

1 PLACE: Halifax County Courthouse

2 Halifax, North Carolina

3 DATE: November 18, 2022

4 TIME: 10:00 a.m. - 10:55 a.m.

5 DOCKET NO.: E-22, Sub 602

6 BEFORE: Hearing Examiner John Gajda

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12 IN THE MATTER OF:

13 Donald H. Hills, 903 Faulcon Road, Littleton,

14 North Carolina 27850,

15 Complainant

16 v.

17 Virginia Electric and Power Company, d/b/a

18 Dominion Energy North Carolina,

19 Defendant

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1 A P P E A R A N C E S:

2 FOR THE COMPLAINANT:

3 Donald H. Hills, Pro Se

4 903 Faulcon Road

5 Littleton, North Carolina 27850

6

7 FOR VIRGINIA ELECTRIC and POWER COMPANY, d/b/a

8 DOMINION ENERGY NORTH CAROLINA:

9 Kristin M. Athens, Esq.

10 McGuireWoods, LLP

11 501 Fayetteville Street, Suite 500

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P R O C E E D I N G S

HEARING EXAMINER GAJDA: Good morning everyone. Let's come to be order, please, and go on the record. My name is John Gajda. I'm a Hearing Examiner with the North Carolina Commission. I've been assigned to preside over the hearing in this proceeding today.

I now call for hearing Docket E-22, Sub 602. This docket involves a formal complaint filed by Mr. Donald Hills on July 21st, 2021, against Virginia Electric and Power Company, d/b/a Dominion North Carolina Power, relating to construction of electric distribution facilities.

The formal complaint was served on Dominion by Commission Order issued on July 22nd, 2021, and Dominion filed its answer and motion to dismiss on August 2nd, 2021. Dominion's answer was served on Complainant by Commission Order issued on August 6th, 2021, and Complainant subsequently filed a request for a hearing.

By Commission Order issued on August 19th, 2022, the matter was scheduled for hearing at this time and place. That should bring us up to date.

For the record, can we have the

1 Complainant and Defendant introduce themselves,
2 starting with the Complainant? Mr. Hills, you can
3 introduce yourself please.

4 MR. HILLS: My name is Donald Hills. I
5 moved down here about three years ago. I'm liking
6 the southern hospitality down here, and I hope
7 things go smoothly today, and quickly.

8 HEARING EXAMINER GAJDA: Very good.
9 Dominion?

10 MS. ATHENS: Good morning. Kristin Athens
11 from the Law Firm of McGuireWoods. I'm here
12 appearing on behalf of Dominion Energy North
13 Carolina, d/b/a Virginia Electric and Power Company,
14 which I'll refer to as Dominion. And here with me
15 today, I have Mr. Seth Wright, Seth Wright, excuse
16 me, who is a witness today.

17 COURT REPORTER: Could you give me his
18 last name again?

19 MR. WRIGHT: Wright.

20 COURT REPORTER: Wright?

21 MR. WRIGHT: Yes.

22 COURT REPORTER: Thank you.

23 MR. HILLS: I didn't recognize you. He
24 did the estimate. Good. I'm glad you're here.

1 HEARING EXAMINER GAJDA: Thank you. Are
2 there any other preliminary matters to consider
3 before we begin with the Complainant.

4 MS. ATHENS: At this time, I would like to
5 go ahead and move into the record Dominion Energy's
6 Answer and Motion to Dismiss. I'll be referencing
7 with the Answer during Mr. Wright's direct
8 examination.

9 HEARING EXAMINER GAJDA: Very good. That
10 can be so moved at the right time, but we can move
11 that into the record now. That will be great.

12 (WHEREUPON, DENC's Answer
13 and Motion to Dismiss
14 Complaint of Donald H. Hills
15 is received into evidence.)

16 HEARING EXAMINER GAJDA: If there is
17 nothing else, Mr. Hills, we're going to start with
18 you and so if you could take the witness stand,
19 please.

20 MR. HILLS: Can I leave this stuff here or
21 should I bring it up with me?

22 HEARING EXAMINER GAJDA: You probably need
23 to bring that with you if anything is going to be
24 entered.

1 Let's get you sworn in to start with.

2 Have you got a Bible there with you?

3 DONALD H. HILLS;

4 having been duly sworn,

5 testified as follows:

6 HEARING EXAMINER GAJDA: Mr. Hills, with
7 the microphone, making sure you're using it there,
8 could you please, one more time for the record,
9 state your full name and address.

