each segment begins and

7 ends at intersections with other segments. The set of route alternatives for this

8 Project consisted of 39 individual segments. The alternatives were identified

9 to minimize, to the extent practicable, impacts to environmentally sensitive

10 features and residential areas while providing a direct route alignment.

11 Ultimately, 32 distinct routes were developed using a combination of the 39

12 segments.

13 **Q. DID DUKE ENERGY PROGRESS SEEK PUBLIC INPUT AS PART**

14 **OF THE CLEVELAND-MATTHEWS LINE SITING PROCESS?**

15 A. Yes. To determine community values relative to the proposed Project, the

16 route selection process included several forms of public input. These included

17 communications with Federal, State, and local agencies, as well as public

18 information workshops held by DEP to provide and receive information from

19 the public about the study area. All input was used to assess the values and

20 attitudes of the residents and public officials regarding the Project, which

21 enabled the Project team to identify the most appropriate factors to evaluate

22 the routes and to develop routes that limited impacts to resources of primary

23 concern to the environmental agencies and to residents.

1 State and Federal agencies were contacted by DEP (via email  
2 correspondence) to provide input on threatened and endangered species,  
3 wetlands, wildlife resources, stream sensitivity, hydric soils, and other  
4 potential permitting issues. The following agencies were contacted: the U.S.  
5 Army Corps of Engineers ("USACE"), U.S. Fish and Wildlife Service  
6 ("USFWS"), NC Wildlife Resources Commission ("NCWRC"), NC Natural  
7 Heritage Program ("NHP"), and N.C. Department of Environmental Quality  
8 ("NCDEQ"), including the N.C. Division of Water Resources and N.C.  
9 Division of Land Quality. On December 8, 2016, DEP held an agency scoping  
10 meeting that included attendees from all of the agencies that were contacted  
11 above, with the exception of the USACE.

12 The primary concern discussed during the agency scoping meeting  
13 was related to the presence of a federally protected mussel species (dwarf  
14 wedgemussel) and other federal aquatic species of concern within the study  
15 area. The USFWS and NHP provided DEP with information on streams and  
16 their tributaries that had differing levels of sensitivity based on the known  
17 existence or potential to support aquatic species of concern. This information  
18 was incorporated into the route evaluation factors.

19 The intent of the public information workshops was to provide  
20 potentially affected landowners near the alternative routes an understanding of  
21 the need for the Project, the decision-making process used to select a preferred  
22 route, and a forum to voice concerns about the proposed Project.



1           An informational letter and small-scale map describing the Project and  
2           advertising the workshops was mailed to all property owners within 500 feet  
3           of the alternative routes two weeks prior to the workshops. Additionally, a  
4           news release was issued to the public seven days prior to the workshops.  
5           Information about the Project and a map of the study area and routes were also  
6           available on the DEP website throughout the duration of the route selection  
7           phase. The Project website is updated as the development and construction of  
8           the Project progresses.

9           To gather public input on the route alternatives, DEP held two open  
10          forum informational workshops on November 16 and 17, 2016, at the C3  
11          Church in Clayton, North Carolina, and the Johnston County Community  
12          College in Smithfield, North Carolina, respectively. A total of 149 people  
13          signed in to the workshop in Clayton, and 61 people signed in to the workshop  
14          in Smithfield. On both evenings, there were additional attendees observed that  
15          did not sign in.

16          The public workshops included displays with information on Project  
17          need, engineering, route alternatives, environmental management, and ROW  
18          requirements. Representatives from DEP and Burns & McDonnell were  
19          present to address the public's questions and take comments. Potential routes  
20          for the proposed transmission line were depicted on aerial photographs. No  
21          preferred route had been selected at the time of the workshops. Photographs  
22          and drawings showing the types of structures that would be used for the  
23          Project were displayed. DEP staff was also present to discuss ROW

1 acquisition and maintenance, and electric and magnetic fields associated with  
2 transmission lines.

3 Participants at the workshop received a written questionnaire to  
4 communicate their opinions on the routing criteria, the segment locations, and  
5 issues of concern regarding the Project. The public was asked to return  
6 questionnaires at the workshops, by mail, or online within six weeks after the  
7 workshops. Individuals could also have their comments recorded on GIS  
8 computer workstations at the workshops or online. A total of 128 hard copy  
9 questionnaires, 21 letters, and three emails were received by landowners either  
10 at the public workshops or through the mail. Another 92 questionnaires were  
11 completed using the online method. Additionally, 123 specific comments  
12 from landowners were recorded at the GIS computer workstations during the  
13 public workshops.

14 **Q. AFTER COMPILING DATA FROM COMMUNITY WORKSHOPS,**  
15 **PROPERTY OWNERS IN THE AREA AND DATA FROM OTHER**  
16 **SOURCES, HOW DID YOU EVALUATE THE 32 ALTERNATE**  
17 **ROUTES?**

18 **A.** The analysis of alternatives was based on social, environmental, and  
19 engineering factors. Data for each factor were quantified for each segment and  
20 summed for each route.

21 The evaluation of the proposed routes included a systematic  
22 comparison of the alternatives based on the social, environmental, and

1 engineering factors that represent the potential adverse effects on resources in  
2 the study area. The routing factors include the following:

3 Engineering:

- 4 • Total length (Feet)
- 5 • Road or railroad crossings (Number)
- 6 • New Rights Of Way (Acres)
- 7 • Length not along existing infrastructure (Feet)
- 8 • Heavy angles (>30 degrees) (Number)

9 Social:

- 10 • Residences within 125 feet of centerline (Number)
- 11 • Residences within 126-300 feet of centerline (Number)
- 12 • Residences within 301-500 feet of centerline (Number)
- 13 • Residential proximity score (Number)
- 14 • Businesses within 500 feet (Number)
- 15 • Public facilities within 500 feet (Number)
- 16 • Parcels crossed (Number)
- 17 • NRHP historic/archaeological sites within 1,320 feet (Number)
- 18 • Open space/green areas (Acres)
- 19 • Cropland crossed (Acres)
- 20 • Land use (residential) 5-acre parcels or less (Acres)
- 21 • Land use (residential) > 5-acre parcels (Acres)
- 22 • Residential land use score (Number)

- 1 Environmental:
- 2 • Upland forest crossed (Acres)
- 3 • Forested and marsh wetland crossed (Acres)
- 4 • Forested hydric ( $\geq 50\%$ ) soils crossed, excludes NWI (Acres)
- 5 • Non-forested wetland crossed (Acres)
- 6 • Non-forested hydric ( $\geq 50\%$ ) soils crossed, excludes NWI (Acres)
- 7 • Wetland crossing score (Number)
- 8 • 100-year floodplain crossed (Acres)
- 9 • National Hydrology Dataset ("NHD") streams with a 50-foot buffer
- 10 crossed (Acres)
- 11 • Sensitive stream crossings – based on 50-foot buffer (Acres)
- 12 • Stream sensitivity score (Number)
- 13 • Sensitive stream crossings (Number)

14 The primary source of the data used in this analysis was 2014 aerial

15 imagery supplemented with field reconnaissance of the overall study area and

16 along each of the alternative routes. Digital data, such as roads, parcels,

17 protected lands, and wetland information, were acquired from various

18 agencies. Some of the criteria were quantified using GIS software; others were

19 calculated by measuring information directly from the aerial photography.

20 Engineering factors were considered for the route analysis. Total

21 Length is a general indicator of the overall presence of the Project. Length is

22 also an indicator of construction costs. The longer the proposed route, the

23 more expensive it would be if all other factors were equal. The number of

1 Road or Railroad Crossings gives an indicator of potential permitting and/or  
2 line crossing issues. New ROW is the acreage of new land that would be  
3 needed to construct the line. This amount varies depending on the amount of  
4 ROW for the proposed Project that can be shared with existing utilities and  
5 roads. New ROW was measured for each route alternative but was not  
6 included in the evaluation process since it is similar to a Total Length  
7 measurement in reflecting potential overall impacts of a route alternative.  
8 Length not along existing Infrastructure was measured because following  
9 existing corridors is generally considered to have less impact than a new  
10 ROW. Existing infrastructure for this Project includes transmission lines,  
11 railroads, and roads. Because it is desirable and less impacting to co-locate a  
12 new route along existing corridors, potential impacts would be more likely to  
13 occur where a route would be built away from existing corridors, so length not  
14 along existing infrastructure was measured; however, length not along  
15 existing infrastructure was not included in the evaluation since there were  
16 very limited areas among all route alternatives where co-location occurred.  
17 Heavy Angles (>30 degrees) were considered because these angles typically  
18 require larger structures and more space. Consequently, these structures tend  
19 to be more visible and more expensive.

20 Proximity to residences, businesses, and public facilities was  
21 considered for the route analysis. Residences within 125 Feet, between 126-  
22 300 Feet, and between 301-500 Feet were counted for each proposed segment  
23 using aerial photography supplemented with field verification. The impact to

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1 residences varied depending on the distance from the route. The three criteria  
2 for the distance to residences was converted to a Residential Proximity Score  
3 to reflect the public concern that residences closer to a transmission line  
4 would be more affected than those further away. To determine the residential  
5 proximity score, the number of residences within 125 feet of the centerline  
6 were multiplied by three; the number of residences between 126-300 feet were  
7 multiplied by two; and the number of residences between 301-500 feet were  
8 multiplied by one. Then, all three results were added together. Businesses  
9 within 500 Feet and Public Facilities within 500 Feet were also quantified.  
10 Parcels Crossed were quantified for each segment as a relative measure of the  
11 overall impact on private property. Routes that cross significantly more  
12 parcels tend to cost more as a result of additional landowners from which to  
13 acquire easements. Parcels Crossed were not included in the evaluation, since  
14 the Residential Land Use Score included parcel counts and would more  
15 accurately reflect impacts to residential areas.

16 Other social impact evaluation criteria were also considered. National  
17 Register of Historic Places ("NRHP") Historic and Archaeological Sites  
18 within 1,320 Feet (quarter-mile) of each segment were quantified based on a  
19 records search of known sites maintained by the North Carolina State Historic  
20 Preservation Office. This criterion can be used as an index of the actual or  
21 potential cultural impact of the proposed routes. Open Space/Green Areas  
22 Crossed (i.e., parks, wildlife areas, nature preserves, etc.) was used to  
23 determine potential impacts the proposed routes would have on any

1 greenspace or open lands within the study area. This criterion was measured  
2 but not included in the evaluation because only a handful of segments crossed  
3 any public lands, which were open space areas associated with residential  
4 subdivisions. Acres of Cropland Crossed and acres of Upland Forest Crossed  
5 was determined using digital National Land Cover Database data and  
6 supplemented with aerial photography interpretation. Upland Forest Crossed  
7 measured the forested areas within the ROW that would be cleared along each  
8 route. Land Use (residential) was measured using parcel data. The parcels that  
9 were designated as residential use were segregated based on the size of the  
10 parcels as 5 acres or less versus greater than 5 acres. This approach was used  
11 to try and determine parcels that may be associated with subdivisions versus  
12 rural residential properties. To determine the Residential Land Use Score, the  
13 acreage of parcels within the ROW that were 5 acres or less were multiplied  
14 by two, and parcels that were greater than 5 acres were multiplied by one.  
15 Then, the two results were added together.

16 Environmental evaluation criteria included forests, hydric soils,  
17 wetlands, and water resources. Forested and Non-Forested Wetland Crossed  
18 were both measured using National Wetland Inventory ("NWI") data  
19 produced by the USFWS. Forested and Non-Forested Hydric Soils Crossed  
20 measured the acreage of these soils to capture potential forested and non-  
21 forested wetland areas not accounted for in the NWI data, which in Johnston  
22 County appears to better represent the extent of potential wetland areas than  
23 solely using NWI data. To determine the Wetland Crossing Score, the acres of

1 forested wetland and forested hydric soils greater than or equal to 50 percent  
2 crossed by the ROW were multiplied by two, and nonforested hydric soils  
3 greater than or equal to 50 percent crossed by the ROW were multiplied by  
4 one, and then both numbers were added together. 100 Year Floodplain  
5 Crossed was measured using Federal Emergency Management Agency digital  
6 floodplain data. NHD Streams with a 50-foot Buffer Crossed and Sensitive  
7 Stream Crossings were measured in acres and number, respectively, and were  
8 used to determine areas where the ROW might impact protected riparian areas  
9 and number of State-identified sensitive streams potentially impacted by a  
10 route alternative. The designation for sensitive streams was based on feedback  
11 from the USFWS and NHP regarding sensitive aquatic species that are known  
12 to occur in the study area. As a result, Little Creek, Swift Creek and/or their  
13 tributaries were designated as highly sensitive. Middle Creek and/or its  
14 tributaries were designated as medium sensitivity, and all other streams and  
15 tributaries in the study area were designated as low sensitivity. The streams  
16 were then buffered by 50 feet to incorporate the potential effect of the ROW  
17 crossing these locations. To determine the Stream Sensitivity Score, the acres  
18 of ROW crossing the highly sensitive streams were multiplied by three; the  
19 medium sensitive streams were multiplied by two; and the low sensitive  
20 streams were multiplied by one. Then, the three results were added together.  
21 The NHD Streams with a 50-foot buffer and sensitive stream crossings were  
22 measured but not used in the evaluation since Sensitive Stream Crossings  
23 Based on 50 Foot Buffer captured this data in the Stream Sensitivity Score.



1           The categories described above were considered to represent the  
2           potential impact of construction and operation of the new transmission line.

3           The Project team then assigned weights to the factors based on input from the  
4           public, agencies, DEP engineers, and experience with similar transmission  
5           line projects across the country. A weight scale from 1 to 5 was used for this  
6           process, with 1 representing the lowest consideration and 5 representing the  
7           highest consideration during the evaluation. The weights associated with each  
8           routing factor are presented in Table 4-2 of the Routing Study.

9   **Q.   WHAT WERE THE RESULTS OF THE COMPREHENSIVE**  
10 **EVALUATION?**

11 A.   We determined that Route 31 was the best overall (least impactful) route.

12 **Q.   WHY?**

13 A.   Route 31 was selected as the best route for the following reasons:

- 14           • Overall lowest Residential Proximity Score among all routes, an  
15           indication of minimal potential impacts to residences and property  
16           owners
- 17           • Minimal input from concerned landowners as opposed to much greater  
18           input along other lowest scoring routes, indicating less chance of  
19           construction or access issues and a more positive public perception of  
20           the Project
- 21           • No open space (subdivision-owned) crossed
- 22           • Least number of residences within 300 feet of centerline
- 23           • No businesses or public facilities within 500 feet of centerline

- 1           • No highly sensitive stream crossings
- 2           • Utilizes cropland acres when possible to avoid extensive removal of
- 3           forested areas along the route
- 4           • Crosses acres of wetland and hydric soils in a perpendicular manner,
- 5           where possible, which is beneficial not only from a construction,
- 6           access and maintenance perspective, but would also potentially require
- 7           less permitting effort in these areas

8           The preferred route was one of the least overall impacting routes (fifth  
9           lowest-scoring) in the numerical evaluation performed for the proposed  
10          Project. For this and the above reasons, and by using standard construction  
11          procedures and mitigation techniques when coordinating the Project with  
12          State and Federal agencies to comply with necessary regulations, the  
13          construction, operation, and maintenance of the proposed Project will have  
14          limited effects on the natural and social resources within the study area. DEP  
15          will continue to work with environmental stakeholders and landowners to  
16          reduce impacts of this proposed Project.

17   **Q.   PLEASE DESCRIBE THE PREFERRED ROUTE OF THE PROPOSED**  
18   **TRANSMISSION LINE.**

19   A.   The preferred route originates at the site of the proposed Cleveland-Matthews  
20          Road Substation, located on the southeast corner of Polenta Road and  
21          Matthews Road in Johnston County, North Carolina. The route exits the  
22          substation site to the southeast and extends for approximately 0.5 mile before  
23          turning west for approximately 0.2 mile while crossing Matthews Road. The

1 route then continues south for approximately 0.9 mile before crossing Middle  
2 Creek. From this point, the preferred route extends generally southeast for  
3 approximately 1.8 miles before crossing NC State Highway 210. The route  
4 then continues south-southeast for approximately 0.9 mile before crossing  
5 Lassiter Road. From here, the route extends approximately 0.5 mile south-  
6 southeast before crossing Hickory Grove Church Road. The route then  
7 extends southeast for approximately 0.9 mile and crosses King Mill Road.  
8 Continuing southeast for another 0.2 mile, the route then turns and travels east  
9 for approximately 0.4 mile before turning south. The route extends south-  
10 southeast for 0.6 mile and crosses Black Creek. Turning southeast, the route  
11 then extends 0.8 mile and crosses Elevation Road. The route continues to  
12 travel southeast for another approximately 0.9 mile and then turns south for  
13 0.6 mile and crosses Old School Road. The route then turns southwest for  
14 only 0.1 mile and then turns south for 0.3 mile before crossing Jackson Road.  
15 The route continues to the south for 0.3 mile before turning southeast,  
16 extending approximately 0.4 mile, and crossing an existing CSX/Amtrak  
17 railroad line. The route continues southeast for approximately 1.3 miles,  
18 crossing U.S. Highway 301, Parker Road, and Interstate 95 before terminating  
19 at a tap point along the existing Erwin-Selma 230kV transmission line.

20 **Q. HOW MANY LANDOWNERS WILL BE DIRECTLY AFFECTED BY**  
21 **THE PROPOSED TRANSMISSION LINE, AND HAS DUKE ENERGY**  
22 **PROGRESS CONTACTED THOSE LANDOWNERS?**

1 A. There are 67 landowners that will be directly affected by having at least some  
2 portion of the proposed 125-foot right-of-way on their property. On April 20,  
3 2017, Duke Energy Progress sent letters to the 67 property owners of the total  
4 77 land parcels that are within the proposed 125-foot right of way. In addition,  
5 Duke Energy Progress also sent letters to another 23 owners of 24 total land  
6 parcels that are outside the proposed 125-foot right of way, but within 200 feet  
7 of the proposed centerline in case survey crews need to access a portion of  
8 these parcels outside, but adjacent to the proposed right of way. All of these  
9 letters (90 total notification letters) were mailed certified US Postal Service  
10 and included the appropriate reference to N.C. Gen. Stat. §40A-11 providing  
11 the necessary 30-day notice to enter the properties for the purpose of  
12 surveying, soil borings, appraisals, and assessments.

13 **Q. IN CONCLUSION, WHY IS DUKE ENERGY PROGRESS SEEKING**  
14 **APPROVAL TO CONSTRUCT THE CLEVELAND-MATTHEWS**  
15 **LINE?**

16 A. Duke Energy Progress' comprehensive transmission line siting process  
17 identified the Cleveland-Matthews Line as the best and least impactful route  
18 to serve the transmission needs in this portion of Johnston County. I believe  
19 that DEP's application is in the public convenience and necessity, and I ask  
20 that the Commission approve it.