10 THE WITNESS: My name is Donald Hills,
11 Donald H. Hills. I live at 903 Faulcon Road. I've
12 lived there for approximately three and a half
13 years.

14 HEARING EXAMINER GAJDA: Very good. If
15 you have no objection to this, it would be
16 appropriate to enter your Complaint into the record
17 at this time, your initial Complaint that was filed
18 with the Commission.

19 THE WITNESS: Yes. I have no problems
20 with that.

21 HEARING EXAMINER GAJDA: Very good. We'll
22 move that into the record now.

23 (WHEREUPON, Complaint of
24 Donald H. Hills is received

1 into evidence.)

2 HEARING EXAMINER GAJDA: Feel free to
3 explain your situation to me regarding your
4 complaint against Dominion. Once you're finished,
5 just so you know, the attorney for Dominion will
6 have a chance to ask you some questions about your
7 testimony. After that, I may ask you some questions
8 additionally. And after that, I'll direct how it
9 will work if Dominion takes the stand after that.
10 So feel free to go ahead.

11 DIRECT STATEMENT BY THE WITNESS:

12 I'm ready to go. So let me start by
13 stating that this is very new to me. You know, I'm
14 not a lawyer. I don't know the law. And I feel a
15 little bit overwhelmed by the response that I got --
16 initial response that I got from them. It was a
17 27-page response with 10 pages additional. So I
18 knew that they were not happy about giving me any
19 money back. They've probably spent more money than
20 would make me happy defending their position on
21 this.

22 My position is this. And I'm glad so glad
23 that Seth is here. I didn't recognize him. Very
24 helpful.

1 This work that was done was performed
2 quickly. I'm very happy with that. The thing that
3 I'm not happy with is the price.

4 On approximately February 4th, I received
5 an invoice for the job and it said on that
6 invoice -- I'm going to enter all of this into
7 evidence if I can. All of this -- or not -- if it's
8 necessary. It's pictures before and after the job.

9 HEARING EXAMINER GAJDA: So you have
10 pictures from before and after the work?

11 THE WITNESS: Yes, I do. Yes.

12 HEARING EXAMINER GAJDA: Okay.

13 THE WITNESS: So, the pictures before --

14 HEARING EXAMINER GAJDA: One second,
15 Mr. Hills. If you have all of that as a stack, so
16 that can be entered in. We are going to have to
17 take possession of that before we leave here today,
18 but we can enter that in and --

19 THE WITNESS: Very good.

20 HEARING EXAMINER GAJDA: We'll call that
21 Hills Direct, I guess, Number 2, I guess Testimony
22 Exhibit Number 2.

23 (WHEREUPON, Hills Direct

24 Testimony Exhibit 2 is

1 received into evidence.)

2 THE WITNESS: Seth came out to my job.

3 And the length of time for me discovering that the
4 wires were over the top of my building, which was
5 before I started any construction obviously. By the
6 time Dominion was able to get a man out to my job, I
7 had had all my poles set as you recall, and we
8 walked the site. We walked the entire site, the
9 entire job. Seth is a very competent and personable
10 guy.

11 During our conversations there, there was
12 several things that were discussed. One, that I was
13 not going to pay for any work that needed to be done
14 to bring the job up to standards. We walked to the
15 very back pole and he said we're going to have to
16 put a guy wire on this pole because it's going to be
17 necessary. It's going to make the job better.
18 We're not going to charge you for that. Okay.

19 We walked other parts of the job and he
20 assured me that I was not going to be charged for
21 work that wasn't -- that didn't actually pertain to
22 moving the wires around my building, and I felt
23 pretty confident about that.

24 I've had jobs like this done up north

1 which -- and these jobs are 15 years old so I
2 understand there's a difference in the rate, but
3 I've had poles set up north by Niagara Mohawk. I
4 paid \$1100 for one. I paid \$1700 for another.
5 Almost exact same situations. I have built over 50
6 new homes. I am a homebuilder and I run across
7 these problems quite frequently.