21 **Q. DOES THIS CONCLUDE YOUR PRE-FILED DIRECT TESTIMONY?**

22 A. Yes.

1           Q     If I could, Mr. Same, I'm going to now turn to  
2     your rebuttal testimony. Did you also file rebuttal  
3     testimony of some six pages in this matter?

4           A     Yes, I did.

5           Q     And do you have any changes or corrections to  
6     your prefiled rebuttal?

7           A     No, I do not.

8           Q     So if I were to ask you the same questions as  
9     printed in that prefiled rebuttal testimony, would your  
10    answers be the same?

11          A     Yes.

12                MR. SOMERS: Mr. Chairman, I would move that  
13    Mr. Same's prefiled rebuttal testimony be entered into  
14    the record as if given orally from the stand.

15                COMMISSIONER CLODFELTER: It will be so  
16    admitted.

17                       (Whereupon, the prefiled rebuttal  
18    testimony of Timothy J. Same was  
19    copied into the record as if given  
20    orally from the stand.)

21

22

23

24

## BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 1150

**FILED****OCT 25 2017**Clerk's Office  
N.C. Utilities Commission

In the Matter of )  
 )  
 Application of Duke Energy Progress, LLC )  
 For A Certificate of Environmental )  
 Compatibility and Public Convenience and )  
 Necessity Pursuant to N.C. Gen. Stat. § 62- )  
100 et seq. to Construct Approximately 11.5 )  
 Miles of New 230kV Transmission Line in )  
 Cleveland area of Johnston County, North )  
 Carolina )

**REBUTTAL TESTIMONY OF**  
**TIMOTHY J. SAME FOR**  
**DUKE ENERGY PROGRESS,**  
**LLC**

1    **Q.    PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2    A.    My name is Timothy J. Same, and my business address is 410 S. Wilmington  
3           Street, Raleigh, North Carolina 27601.

4    **Q.    BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5    A.    I became the Manager of Site Design and Permitting in Substation  
6           Engineering in May 2017. I previously held the position of Lead Transmission  
7           Siting Specialist, Transmission Siting, Permitting, and Engagement within  
8           Duke Energy Progress, LLC ("DEP").

9    **Q.    DID YOU PREVIOUSLY SUBMIT DIRECT TESTIMONY IN THIS**  
10       **MATTER?**

11   A.    Yes, I did.

12   **Q.    WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

13   A.    The purpose of my testimony is to respond to portions of the allegations  
14           contained in the Petition to Intervene filed by Mr. Oliver L. Canaday on  
15           October 23, 2017 regarding his alleged lack of notice of the public workshops  
16           held by DEP for the Cleveland-Matthews 230kV Transmission Line, electric  
17           and magnetic fields ("EMF") in the siting process, and the way that farmland  
18           and forests were considered by DEP in the siting process.

19   **Q.    IN HIS PETITION TO INTERVENE, MR. CANADAY ALLEGES**  
20       **THAT HE DID NOT RECEIVE NOTICE OF DEP'S PUBLIC**  
21       **WORKSHOPS FOR THE CLEVELAND-MATTHEWS LINE IN**  
22       **NOVEMBER 2016. HOW DO YOU RESPOND?**

1     A.     On November 4, 2016, DEP mailed a letter via U.S. Postal Service ("USPS")  
2           priority mail to Mr. Canaday at 713 S. Camellia Avenue, Panama City, FL  
3           32404-6939, inviting him to one or both of the open house events on  
4           November 16, 2016 and November 17, 2016. DEP's letter to Mr. Canaday  
5           was not returned as undeliverable. On April 20, 2017, DEP mailed another  
6           letter providing notice of survey activities via USPS certified mail to Mr.  
7           Canaday to the same mailing address, and DEP received documented  
8           confirmation of delivery of the certified letter to Mr. Canaday. On May 19,  
9           2017, Transmission Public Engagement Specialist Drew Gilmore spoke to Mr.  
10          Canaday by phone for more than 40 minutes. During that conversation, Mr.  
11          Canaday indicated he did not receive the first letter announcing the project  
12          and inviting him to the workshops; however, he acknowledged receipt of the  
13          certified letter. Mr. Gilmore checked the mailing address of each letter and  
14          confirmed they matched. Mr. Canaday also confirmed the mailing address  
15          was correct and had not changed during the time period between both  
16          mailings. If Mr. Canaday did not receive notice of the public workshops, we  
17          regret any inconvenience.

18                 Letters were sent to 1,036 owners of 1,313 parcels. In addition,  
19                 announcement letters were sent to both Johnston and Wake County  
20                 administrators and each municipal government within the study area. Two  
21                 newspaper advertisements also ran in the News & Observer in the weeks prior  
22                 to the events.



1 Q. MR. CANADAY ASSERTS THAT DEP'S CPCN APPLICATION  
2 CONSTITUTES "FRAUD" BECAUSE IT SHOULD HAVE GIVEN A  
3 DIFFERENT WEIGHT TO FARMLAND OR FORESTED LAND  
4 SOLD FOR TIMBER IN ITS SITING PROCESS. HOW DO YOU  
5 RESPOND?

6 A. DEP appropriately considered land use in the siting study to select the overall  
7 best route with the least impact for the Cleveland-Matthews Transmission  
8 Line. In the siting study, a weighting of 2 was used for "cropland crossed"  
9 and a weighting of 3 for "upland forest crossed." Inherently, each routing  
10 factor is considered to have some level of impact as a result of routing a  
11 transmission line through the given area. The intent of the weighting is to  
12 differentiate between the levels of impact of the underlying land uses and to  
13 help determine areas of higher constraint versus lower constraint when routing  
14 the line. DEP and Burns & McDonnell used prior siting experience and direct  
15 feedback from the public during the comment period to help determine the  
16 weights used. "Cropland crossed" was given a relatively lower weight  
17 primarily because continued farming activity is allowed under Duke Energy  
18 Progress transmission lines. The only exceptions to this would be the areas  
19 immediately adjacent to the structures and guy wires and crops taller than 12  
20 feet high at maturity. Only four routing factors were given a higher weight  
21 than "upland forest crossed." These factors are "residential proximity score"  
22 (5), "open space/green areas" (5), "wetland crossing score" (4), and "stream  
23 sensitivity score" (4). Each of these four highest weighted factors

1 appropriately reflect the value of and risk of these land uses that could impact  
2 and ultimately prevent DEP from siting and eventually constructing the  
3 proposed line, and, again, reflect input from past transmission line siting  
4 processes and feedback from the public. Finally, if trees are removed from  
5 property as part of the construction of a DEP transmission line, DEP  
6 compensates property owners for the value of such timber. DEP relied upon  
7 its comprehensive siting process and appropriately considered land use in  
8 selecting the preferred route for the Cleveland-Matthews Transmission Line.

9 **Q. MR. CANADAY ALLEGES “FRAUD” IN THE CPCN APPLICATION**  
10 **BECAUSE THE SITING STUDY DOES NOT CONSIDER “EMF**  
11 **POLLUTION” AS AN ENVIRONMENTAL IMPACT. HOW DO YOU**  
12 **RESPOND?**

13 A. Duke Energy’s in-house EMF expert, Kim L. Craven, Principal Engineer,  
14 attended the public workshops and provided information regarding EMF. In  
15 DEP’s Verified Responses to Commission Order Requiring Duke Energy  
16 Progress, LLC, To Provide Additional Information filed October 9, 2017 in  
17 this docket, the Company provided additional technical information and  
18 handouts regarding EMF and typical readings at 230kV transmission lines.  
19 As to Mr. Canaday’s allegation that the EMF was not included as an  
20 environmental impact in the siting study, the expected EMF readings would  
21 essentially be the same along any alternative route for the Cleveland-  
22 Matthews Transmission Line and, therefore, it would have no impact on the  
23 relative rankings of the alternative routes had it been considered as an

1 environmental impact in the study. DEP does not believe that EMF is  
2 “pollution” or that the proposed Cleveland-Matthews Transmission Line poses  
3 any inappropriate EMF risk.

4 **Q. IN CONCLUSION, DO YOU BELIEVE DUKE ENERGY PROGRESS**  
5 **APPROPRIATELY EVALUATED ALTERNATIVE ROUTES TO**  
6 **SELECT THE PREFERRED ROUTE FOR THE CLEVELAND-**  
7 **MATTHEWS LINE?**

8 A. Yes. Although DEP understands Mr. Canaday’s desire to not have a  
9 transmission line cross his property, Duke Energy Progress’ comprehensive  
10 transmission line siting process identified Route 31 (Segments 30, 33, 36, 37  
11 and 39) for the Cleveland-Matthews Line as the best and least impactful route  
12 to serve the transmission needs in this portion of Johnston County. I believe  
13 that DEP’s application provides the necessary information to prove that it is in  
14 the public convenience and necessity, and I ask that the Commission approve  
15 it.

16 **Q. DOES THIS CONCLUDE YOUR PRE-FILED REBUTTAL**  
17 **TESTIMONY?**

18 A. Yes.

1 COMMISSIONER CLODFELTER: Have you provided  
2 copies of that to Public Staff and Mr. Canaday?

3 MR. SOMERS: Thank you, Mr. Chairman.

4 COMMISSIONER CLODFELTER: Well, have you  
5 provided copies of that to Public Staff and to Mr.  
6 Canaday?

7 MR. SOMERS: The rebuttal?

8 COMMISSIONER CLODFELTER: Yes.

9 MR. SOMERS: It was served on them. I believe  
10 Mr. Canaday told me this morning he received it by mail;  
11 is that correct, sir?

12 MR. CANADAY: Yes, sir.

13 COMMISSIONER CLODFELTER: Okay. So you have  
14 it. Great. Just trying to -- since we've got -- Mr.  
15 Canaday doesn't have a lawyer. He's not a lawyer. I  
16 want to be sure we're clear on what we're doing here,  
17 okay?

18 MR. SOMERS: Completely agree, and we had a  
19 short conversation off the record before we began.

20 COMMISSIONER CLODFELTER: Thank you. Go ahead.

21 Q With that, Mr. Same, have you prepared a  
22 summary of your direct testimony?

23 A Yes, I have.

24 MR. SOMERS: I have handed out copies to

1 counsel and Mr. Canaday and the Commission.

2 Q Would you please provide your summary of your  
3 direct testimony?

4 A Yes. My direct testimony supports Duke Energy  
5 Progress' Application for a Certificate of Public  
6 Convenience and Necessity to construct 11.5 miles of new  
7 230 kV transmission line in the Cleveland area of  
8 Johnston County, North Carolina.

9 The Company retained Burns & McDonnell  
10 Engineering Company, an international engineering and  
11 construction firm with substantial utility infrastructure  
12 siting experience, to assist with the line siting and  
13 public input for the project. My role was to oversee  
14 Burns & McDonnell from the identification of preliminary  
15 route alternatives through selection of the preferred  
16 route.

17 First, Burns & McDonnell established the study  
18 area, which was designed to provide a set of reasonable  
19 and geographically distinct route alternatives, then data  
20 was collected from publicly available sources, grouped  
21 into categories, and assigned a weight from 1 to 5 to  
22 reflect potential sensitivity to a transmission line.  
23 With this data, Burns & McDonnell completed a suitability  
24 analysis, identified potential routes, and selected a

1 preferred route for the proposed transmission line. The  
2 objective of the routing study was to identify an  
3 economically feasible route that offered the most  
4 benefits in terms of providing reliable electric service,  
5 but also limited adverse impacts to the social and  
6 natural environment within the study area.

7           During the data collection phase, DEP contacted  
8 local, state, and federal governmental agencies to obtain  
9 information on resources of particular concern, for  
10 example, threatened and endangered species, wetlands,  
11 wildlife resources, and stream sensitivity. The primary  
12 concern that was identified related to the presence of a  
13 federally protected mussel species and other federal  
14 aquatic species of concern in the study area.

15           Before selection of a final route, the Company  
16 held two community workshops in November 2016 to provide  
17 potentially affected landowners near the alternative  
18 routes an understanding of the need for the project, the  
19 decision making process used to select a preferred route,  
20 and a forum to voice concerns. The Company mailed a  
21 letter and map describing the project and advertising  
22 these workshops to all landowners within 500 feet of the  
23 alternative routes two weeks prior to the workshop. The  
24 Company also issued a news release seven days prior to

1 the workshops and posted information about the project,  
2 including proposed routes, on the Company's website. At  
3 the workshops, DEP and Burns & McDonnell answered  
4 questions, took comments, and distributed questionnaires  
5 to be returned within six weeks of the workshops. Over  
6 200 people signed in at the workshops, and the Company  
7 received input from many landowners at the workshops or  
8 through questionnaires afterwards.

9 Burns & McDonnell -- Burns & McDonnell  
10 identified 32 distinct routes using a combination of 39  
11 line segments. After analyzing route alternatives based  
12 on social, environmental, and engineering factors, the  
13 siting team determined that Route 31 was the best overall  
14 route for many reasons. Route 31 affected the least  
15 number of homes within 300 feet of the center line. No  
16 businesses or public facilities were within 500 feet of  
17 the center line. No open space was crossed. There was  
18 minimal input from concerned landowners for that route,  
19 which indicated less likelihood of construction or access  
20 issues. There were no highly sensitive stream crossings.  
21 Route 31 utilizes cropland when possible to avoid  
22 extensive removal of trees, and it crosses wetlands and  
23 hydric soils in a perpendicular manner, where possible,  
24 which should require less permitting.

1           The Company provided the required 30-day notice  
2   to enter property for the purpose of surveying, soil  
3   borings, appraisals, and assessments to the 67 landowners  
4   who will have some portion of the proposed 125-foot  
5   right-of-way on their property and also to another 23  
6   landowners with property outside the proposed right-of-  
7   way, but within 200 feet of the proposed center line, in  
8   case survey crews needed to access a portion of their  
9   property.

10           Duke Energy Progress' comprehensive  
11   transmission line siting process identified Route 31, the  
12   Cleveland-Matthews line, as the best and least impactful  
13   route to serve transmission needs in the Cleveland area  
14   in Johnston County. I believe the Company's Application  
15   is in the public convenience and necessity, and I  
16   respectfully ask the Commission to approve it. This  
17   concludes my summary.

18           Q     Thank you, Mr. Same. Have you also prepared a  
19   summary of your prefiled rebuttal testimony?

20           A     Yes, sir.

21           Q     Would you please give that to the Commission at  
22   this time?

23           A     Yes, sir. My rebuttal testimony responds to  
24   allegations in Oliver Canaday's Petition to Intervene



1 regarding his alleged lack of notice of the public  
2 workshops held by DEP for the Cleveland-Matthews 230 kV  
3 transmission line, electric and magnetic fields, or EMF,  
4 in the siting process, and the way that farmland and  
5 forests were considered in the siting process.

6 With regard to notice of the public workshops,  
7 on November 4th, 2016, DEP mailed a letter via Priority  
8 Mail to Mr. Canaday at his address in Panama City,  
9 Florida, inviting him to one or both open house events.  
10 The letter was not returned as undeliverable. On April  
11 20th, 2017, DEP mailed another letter via certified mail  
12 to Mr. Canaday at the same mailing address, providing  
13 notice of survey activities, and DEP received documented  
14 confirmation of delivery. On May 19th, 2017, DEP's  
15 Transmission Public Engagement Specialist, Drew Gilmore,  
16 spoke to Mr. Canaday by phone for more than 40 minutes,  
17 during which Mr. Canaday indicated that he did not  
18 receive the first letter, but acknowledged receipt of the  
19 second letter. Mr. Canaday also confirmed that the  
20 mailing address was correct and had not changed during  
21 the period between the mailings. Letters were sent to  
22 1,036 owners of 1,313 parcels. In addition, letters were  
23 sent to both Johnston and Wake County administrators and  
24 each municipal government within the study area. Two

1 newspaper advertisements also ran in The News & Observer  
2 in the weeks prior to the workshops.

3           With regard to the weight given in the siting  
4 process to farmland and forested land, DEP assigned a  
5 weighting of 2 for cropland crossed and a weighting of 3  
6 for upland forest crossed. The intent of the weighting  
7 is to differentiate between the levels of perceived  
8 impact of the underlying land uses and to help determine  
9 areas of constraint versus -- sorry -- help to determine  
10 areas of higher constraint versus area -- versus lower  
11 constraint when routing the line. Cropland crossed was  
12 given a lower weight because continued farming activity  
13 is allowed under DEP transmission line, and only four  
14 routing factors were given a weight higher -- given a  
15 higher weight than upland forest crossed. Those were  
16 residential proximity and open space/green space areas at  
17 a weighting of 5, and wetland crossing and stream  
18 sensitivity had a weighting of 4. These rate -- these  
19 ratings appropriately reflect the values and risks of  
20 land uses that could impact and ultimately prevent DEP  
21 from siting and eventually constructing the proposed  
22 line, and reflect input from past transmission line  
23 siting processes, as well as feedback from the public.

24           With regard to the EMF pollution, the expected

1 EMF readings would essentially be the same along any  
2 route and, therefore, would have no impact on the  
3 relative rankings of the alternative routes. DEP does  
4 not believe that EMF is "pollution" or that the proposed  
5 Cleveland-Matthews transmission line poses any  
6 inappropriate EMF risk.

7 I believe that DEP's comprehensive transmission  
8 line siting process appropriately identified the best and  
9 least impactful route to serve the transmission needs in  
10 the Cleveland portion of Johnston County. This concludes  
11 my summary.

12 Q Thank you, Mr. Same. If I could now turn to  
13 you, Mr. Umbdenstock. Would you please state your name  
14 for the record?

15 A (Umbdenstock) Yes. My name is James Tyler  
16 Umbdenstock.

17 Q And Mr. Umbdenstock, what is your business  
18 address?

19 A My business address is 1020 West Chatham Street  
20 in Cary, North Carolina, 27511.

21 Q And what is your position with Duke Energy?

22 A I'm a Lead Engineer in the Distribution  
23 Capacity Planning Department.

24 Q And how long have you worked for Duke Energy?

1           A       Coming up on 38 years at the end of this year.

2           Q       Mr. Umbdenstock, did you cause to be prefiled  
3       direct testimony in this case consisting of some four  
4       pages?

5           A       Yes, I did.

6           Q       And do you have any changes or corrections to  
7       your prefiled direct testimony?

8           A       No, I do not.

9           Q       If I were to ask you the same questions here  
10       today as you're sitting on the witness stand or at the  
11       witness table, would your answers be the same?

12          A       They would be the same.

13                 MR. SOMERS: Mr. Chairman, I would move that  
14       Mr. Umbdenstock's prefiled direct testimony be entered  
15       into the record as if given orally from the stand.

16                 COMMISSIONER CLODFELTER: Again, this is the  
17       same procedure as before. So without objection, that  
18       will be so ordered.

19                 MR. SOMERS: Thank you, Mr. Chairman.

20                         (Whereupon, the prefiled direct  
21                         testimony of James Umbdenstock was  
22                         copied into the record as if given  
23                         orally from the stand.)

24

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 1150

In the Matter of )  
 )  
Application of Duke Energy Progress, LLC )  
For A Certificate of Environmental )  
Compatibility and Public Convenience and )  
Necessity Pursuant to N.C. Gen. Stat. § 62- )  
100 et seq. to Construct Approximately 11.5 )  
Miles of New 230kV Transmission Line in )  
Cleveland area of Johnston County, North )  
Carolina )

**DIRECT TESTIMONY OF  
JAMES UMBDENSTOCK FOR  
DUKE ENERGY PROGRESS, LLC**

1    **Q.    PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2    A.    My name is James Umbdenstock, and my business address is 1020 W.  
3           Chatham Street, Cary, North Carolina 27511.

4    **Q.    BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5    A.    I am employed as a Lead Engineer, in Carolinas Power Quality, Reliability  
6           and Integrity/Planning, in Carolinas East, by Duke Energy Progress, LLC  
7           ("DEP"). DEP is a wholly owned, indirect subsidiary of Duke Energy  
8           Corporation ("Duke Energy").

9    **Q.    WHAT ARE YOUR RESPONSIBILITIES AS LEAD ENGINEER?**

10   A.    I am responsible for helping plan the electrical distribution infrastructure  
11           necessary to serve new growth and development in the Northeast Zone of  
12           DEP territory in North Carolina. This includes coordinating the design and  
13           construction of all transmission-to-distribution substations with Transmission  
14           for all of DEP, both North and South Carolina.

15   **Q.    PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL**  
16           **BACKGROUND.**

17   A.    I graduated from North Carolina State University with a Bachelor of Science  
18           degree in Electrical Engineering in 1979. I have worked for DEP for almost  
19           38 years, all in the area of Distribution. I have also held various engineering  
20           roles at DEP. I am a licensed Professional Engineer in the State of North  
21           Carolina.

22   **Q.    HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE NORTH**  
23           **CAROLINA UTILITIES COMMISSION?**

1 A. Yes, I testified during the construction of the Cary Trenton Road 230kV  
2 Substation and its associated transmission tap line, in Docket No. E-2, Sub  
3 855.

4 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

5 A. The purpose of my testimony in this proceeding is to describe the need and  
6 necessity for the construction of the proposed 11.5 miles of new 230kV  
7 transmission line in the Cleveland area of Johnston County, North Carolina.

8 **Q. WERE YOU INVOLVED IN PREPARING DEP'S APPLICATION IN**  
9 **THIS DOCKET?**

10 A. Yes.

11 **Q. WHY IS DEP REQUESTING THIS COMMISSION TO GRANT THE**  
12 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY?**

13 A. As detailed in the Certificate application, DEP's assessment of electric energy  
14 requirements, has identified the need to build a new 230kV/23kV  
15 transmission-to-distribution substation and a new 230kV transmission line to  
16 provide power to the substation in the Cleveland area of Johnston County,  
17 North Carolina. There are currently no transmission lines or substations in this  
18 area of Johnston County, which is roughly bounded by Interstate 40 on the  
19 west, Highway 70 Bypass on the north, Highway 70 on the east and Interstate  
20 95 on the south. This area is approximately 125,000 acres in size and is  
21 located entirely within Duke Energy Progress' service territory, except for the  
22 portion within the city limits of Smithfield in the extreme southeastern corner  
23 of this area. Nine (9) different substations and thirteen (13) distribution

1 circuits currently feed into this area including two (2) substations located in  
2 Wake County. Six 23kV feeders from four substations from as far as 13 miles  
3 away terminate less than 1.5 miles from this site, and all six exceeded 17.6  
4 MVA during the 2015 Winter peak (January 2015) which is the Winter  
5 Planning Limit for 23 kV feeders. This new substation site was purchased in  
6 2015 based on the projected load center in the vicinity of Cleveland Road and  
7 Matthews Road. The new substation and associated transmission line is  
8 required to provide needed capacity and enhanced service reliability to  
9 support our existing customers plus allow for future residential and  
10 commercial growth.

11 **Q. DOES THIS CONCLUDE YOUR PRE-FILED DIRECT TESTIMONY?**

12 **A. Yes.**



1           Q     Mr. Umbdenstock, did you also cause to be  
2     prefiled rebuttal testimony of some four pages in this  
3     case?

4           A     Yes, I did.

5           Q     Do you have any changes or corrections to your  
6     prefiled rebuttal testimony?

7           A     No, sir. I do not.

8           Q     If I were to ask you the same questions as in  
9     your prefiled written rebuttal testimony, would your  
10    answers be the same today?

11          A     Yes, they would.

12               MR. SOMERS: Mr. Chairman, I would move that  
13     Mr. Umbdenstock's prefiled rebuttal testimony be entered  
14     into the record as if given orally from the stand.

15               COMMISSIONER CLODFELTER: So ordered.

16                         (Whereupon, the prefiled rebuttal  
17                         testimony of James Umbdenstock was  
18                         copied into the record as if given  
19                         orally from the stand.)  
20  
21  
22  
23  
24

## BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

DOCKET NO. E-2, SUB 1150

In the Matter of )  
)  
Application of Duke Energy Progress, LLC )  
For A Certificate of Environmental )  
Compatibility and Public Convenience and )  
Necessity Pursuant to N.C. Gen. Stat. § 62- )  
100 et seq. to Construct Approximately 11.5 )  
Miles of New 230kV Transmission Line in )  
Cleveland area of Johnston County, North )  
Carolina )

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**REBUTTAL TESTIMONY OF  
JAMES UMBDENSTOCK FOR  
DUKE ENERGY PROGRESS, LLC**

1    **Q.    PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2    A.    My name is James Umbdenstock, and my business address is 1020 W.  
3           Chatham Street, Cary, North Carolina 27511.

4    **Q.    DID YOU PREVIOUSLY SUBMIT DIRECT TESTIMONY IN THIS**  
5           **MATTER?**

6    A.    Yes, I did.

7    **Q.    WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

8    A.    The purpose of my testimony is to respond to portions of the allegations  
9           contained in the Petition to Intervene filed by Mr. Oliver L. Canaday on  
10          October 23, 2017 regarding the proposed use of the 500kV transmission line  
11          in the area to serve the new substation, instead of the proposed Cleveland-  
12          Matthews Transmission Line.

13   **Q.    IN HIS PETITION TO INTERVENE, MR. CANADAY ALLEGES**  
14          **“FRAUD” IN DEP’S CPCN APPLICATION BECAUSE YOUR**  
15          **DIRECT TESTIMONY STATES THAT “THERE ARE CURRENTLY**  
16          **NO TRANSMISSION LINES” IN THE AREA.    HOW DO YOU**  
17          **RESPOND?**

18   A.    I certainly do not believe my testimony was fraudulent. In my direct  
19          testimony, I stated that, “There are currently no transmission lines or  
20          substations in this area of Johnston County, which is roughly bounded by  
21          Interstate 40 on the west, Highway 70 Bypass on the north, Highway 70 on  
22          the east and Interstate 95 on the south.” I used the term “roughly” to describe  
23          the area, but agree with Mr. Canaday that the DEP Cumberland-Wake 500kV

1 Transmission Line is located at the far western edge of the study area we  
2 evaluated for the new project. In addition, portions of the Erwin-Selma  
3 230kV Transmission Line, and the Lee Sub-Milburnie 230kV Transmission  
4 Line are also in the study area and feasible routes to connect the new  
5 Matthews Road Substation to these existing 230kV transmission lines were  
6 evaluated in the siting process. All of these existing transmission lines are  
7 depicted in the Routing Study and Environmental Report submitted as Exhibit  
8 A to DEP's CPCN Application, as revised on July 24, 2017.

9 **Q. DO YOU AGREE WITH MR. CANADAY'S ASSERTION THAT DEP**  
10 **SHOULD TAP THE EXISTING 500KV TRANSMISSION LINE**  
11 **INSTEAD OF BUILDING THE PROPOSED 230KV CLEVELAND-**  
12 **MATTHEWS TRANSMISSION LINE?**

13 **A.** No I do not. DEP has never allowed a load connection to its 500kV bulk  
14 transmission system. DEP's 500kV transmission network is reserved for the  
15 bulk transport of large amounts of electricity. DEP's bulk transmission  
16 system includes all 500kV lines and stations. These DEP 500kV facilities  
17 help form the backbone of the SERC bulk transmission system and provide  
18 the primary means of serving large geographical areas. A comprehensive  
19 study would be required to consider the connection of any load to the Bulk  
20 System, and the expectation is that this would be rare.

21 Even if it were feasible to serve a 230kV retail transmission-to-  
22 distribution ("T/D") substation from the 500kV transmission system, it would  
23 require approximately 200 contiguous acres for a 500/230kV transmission-to-

1 transmission (T/T) substation in addition to the construction of a 230/24kV  
2 T/D substation. Furthermore, two separate 180 foot wide 500kV transmission  
3 line right-of-way corridors from the existing Cumberland-Wake 500kV line to  
4 the new substation site would also be needed.

5 Based upon my nearly 38 years of engineering experience with Duke  
6 Energy Progress, I disagree with Mr. Canaday's assertion that tapping the  
7 existing 500kV transmission line would be a feasible alternative to the  
8 proposed Cleveland-Matthews 230kV Transmission Line.

9 **Q. DOES THIS CONCLUDE YOUR PRE-FILED REBUTTAL**  
10 **TESTIMONY?**

11 **A.** Yes, it does.

1           Q     Mr. Umbdenstock, have you prepared a summary of  
2 both your direct and rebuttal testimony?

3           A     Yes, I have.

4           Q     Would you please begin by providing your  
5 summary of your rebuttal -- excuse me -- of your direct  
6 testimony?

7           A     Yes. My direct testimony describes the need  
8 for construction of a new 230 kV to 23 kV transmission-  
9 to-distribution substation in the Cleveland area of  
10 Johnston County, North Carolina. There are currently no  
11 substations in this part of Johnston County other than  
12 those which specifically serve the Town of Smithfield.  
13 The study area for the project is approximately 125,000  
14 acres bounded by Interstate 40 on the west, Highway 70  
15 Bypass on the north, Highway 70 on the east, and  
16 Interstate 95 on the south. Nine substations and 13  
17 distribution circuits currently feed into this area.  
18 Six 23 kV feeders from four substations from as far as 13  
19 miles away terminate less than 1.5 miles from the  
20 intersection of Matthews Road and Cleveland Road.  
21 The winter planning limit for 23 kV feeders is 17.6 MVA,  
22 and all six feeders in the Cleveland area exceeded 17.6  
23 MVA during the winter peak in February of 2015. The  
24 proposed new substation is needed to provide capacity and

1 enhance service reliability to support existing customers  
2 and allow for future residential and commercial growth.

3 This concludes my summary.

4 Q Thank you, Mr. Umbdenstock. You also have a  
5 summary of your rebuttal testimony?

6 A Yes.

7 Q Would you please give that to the Commission at  
8 this time?

9 A Yes. My rebuttal testimony responds to  
10 allegations in Oliver Canaday's Petition to Intervene  
11 regarding the proposed use of an existing 500 kV  
12 transmission line in Johnston County to serve the  
13 proposed substation.

14 First, I agree with Mr. Canaday that there is  
15 a 500 kV transmission line at the far western edge of the  
16 study area. There are also portions of three 230 kV  
17 transmission lines in the study area. In my direct  
18 testimony I use the term "roughly" to describe the study  
19 area bounded by Interstate 40 on the west, Highway 70  
20 Bypass on the north, Highway 70 on the east, and  
21 Interstate 95 on the south. The four transmission lines  
22 are depicted in the Routing Study that was part of the  
23 Application for the proposed transmission line and  
24 substation.

1 I disagree with Mr. Canaday's assertion that  
2 DEP should tap the existing 500 kV transmission line  
3 instead of building the proposed 230 kV Cleveland-  
4 Matthews transmission line. DEP's 500 kV transmission  
5 network is reserved for the bulk transport of large  
6 amounts of electricity. A comprehensive study would be  
7 required to consider the connection of any load to the  
8 bulk system, and the expectation is that this would be  
9 rare. Even if it were feasible to serve a 230 kV retail  
10 transmission-to-distribution substation from the 500 kV  
11 transmission system, it would take approximately 200  
12 contiguous acres for a 500 to 230 kV transmission-to-  
13 transmission substation, in addition to the construction  
14 of a 230 to 24 kV T to D substation. Further, two  
15 separate 180-foot wide 500 kV transmission line right-of-  
16 way corridors from the existing 500 kV line to the new  
17 substation site would also be needed.

18 Based on my nearly 38 years of engineering  
19 experience with DEP, I do not believe that tapping the  
20 existing 500 kV transmission line would be a feasible  
21 alternative to the proposed Cleveland-Matthews 230 kV  
22 transmission line. This concludes my summary.

23 Q Thank you.

24 MR. SOMERS: Mr. Chairman, Mr. Same and Mr.



1 Umbdenstock are available for cross.

2 COMMISSIONER CLODFELTER: Okay. All right.

3 Ms. Fennell.

4 MS. FENNELL: I have a few questions for Mr.

5 Same.

6 CROSS EXAMINATION BY MS. FENNELL:

7 Q Mr. Same, you indicated that in the corrections  
8 to your testimony, that the line had been slightly  
9 shifted to accommodate certain property owners, including  
10 Roberts, Langdon, and Barefoot?

11 COMMISSIONER CLODFELTER: Ms. Fennell,  
12 Commissioner Gray says you need to get the microphone a  
13 little closer.

14 MS. FENNELL: Okay.

15 COMMISSIONER CLODFELTER: He can't hear you.

16 MS. FENNELL: I'm sorry.

17 COMMISSIONER CLODFELTER: Thank you.

18 Q Mr. Same, you indicated in the corrections to  
19 your testimony that the line has been slightly moved to  
20 accommodate certain property owners, including Roberts,  
21 Langdon, and Barefoot?

22 A (Same) Yes, ma'am.

23 Q And in that you stated that those moves also  
24 caused the line to be moved on other property owners

1 slightly?

2 A Slightly, yes, ma'am.

3 Q Did that involve moving the line to any new  
4 property owners?

5 A No, ma'am.

6 Q Okay. Did you attempt to address any concerns  
7 of other property owners other than the three that you  
8 mentioned?

9 A Yes. So you say the three names that I  
10 mentioned, those were the ones that actually requested  
11 the shift.

12 Q Uh-huh.

13 A So, you know, in essence, when you shift off,  
14 you know, on that -- at that location, it has a ripple  
15 effect down. So we have -- you know, again, not me  
16 directly, but our representatives have spoken with those  
17 other landowners, but we've been told that they're in  
18 agreement with those shifts as well.

19 Q Do you know of any other property owners --

20 COMMISSIONER CLODFELTER: Mr. Same, we can hear  
21 you up here, but it's a little faint, and I suspect that  
22 means that the folks back in the back probably are going  
23 to have a harder time hearing you because we're a little  
24 closer. So you may need to sit --

1 THE WITNESS: Yes, sir.

2 COMMISSIONER CLODFELTER: -- a little closer to  
3 the mic, okay?

4 THE WITNESS: Okay.

5 COMMISSIONER CLODFELTER: Got it. Thanks.

6 Q Did you -- do you know of other attempts to  
7 modify the route to address other concerns of other  
8 property owners?

9 A Yes, ma'am. We have had multiple requests, and  
10 essentially, just like I described with you, where we  
11 have had a request, we've evaluated that request. That  
12 request has a ripple effect on adjacent property owners.  
13 You know, when we first consider a request, we -- you  
14 know, our primary objective is that we do not push the  
15 line onto a different property owner. So in the case we  
16 did have additional requests in evaluating those and  
17 communicating with additional property owners, you know,  
18 that weren't directly involved in that request, but that  
19 impact -- impacted them, the change impacted their  
20 property. Essentially, we had some that objected, and at  
21 that point we stopped evaluating those requests.

22 Q To your knowledge, do any of these proposed  
23 changes move the center line of the route within 50 feet  
24 of a new property owner that was not originally impacted

1 or 200 feet of a primary residence of a new property  
2 owner?

3 A They do not.

4 MS. FENNELL: Okay. Thank you.

5 COMMISSIONER CLODFELTER: I'm going to do a  
6 little something a little bit out of order because it  
7 just follows up on what you were asking, and then you  
8 guys, when you do your redirect, you can pick up on it.

9 EXAMINATION BY COMMISSIONER CLODFELTER:

10 Q Do you still have any pending requests? Are  
11 there any requests for modifications or adjustments that  
12 you haven't yet finalized your decision on?

13 A (Same) So to be clear, I don't think we've  
14 essentially finalized a decision. We're continuing to  
15 evaluate the ones that are represented on this map. And  
16 why I say that is because we've done on-the-ground  
17 surveying of the original center line of the route.

18 Q Right.

19 A We have not had an opportunity to go and do  
20 additional surveying on these shifted requests. So I  
21 don't know if that answered your question, but --

22 Q Well, I was asking do you have any additional  
23 requests from other property owners other than these  
24 three?

1           A     We do not currently. We're continuing to  
2     evaluate. We had had additional requests, as Ms. Fennell  
3     asked about, but we had some property owners that said  
4     they weren't interested.

5           Q     Is it still open for people to make requests to  
6     you to adjust the line?

7           A     Absolutely, yes.

8           Q     How will they know that? Have they been told  
9     that? How do they know that they still have the right to  
10    call you up and say, Mr. Same, would you come out and  
11    look at moving it a little bit here or moving it a little  
12    over yonder?

13          A     Yeah. So, I mean, our land representatives --  
14    we have a dedicated land representative, real estate  
15    representative, that is with our survey crews in the  
16    field and has been with them for the past several weeks  
17    that is continuing to communicate with the property  
18    owners individually, so there's open lines of  
19    communication. You know, from my perspective, that's  
20    happening in the field, and my understanding is that  
21    those -- our real estate representatives are  
22    communicating, you know, those options with those  
23    property owners.

24          Q     With each property owner along the route?

1           A     Yes, sir.

2           Q     They'll have a chance to talk to your field  
3     service representative about moving the line or adjusting  
4     it some?

5           A     Yes, sir. And we do this on pretty much all of  
6     our projects.

7           COMMISSIONER CLODFELTER: Okay. All right.  
8     I'm sorry for doing that out of order, but I think since  
9     it was on Ms. Fennell's question, it sort of gets it all  
10    together at one time. Okay. Go ahead. Continue with  
11    your questions.