8 Now, to backup to the original problems,
9 and I know that Dominion ended up buying these
10 problems from the power company that they bought
11 out. They didn't have the original easement on the
12 property. They had -- they bought out a power
13 company and they bought it with the liabilities of
14 that power company I'm sure. Part of the original
15 problem was when they ran power up onto this
16 property, they didn't follow the property lines. It
17 would have been way better and less aggravating if
18 they just followed the power lines. That power
19 company apparently did very slap-dash work, which is
20 evidenced by these pictures. I've got a picture
21 here of my property when I bought it and I closed on
22 it, and it shows the pole that they ran the wires
23 to, it's catawampus; it's not straight. Okay. It
24 clearly shows that. And when they left they

1 straightened that pole up and put an additional guy
2 wire on that pole which I wasn't supposed to be
3 charged for.

4 I see in the invoice where they sent me --
5 it was an inflated invoice. They charged me \$5200.
6 The invoice that they sent explained the job was
7 that they did such a fantastic job for me and that
8 they would normally charge eight thousand and some
9 dollars for said work. And on that invoice they
10 charging me for guy wires which I should only pay
11 for one guy wire, the guy wire on the pole that they
12 set.

13 I believe that the -- now, another thing
14 that Seth -- I tried to find the email -- but Seth
15 did say to me, and I don't know if he's going to
16 acknowledge this now or not, but he said to me that
17 some of the reasons for the upper charges was that
18 this job had to be done hot. Do you remember saying
19 that, Seth?

20 HEARING EXAMINER GAJDA: Mr. Hills, you
21 can't direct that --

22 THE WITNESS: Well, he is nodding his head
23 yes. So -- and it appears that he is an honorable
24 guy. Okay. Those jobs had to be done hot. It did

1 not. I mean, common sense is you could set the
2 pole, you could run the wires up to the new pole,
3 disconnect up to the new pole, run the wires to my
4 pole, and then do the hot work the very last thing.
5 That would be the way I would do the job but I'm not
6 a lineman or electrician.

7 They came and they did the work in a
8 timely fashion. Very quickly. I'm very pleased
9 with that part of it. The reason why I paid that
10 bill on the 4th of February -- on or about the 4th
11 of February is because I already had poles set by
12 the time he came to estimate the job. By the time
13 they did the job, I believe I had part of the
14 building assembled and up. Delays and construction
15 are very costly as you know. So, they were very
16 good about that part of the job.

17 What wasn't so good is, and I've got
18 pictures to show it, the new pole they set is not
19 level; it's not plumb. It's off. I've got a level
20 on the pole. You can come out there and you can
21 measure it now. It's not level. Every pole that
22 you can see from my property is crooked. Now, a lot
23 of that work Dominion inherited from the previous
24 power company. But I just have a bad feeling in my

1 mouth that I paid for a lot of work to bring that
2 job up to grade.

3 Now, I don't know how long -- how far
4 they're allowed to span between poles. I'm sure
5 there is a legal limit. But the original wires that
6 were there were low. I don't believe I could have
7 cleared them with my truck. And it's my
8 understanding that any wires that are put up are
9 supposed to be a minimum of 13' 6" off the ground to
10 accommodate tractor trailers, which my property has
11 to do, it has to accommodate tractor trailers.

12 And my position, we're partially here
13 because after the job was completed I called up
14 Dominion and I spoke with a man there. And to
15 interject a little bit of humor here, he had the
16 bedside manner of Jack Kevorkian. He was very rude.
17 He was very arrogant. And he's part of the reason
18 why we're here. But I've met that rudeness and
19 arrogance at every turn since applying for this.
20 Including 10 minutes ago when I walked up to these
21 people and spoke to them and said "is there anyway
22 we can avoid this? It's not going to take a lot of
23 money to make me not as angry as I am". That might
24 have spent on a 65-year-old retired gentleman. Not

1 my spent. I don't really need that money. But look
2 at our situation here now. We have three people
3 from Dominion. We've got me, a sole person here, to
4 defend my position.

5 And I'm reminded of when I used to be a
6 service manager years ago, and a guy came into my
7 shop and he had 12,200 miles on his van and he had
8 the original air filter on it. And I said, "you
9 know what, I'm not going to warranty that". My boss
10 came down and said, "you know what, Don, you're not
11 a policeman for Ford, just warranty it". He said,
12 "if you don't warranty it, that man is going to go
13 to court. He's going to show up in overalls. And
14 Ford's going to come with 15 lawyers in black suits
15 to defend it. It's not going to look good. It's
16 just not going to look good".