12           MS. FENNELL: I'm done. Thank you.

13           COMMISSIONER CLODFELTER: You have nothing  
14    further?

15           MS. FENNELL: Nothing further.

16           COMMISSIONER CLODFELTER: Okay. Mr. Canaday,  
17    you have a chance to ask these gentlemen questions, and  
18    since they're both up there, you can ask one or both, or  
19    whichever one you want.

20           MR. CANADAY: Okay.

21           COMMISSIONER CLODFELTER: Now, this will be the  
22    time where you ask them questions. You'll have a chance  
23    later to make your own statement --

24           MR. CANADAY: Right.

1 COMMISSIONER CLODFELTER: -- and put in your  
2 own evidence.

3 MR. CANADAY: All right.

4 COMMISSIONER CLODFELTER: Okay. Got it.

5 CROSS EXAMINATION BY MR. CANADAY:

6 Q In reference -- Mr. Same, in reference to the  
7 letter that you said that I was mailed back in November,  
8 last night in Smithfield I think there was like four or  
9 five people under testimony just like me that said they  
10 hadn't received the letter. Now, I haven't put my hand  
11 on the Bible and said I hadn't received a letter yet, but  
12 I signed my name on a letter saying I didn't receive it,  
13 so it's the same thing as far as I'm concerned. To me,  
14 that's misleading to the Commission that everybody has  
15 been contacted, and everybody weren't contacted. They  
16 know that because I recognize two of the gentlemen that  
17 were there last night that heard that. So that's -- that  
18 don't hold water with me, okay?

19 MR. SOMERS: Mr. Chairman, I think it's time  
20 for questions, not testimony.

21 COMMISSIONER CLODFELTER: Mr. Canaday, like I  
22 said, you get a chance to sort of make your statement and  
23 make your case --

24 MR. CANADAY: Right.

1 COMMISSIONER CLODFELTER: -- but what you need  
2 to do with these gentlemen is ask them questions.

3 MR. CANADAY: Right.

4 COMMISSIONER CLODFELTER: Okay. Ask the  
5 question.

6 Q Do you have any proof that you mailed that  
7 letter to me?

8 COMMISSIONER CLODFELTER: There you go. There  
9 you go. Okay.

10 MR. CANADAY: Okay.

11 A (Same) So I -- you know, I'm not the engagement  
12 specialist that handled the communication mailings. I  
13 was involved kind of on the periphery of that. I can --  
14 I can tell you what my understanding of that process is,  
15 which is, as we stated, over a thousand letters were  
16 mailed out. Our engagement specialist track the mailings  
17 that were sent out, and in addition, if a letter is  
18 returned, that same individual gets a return notice. So  
19 the letter that you did say you did receive later on is  
20 sent certified mail. The initial over a thousand letters  
21 we did not send certified mail.

22 Q Okay. Do you know how many people that Duke  
23 has on staff for the EMF environmental pollution?

24 A I'm not sure I understand the question, sir.



1 Q Okay.

2 A Could you restate it?

3 Q Okay. Do you know how many people Duke has on  
4 staff that deals with EMF environmental pollution?

5 A I mean, we're a very large company, as you  
6 know. I do know there is one gentleman in particular,  
7 Mr. Kim Craven. Mr. Craven was in attendance at our open  
8 houses. In addition, I've dealt with Mr. Craven on other  
9 issues concerning EMF in the past. He's the only person  
10 that I'm personally aware of.

11 Q Okay. So you don't know how many people's on  
12 that staff?

13 A No, sir. I just know Mr. Craven.

14 Q Okay. Would you have an idea why they would  
15 have someone on the staff for that?

16 A No, sir.

17 MR. CANADAY: Okay. That's all, sir.

18 COMMISSIONER CLODFELTER: Do you have anything  
19 for Mr. Umbdenstock?

20 MR. CANADAY: Yes, sir.

21 COMMISSIONER CLODFELTER: Well, go ask away.

22 MR. CANADAY: Yes, sir.

23 Q The original Application said there wasn't a  
24 transmission line in the Cleveland community, and they's

1 a 500 k (sic) line that's east of 40 that crosses 42,  
2 Ten-Ten, and just before it crosses Middle Creek. That's  
3 misleading to the Commission. How can that be  
4 overlooked, that that's not a transmission line? That  
5 thing is huge.

6 A (Umbdenstock) I think the way to answer that is  
7 that I use the word "there are no transmission lines  
8 bounded roughly by the area." So while it is in the area  
9 bounded and east of I-40 or Interstate 40, it is very  
10 close to the interstate -- to the west of -- very close  
11 to Interstate 40. So, yes, you're correct that I said  
12 that there were none, but I used the word "roughly" --

13 Q Right.

14 A -- to try and describe the area.

15 Q And -- and you mentioned something about it  
16 takes 200 acres to put in a substation off a 500 kV line?

17 A That is correct. There are two 500 kV  
18 substations in the -- in the area. One is our -- what we  
19 call Wake 500, and that's on roughly 200 acres, and the  
20 other one is Cumberland 500, and that is on roughly 200  
21 acres of land.

22 Q I was in Fayetteville last week. The  
23 substation I found in Fayetteville that runs right along  
24 beside Owen Drive, and the actual address of that

1 substation is Cumberland Road, 2813 is the actual  
2 address. There's like a tombstone out there in granite  
3 with the number of the address on it and everything. I  
4 looked at that thing. And I don't know what all's  
5 involved, but I'm pretty sure that that chain-link fence  
6 that contains all those transformers, they're about --  
7 they're about twice as big as a big refrigerator and  
8 they're about 10 foot high. I believe every one of them  
9 go on two acres. Now, I don't know what else is involved  
10 besides what's in that chain-link fence. Is that the  
11 substation that's in that chain-link fence or is it all  
12 the lines that's running in and running out?

13 A I do not know specifically that location in  
14 Fayetteville.

15 COMMISSIONER CLODFELTER: Mr. Canaday, you've  
16 got a picture there. You might show it to him. That  
17 might help him tell you whether that's the 500 kV  
18 substation or something else, if you've got a picture.  
19 He may not be able to tell it from the picture, but if  
20 you show him the picture, it might help.

21 Q This is the substation, and this is the  
22 entrance going into the substation with a little sign on  
23 the outside out there. And when you're standing at the  
24 substation where it goes between two churches, these are

1 the lines that's going out of it. These aren't 230  
2 lines, are they? They're 500 k lines, too. I don't  
3 know.

4 A I cannot tell from these pictures.

5 Q Okay.

6 A I'm not positive.

7 Q Okay.

8 A They do not look like 500 kV lines to me, but I  
9 am not positive. I do not know.

10 Q But this line right here that's coming in right  
11 here in this picture (indicating), I've followed the  
12 lines going back and forth across roads from around  
13 McGee's Crossroads down there where it crosses right up  
14 above that down to Fayetteville, because all I had was  
15 the general location. And it's like going through hairs  
16 on a dog bite trying to find a tick or a flea or  
17 something, you know?

18 A Yes, sir.

19 Q But I found it. It's there. The other thing  
20 about EMF that really bugs me --

21 COMMISSIONER CLODFELTER: Now, I'm going to let  
22 you tell us what bugs you when you get up here, but right  
23 now --

24 MR. CANADAY: (Laughing.)

1 COMMISSIONER CLODFELTER: -- you get to tell us  
2 what bugs you about EMF when you get up here, but right  
3 now, ask these gentlemen any questions you want them to  
4 answer, okay?

5 MR. CANADAY: Okay.

6 COMMISSIONER CLODFELTER: All right. We'll do  
7 fine.

8 Q What you saw in this picture, is that a  
9 substation? Does it look like a substation?

10 A Yes, sir. It is a substation.

11 Q Do you pull 230 k lines out of a substation  
12 like that, because that's the workhorse, that's what  
13 actually goes out and hits a substation, and then you  
14 convert it into electricity that goes on distribution  
15 lines before it can actually be used in a house or a  
16 business or something, I think.

17 A Well, there are two different kinds of  
18 substations. One is a transmission-to-transmission  
19 substation which converts voltage from a higher  
20 transmission voltage to a lower transmission voltage, and  
21 then there is a transmission-to-distribution substation  
22 which is where it converts it down to what a residence or  
23 a commercial business or an industry uses, what serves an  
24 area.

1 MR. CANADAY: Okay. That's all I have, sir.

2 If he don't recognize that, then there ain't no need to  
3 talk about it any more.

4 COMMISSIONER CLODFELTER: Okay. All right.  
5 Well, let's first see if we've got questions from the  
6 Commissioners, Commissioner Beatty or -- well, before  
7 they do their redirect because -- you want to do redirect  
8 on these questions or do you want to do them all together  
9 at one time?

10 MR. SOMERS: However procedure you would like  
11 to handle it.

12 COMMISSIONER CLODFELTER: I'll tell you what,  
13 it would save some time probably if you let us ask our  
14 questions next, and then when you redirect, you could  
15 cover everybody's questions. How about that? Does that  
16 work for you?

17 MR. SOMERS: That's fine. Yes, sir.

18 COMMISSIONER CLODFELTER: I'll do it however  
19 you want to do it.

20 MR. SOMERS: I trust your judgment.

21 COMMISSIONER CLODFELTER: All right. That's  
22 fine. So let's see if Commissioner Beatty or  
23 Commissioner Gray have questions, or I may have -- I'm  
24 going to have a few. Go ahead. Commissioner Beatty.

1 EXAMINATION BY COMMISSIONER BEATTY:

2 Q Good morning, gentlemen.

3 A (Same) Good morning.

4 A (Umbdenstock) Good morning.

5 Q All right. I am looking at Mr. Same's  
6 testimony on page 18 and -- where you talk about the  
7 results of the comprehensive evaluation and determined  
8 that Route 31 was the best overall or least impactful  
9 route. And you explain, beginning on line 13, that Route  
10 31 was selected for the best route for the following  
11 reasons, and it first states, the "Overall Lowest  
12 Residential Proximity Score among all routes, an  
13 indication of minimal potential impacts to residences and  
14 property owners."

15 A (Same) Yes, sir.

16 Q When you talk about the residential property  
17 score and -- does that -- and the minimal potential  
18 impacts to residences, does that include residences that  
19 are already built or does that also include residences  
20 that are being planned, but not yet constructed?

21 A Commissioner Beatty, it's just residences that  
22 are already built.

23 Q And then the next little bullet there states  
24 that another reason that Route 31 was selected was

1 "Minimal input from concerned landowners as opposed to  
2 much greater input along other lowest scoring routes,  
3 indicating less chance of construction or access issues"  
4 -- but -- "a more positive public perception of the  
5 Project." Is that -- that was one of the reasons?

6 A Yes, sir.

7 Q Were you present last night at the public  
8 hearing?

9 A Yes, sir.

10 Q And you heard the concerns that the property  
11 owners presented there?

12 A Yes, sir.

13 Q And are you still of the opinion that there's a  
14 positive public perception of the project?

15 A Not from their perspective, sir. Yes, I agree.

16 Q Okay. Another -- a little bit further down,  
17 another bullet states that "No businesses or public  
18 facilities within 500 feet of" -- the -- "center line."  
19 And one of the witnesses last night mentioned that he  
20 runs a business out of his residence.

21 A Yes, sir.

22 Q And according to him, his business or residence  
23 was within the 500 feet. Did you hear that testimony?

24 A Yes, sir. I did.



1 Q How would you respond to that?

2 A Essentially, when we talk, you know, and  
3 perhaps we could use better terminology, but when we  
4 reference businesses in our study, we're talking about,  
5 you know, commercial type businesses. I mean,  
6 essentially what we're doing is we're using aerial  
7 photography. We drive public available right-of-ways to  
8 help us, you know, determine property uses. So there's  
9 no indication to us that there was a business at that  
10 location. I would further state that, you know, we did  
11 indicate that there was a home there, and the home in and  
12 of itself is a more important siting criteria than a  
13 business as far as the weighting is concerned anyway.

14 Q How far do residences have to be from the line?

15 A So our objective is to have the line as far  
16 away from all residences as possible. You mentioned the  
17 residential proximity score. The way we evaluated that,  
18 essentially, we look out to 500 feet from the center  
19 line, and we provide weighting depending on the distance  
20 from the proposed center line. For instance, a home  
21 within 125 feet of the proposed center line we gave a  
22 weighting of 3 in the residential proximity score. From  
23 125 out to 300 feet, we gave a weighting of 2, and then  
24 out to 300 feet to 500 feet, we gave a weighting of 1.

1 Q So it's not that the business or residence  
2 can't be within those distances; it's just the closer  
3 they are, the higher the --

4 A Yes, sir.

5 Q -- weighting is --

6 A Yes, sir.

7 Q -- for each of those?

8 A Yes, sir.

9 Q Okay. You indicated that you use various  
10 sources to determine whether or not a business is located  
11 within the area, and we heard the testimony last night  
12 that at least one business was located there that perhaps  
13 you all may not have been aware of. Do you think there  
14 may be others that -- I think there was more than one  
15 person that mentioned they run mostly agricultural type  
16 businesses out of their residences.

17 A Yes, sir. It's certainly possible. You know,  
18 we've had some discussions on our team about perhaps  
19 better terminology to use in the future.

20 Q I'm looking on page 19 of your testimony  
21 beginning at line 8. You state that, "The preferred  
22 route was one of the least overall impacting routes,"  
23 that it's, "fifth lowest scoring in the numerical  
24 evaluation performed for the proposed project." Do you

1 recall that testimony?

2 A Yes, sir.

3 Q That means that there were at least four lower  
4 scoring routes; is that right?

5 A That's correct, sir.

6 Q And can you -- do you recall what those routes  
7 are right offhand, and can you tell me why they were not  
8 selected?

9 A Well, I could tell you for certain that they  
10 were routes that exited the substation and headed to the  
11 west versus the preferred route which, you know, heads  
12 from the substation to the south. So, you know, at a  
13 high level we have, you know, a very detailed  
14 quantitative analysis that we perform, as indicated in  
15 our Application and in our report. What we do in every  
16 project after we get the data analyzed and compiled, our  
17 siting team, our siting/permitting/engagement team, we  
18 essentially do an additional internal qualitative  
19 analysis in addition to the quantitative analysis such  
20 that, you know, we can evaluate things that perhaps  
21 aren't in the data.

22 In this case, you know, primarily there were  
23 several factors that weighed heavily on our decision.  
24 And I will say that, you know, it was a hard decision to

1 make. Obviously, what we heard last night also was  
2 comments about shorter lines having less overall impact  
3 than longer lines. You know, in this case there were  
4 several factors, one being -- and we talked about this in  
5 some of our testimony, but the areas that we identified,  
6 you know, somewhat later in the siting process of the  
7 open space/green space areas that we talked about which  
8 would have been very problematic as far -- or could  
9 potentially have been very problematic as far as siting  
10 the transmission line. That was one consideration. The  
11 second in, you know, in my mind, primary consideration  
12 was a further analysis by our construction and work  
13 planning organization.

14           So what we do after we have the qualitative  
15 analysis is we take, you know, about the top 10 percent  
16 of the overall scoring routes and we have a further  
17 analysis with our construction and work planning  
18 organization. In this case we have a gentleman that  
19 actually lives in this area, grew up in this area, used  
20 to drive four-wheelers all over this area, and we had a  
21 very strong opinion as to the complexities of  
22 constructing the western route alternatives, you know,  
23 mapping you can look at. It's pretty clear that access  
24 and environmental concerns on the western routes was

1 significantly higher, in our opinion, than the issues  
2 that we would have to go through on the routes to the  
3 south.

4 Q Another witness last night testified that he  
5 has cattle on his property and he was concerned, based on  
6 information he had, that lactation -- the lactation rate  
7 is decreased by EMF. How would you respond to that  
8 concern?

9 A Commissioner Beatty, I'm sorry, but I am not an  
10 EMF expert and I can't speak to that.

11 Q Do you know whether that was considered,  
12 because I think he indicated that cattle was not one of  
13 the types of farming activities that you all knew was --

14 A Yeah.

15 Q -- on that prop--- on that route?

16 A Yes, sir. I mean, we did talk about other  
17 livestock, but not cattle in particular.

18 Q So it's possible that that was not considered?

19 A Yes, sir.

20 Q Several of the witnesses, as has already been  
21 mentioned, including Mr. Canaday, talked about the  
22 November 4th, 2016, letter that was sent to property  
23 owners, and several said that they did not recall  
24 receiving that letter, but that most people did recall

1 receiving the certified letter April 20th, 2017. Do you  
2 recall that testimony and those concerns?

3 A Yes, sir.

4 Q Why was the first letter not sent out  
5 certified?

6 A To be honest with you, it's just not a standard  
7 practice. Based upon the number of overall letters, in  
8 this case over a thousand that we had talked about  
9 previously, again, that's an item that we've talked about  
10 in our team and feel like that's probably something we  
11 should start doing.

12 Q As I recall the processes as you described it  
13 in your testimony, the public input was sought, and one  
14 of the ways that you notified the public was that first  
15 letter in November of 2016 that was sent out. And, of  
16 course, you considered other input, federal and state  
17 agencies and so forth, but how important was the public  
18 input in that -- from that first November letter in that  
19 meeting in November?

20 A Yeah. So the intention of that initial letter  
21 was to invite them to the open houses, which we had two.  
22 You know, our objective is not only to inform them of the  
23 project, but to also learn of, you know, things that we  
24 aren't aware of or things that we can't see on aerial

1    photography, so we look at that as very valuable to the  
2    overall siting process. You know, I just have some  
3    numbers here, but we talked about it briefly, over 200  
4    people attended the open houses, 149 in Clayton and 61  
5    that actually signed in at each location, and Smithfield.  
6    There were -- we all agree that there was probably more  
7    in attendance, but that's the numbers that signed in. So  
8    we had 128 questionnaires that we received, additional  
9    correspondence consisting of approximately 20 letters and  
10   a few emails.

11            Q     And, again, based on your testimony, my  
12   understanding from the process is you took that public  
13   input, as well as your discussions with federal and state  
14   agencies and other input, and then you selected a  
15   preferred route before you sent out the certified letter;  
16   is that right?

17            A     Yes, sir. Actually, yes. What we do is, you  
18   know, at the open house as well as our interactive  
19   website, which we didn't really talk about, but we did  
20   have an interactive website available during this entire  
21   process. So with the questionnaires that we received  
22   back from the public, we actually evaluate those, kind of  
23   average them out, and they help to influence the overall  
24   weightings that we've used in the study. So at that

1 point once we establish, you know, that weighting, then  
2 the quantitative analysis can initiate. And like we  
3 talked about, we let that process run its course, got the  
4 quantitative results, then did the additional qualitative  
5 analysis, constructability review type of thing. That's  
6 when we select the preferred route.

7 Q Considering the fact that apparently based on  
8 the testimony last night and some comments that have been  
9 sent in that some people did not receive the first  
10 letter, is it possible that you didn't get all the input  
11 perhaps that you would like to have had before you  
12 selected the preferred route?