17 I don't think this situation really looks
18 good here. I offered some sort of remediation just
19 outside of this courtroom and it was met with
20 complete negativity. That's not the southern
21 hospitality that I'm used to down here.

22 Dominion, that's why they have a Public
23 Service Commission. They are heavy-handed. They
24 were heavy-handed with this bill. \$5200 to set a

1 telephone pole. I'm not going to get into a comment
2 that was made when I had the original estimate done
3 for the job, but he did also offer, Seth also
4 offered an alternative, me paying zero dollars for
5 this pole reset, hooking power up to my building and
6 meeting criteria for power usage in the future and
7 they would set that pole for free for me.

8 I'm a New Yorker and the way my mind used
9 to think was yeah, get the thing free, then just do
10 what you've got to do and then your pole will be set
11 and your building will be up and if you don't want
12 to hook power up, then they can fight with me over
13 the money. That's the way I used to be. I started
14 a work walk with God about seven years ago and I
15 don't do that anymore.

16 So, I'm here hat in hand. It's not going
17 to take a lot to make this right. It really is not.
18 I've got a letter here. All this I'm going to
19 submit as evidence. I'd like to give these people a
20 copy of my letter, which is my position. And I'm
21 hoping that common sense, decency, will prevail
22 today. So that's my position. And thank you so
23 much for listening to me.

24 EXAMINATION BY HEARING EXAMINER GAJDA:

1 Q Very good. Just to be clear, how many copies
2 did you bring of what you want to enter into
3 evidence? Do you have singles or multiple
4 copies?

5 A Two, three, four, five, six, seven, eight,
6 nine, 10, 11 pages.

7 Q It's eleven pages?

8 A Yes.

9 Q And just of multiple items?

10 A A lot of them included -- it's really rather
11 ironic and it's not Dominion -- there's a pole
12 that the wires are hooked to my pole; they go
13 across to my neighbor. That pole is setting
14 like this (Indicating). It's ready to fall
15 over. Now, I know that that's not Dominion's
16 work. It's somebody else's work. But the work
17 that was done there, it was all substandard.
18 Like I said, it's not Dominion's fault. They
19 didn't do it. The pole that they set, it -- I
20 can see it, that it's not 100 percent level.
21 You can come out and put a level on the pole if
22 you'd like. I did. I've got a picture of my
23 level on the pole. It's not 100 percent level.
24 I'm old school. I'm 65-years

1 old. I like to do things right. I like to do
2 things proper. And plumbing level is the law
3 of building.

4 So, I'll give you these things
5 now.

6 Q Okay. I'd just like to clarify. My job here
7 is to make sure everything gets entered into
8 the record properly --

9 A Yeah.

10 Q -- and everything else.

11 If you have -- are there
12 multiple pictures in that stack?

13 A Yes, there is. It's mostly pictures of
14 existing -- and they're all dated.

15 Q If they're all pictures -- I just want to be
16 clear because part of the issue being talked
17 about is a before and after.

18 A Yeah.

19 Q And so it's probably appropriate for you to
20 number those photographs.

21 A Okay.

22 Q And if certain photographs are a before
23 pictures and certain are after --

24 A Yeah, they're labeled on the top --

1 Q Oh, they are.

2 A -- "upon purchase of property".

3 Q Okay. And are they labeled as to whether
4 they're before the work was done and after the
5 work was done?

6 A Yes. The only two pictures of all of the
7 pictures that are before and the rest have the
8 date of when I actually took the picture, 11/15
9 of this year.

10 Q Okay, that's good.

11 A I'll make sure that that's all done.

12 Q Okay. Well, that's great. So we're going to
13 take those copies. Dominion can review those
14 pictures today if that's the only copy here --

15 A No.

16 Q -- in the process of our proceeding.

17 A Thank you.

18 Q Very good. Does that complete your testimony
19 for now?

20 A I think so, yes.

21 Q Was there a letter in your stack? Did you say
22 something about a letter in your stack?

23 A Yes. It's just basically -- it's my position
24 on this deal. It's, basically, I wrote it to

1 Dominion Energy and the Public Service
2 Commission. I can read that letter if you want
3 to enter it into evidence, if you'd like.