13 A Yes, sir.

14 Q One of the comments that we received that was  
15 filed with the Commission indicated -- and I'm not going  
16 to give a name because I'm not sure it's the person I'm  
17 thinking about, but indicated that they believed that the  
18 Company sent the letters to the -- if there were multiple  
19 owners of property, the letter was sent to just the first  
20 person listed. Do you have any reason to believe that is  
21 true, or no?

22 A So the way we obtain addresses and owner  
23 information is off the county GIS tax records,  
24 essentially, so we only send to whoever is listed on



1 those records.

2 Q If there was more than one person listed as the  
3 owner of the property, would it have been sent to all the  
4 people listed or just one person, the first person on the  
5 list; do you know?

6 A I don't know for sure.

7 Q Okay. As you know, the Commission requested  
8 the Company to respond to some questions based on public  
9 comment we received a little earlier on, and the Company  
10 responded on October 9th of this year to those questions.  
11 I'm going to refer to some of those responses. In  
12 response to question number five -- let me find the  
13 responses -- the Company -- page 5 of the Company's  
14 responses discusses the January 2015 winter peaks for  
15 three feeders that currently serve the Cleveland Road-  
16 Matthews Road area of Johnston County. This is probably  
17 -- and Duke Energy Progress provided a comparison to the  
18 projected 2020 winter peaks for those same three feeders,  
19 and the responses were a little bit confusing. Do you  
20 have those in front of you?

21 A (Umbdenstock) I've got the testimony, yes, sir.

22 Q All right. The projected 2020 winter peak for  
23 the Johnson Crossroads 24 kV feeder is 12.8 MVA, which is  
24 significantly lower than the 17.6 MVA peak that occurred

1 in January of 2015. If customer energy use in the area  
2 is growing, we would have expected the 2020 projection to  
3 be higher than the January 2015 actual peak. Can you  
4 explain that?

5 A Yes, sir. We have a project that is being  
6 constructed right now. We added a new feeder circuit  
7 breaker out of our Edmondson 230 kV substation, and it's  
8 called Dixon Road, and that is being built into the area  
9 where the Cleveland-Matthews Road substation is going to  
10 be constructed in future years after this transmission  
11 line is built, and that will be relieving the Johnson  
12 Crossroads feeder and splitting that load up. So Dixon  
13 Road and Johnson Crossroads peaks together will probably  
14 be greater than the 17.6 that the Johnson Crossroads  
15 peaked at several years ago, but because we have a new  
16 circuit out there that was not in the 2015 peak, that's  
17 the reason it's less. Does that make sense?

18 Q Yes. In response to question 8, the Company  
19 responded that it had conducted a siting study and they  
20 had attached documentation -- you attached documentation  
21 from that study showing that you considered eight sites  
22 within a one-mile radius of the Cleveland-Matthews Road  
23 area, and the selected site was the highest ranked site  
24 with a willing seller. Has the Company already purchased

1 the property for the substation?

2 A Yes, sir.

3 Q If you had been able to purchase one of the  
4 substation sites with a higher ranking, would it have  
5 been materially altered -- would it have materially  
6 altered the routing options for the new 230 kV line?

7 A (Same) No, sir. I do not believe so.

8 Q Question 9 had several parts, (a) through (e),  
9 and the responses from the Company I believe just  
10 answered (a) through (d) -- excuse me -- (a) through (e)  
11 -- (a) through (c). Do you have those responses in front  
12 of you?

13 A Yes, sir.

14 Q Do you see responses to parts (d) and (e)?

15 A I do not, but I do recall at one point, I  
16 think, reading them or having input.

17 Q Would you be able to answer those if I asked  
18 you the questions now, do you think?

19 A Yes, sir.

20 Q So part (d) asked, "Assuming an endangered  
21 species does exist in streams in the study area, please  
22 describe in detail the risks that power line construction  
23 and operation would pose to those species, whether  
24 techniques exist for mitigating those risks, and whether

1 DEP has successfully used those techniques in the past."  
2 Are you able to respond to that now or would it be  
3 helpful to have an opportunity to provide the answers  
4 that you believe that were made later?

5 A I mean, I can give you my understanding. I'm  
6 not an environmental specialist. We do have one on our  
7 team as the siting, permitting, and engagement team. Our  
8 permitting specialist is Gail Tyner who helped respond to  
9 some of these. Her and I work very closely together. So  
10 my understanding, you know, I was at the meetings with  
11 the agencies and --

12 COMMISSIONER CLODFELTER: Mr. Same, again, I  
13 think you're -- we can hear you up here, but I doubt they  
14 can hear you in the back, okay?

15 A So I was in attendance at those meetings with  
16 agencies and heard their concerns directly. And  
17 essentially, you know, number one, by constructing a  
18 transmission line across those areas, you'd obviously  
19 have to clear trees, open up a corridor to do so. The  
20 concerns were expressed such -- as far as that, is  
21 relative to the warming of the temperature of the actual  
22 water in which the species live. Additionally, and I  
23 think it may be even more so in this case, they were  
24 concerned about cumulative impacts of the construction,

1 not just of the line, but access to the line, overall  
2 maintenance. They were concerned about our having to  
3 open up these corridors for construction and maintenance  
4 and the line itself, and there were additional concerns  
5 about the general public on four-wheelers and such and  
6 off-road vehicles using those corridors that we open up,  
7 which would, you know, in their opinion, eventually have  
8 an impact on the species of concern.

9 Q Part (e) asks, "Is there a statutory,  
10 regulatory or other prohibition against crossing a stream  
11 that provides habitat for an endangered species with a  
12 power line? Please explain in detail the implications of  
13 selecting such a route."

14 A Yeah. So there is no prohibition that I'm  
15 aware of, but we do have to -- you know, when we do go to  
16 obtain permits, we have to show that we avoid and  
17 minimize impacts to, you know, environmental --  
18 environmentally sensitive areas and species. So we would  
19 be asked, you know, and basically if --- I don't know if  
20 you've ever been involved in any of those processes, but  
21 essentially if you can't show avoidance and minimization,  
22 they would -- they essentially make you do an alternative  
23 analysis, which we already have done in this case, and,  
24 you know, our previous correspondence and report itself

1 has indicated their strong preference to avoid these  
2 areas altogether.

3 MR. SOMERS: Commissioner Beatty?

4 COMMISSIONER BEATTY: Yes.

5 MR. SOMER: I apologize. If I could, first,  
6 I'd like to apologize that we seem to have inadvertently  
7 left out responses to (d) and (e) in the Commission's  
8 questions. I also wanted to note that Mr. Same referred  
9 to Ms. Tyner, who is the environmental specialist on  
10 this. To the extent that Mr. Same's testimony is not  
11 sufficient for the Commission, Ms. Tyner is here, and  
12 she, I imagine, would be willing to come up and testify  
13 if further details are required at this time, or we would  
14 also be happy to supplement with a late-filed exhibit.  
15 Just in the interest of efficiency, wanted to let the  
16 Commission know that the in-house environmental expert is  
17 present if it would be appropriate for her to respond.

18 COMMISSIONER CLODFELTER: Let's see what  
19 Commissioner Beatty wants to do on that. It's up to you.

20 COMMISSIONER BEATTY: Since she's here, when we  
21 finish our questions of these witnesses, I think it would  
22 be helpful. And we'll allow her to respond, and if she  
23 still wants to provide the original answers, I think that  
24 would be fine as well.

1 MR. SOMERS: Okay. Thank you. We'll do that.

2 COMMISSIONER BEATTY: All right.

3 Q Thank you for that, Mr. Same.

4 A Yes, sir.

5 Q In response to question 12, the Company  
6 responded that in 2017, two distribution projects are  
7 being built as a stopgap measure to relieve the circuits  
8 feeding this area. These projects are described in  
9 detail on pages 11 and 12 of the Company's response. My  
10 question is might these two projects provide a permanent  
11 solution, precluding the need for the new 230 kV line and  
12 substation? And if not, why?

13 A (Umbdenstock) No, sir. It will not. And  
14 basically it is because the area continues to grow, the  
15 demand for electricity in the area continues to grow, and  
16 a source in this area is going to be needed in order to  
17 continue providing the required power consumption for the  
18 residences and businesses in the area.

19 Q I have some other questions not related to  
20 those questions and responses -- well, maybe tangentially  
21 related. Are there any proposed solar projects in the  
22 interconnection queue, the Company's interconnection  
23 queue, planned for this area? And if so, could those  
24 projects potentially relieve the circuits of concern?

1           A     I do not know whether there are any solar  
2 projects in the queue in this area. I will answer that  
3 the peaks in this area are normally winter peaks.  
4 There's not much gas available in the area, so there's a  
5 lot of electric heat. And in the wintertime, the solar  
6 DERs aren't adding too much reduction to the overall  
7 peak. So even if there were some, I do not think it  
8 would significantly reduce the peaks that we're seeing  
9 now.

10          Q     That may respond a little bit to the next  
11 question I was going to ask. Will the Company's  
12 forthcoming competitive procurement of renewable energy  
13 RFP target this area? Are you familiar with what I'm  
14 talking about?

15          A     I am not, sir. I do not know.

16          Q     There was some legislation passed this year  
17 that requires utilities to put out RFPs for competitive  
18 procurement of renewable energy. You're not familiar  
19 with that?

20          A     I can't answer whether there are any in this  
21 area that would be helpful for reducing peak. I do not  
22 know.

23          Q     Would the new 230 kV line make it easier to  
24 interconnect renewable energy installations in this area?



1           A     I would say yes in two standpoints. One is  
2     that if there was one that wanted to connect directly to  
3     the transmission line, then that would be a new  
4     connection point. The other is that there would be  
5     ultimately six new distribution feeders being fed out of  
6     this, so there would be more circuits in the area than  
7     there are now. So I would say yes.

8           Q     This question is probably for Mr. Same. Based  
9     on the concerns that were expressed last night, and  
10    obviously you considered some requests by at least three  
11    property owners to move the line, is the Company still  
12    amenable to reconsidering the route of the line at this  
13    point?

14          A     (Same) So we are amenable to considering minor  
15    adjustments, you know, just as we have in these other  
16    situations, as long as additional property owners are not  
17    impacted, yes, sir.

18          Q     Another question occurs to me. Some of the  
19    testimony last night had to do with the use of the  
20    property which probably, from the Company's standpoint,  
21    is considered mostly agricultural, but some of the people  
22    talked about the -- how long the property had been in  
23    their family for generations, as I recall, at least more  
24    than 200 years in some cases. And it's not just -- as

1     important as agriculture is, it's not just that crops  
2     have grown there, which I think your testimony indicated,  
3     well, they could still be grown, but it's also land where  
4     they hike, they fish, they hunt. It has value to them  
5     beyond just that crops can be grown there. Is that taken  
6     into consideration when you're looking at the route --

7             A     No --

8             Q     -- the preferred route?

9             A     No, sir.

10            Q     Okay. Do you think it should be?

11            A     I'm trying to think of a way that that could be  
12     brought into the data. I can't off-the-cuff think of a  
13     way that that would be appropriately part of the -- part  
14     of the study.

15            Q     Well, the people who didn't receive the  
16     November 2016 letter and testified last night, if they  
17     had been at the meetings in November of last year, that  
18     might have been a way to consider it or learn about it;  
19     is that not true?

20            A     Sure. Again, I'm not sure that quantitatively  
21     that could have been a factor. Again, I'm trying to  
22     think of a way that that could have been. I will say  
23     that, you know, as I mentioned before, we're looking for,  
24     you know, information on those properties that aren't

1 readily available publicly, you know, conservation  
2 easements, historic significance, things of those nature  
3 that are documented at the state or local level. So, you  
4 know, that's what comes to mind.

5 Q So the concerns that they expressed is not  
6 something that you all would consider in determining the  
7 preferred route?

8 A Again, I'm not sure how that could be a factor  
9 if, you know, there's even a way to analyze that. I  
10 certainly understand their concerns and respect those.

11 COMMISSIONER BEATTY: Thank you, sir. I  
12 appreciate your responses.

13 THE WITNESS: Yes, sir.

14 COMMISSIONER CLODFELTER: Commissioner Gray.

15 EXAMINATION BY COMMISSIONER GRAY:

16 Q Gentlemen, good morning.

17 A (Same) Good morning.

18 A (Umbdenstock) Good morning.

19 Q So I'm a property owner.

20 A (Same) Yes, sir.

21 Q And in November you sent me a letter, but I  
22 didn't get it. Then you issued a press release seven  
23 days before the proposed meetings in Clayton and  
24 Smithfield, but I don't read The News and Observer. How

1 am I supposed to know about this issue?

2 A Again, I'm not sure how to answer that, but,  
3 you know, we've heard from several folks that they heard  
4 from their neighbors. I think we put a reasonable effort  
5 forward to -- to do so.

6 Q You indicated that this information is on your  
7 website, but we heard from some folks last night who, and  
8 they're smarter than I am, no computers, no cellphones,  
9 no smartphones, so how do the -- how do I learn about  
10 this interactive map business?

11 A So the interactive map was in the letter, which  
12 I guess if you're saying you didn't get that, either, you  
13 wouldn't have known, but, you know, there are  
14 opportunities, you know, other than personal computers to  
15 get online. Again, so I'm not quite sure how to answer  
16 that.

17 Q And the suggestions are when the survey team,  
18 who are subcontractors, I am sure, go out to locate, and  
19 they've probably got a chainsaw with them, says you can't  
20 take down anything more than six inches in diameter, last  
21 night we heard some commentary that there was some  
22 indications that those rules weren't followed. How do  
23 you train and monitor and manage those subcontractors?

24 A I can't speak directly to how those contractors

1 are trained. I can say for certain that they were given  
2 clear direction that they weren't supposed to cut trees  
3 that are larger than six-inch DBH. I don't -- I don't  
4 know why it happened. I can say after it happened, we  
5 proactively hired a person to essentially be with them  
6 full time and made sure they followed the rules.

7 Q Do the subcontractors carry with them when  
8 they're on the site looking to survey and analyze  
9 proposed routes, do they have contact information of Duke  
10 Energy Progress so that if they encounter a landowner and  
11 the landowner would like to know how to contact somebody  
12 from Duke, do they have that information and do they  
13 share it?

14 A They most certainly have the information.  
15 Whether or not they share it, I can't speak to that.  
16 Each contract survey crew has a direct Duke Energy survey  
17 coordinator that they work for, that, you know, they  
18 respond to requests for work essentially through that  
19 person, so they definitely have a Duke Energy contact.

20 COMMISSIONER GRAY: Thank you.

21 COMMISSIONER CLODFELTER: Gentlemen, you've  
22 been patient. Thank you. Commissioner Beatty and  
23 Commissioner Gray covered a number of things I wanted to  
24 ask about, but I've got a few others, so let me just

1 supplement some things they've asked.

2 EXAMINATION BY COMMISSIONER CLODFELTER:

3 Q Mr. Umbdenstock, I'm not an engineer, so I'm  
4 going to ask you a couple of dumb engineering questions  
5 along the way, okay?

6 A (Umbdenstock) (Nods affirmatively.)

7 Q All right. Do you guys ever co-locate a 500 kV  
8 and a 230 on the same set of towers; do you ever do that?

9 A I am not aware, but I do not think so.

10 Q That's just not possible from an engineering  
11 standpoint to put those two high voltage on the same set  
12 of towers?

13 A I'm not a transmission line engineer. I do not  
14 know. Sorry.

15 Q Okay. When I looked at the Burns & McDowell  
16 (sic) study, I could not identify an option that was  
17 studied that would have paralleled the right-of-way of  
18 the existing 500 kV transmission corridor. I didn't see  
19 one studied. There was not one, was there?

20 A (Same) There was not an option --

21 Q I don't -- whoever can answer. Go ahead.

22 A Yeah. There was not an option to parallel the  
23 500 kV line.

24 Q Why was that not a possible option looked at?

1           A     Well, you know, I think there was suggestion I  
2 believe from Mr. Canaday about that very fact.

3           Q     Well, he suggested tapping the line. I'm  
4 suggesting something different. I'm suggesting  
5 parallel --

6           A     Sure.

7           Q     -- with the 230 kV and using whatever  
8 additional right-of-way you've already got and then just  
9 adding a little bit to it as you need to.

10          A     Yeah. So we -- as a question came in, and I  
11 interpreted it as such, is --

12          Q     Right.

13          A     -- could we parallel that line. I did respond,  
14 I believe, in that way, but essentially, you know, it  
15 wasn't evaluated. I can say, because I looked into it,  
16 that a line that would have paralleled the 500 kV line  
17 would have been longer in either direction, both north or  
18 south. In addition, believe it or not, there are, you  
19 know, improvements immediately adjacent to our 500 kV  
20 line, infrastructure, homes, et cetera, that would have  
21 prevented us from continually paralleling the 500 kV  
22 line.

23          Q     Well, we don't know how it would have scored  
24 relative to the other choices because it just wasn't

1 studied.

2 A That's true. I mean, there's an infinite  
3 number of possibilities as far as what could have been  
4 studied.

5 Q Well, I understand, but this is an existing  
6 corridor you've got, and it seems to join up with Segment  
7 1 pretty close to the substation, proposed substation. I  
8 just was not sure why all those weighting factors weren't  
9 sort of reviewed and studied along with the 39 options  
10 that were looked at.

11 A Understood. I don't know.

12 Q So we don't know what the cost would have been.  
13 It would have been a longer line, but you've selected a  
14 longer line --

15 A Yes, sir.

16 Q -- than the western corridors already --

17 A Yes, sir.

18 Q -- so we just don't know what the cost  
19 difference would have been, either, do we?

20 A True.

21 Q Okay. Help me out on the cost difference. I  
22 mean, we're -- as a Commission, we're obligated not only  
23 to talk about property owners, but also talk about  
24 ratepayers.



1           A     Yes.

2           Q     And so you've selected a longer line over the  
3     western options that would have been shorter.  What's the  
4     cost comparison on those?  How much more is it going to  
5     cost to choose the preferred corridor than to choose one  
6     of the western corridors?

7           A     So I will say we, you know, we don't have a  
8     detailed analysis down to the dollars and cents relative  
9     to cost.  We did a very high level evaluation of cost  
10    relative to each other.  Essentially, and I'm trying to  
11    remember the amount, but it was a small percentage of the  
12    overall project cost we anticipated would have been the  
13    difference between the two, even though the southern line  
14    is almost twice as long.  And some of those reasons why  
15    were some of the previous comments I made relative to  
16    access, constructability.

17                The western routes, which are the shorter  
18    routes that you're referring to, pretty much the majority  
19    of those western options paralleled streams, a lot -- a  
20    lot more wetlands in those areas.  We've had some  
21    experience on some projects recently where when we're in  
22    those environmentally sensitive areas, we're working from  
23    construction matting.  That construction matting is very  
24    expensive.  And what our construction planners, work

1 management folks, have indicated is that because of the  
2 most likely -- because the matting most likely would be  
3 necessary for those western routes, that they felt that  
4 the overall access -- I mean, basically they gave us  
5 input on both options from their opinion of what  
6 construction cost would have been, and they were very  
7 similar to each other.

8           So because we're working primarily in upland  
9 areas, and the crossings that we do have for streams and  
10 such on the preferred route, those are perpendicular  
11 crossings to the environmentally sensitive areas,  
12 generally speaking, and the western routes were more  
13 parallel and basically running almost, you know, more  
14 entirely in those environmentally sensitive areas.

15           Q     I apologize to you. I've been doing a lot of  
16 reading on this, but I've still got some more to finish.  
17 So if it's in here, I may not have found it yet. Are  
18 your cost analyses in the record materials?

19           A     No, sir.

20           Q     They've not been -- they're not part of the  
21 Burns & McDowell study, I didn't find them in there, and  
22 they're not elsewhere in the record on your analysis of  
23 the different costs of the different options?

24           A     No, sir.

1           Q     Okay. The open space that's crossed in Routes  
2     1 and 4, which were I think the two higher ranking  
3     western routes, what kind of open space was that? What  
4     is it? Was it a tennis court?

5           A     No. I mean, it's --

6           Q     Was it a park? What was it?

7           A     I mean, essentially when, you know, when a  
8     developer creates a master plan for a residential  
9     neighborhood, you may have this in your own neighborhood,  
10    depending on the jurisdiction, the municipality that that  
11    subdivision goes in, they're a lot of times required to  
12    dedicate open space --

13          Q     Right.

14          A     -- and they can't have so much density on a  
15    piece of property.

16          Q     Right.

17          A     So that's what we found out about in those  
18    instances. And here we actually had outside counsel, I  
19    guess, advise us. We pulled the deed restriction on  
20    those open space areas and found that there was language  
21    relative to overhead electric lines, and basically that  
22    was not being allowed in those areas. So, you know,  
23    outside counsel is the one that advised us as to the  
24    potential risks of those areas.

1 Q Was all of that open space of that character  
2 you just described?

3 A Yes, sir.

4 Q So it's common areas in subdivisions that was  
5 governed by declarations and covenants?

6 A Yes, sir. The ones that we reference in the  
7 report that we had major concern with, yes, sir.

8 Q Okay. Mr. Umbdenstock, the distribution, two  
9 distribution projects that you've got under construction  
10 or on the boards --

11 A (Umbdenstock) Yes, sir.

12 Q -- drawing boards right now that Commissioner  
13 Beatty asked you about --

14 A Yes, sir.

15 Q -- how much additional time would they buy you  
16 in terms of your load growth projections?

17 A About until the new substation is built, three  
18 to four years.

19 Q So you're putting in these projects really  
20 entirely to stopgap? They don't give you any growth  
21 potential beyond -- beyond that?

22 A Not much, sir, no.

23 Q Well, how much? "Not much" is not no. It's --

24 A No.

1 Q How much?

2 A Well, it depends upon how the growth rate  
3 continues in the areas where these two feeders are built.

4 Q You've got load growth projections.

5 A That is correct.

6 Q And you worked off of those?

7 A I did.

8 Q And so what do they show you?

9 A I still show that even with these two feeders  
10 that are being built today, that I will have overloads in  
11 2019 and 2020 that need to be addressed.

12 Q Mr. Same, if you asked Burns & McDowell to go  
13 back and look at an option that paralleled the 500 kV  
14 line at Segment 1 and then ran over to the substation,  
15 how long would it take them to do that?

16 A (Same) I'm not sure I could answer that.

17 Q Why not?

18 A You know, maybe a couple months. I don't know.

19 COMMISSIONER CLODFELTER: Okay. Gentlemen,  
20 you've gotten a lot of questions from a lot of folks, so  
21 we're going to go back to your counsel. Yes, sir, Mr.  
22 Canaday. Do you have one more?

23 MR. CANADAY: Yes, sir.

24 COMMISSIONER CLODFELTER: Go right ahead.

1 MR. CANADAY: I have two questions I'd like to  
2 ask.

3 COMMISSIONER CLODFELTER: Let's get all the  
4 questions in because these gentlemen are then going to  
5 ask redirect questions --

6 MR. CANADAY: Right.

7 COMMISSIONER CLODFELTER: -- on rebuttal. So  
8 go ahead with your questions, sir.

9 MR. CANADAY: Right.

10 EXAMINATION BY MR. CANADAY:

11 Q Mr. Same, what's your definition of a business?

12 A (Same) In the purpose of the report, we  
13 consider businesses are land uses that are identified as  
14 non-residential, non-agricultural, you know, known places  
15 of business.

16 Q Why would you pick non-agriculture as being  
17 non-business?

18 A It's more of a land use issue, a zoning issue,  
19 sir, not my interpretation of a business.

20 Q I know you're aware of this probably because  
21 you've read everything I've mailed in probably, but the  
22 agriculture in North Carolina, like tobacco and sweet  
23 potatoes and corn and all that, is worth \$76 billion a  
24 year. That seems like that would be a business.

1           A     Yes, sir.

2           Q     Okay. Well, the way farmers do business is an  
3     acre, that's their business unit, is pound to the acre  
4     like if it's tobacco; it's bushel if it's corn and  
5     soybeans; in tons if it's hay or something like that.

6                     When you make those -- that matrix up or when  
7     the engineers made the matrix up -- I went to graduate  
8     school and we did matrixes. Once you go -- when you make  
9     the matrix and it's pure and you haven't diddled with it  
10    and weighted it in any way, it's a true matrix, but just  
11    as soon as you go to changing the weight of different  
12    things, you can guide where something is going to go on  
13    an outcome of a question that you're working at. I could  
14    take that matrix and weight things and send that line  
15    anywhere I wanted to. And it seems to me, as a  
16    landowner, that's sort of like what happened, the path of  
17    least resistance.

18                    COMMISSIONER CLODFELTER: Mr. Canaday --

19                    MR. CANADAY: Yes, sir.

20                    COMMISSIONER CLODFELTER: -- I think we're  
21    getting your point, but do you have a question for the  
22    gentleman to answer?

23                    MR. CANADAY: That was my question, the  
24    definition of a business.

1                   COMMISSIONER CLODFELTER: All right. You got  
2 it.

3                   MR. CANADAY: Right.

4                   COMMISSIONER CLODFELTER: Okay.

5           Q       So you don't -- you don't consider farming a  
6 business, then?

7           A       We look at, again, land uses that are, you  
8 know, identified by the local zoning jurisdictions and  
9 let that identify what that property is.

10          Q       So farming ain't a business, by your definition  
11 and the way you work?

12                  MR. SOMERS: Objection. Asked and answered  
13 about four times.

14                  COMMISSIONER CLODFELTER: Well, now, I tell  
15 you, I don't think he's going to give the answer that you  
16 probably were looking for. I don't think he's going to  
17 agree with you.

18                  MR. CANADAY: Okay.

19                  COMMISSIONER CLODFELTER: All right. But I  
20 think you've made your point.

21                  MR. CANADAY: Okay. All right. Thank you.

22                  COMMISSIONER CLODFELTER: Yes, sir. All right,  
23 gentlemen. You've got redirect?

24                  MR. SOMERS: Did Ms. Fennell have any



1 questions?

2 MS. FENNELL: No, sir.

3 COMMISSIONER CLODFELTER: Well, hold a second.

4 Do you want to bring your environmental specialist up  
5 first, Commissioner Beatty, before we do the redirect on  
6 these two guys, or what do you want to do? All right.  
7 We'll do that separately. Go ahead.

8 MR. SOMERS: Okay.

9 COMMISSIONER CLODFELTER: Go ahead.

10 EXAMINATION BY MR. SOMERS:

11 Q Mr. Umbdenstock, I'm going back to the  
12 questions Mr. Canaday asked you earlier when he was doing  
13 his cross examination. And he asked you several times  
14 about the 500 kV line, which I believe is the Cumberland-  
15 Wake line that's at the far western edge of the study  
16 area for the Cleveland-Matthews project. Do you remember  
17 that series of questions?

18 A (Umbdenstock) Yes, sir.

19 Q I believe you testified in your rebuttal that  
20 Duke Energy Progress does not allow load connections to  
21 its 500 kV system; is that correct?

22 A That is correct, yes.

23 Q So did Duke ever consider tapping the 500 --  
24 existing 500 kV line as part of serving the needs to be

1 met by the Cleveland-Matthews Road substation?

2 A No, sir. We did not.

3 Q I believe Mr. Canaday also asked you some  
4 questions about the size of the substation that would be  
5 required if there were to be a 500 kV to 230 kV  
6 transmission-to-transmission substation. Do you remember  
7 that question?

8 A Yes, sir.

9 Q I believe he showed you some photographs of  
10 some other substation that you weren't exactly sure which  
11 one it was or what size it was, but you testified that  
12 such a 500 kV to 230 kV substation would require  
13 approximately 200 contiguous acres; is that correct?

14 A Yes, sir.

15 Q What do you base that on?

16 A I base that on the two substations at either  
17 end, the Wake 500 kV substation and the Cumberland 500 kV  
18 substation. They sit on approximately 200 acres of land.  
19 The fenced area may not be anywhere near that, but they  
20 sit on 200 acres of land.

21 Q Okay. I'm going to turn now, I believe, to Mr.  
22 Same. This goes to some questions that Commissioner  
23 Beatty asked you or the panel, so whoever is appropriate  
24 to answer it is fine. Commissioner Beatty noted in your

1 testimony, Mr. Same, your direct testimony, that one of  
2 the reasons you had stated that the selected route or the  
3 preferred route was selected related to public support or  
4 lack of opposition to the selected route. Do you  
5 remember that question in your testimony?

6 A (Same) Yes, sir.

7 Q As Duke Energy Progress has been going through  
8 the now nearly year-long siting process, has any property  
9 owner in Johnston or Wake County who is in the study area  
10 expressed support for a transmission line crossing their  
11 property?

12 A No, sir.

13 Q And Duke Energy Progress understands those  
14 sentiments and concerns; would you agree?

15 A Yes, sir. Absolutely.

16 Q In your testimony on page 18, I believe  
17 Commission Beatty was asking you about this -- again,  
18 this is in your direct testimony. Will you turn to that  
19 please? This is -- I'm going to direct you on page 18 to  
20 line 17, the bullet point there about -- it says,  
21 "Minimal input from concerned landowners as opposed to  
22 much greater input along other lowest scoring routes."  
23 Do you recall that testimony?

24 A Yes, sir.

1 Q And is that a function of the number of people  
2 along the routes that voiced opposition?

3 A Yes, sir.

4 Q Would you elaborate on that, please.

5 A I mean, essentially we received many more  
6 comments on the western routes, the higher scoring  
7 routes, from the entire public comment period. I don't  
8 remember the exact numbers, but there were a  
9 substantially higher number of comments received on the  
10 east to west route versus the north south routes.

11 Q And is it fair to say that that's, again, a  
12 function of numbers? There are more highly densely land  
13 use properties or subdivisions along that western route  
14 in the Cleveland area as opposed to the larger tracts,  
15 more farmland in the Four Oaks area; is that correct?

16 A Absolutely, yes.

17 Q And certainly you were present at the public  
18 witness hearing last night; is that correct?

19 A Yes, I was.

20 Q And Mr. Umbdenstock, you were also there?

21 A (Umbdenstock) Yes, I was.

22 Q And I will characterize, some of the public  
23 witness testimony last night related to their sincerely  
24 held belief that people in the Four Oaks area or the

1 Parkertown Road area, I'll just call it the Four Oaks  
2 area, shouldn't be burdened by a transmission line that  
3 is needed to serve the growing, more densely populated  
4 Cleveland area. Did you hear that testimony or sentiment  
5 as I'll summarize or characterize it? Did you hear that,  
6 Mr. Same?

7 A (Same) Yes, sir.

8 Q And is that in part a reflection on the number  
9 of people who commented throughout the public input  
10 process?

11 A Yes, sir.

12 Q As part of its siting process for the  
13 Cleveland-Matthews line, did Duke Energy Progress attempt  
14 to favor certain areas of Johnston County over other  
15 areas of Johnston County in terms of where the line  
16 should be located?

17 A No, sir.

18 Q I believe you were also asked a question from  
19 Commissioner Beatty about a gentleman who testified last  
20 night that he runs a business out of his residence and  
21 that it was approximately 308 feet from the back door of  
22 his home where he operates his business to the center  
23 line of the proposed route. Do you recall that?

24 A Yes, sir.

1 Q And I believe, if my memory is correct, that  
2 that was Mr. Alan Roberts who I also believe is sitting  
3 here in the hearing room this morning. Do you remember  
4 Mr. Roberts' testimony to that effect last night?

5 A Yes, I do.

6 Q And is Mr. Roberts' testimony -- or excuse me.  
7 Is Mr. Roberts' property one of the segments that the  
8 Company has worked with him and the surrounding  
9 landowners to shift the line on his property?

10 A Yes, it is. He's Location 1.

11 Q Okay. And does that move the center line  
12 closer or further away from, I believe, his back porch or  
13 back step, I believe, is where he said he had measured  
14 from?

15 A Yeah. Further away from his request, yeah.

16 Q And why did Duke Energy Progress agree to do  
17 that?

18 A We consider all requests from property owners  
19 to shift when possible.

20 Q You were also asked some questions by  
21 Commissioner Beatty about some testimony last night about  
22 EMF impacts on cattle and lactation. Do you remember  
23 that?

24 A Yes, I do.

1           Q     Was EMF considered at all in scoring the  
2     alternate routes that were considered for what ultimately  
3     became the Cleveland-Matthews line?

4           A     No, it was not.

5           Q     Why not?

6           A     Essentially, you know, if there are EMF  
7     impacts, they would be the same regardless of the route  
8     selected.

9           Q     Okay. Certainly, you heard last night, and  
10    Duke Energy Progress has heard in addition to the public  
11    hearing testimony, written submissions to the Commission  
12    about concerns that certain property owners did not  
13    receive a letter notifying them of the public workshops  
14    in November of 2016. Do you recall that testimony and  
15    those statements that have been filed with the  
16    Commission?

17          A     Yes, I do.

18          Q     If -- and you also testified, I believe in  
19    response to a question from Commissioner Beatty, about  
20    the purpose of receiving the public input in those  
21    workshops and additionally in the surveys or in the  
22    Company's website where property owners can submit their  
23    comments; is that correct?

24          A     I'm sorry. Could you repeat that?

1           Q     Sure. I believe you also testified as to what  
2     the purpose is, from the Company's standpoint, of  
3     soliciting public input through the public workshop  
4     process, through the surveys, the written surveys, and  
5     also through the Company's website; is that correct?

6           A     Yes.

7           Q     And if -- if all of the property owners who  
8     testified last night to their sincerely held beliefs that  
9     they did not receive notice of the public workshops had  
10    attended and presented the same information that they  
11    testified to last night, namely, that they opposed the  
12    selected route for the many reasons that they gave last  
13    night, how would that have been factored into the siting  
14    and scoring process?

15          A     I do not believe I heard anything last night  
16    that would have changed the outcome of the siting study.

17          Q     And so when you testified earlier that the  
18    purpose of seeking public input is to -- is to provide  
19    information that's used and is input to the scoring  
20    process, what exactly does that mean? What information  
21    is the Company asking for or looking for?

22          A     Yeah. I mean, I spoke to that maybe a little  
23    bit earlier, but, you know, things that we are not aware  
24    of such as historic significance, you know, small



1 cemetery plots, family plots that aren't public record.

2 You know, those are a couple of examples.

3 Q Okay. Based on your experience, if you can  
4 answer this question, if all the customers and property  
5 owners who testified last night or have written in to the  
6 Commission to oppose this route had provided their  
7 opposition to the Company as part of the workshop  
8 process, would that have changed the ranking of the  
9 relative alternate routes that were considered?

10 A No, sir.

11 Q And, again, that's because everybody who  
12 provided input informed the Company they did not want a  
13 transmission line across their property under any  
14 circumstance?

15 A Yes, sir.

16 Q Okay. I believe, Mr. Umbdenstock, you  
17 responded to some questions from Commissioner Beatty  
18 about the potential for new solar generation to be sited  
19 in this part of Johnston County. Do you remember that?

20 A (Umbdenstock) Yes, sir.

21 Q If new solar generation were to be sited on  
22 either the new 230 kV line or on any of the distribution  
23 lines, would that in any way alleviate the reliability  
24 and loading concerns that led to this project?

1 A Not ultimately, no.

2 Q Why not?

3 A Well, the -- there is continued growth in the  
4 area, and the DERs or solar farms may delay the need for  
5 the substation a year or something, but ultimately a new  
6 substation, new source, will be needed in the area to  
7 serve the growth and development, and it won't -- a new  
8 substation will also improve the reliability for the  
9 customers that are in the area there that will be served  
10 off much shorter distribution circuits and, therefore,  
11 less outages.

12 Q Okay. Mr. Same, I believe you were asked some  
13 questions about the -- you know, the sincerely held  
14 beliefs and testimony from several witnesses last night  
15 at the public hearing, as well as some submissions in  
16 writing to the Commission in the docket in this case, as  
17 to the several generations of their family that have  
18 owned property that would be crossed by the new  
19 transmission line. Do you recall that?

20 A (Same) Yes.

21 Q In the siting process, is there a way to assign  
22 the value that one family holds for their property versus  
23 another, whether that property has been owned for two or  
24 three hundred years or two or three years?

1           A     As I stated prior, I don't think in my  
2     experience that's ever been a consideration in a project,  
3     and I don't know how you could quantify that.

4           Q     In the siting process that led to this CPCN  
5     Application for the Cleveland-Matthews line, did Duke  
6     Energy attempt to impartially and comprehensively study  
7     the alternate routes that could ultimately connect to the  
8     new Cleveland-Matthews Road substation?

9           A     I'm sorry, I've got to ask you to rephrase,  
10    maybe.

11          Q     Sure.

12          A     I don't think I understood it.

13          Q     Sure. Well, in the siting process that led to  
14    this CPCN application, there was, I'll characterize it,  
15    some suggestion at the public hearing and perhaps from  
16    Mr. Canaday's question that the Company had preselected a  
17    preferred route or was trying to influence the siting  
18    process to a determined outcome. Do you recall testimony  
19    or questions to that effect?

20          A     Yes, I do.

21          Q     How do you respond to that?

22          A     We did not. We did not give preferential  
23    treatment to any of the alternative routes.

24          Q     Does the Company understand how important these

1 siting decisions are to its customers and to the property  
2 owners along the routes that are considered?

3 A Absolutely, yes.

4 Q We've heard several property owners express  
5 their concerns that they didn't receive notice throughout  
6 the public workshop or siting process. Does Duke Energy  
7 Progress believe that its siting process is perfect?