4 Q Well, that's up to you, but if you'd like that
5 letter to --

6 A Why don't I read that.

7 Dominion Energy, Public Service
8 Commission.

9 In the latter part of January,
10 I contacted Dominion with regards to a conflict
11 between overhead wires, and my
12 under-construction building. 1/29/21: A
13 worker, Seth -- he's a nice guy, too, by the
14 way -- came to my location to do a preliminary
15 estimate. He assured me any work performed to
16 bring existing work up to standards I would not
17 be charged for. Additional guy wires on both
18 ends of the work. In parentheses.

19 The beginning of February, Seth
20 and myself had discussions as to cost. He also
21 had an offer for work being performed for free
22 if I was to put a new service in the shop and
23 meet requirements for power consumption. Not
24 wanting to put power in a storage barn, and

1 also being honest I could have lied -- this is
2 also in parentheses -- I could have lied, got
3 the work done and stiffed them, but I elected
4 to pay the bill and not further delay
5 construction. Seth assured me part of the
6 excessive charges was to cover work having to
7 be done hot. Everyone involved in this project
8 knew I was not happy with the invoice.

9 My position: Work prior to
10 work performed, substandard. See pictures.
11 Lines from rear spanned a great distance. They
12 were low. Didn't follow property lines, and
13 every pole not installed level. Wow! Quite
14 honestly, the new pole is not level, and the
15 existing pole is not level despite additional
16 guy wires.

17 Having built over 50 new homes
18 on two occasions, I had to set poles, and
19 Niagara Mohawk set poles for around \$1000 each.
20 These are exorbitant. And I am seeking \$2500
21 to be returned to me.

22 Q Very good. Does that complete your testimony?

23 A I will, today, extend an offer of less than
24 \$2500. If they want to talk to me, and not --

1 if they want to talk to me we can discuss a
2 rate less than that. So, it's my understanding
3 you don't have the authority to issue them --
4 you know, if you find them completely guilty
5 and find them completely wrong, you can't say
6 you have to pay this man \$2500. It's going to
7 be up to their discretion, so I don't know.

8 When I found that out, that
9 this court does not have the authority to make
10 Dominion, I quickly reevaluated my position. I
11 spent a lot of time on this project. A 27-page
12 rebuttal they got to dismiss the charges and
13 again here, today, she's asking to dismiss the
14 charges. I'm hoping that decency will prevail.
15 And I'm now all done.

16 HEARING EXAMINER GAJDA: Thank you for
17 your testimony. If -- the next stage here would be
18 Dominion can ask some questions of you.

19 And Dominion, if you would like a few
20 minutes to review any of these photos or anything
21 before asking questions of Mr. Hills, we can even
22 take a small recess if you would like to do that.
23 It's up to you.

24 MS. ATHENS: I don't need to review.

1 HEARING EXAMINER GAJDA: Okay. All right.
2 That's fine.

3 MS. ATHENS: I actually have no cross
4 examination for Mr. Hills.

5 HEARING EXAMINER GAJDA: No cross. Okay.
6 Very well.

7 Give me one moment to see if I have
8 questions for you, Mr. Hills.

9 BY HEARING EXAMINER GAJDA:

10 Q So, I'll just kind of briefly ask you,
11 Mr. Hill, you talked some about the conditions
12 related to the I guess what I'll call original
13 or slash prior facility --

14 A Yes.

15 Q -- okay, prior to any of this occurring. And
16 you talked briefly about there being concerns
17 of the condition of the facility's prior.

18 A Yes.

19 Q Can you talk a little bit more about that,
20 about -- just about what your concerns were or
21 what you felt like was inadequate? I'll let
22 you use your words, but prior to the work
23 you've done.

24 A The pictures in there are from the day I closed

1 on the property. You can see that the pictures
2 were prior to the building because they show
3 where the building would be. You can see the
4 pole that's right next to my house where they
5 rerouted and went to that pole. There's one
6 guy-wire on it. There's two on it now. But
7 you can see that pole is catawampus. It's
8 angled and the pictures clearly depict that.
9 That's the part of the job that I had a problem
10 with. I don't know what the span, what the
11 requirements are for span, but the wires that
12 went to the back of the property were low. I
13 don't know whether time or whatever, but they
14 were not -- I never stuck a ruler on it and I
15 wouldn't. I guess it's 19,000 volts. I
16 wouldn't play with that.

17 We did walk the back, Seth and
18 I, and the pole back there, I didn't observe it
19 leaning. I wasn't really concerned about that.
20 I received assurances from Seth that that pole
21 would be re-guy-wired and I would not be
22 charged for that. Clearly on the bill I'm
23 charged for every guy-wire that was set on my
24 property. Six different charges there. So I

1 feel that they -- I think they treated me like
2 deep pockets. That's what I think.

3 Q And then specifically -- so you may have
4 already answered this, bear with me. In your
5 specific concerns about the conditions of the
6 facilities as they were left is -- yeah. I
7 don't want to put any words in your mouth, so
8 let me just ask you to clarify anything you
9 haven't already stated about your concerns
10 about the facilities as they were left, in
11 terms of the condition, the state they were in,
12 anything like that.

13 A Guy-wires are a PITA, pain in the
14 you-know-what, on any property. You've got to
15 mow around them. I think they could have used
16 less guy-wires on the pole at my house. They
17 put two guy-wires on that pole and now I've got
18 to mow around them. The pole that's set by my
19 building, the pole that they set, is a picture
20 of the level and the level is not on bubble.
21 Okay. It's just not. The pole is not level.
22 Is it a problem? It really isn't.

23 They came in. They worked very
24 fast, which I'm happy for. They came very

1 quickly. That's the part of the job -- I guess
2 I am being a little bit picky about that pole.
3 Okay. If I had set it, it would be level.
4 Okay. And I don't really want them to come and
5 do anything with that pole. It's just fine.
6 I'm just pointing out that for paying as much
7 as I did I could have probably gotten a little
8 bit better service than that. As far as their
9 time showing up and the time it took them to do
10 the job, top shelf, professional. I wasn't
11 there for it. I knew they were there because I
12 have Ring cameras on my things and so forth.
13 Very professional. And aside from the pole
14 being a little bit crooked -- and I believe
15 they could have done it with less guy-wires.
16 But they had my wallet and that's the way they
17 handled it. So I guess I've got to live with
18 it now so.

19 HEARING EXAMINER GAJDA: Thank you. I
20 don't have any further questions for you. Do any of
21 you have any recross based on my questions?

22 MS. ATHENS: No, I do not.

23 HEARING EXAMINER GAJDA: All right. Well,
24 Mr. Hills, you can step down. Thank you for your --

1 THE WITNESS: I'll make sure these are
2 labeled completely. And I'll give them to you?

3 COURT REPORTER: Yes.

4 THE WITNESS: And I'll give you your pen
5 back, too. Thank you so much, Your Honor.

6 HEARING EXAMINER GAJDA: Dominion, if
7 you've got a witness, now would be the time.

8 MS. ATHENS: Yes, we do. Dominion energy
9 calls Seth Wright to the stand.

10 MR. WRIGHT: Good morning.

11 HEARING EXAMINER GAJDA: Good morning.
12 Let's get you sworn in there, please.

13 SETH WRIGHT;
14 having been duly sworn,
15 testified as follows:

16 HEARING EXAMINER GAJDA: If you can please
17 state your name and address for the record?

18 THE WITNESS: My name is Seth Wright. I
19 work for Dominion Energy at 200 Vepco Street in
20 Roanoke Rapids, and I am a Project Designer III.

21 HEARING EXAMINER GAJDA: Very good. Thank
22 you.

23 Dominion, I think at this time if you have
24 any direct questions for the witness.

1 MS. ATHENS: I do.

2 DIRECT EXAMINATION BY MS. ATHENS:

3 Q Good morning, Mr. Wright. Are you familiar
4 with the Complaint filed by Mr. Hill (sic) in
5 this docket?

6 A Yes, I am.

7 Q And are you familiar with the Answer to the
8 Complaint filed by Dominion Energy in this
9 docket?

10 A Yes, I am.

11 Q And can you verify the factual allegations set
12 forth in the Answer as true?

13 A Yes, I can.

14 Q And I'm going to turn the Complaint filed by
15 Mr. Hill which does mention you by name. What
16 was your role in the work completed at
17 Mr. Hills' property?

18 A So, I was the project designer in charge of
19 designing the project for Mr. Hills relocation
20 around his new barn. So I did the site work,
21 or the initial site visit, designed the
22 project, come up with the cost, gave Mr. Hill
23 (sic) the cost, and then after that was paid my
24 role was finished and our construction team

1 built it based on my design.