8 A No, sir.

9 Q Do you believe, based upon the feedback you've  
10 received throughout the course of the hearing and the  
11 CPCN process, that there are improvements that the  
12 Company could make in its notification process?

13 A Yes, sir.

14 Q Notwithstanding the fact that the process may  
15 not have been perfect, why do you believe the Commission  
16 should approve the CPCN for the Matthews -- Cleveland-  
17 Matthews line?

18 A I mean, essentially for all the reasons we've  
19 talked about today, the overall analysis and, you know,  
20 the ultimate decision to select Route 31 based upon the  
21 lengthy analysis and the overall qualitative review that  
22 was performed.

23 MR. SOMERS: Thank you, Mr. Chairman. I don't  
24 have any further questions.

1 COMMISSIONER CLODFELTER: Thank you. Do you  
2 want to put up --

3 MR. SOMERS: Before I -- yes, Mr. Chairman.  
4 Before I do that, can I go ahead and admit -- move to  
5 admit the Company's Application and Exhibit A into the  
6 record?

7 COMMISSIONER CLODFELTER: Yes. They are  
8 admitted.

9 (Whereupon, the Application of Duke  
10 Energy Progress, LLC for a  
11 Certificate of Environmental  
12 Compatibility and Public Convenience  
13 and Necessity and Exhibit A were  
14 admitted into evidence.)

15 MR. SOMERS: With that, do you want to excuse  
16 this panel and I'll call Ms. Tyner?

17 COMMISSIONER CLODFELTER: We will excuse the  
18 panel and you will call Ms. --

19 MS. SOMERS: Ms. Gail Tyner.

20 COMMISSINER CLODFELTER: -- Tyner.

21 (Panel excused.)

22 GAIL TYNER; Having been duly sworn,  
23 testified as follows:

24 MR. SOMERS: Thank you, Mr. Chairman.

1 DIRECT EXAMINATION BY MR. SOMERS:

2 Q Would you please state your name for the  
3 record.

4 A My name is Gail Tyner.

5 Q And what is your business address?

6 A 410 South Wilmington Street, Raleigh, NC.

7 Q And you're employed by Duke Energy?

8 A Yes.

9 Q What is your job?

10 A My job is Senior Permitting Specialist for  
11 Transmission.

12 Q And you weren't expecting to testify today,  
13 were you?

14 A No, sir.

15 Q You heard the questions from Commissioner  
16 Beatty earlier about question number 9 in the written  
17 questions and the Company's response which, again, I  
18 apologize, inadvertently omitted the responses to  
19 subparts (d) and (e) of that question. Did you hear  
20 those questions, and did you prepare the Company's  
21 responses that your lawyer apparently forgot to submit?

22 A Yes, I did. I have them written if you would  
23 like for me to read those or readdress those.

24 Q Would you please answer those questions?

1           A       Okay. So just read the questions again?  
2       "Assuming an endangered species does exist in the streams  
3       in the study area, please describe in detail the risk  
4       that the power line construction and operation would pose  
5       to those species, whether techniques exist for mitigating  
6       those risks, and whether DEP has successfully used those  
7       techniques in the past." So I'll just read my response  
8       that was written. "In most cases, transmission line  
9       projects can span the creek from high ground to high  
10       ground, no structures in the creek bed. Therefore, there  
11       are no direct impacts to the mussels or aquatic species.  
12       However, the U.S. Fish and Wildlife Service was more  
13       concerned during our stakeholder meeting with the  
14       secondary and cumulative impacts associated with the  
15       utility to line right-of-way." As Tim Same discussed,  
16       they were more concerned with the utility line, removing  
17       the tall growing vegetation along the stream banks, which  
18       allow the sunlight on the stream and increase the water  
19       temperatures which can negatively impact aquatic species.

20               "The agencies were also concerned about the  
21       transmission line right-of-way providing easier access  
22       for off-road vehicles and all-terrain vehicles to access  
23       the stream, potentially damaging the stream banks and  
24       increasing the amount of sediment and erosion entering

1 the stream. DEP obtains an erosion control plan approval  
2 through the State of North Carolina, which is intended to  
3 make sure all sediment is kept offsite, out of streams  
4 and wetlands, and off paved roadways. We apply  
5 additional construction buffers to environmentally  
6 sensitive areas. DEP places a 20-foot buffer on all  
7 wetlands and 30-foot buffers on all streams that are not  
8 already subject to more stringent riparian buffers  
9 required by the state, county, and municipal regulated  
10 buffers." We require that -- "DEP requires that the  
11 state regulated and internal DEP buffers be hand cleared  
12 and matted during construction, which reduces the amount  
13 of disturbance and potential erosion. Some of the  
14 secondary and cumulative impacts that might be mitigated  
15 with additional restrictions on the clearing of stream  
16 banks and replanting the stream banks with low growing  
17 vegetation that will not interfere with the transmission  
18 line and which would provide shade to the stream and help  
19 filter sediment before it enters the stream." So those  
20 are some of our mitigating measures.

21           You also had a question about (e), "Is there a  
22 statutory or regulatory or other prohibition against  
23 crossing" -- streams -- "a stream that provides potential  
24 habitat for endangered species with a power line? Please



1 explain. So there's no statutory or regulatory  
2 prohibition that would strictly forbid crossing a stream  
3 that provides potential and/or has documented occurrences  
4 of federally aquatic species. However, crossing the  
5 stream with these documented occurrences and the  
6 potential habitat for fairly protected species would  
7 likely occur in alternative analysis by the U.S. Fish and  
8 Wildlife Service proving that no alternative exists. DEP  
9 would need to provide to the agencies that DEP has  
10 avoided and minimized impacts to protected species and  
11 potential habitat to the greatest extent possible.  
12 Unavoidable impacts to known habitat or documented  
13 occurrences of fairly protected species requires  
14 consultation with the U.S. Fish and Wildlife Service  
15 permitting and may include, but not limited to, aquatic  
16 species, presence/absence surveys, habitat conservation  
17 plans and mitigation which add both time and cost to the  
18 proposed project."

19 MR. SOMERS: Thank you, Ms. Tyner. Ms. Tyner  
20 is available for any follow-up questions.

21 COMMISSIONER CLODFELTER: Ms. Fennell?

22 MS. FENNELL: I have no questions.

23 COMMISSIONER CLODFELTER: Mr. Canaday?

24 MR. CANADAY: Yes, sir.

1 COMMISSIONER CLODFELTER: Yes, sir.

2 CROSS EXAMINATION BY MR. CANADAY:

3 Q You talked about these endangered species, and  
4 I read in there where that was entered into the  
5 Application. What about the livestock that the farmers  
6 use to make a living with? They weren't entered in there  
7 that I found.

8 A This is -- I am not an engineer and I am not a  
9 livestock expert, but from -- I think from our  
10 perspective, we assume that the landowner, the farmer,  
11 would be able to use large portions of his farm. You  
12 know, it's just the structure and the guidewires that  
13 would impact there.

14 Q Okay. The other thing is, is I was reading  
15 through that report and I saw in there where sumac is on  
16 like an endangered list.

17 A Yes, sir. It's -- you know, there's many  
18 different types of sumac, and this one is a potentially  
19 rare -- it's a threatened and endangered sumac. It's not  
20 your -- you know, you have winged sumac, you have smooth  
21 sumac, which are very common and they grow in farm edges,  
22 tree edges, roadside ditches, but this one is very rare  
23 and occurs in Johnston and Wake Counties.

24 Q The sumac that I'm aware of -- I'm allergic to

1     poison.

2           A     Uh-huh.

3           Q     If I get around that cow-itch vine or poison  
4     oak, poison ivy, sumac --

5           A     Yes, sir.

6           Q     -- thunderwood, it eats me up.

7           A     Uh-huh.

8           Q     And yet they was nothing in there about  
9     protecting the tobacco, the corn, the soybeans. Any of  
10    the crops that's affected by EMF, it would still make a  
11    crop, okay, but when your farmer -- when you lose 20  
12    percent or 15 percent or 10 percent and then if it don't  
13    rain just right, it can break you, but yet the study  
14    didn't have none of that in it. I reckon what I want to  
15    know is why weren't the crops that the farmers make a  
16    living with put in the study so it would be just as  
17    important as something that was endangered?

18          A     I think that we, DEP and the general utility  
19    corporation, considers it to be a multiple use. So, you  
20    know, the transmission line, you would be still allowed  
21    to use the crops under -- grow crops under the  
22    transmission lines.

23          Q     Okay. I'll go back again. When you grow that  
24    crop under the transmission lines, I've got some work

1 here that says that EMF goes out as far as 100 meters on  
2 each side of it. So 100 meters on each side, that's 600  
3 feet plus. It don't take something 600 foot wide but  
4 just a very little distance to be an acre, and that's the  
5 business unit that the farmer is working with.

6 MR. SOMERS: Mr. Chairman, I think he's getting  
7 a little bit afar from Ms. Tyner's purpose of her  
8 testimony.

9 COMMISSIONER CLODFELTER: Mr. Canaday, we get  
10 your point here. Do you have a question that she can  
11 answer for you?

12 Q That's not part of the environment, the plants  
13 that a farmer grows to make a living with?

14 COMMISSIONER CLODFELTER: I think her answer  
15 was that that's not part of what she dealt with.

16 MR. CANADAY: Okay. All right.

17 COMMISSIONER CLODFELTER: I think -- I don't  
18 want to put words in the witness' mouth, but I think her  
19 answer was that's not part of what she was responsible  
20 for dealing with.

21 MR. CANADAY: That's right.

22 THE WITNESS: Yes.

23 COMMISSIONER CLODFELTER: So I think she  
24 answered your question. She didn't maybe answer what you

1 wanted the answer to be, but she wasn't responsible for  
2 looking at that --

3 MR. CANADY: Okay. All right.

4 COMMISSIONER CLODFELTER: -- as I understand  
5 the testimony. I don't want to testify for her, but --

6 MR. CANADY: Yes, sir.

7 COMMISSIONER CLODFELTER: -- I think that's  
8 what I heard.

9 COMMISSIONER CLODFELTER: Commissioner Beatty.

10 EXAMINATION BY COMMISSIONER BEATTY:

11 Q Good morning, Ms. Tyner.

12 A Good morning.

13 Q Thank you for coming up since I'm the one, I  
14 guess, responsible for having you up here.

15 A That's okay.

16 Q Electromagnetic fields, do you have any  
17 knowledge of the effects of electromagnetic fields?

18 A No, sir. I am not an EMF expert.

19 COMMISSIONER BEATTY: Okay. Thank you. That's  
20 all I have.

21 COMMISSIONER CLODFELTER: Commissioner Gray.

22 COMMISSIONER GRAY: Nothing.

23 MR. SOMERS: Thank you. Nothing further.

24 COMMISSIONER CLODFELTER: Okay. You may be

1     excused.

2                   THE WITNESS:   Thank you very much.

3                                 (Witness excused.)

4                   MR. SOMERS:   That concludes the Company's case.

5                   COMMISSIONER CLODFELTER:   All right, folks.

6     You all have been real well behaved and real patient this  
7     morning, sitting for a couple of hours, so what we're  
8     going to do is take -- we're going to take 10 minutes  
9     just to stretch, and then we're going to come back and  
10    I'm going to suggest we go on through lunch because we're  
11    going to lose Commissioner Gray at about 2:00.  So unless  
12    somebody is dying of hunger, we're going to go on through  
13    lunch.  We'll take a 10-minute break, come back here at  
14    noon, and then we'll take up over here.  Got it?  All  
15    right.  See you at noon.

16                   (Recess taken from 11:48 a.m. to 12:01 p.m.)

17                   COMMISSIONER CLODFELTER:   Okay.  I let you have  
18    a little bit of extra time, not a lot, but if you can get  
19    back to seats, we will get going again.  And as I say,  
20    we're going to lose Commissioner Gray here in a couple of  
21    hours, so we want to move on through lunch if that's all  
22    right.  Okay.  Ms. Fennell.

23                   MS. FENNELL:   We have no witnesses.

24                   COMMISSIONER CLODFELTER:   No witnesses.  Okay.

1 Mr. Canaday, it's -- it's for you to call your witnesses  
2 now.

3 MR. CANADAY: That's me.

4 COMMISSIONER CLODFELTER: Well, then --

5 MR. CANADAY: All by myself.

6 COMMISSIONER CLODFELTER: -- you come right on  
7 up then.

8 MR. CANADAY: Where do you want me to go to?

9 COMMISSIONER CLODFELTER: Well, you come up  
10 here to the chair in the middle where there's a good  
11 microphone. Now I want to ask you, you've got a bunch of  
12 paper there. Are you going to offer any of that paper  
13 you want to put in?

14 MR. CANADAY: What do you mean "put in"?

15 COMMISSIONER CLODFELTER: I mean put it into  
16 the official record so it's part of the evidence in the  
17 proceeding. You've got papers you want to put in? You  
18 know, like folks did last night.

19 MR. CANADAY: No, sir. I'll make copies after  
20 I get through, but I can't put it in before I speak on  
21 it.

22 COMMISSIONER CLODFELTER: Okay. So you're  
23 going to want to use it here and then make copies later.

24 MR. CANADAY: That's all right?

1 COMMISSIONER CLODFELTER: That's all right.  
2 We'll do it that way. That's fine. Okay. Let's get you  
3 sworn.

4 OLIVER L. CANADAY; Having been duly sworn,  
5 testified as follows:

6 COMMISSIONER CLODFELTER: Thank you. You may  
7 proceed, sir.

8 TESTIMONY BY MR. CANADAY:

9 All right, sir. The North Carolina General  
10 Statutes 62-102 --

11 COMMISSIONER CLODFELTER: We need to -- just as  
12 a formality, we know who you are, but you've got to -- so  
13 it's in the official record, tell us who you are and  
14 where you live.

15 MR. CANADAY: My name is Oliver Linwood  
16 Canaday. I live at 713 Camellia Avenue, Panama City,  
17 Florida. And this is in reference to a little farm on  
18 909 Parkertown Road out of Four Oaks, North Carolina.

19 COMMISSIONER CLODFELTER: Okay. Go ahead, sir.

20 MR. CANADAY: All right, sir.

21 TESTIMONY BY MR. CANADAY:

22 The North Carolina General Statute 62-102 is  
23 sort of like a checklist that Duke goes by to get their  
24 Application. A, 1, 2, 3, they went right through it, the



1 reason for the transmission, the proposed location, and  
2 the description and all that, but when it came to the  
3 environmental report setting, it's in Section 5 in the  
4 subparagraphs of 5.1, 2, 3, 4 and 5.5. It doesn't  
5 mention EMF at all, so it's an incomplete report as far  
6 as pollution goes. There's the environmental impact. I  
7 didn't find an environmental impact for EMF in those five  
8 subparagraphs, so that makes it an incomplete report. I  
9 didn't find anything that was proposed mitigating  
10 measures that would minimize the -- the EMF environmental  
11 impact in that statement, either.

12 The other thing is the proposed Route 31. I  
13 haven't found -- this calls for an alternative that would  
14 be in their Application to that proposed route, unless  
15 they're considering all 30 or 32 routes that they've got  
16 all drawn out there, if that's their alternative action.

17 And since they didn't do all that, I was going  
18 to ask for a Cease and Desist Order from the Commission  
19 because it's an incomplete report in the Application. Do  
20 I get to go to my next part, sir?

21 COMMISSIONER CLODFELTER: You keep going. We  
22 won't decide what kind of order or when or what until  
23 we've taken all the evidence in and then we sort of  
24 consider it all and decide, okay, this is what we think

1 we need to do at this point.

2 MR. CANADAY: Okay.

3 COMMISSIONER CLODFELTER: So you keep going to  
4 as much as you've got.

5 MR. CANADAY: Yes, sir. The part that's got  
6 the fraud in their Application is all the property owners  
7 were not notified. I'm one of them property owners. You  
8 heard folks last night under oath say that they didn't  
9 get it, also.

10 The other thing was the Application said that  
11 there wasn't a transmission line in the Cleveland area.  
12 The only way I know how to prove that to you is to take  
13 you out there to where it crosses 42, Ten-Ten, and just  
14 before you get to Middle Creek it goes on down there a  
15 little ways and it cuts and it goes across, but there's a  
16 500 kV transmission line that's in that area. They's two  
17 examples. They's a 500 kV line down at Fayetteville and  
18 they's a 500 kV line out there at Knightdale. The  
19 population in Knightdale is 14,794, and the population in  
20 Fayetteville is 204,759, so it don't look like population  
21 is a reason for having a substation or having a -- yeah,  
22 a substation off a 500 k line. They's something else  
23 besides it besides the population and what it's serving.

24 The numbers that they give the cost of the 11.5

1 miles that Duke put in their Application, they got out  
2 there 28 million bucks. That turns out to be about 2.4  
3 million dollars a mile. If they hooked up to that 500 k  
4 line just shy of Middle Creek there and run over there to  
5 Matthews Road, it'll be a little less than four miles,  
6 but what that would come out to is about 9.6 million, and  
7 they got 18.4 million left over to do the extra work that  
8 I know that would be required to come off that 500 k  
9 line.

10 The other thing is their Application doesn't  
11 show any businesses on preferred Route 31. I think all  
12 those little one acre parcels that's on that farmland is  
13 a business unit. If they're going to arbitrarily assign  
14 a 5 weighting -- a 5 rating weight to somebody's house  
15 and all they do is eat, sleep, and live there and then  
16 work someplace else, and then a farmer's cropland,  
17 they're giving that, I think, a 1 or a 2 or something  
18 like that. When they made that matrix and they hadn't  
19 messed with it, that matrix was true. Just as soon as  
20 they started weighting it, you can guide the line to go  
21 anywhere you want to once you go to weighting it up like  
22 that. It completely changed the whole dynamics of it  
23 when you do it like that.

24 And like I mentioned before, I got it out

1 before you stopped me, the farming business in North  
2 Carolina is 76 billion dollars, so it is a business. I  
3 don't know why I couldn't get an answer out of him when I  
4 was talking to him earlier up there to what is going on.

5 The other part is the forest. We call it the  
6 woods back out in the country out there, but they don't  
7 carry the forest as a business. The forestry in Johnston  
8 County, the stumpage, is 1.9 million dollars according to  
9 NC State University in 2012. So that's a business to me.  
10 The delivered forest products, I'm assuming is like  
11 chips, OSB for pulpwood, pellets and sawmill saw logs and  
12 stuff is 3.9 million, so that makes it a multi-million  
13 dollar business. Every time they destroy a little piece  
14 of timber that's going through somebody's farmland, it's  
15 taken out of production forever, or leastways in my  
16 lifetime.