2 Q Thank you. So can you explain how the work
3 order at Mr. Hills' property originated?

4 A Yes. So the way the process works is a
5 customer, in this case would be Mr. Hill, would
6 call into our call center and create a work
7 request which basically gets someone in my
8 position to go out and view the site. So that
9 happened. I contacted Mr. Hill and him and I
10 walked his property and come up with a re-route
11 option to re-route his primary neutral that
12 went through his property.

13 Q Can you detail the state of Dominion Energy's
14 facilities when you first got to Mr. Hills'
15 property?

16 A Yes. So at the back of Mr. Hills' property we
17 had a single phase main line that ran through a
18 right-of-way on a pole. And from that pole it
19 had a single phase tap that crossed through
20 Mr. Hills' property one span of primary neutral
21 number 2 aluminum to a pole that was a dead-end
22 pole with a transformer on it that fed his home
23 and his neighbor's home.

24 Q I'd like to turn to Dominion's Answer, to DENC

1 Exhibit E. And I do have copies of the Answer
2 as well as that exhibit for everyone that I can
3 bring.

4 May I approach?

5 HEARING EXAMINER GAJDA: Yes.

6 BY MS. ATHENS:

7 Q Are you familiar with this photo, Mr. Wright?

8 A Yes, I am.

9 Q And can you detail what that photo shows?

10 A This photo shows a new building being built
11 directly underneath our existing --

12 MR. HILLS: Excuse me. Can they turn that
13 up a little bit at all or not?

14 THE WITNESS: I can speak up.

15 MR. HILLS: Okay. Thank you so much.

16 A This photo shows a new building being built
17 underneath Dominion's existing primary and
18 neutral line which was there since 1972.

19 Q And is that truck structure at Mr. Hills being
20 built in Dominion's right-of-way?

21 A Yes.

22 MS. ATHENS: And if we can all turn to
23 Exhibit C. So that's a few pages back. That will
24 be Dominion's easement.

1 BY MS. ATHENS:

2 Q And are you familiar with this easement?

3 A Yes.

4 Q And does this easement grant Dominion Energy
5 the right-of-way where those facilities stand?

6 A Yes, it does.

7 Q Was the location of Mr. Hills' structure a
8 safety concern?

9 A At that point it was. It was too close to our
10 neutral and within our right-of-way that we
11 didn't want it to be.

12 Q And can you detail this first meeting with
13 Mr. Hill? I know you touched about it briefly
14 a little bit ago.

15 A Yeah, him and I met on a cold, I guess it was
16 late January, early February, morning. Once we
17 realized we needed to relocate his existing
18 primary neutral line, him and I walked the
19 property and I told him I would be in contact
20 with him in a couple of days. I took the notes
21 that we took on site that morning back to my
22 office. We came up with a design in less than
23 a week. And within two weeks the invoice was
24 paid and the job was then in our construction's

1 hands, out of design.

2 Q So did you provide Mr. Hill an invoice request
3 prior to the work being completed?

4 A Yes, I did.

5 Q And was there any objection from Mr. Hill about
6 the invoice or amount at that time?

7 A Other than him not being happy, he obviously
8 paid it so I didn't think that there was an
9 objection.

10 Q Okay. I'd like to turn to a little bit more
11 about the work that was actually done on the
12 property.

13 MS. ATHENS: And at this time I'd like to
14 enter a new exhibit, so I'll label this DENC Wright
15 Direct Exhibit 1. May I approach?

16 HEARING EXAMINER GAJDA: Yes, that can be
17 so entered.

18 (WHEREUPON, DENC Wright
19 Direct Exhibit 1 is marked
20 for identification.)

21 BY MS. ATHENS:

22 Q Mr. Wright, are you familiar with what I'll
23 call this vicinity map?

24 A Yes, I am.

1 Q And who created this?

2 A I created it.

3 Q And can you give an overview of what this
4 vicinity map shows?

5 A Yes, I can. So what you're looking at today,
6 this is our design sketch. After we take
7 preliminary notes, as a designer, we would then
8 come back to our office and draw up within the
9 programs that we have and this would be the
10 sketch that our construction team takes on-site
11 with them to then do the work that we've
12 requested them to do.

13 Just to go in a little detail
14 about what you are looking at here. I know
15 it's a little confusing if you're not sure what
16 you're looking at. But there's three work
17 locations on this sketch, Work Locations 1, 2
18 and 3.