17 What I'm speaking from when I say that, I was  
18 born in '46. We didn't have power out on Parkertown Road  
19 until about '51 or '52. I can remember when three  
20 lightbulbs was hanging in the house with a string hanging  
21 down from it, and I remember when an ice truck run out of  
22 Benson on Mondays and Fridays, you got a block of ice, it  
23 cost a nickel. The guy could click it about twice and it  
24 was 12 inches square and you could slide it right in your

1   icebox. So I know they's life before electricity, but it  
2   sure does make it easier, and I agree with that.

3               But forestry -- what I'm getting to, the main  
4   point is the forestry that they just sort of muddle on  
5   over like that is a business, also. And that don't  
6   include the hunting and running the cows through or the  
7   hogs or whatever she want to do with it. They don't have  
8   no value figured into that at all. And when they go --  
9   if they went back and did the matrix right, each one of  
10  those acres of farmland would have a 5 just like a house  
11  does on a lot. And when they do the matrix on the  
12  farmland again, they should be at least a 4 there for the  
13  business or the farm as a forestry and give it a 4 as far  
14  as being forestry instead of a 2, I think it is.

15              The other part is on -- the environmental  
16  impact that they did does not show the EMF pollution  
17  impact in their Application. What Duke did in their  
18  Application, they put about three or four -- I call them  
19  pamphlets or you could call it propaganda about EMF. It  
20  even had the Duke logo on it. Now, that second letter  
21  that they sent back to you that involved -- they was a --  
22  the EPRI, Electric Power Research Institute, I looked it  
23  up. The worldwide membership supports the EPRI's work  
24  and the mission compromise and everything, a thousand

1 organizations, most of those members are electrical  
2 utilities. And it comes right -- you pull this stuff off  
3 the Internet if you've got time to run around and find it  
4 and everything. But everywhere I went -- I've been  
5 reading about five hours a day, five days a week, for  
6 about four months. And everywhere you get to a study  
7 that somebody is doing, you run into something where it  
8 starts getting inconclusive and they can't make up their  
9 mind about this or that or the other. Usually, if you go  
10 back in there and look for it, somebody that was on that  
11 study is getting paid by a utility company. It comes up  
12 time and time and time again like clockwork.

13 I believe if an environmental impact was done  
14 for preferred Route 31, part of that impact would have  
15 humans with all the sicknesses that's involved, and  
16 they's about 16 of them, there would be an impact for the  
17 livestock for the EMF issues, for the hogs, pigs, cows  
18 and calves, weaning weights, stillbirths, not breeding  
19 and all that. And something I stumbled across that I  
20 didn't realize is the EMF that's affecting plant crops.  
21 NC State's got a little blurb that I sent in. It affects  
22 -- you will still make a crop when you grow the crop, but  
23 it can be 15 or 20 percent less than what it should be  
24 because that EMF can go out anywhere from 50 to 100

1 meters on each side of that line, and that affects the  
2 yield that the farmer makes his living off of. That's  
3 all I have, sir.

4 COMMISSIONER CLODFELTER: Okay. We're going to  
5 probably have some questions for you --

6 MR. CANADAY: Yes, sir.

7 COMMISSIONER CLODFELTER: -- to follow up on  
8 some things --

9 MR. CANADAY: Yes, sir.

10 COMMISSIONER CLODFELTER: -- if that's all  
11 right. But I first offer this gentleman and this lady a  
12 chance to ask you questions if they've got questions.

13 MR. CANADAY: All right, sir.

14 COMMISSIONER CLODFELTER: Okay?

15 MR. CANADAY: Yes, sir.

16 COMMISSIONER CLODFELTER: Mr. Somers.

17 MR. SOMERS: I do not have any questions.

18 Thank you, Mr. Canaday.

19 COMMISSIONER CLODFELTER: Ms. Fennell.

20 MS. FENNELL: I do not have any questions,  
21 either. Thank you.

22 COMMISSIONER CLODFELTER: Okay. From the  
23 Commissioners? Commissioner Beatty?

24 (No response.)

1 COMMISSIONER CLODFELTER: Mr. Canaday, thank  
2 you for coming.

3 MR. CANADAY: Yes, sir.

4 EXAMINATION BY COMMISSIONER CLODFELTER:

5 Q Are there any active woodlots or forestry  
6 operations in production right now? I know you've got a  
7 lot of forestland along the route, but is any of that  
8 actively, you know, active woodlots or being timbered  
9 today?

10 A I don't know. I can only speak from my own  
11 personal use.

12 Q Yes, sir.

13 A About 15 years ago up in Alabama, they's a  
14 little factory up there that makes portable sawmills, and  
15 I bought a portable sawmill, and I saw lumber to improve  
16 the different buildings there on the farm. The last time  
17 I did a cutting was about two years ago. I cut about 500  
18 2 by 6s, 16-foot long, and we built a shelter that's out  
19 there on the farm now. It's about 100 foot long and  
20 about 40 foot wide. There's about 4,000 square foot of  
21 it. But I cut the lumber or the timber as I need it.

22 Q That's what I think of as a woodlot.

23 A Right.

24 Q You're using it -- you're doing it for your



1 own --

2 A Right.

3 Q -- use for construction.

4 A Right.

5 Q Okay.

6 A And once in a while somebody wants something,  
7 if I'm cutting, I can cut them out something, too.

8 Q So that is going on in this area.

9 A Yes, sir.

10 Q Okay. All right.

11 A That's going on at 909 Parkertown Road. The  
12 sawmill is sitting there.

13 Q Yes, sir.

14 A Yes, sir.

15 Q What's the predominant row crop that's grown  
16 along in the area there? What's the main row crop?

17 A Okay. They rotate it.

18 Q Okay.

19 A You know, ever -- it's usually -- I'm going to  
20 say ever third or ever fourth year.

21 Q All right.

22 A Tobacco, sweet potatoes, wheat, milo, corn,  
23 soybeans.

24 Q Okay. So it's a good --

1           A     It's the main -- it's the main crops that's  
2 grain crops, anyway, that's like in North Carolina.

3           Q     Yes, sir.

4           A     Let me see if I skipped one, peanuts. They's a  
5 guy up there at the end of the road where Parkertown Road  
6 and Old School Road runs, they's about a 50-acre field,  
7 maybe a 60-acre field out that Jerry Durham rents, and  
8 the guy plants peanuts there about every third or fourth  
9 year or something like that.

10          Q     Now, I know we've got it because we got it last  
11 night, but the one I got today here in front of me is not  
12 marked. Your farm at 909 Parkertown, the line crosses  
13 your farm?

14          A     Yes, sir.

15          Q     So it's on the official one that we got last  
16 night?

17          A     Yes, sir.

18          Q     All right. So we know --

19          A     And something that's really puzzling about this  
20 thing --

21          Q     Yes, sir.

22          A     -- I grew up there, but they're running this  
23 line right through the middle of fields. That makes no  
24 sense whatsoever, as far as farming goes. The other line

1 that runs on Parkertown Road is a distribution line.  
2 It's been there ever since I was -- well, it was put in  
3 when I was about six, seven years old. It's about 10  
4 foot over from the ditch, so you only had to worry about  
5 the end of the field and one pole. When they put these  
6 twin poles out there in a little field like that, you'll  
7 spend more time with a piece of equipment behind me --  
8 the way they -- the way, as big as it is now, trying to  
9 dodge the poles and not tie your equipment up than you  
10 will farming or trying to make a living with a crop. You  
11 ought to try it sometime.

12 Q I'm not sure I'd have the skill to do it.

13 A Well, it's -- I don't anymore, but I have done  
14 it. When it started out -- when I was a little boy and  
15 they had those poles at the end of the road, it was a  
16 mule, and you could go up there and the old mule knew how  
17 to go right around a pole like that, and you could come  
18 out, it weren't no problem. But now with a tractor with  
19 a six-row planter or an eight-row planter, it screws  
20 everything up when you come out the end of the row. So  
21 the only way you can plant it, instead of planting it  
22 like this, you've got to make another row and you've got  
23 to plant across parallel with the row instead of running  
24 your rows out to the end of the ditch. But you know

1 they're about to just and overcome, but it's aggravating  
2 when it's right down the middle of a darn field.

3 Q Have you talked to any of these gentlemen about  
4 maybe relocating or moving the line so that you don't  
5 have that problem in your field? You heard them earlier  
6 today --

7 A Right.

8 Q -- saying they talked to some of --

9 A Right.

10 Q -- the property owners about doing that. Have  
11 you talked to them about doing that?

12 A No, sir.

13 Q Did you even know you could?

14 A Well, not really, because all I wanted to do, I  
15 didn't want it to be put on the farm because it was going  
16 to screw up the property and everything.

17 Q I understand.

18 A And they's another thing that just blows me  
19 away, too, is how the value of somebody's land up there  
20 that they're going to build a subdivision up in the  
21 Cleveland area is more valuable than the land down in our  
22 area that they would choose to run a power line through  
23 and you can't use it no more. Once it's put there, you  
24 can only build so close to it, and people won't buy it to

1 start with. You sort of pick and choose winners. Once  
2 you do the matrix and you do the best route and the  
3 shortest route, that's raw and it's rare, but just as  
4 soon as you go to putting weights on things, you are  
5 guiding that line then.

6 Q I think we understand what you're saying. You  
7 have some -- you do have some written materials there?

8 A Yes, sir.

9 Q Any of that you want us to have officially part  
10 of the evidence we consider?

11 A I'm satisfied with what I've said, but you told  
12 me last night you wanted a copy of everything that I had  
13 mailed in, which I brought everything today.

14 Q Well, good, because I was going to suggest  
15 that's the way to make sure it's officially -- so when we  
16 make a decision, then we have to follow the evidence and  
17 look at all the evidence, and that way you know we've  
18 looked at it.

19 A Yes, sir. But they was one other thing I  
20 wanted to add to this thing.

21 Q Yes, sir.

22 A When I was reading through the rules and  
23 everything, you done told me that you all don't make the  
24 decision. It said you put down what your complaint is

1 and then we could put down what we wanted the outcome to  
2 be?

3 Q We understand where you're at, sir.

4 A Okay. This is the outcome I want to be --

5 Q We understand.

6 A -- a Cease and Desist Order.

7 Q We understand what you're asking for.

8 A All right, sir.

9 Q Now, what we'll do after we hear all the  
10 evidence, and then we'll get anything that you all want  
11 to give us in writing after the hearing, then we sort of  
12 get together and we consider all the evidence and review  
13 it all and think about it and then we decide what we're  
14 going to do.

15 A Yes, sir.

16 Q So that's when we'd think about what you've  
17 asked us to do.

18 A Yes, sir.

19 Q They've asked us to do one thing, Public Staff  
20 has asked us to do something, and you've asked us to do  
21 something.

22 A Yes, sir.

23 Q We won't decide that probably for a little  
24 while because we're going to want to study all this stuff

1 before we do that.

2 A Yes, sir.

3 Q But if you've got written stuff there that you  
4 want us to have in the official record, if you can leave  
5 that with the court reporter today, and then if you don't  
6 have copies of it to take back with you, we'll copy it  
7 and send it back to you. We'll make sure you get your  
8 originals back, okay?

9 A All right, sir.

10 COMMISSIONER CLODFELTER: Have you all seen the  
11 materials that have been submitted?

12 MR. SOMERS: I've seen what he's filed with the  
13 Commission. I don't know that I've seen everything he's  
14 got up there in front of him now.

15 COMMISSIONER CLODFELTER: Mr. Canaday, the  
16 stuff you have there, is that stuff you've already  
17 submitted?

18 MR. CANADAY: This is the -- this is the  
19 intervenor letter.

20 COMMISSIONER CLODFELTER: Yes, sir. We have  
21 that, and that's --

22 MR. CANADAY: That's on the record. This other  
23 letter here I was talking from --

24 COMMISSIONER CLODFELTER: All right. Hold just

1 a second. Hold just a second. I'm going to do it one at  
2 a time. So unless there's an objection, we're going to  
3 receive and admit into the record the Petition for  
4 Intervention and the attachments thereto as Canaday  
5 Exhibit Number 1, unless there's an objection.

6 MR. SOMERS: No objection.

7 COMMISSIONER CLODFELTER: Thank you. Okay.

8 (Whereupon, Canaday Exhibit 1 was  
9 marked for identification and  
10 admitted into evidence.)

11 MR. CANADAY: It's here. It just -- the last  
12 time I looked at it, it hadn't showed up on the list, but  
13 it was sent certified mail 17 October.

14 COMMISSIONER CLODFELTER: Okay. That will be  
15 received in the official record, and we do have that  
16 already.

17 MR. CANADAY: Yes, sir. It's -- I've read --  
18 it's on the --

19 COMMISSIONER CLODFELTER: Got it. Got it.

20 MR. CANADAY: Yes, sir.

21 COMMISSIONER CLODFELTER: All right. Are there  
22 no other questions for Mr. Canaday?

23 (No response.)

24 COMMISSIONER CLODFELTER: All right. Thank



1     you, sir.  You are excused.

2                                 (Witness excused.)

3                 COMMISSIONER CLODFELTER:  And if you have any  
4     other witnesses, you can call them.

5                                 (No response.)

6                 COMMISSIONER CLODFELTER:  All right.  Any  
7     rebuttal?

8                 MR. SOMERS:  No.  We put that in previously.

9                 COMMISSIONER CLODFELTER:  Put that in  
10    initially.  Okay.  Ms. Fennell?  All right.  Let's talk  
11    about the time table here.  We get the State  
12    Clearinghouse remarks on the 3rd, so we will close the  
13    record on the 6th of November.  I don't know when the  
14    transcript will be available.  How long do you think  
15    you're going to need for post-hearing -- Mr. Canaday, if  
16    you want to submit any additional written briefs or  
17    materials, or if you want to present your proposed Cease  
18    and Desist Order for us to consider, that's done after  
19    the hearing today.  And so what we're talking about now  
20    is how long -- how much time the parties need to do those  
21    things, okay?

22                 MR. CANADAY:  Yes, sir.

23                 COMMISSIONER CLODFELTER:  So I think we know  
24    what you want us to do, so it may not take you very long

1 to send us what you want us to do because we know what it  
2 is. These guys are going to want us to consider an  
3 order, so I'm going to ask them how long it may take them  
4 to submit that.

5 MR. SOMERS: Mr. Chairman, I would suggest that  
6 30 days from the mailing of the transcript would be fine.

7 COMMISSIONER CLODFELTER: All right.

8 MR. SOMERS: I know the Commission's calendar  
9 is going to be busy the end of November, early December,  
10 but we can make that work.

11 COMMISSIONER CLODFELTER: I think it will be.  
12 Yeah. I want to be sure -- that's right. I want to be  
13 sure we're within the 60 days that we've got in order to  
14 issue the order after the hearing date. I think we will  
15 be, if that's the case.

16 MR. SOMERS: Again, not knowing how long the  
17 transcript might take, 10 business days, two weeks, in  
18 order to give the Commission sufficient time to meet the  
19 statutory timeline for the order, would it be better if  
20 we had post-hearing submissions within three weeks of the  
21 mailing of the transcript?

22 COMMISSIONER CLODFELTER: Let's do that. And  
23 I'm going to throw a ringer at you. The three of us  
24 talked during the break, and we think it might be helpful

1 if your post-hearing submission provided a little bit  
2 more detailed information about what would be required to  
3 run parallel to the 500 kV line and then break off of  
4 Segment 1 to run over to the substation, what additional  
5 right-of-way would be required and what additional  
6 impacts you think there would be. I'm not asking for  
7 Burns & McDowell to go out and do that study, but if  
8 you've got additional information to supplement the  
9 testimony on that, that would be helpful. The three of  
10 us think that would be useful.

11 MR. SOMERS: Just so I'm clear what you're  
12 asking for, do you -- how do you want us to present that,  
13 as like a late-filed exhibit?

14 COMMISSIONER CLODFELTER: A late-filed exhibit  
15 would be --

16 MR. SOMERS: We can verify that. Okay.

17 COMMISSIONER CLODFELTER: A late-filed exhibit  
18 will be fine.

19 MR. SOMERS: And, again, what you're asking for  
20 is if the Company were to parallel the existing 500 kV  
21 line --

22 COMMISSIONER CLODFELTER: As far as you can  
23 from the tap point on one of the 230s and then run over  
24 to the substation.

1 MR. SOMERS: Okay. What would that entail in  
2 terms of right-of-way and --

3 COMMISSIONER CLODFELTER: Mr. Same testified  
4 about some of that, but I think a little more detail  
5 about that might be of interest.

6 MR. SOMERS: Sure. Be glad to.

7 COMMISSIONER CLODFELTER: All right. If  
8 there's -- yes, ma'am.

9 MS. FENNELL: May I ask a clarifying question  
10 for the public?

11 COMMISSIONER CLODFELTER: Yes.

12 MS. FENNELL: You're holding open the record  
13 until the 6th?

14 COMMISSIONER CLODFELTER: That's right.

15 MS. FENNELL: So if there are members of the  
16 public who wish to include further information, they can  
17 send it in until the 6th?

18 COMMISSIONER CLODFELTER: If there are --  
19 that's right. Since the record is going to be open, if  
20 we have written submissions from other members of the  
21 public, we'll receive those up until November 6th as  
22 well.

23 MS. FENNELL: And the three-week deadline is  
24 for the parties?

1 COMMISSIONER CLODFELTER: That is correct.

2 Yes, sir, Mr. Canaday.

3 MR. CANADAY: That means that would get posted  
4 on the computer so you can read what's going on just like  
5 it's been being done?

6 COMMISSIONER CLODFELTER: Yes, sir. Yes, sir.  
7 It will be posted. You've been able to follow it all.  
8 And now you've got some neighbors who don't follow it  
9 online, but I hope they'll be -- I hope there will be  
10 talk, enough talk by those who do have access because we  
11 post everything online and they can share that with their  
12 neighbors, okay? All right. If there's nothing further,  
13 thank you all for your patience this morning and for your  
14 presentations, and we will recess the hearing, to be  
15 concluded with the closing of the record on November 6th.  
16 Thank you.

17 (The hearing was recessed, to be concluded with the  
18 closing of the record on November 6, 2017.)

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STATE OF NORTH CAROLINA


COUNTY OF WAKE

C E R T I F I C A T E

I, Linda S. Garrett, Notary Public/Court Reporter,  
do hereby certify that the foregoing hearing before the  
North Carolina Utilities Commission in Docket No. E-2,  
Sub 1150, was taken and transcribed under my  
supervision; and that the foregoing pages constitute a  
true and accurate transcript of said Hearing.

I do further certify that I am not of counsel for,  
or in the employment of either of the parties to this  
action, nor am I interested in the results of this  
action.

IN WITNESS WHEREOF, I have hereunto subscribed my  
name this 14th day of November, 2017.



Linda S. Garrett

Notary Public No. 19971700150

**FILED**

**NOV 16 2017**

**Clerk's Office  
N.C. Utilities Commission**