19 Work Location 1 was our
20 existing main line pole where the single phase
21 tap left and went to Mr. Hills' transformer
22 pole which was work location 3. The main
23 objective on this work request was to create
24 another pole, which is shown in Work Location

1 2. It shows us creating a 13-degree angle on a
2 once-straight inline tap to then angle around
3 Mr. Hills' barn. Everything else on this
4 sketch is a guy and calculation, sag tables,
5 directions, and just some information on what
6 needed the construction workers to do.

7 Q Thank you. And so looking at Work Location 1,
8 can you just describe once more what work was
9 done at Work Location 1?

10 A Yes. So Work Location 1 was a single-phase tap
11 coming off of an existing single-phase line.
12 The pole was a 40' Class 5. We decided we were
13 not going to change that out. The guying on
14 that pole was inadequate. As we stood under
15 it, before any work was started by Dominion, so
16 Dominion decided that we would replace the
17 existing single-phase tap dead-end insulator on
18 the primary and neutral. We would also replace
19 and not charge for the dead-end guys guying the
20 tap. So nothing at Work Location 1 that was
21 done by Dominion was charged to Mr. Hill.

22 Q And were any guy wires installed under Work
23 Location 1 or at Work Location 1?

24 A Yes, there were. There was currently one

1 guy-wire and one anchor installed before any
2 work was done by Dominion, which was not up to
3 the current standards. We decided that we were
4 going to not charge Mr. Hill for the
5 replacement of the current primary guy because
6 it wasn't adequate. So we replaced the current
7 primary guy with the 3#6 guy and added a
8 neutral guy on one anchor. Again, it was not
9 charged to Mr. Hill.

10 Q So, just to clarify, Mr. Hill was not charged
11 for the guy-wire work done at Work Location 1
12 or any work actually done at Work Location 1?

13 A That is correct.

14 Q I would like to turn to Work Location 2 now.
15 And if you could give us a description of the
16 work done at Work Location 2?

17 A Work Location 2 was the pole that we created
18 that Mr. Hills said was not level but he was
19 not really worried about. That is the pole
20 that we had to set to create a 13-degree angle
21 around his new barn. We installed a 40' Class
22 3 pole with a primary polymer insulator with a
23 neutral clevis. We also installed 30' of
24 additional primary and neutral #2 aluminum

1 wire. To make up for the created angle, we had
2 to add a little bit of wire. And we also added
3 a 3#6 primary and 3#6 neutral guy with one
4 anchor that pulled against the angle.

5 Q And what work was Mr. Hill charged for at Work
6 Location 2?

7 A Work Location 2 was 100 percent charged to
8 Mr. Hill.

9 Q And this work at Work Location 2, did that need
10 to be done due to the building of Mr. Hills'
11 structure that I had talked to you about
12 earlier in that photograph?

13 A Yes. It was the main objective of the job.

14 Q And would any of the work had been done at Work
15 Location 2 but for Mr. Hill building that
16 structure?

17 A No.

18 Q Thank you. And now I'd like to turn to Work
19 Location 3. If you could, again, just give us
20 an overview of the work done at Work Location
21 3.

22 A So Work Location 3. We lowered our existing
23 neutral because it did not meet our 96"
24 separation that we require between our

1 primary/neutral, so we did lower that a couple
2 of inches. And we replaced all the secondary
3 dead-ends on that pole. The guying on the pole
4 was adequate at the time. It did have adequate
5 dead-end guying on it. However, it did not
6 have adequate guying for the secondary leaving
7 that pole going to Mr. Hills' neighbor's house
8 that we referred to. There was no guy there.
9 The spanning exceeded the 100-foot parameter
10 that Dominion requires before a guy is added,
11 so we did add an additional anchor for the
12 secondary going to Mr. Hills' neighbor's home.

13 As for charging at Work
14 Location 3, we did not charge Mr. Hill for the
15 anchor that was guying the secondary going to
16 his neighbor's home. We, however, did charge
17 him for the dead-end guying at Work Location 3
18 because the angle of the primary and neutral
19 coming into Work Location 3 had changed because
20 an angle was created at Work Location 2. So we
21 had to replace an adequate primary and neutral
22 guy there to redirect which direction the
23 anchor was facing.

24 Q So the last bit of work that you were just

1 talking about that you said related to Work
2 Location 2, that work was done, again, because
3 of the structure that was being built by
4 Mr. Hill?

5 A That is correct.

6 Q And all work at Work Location 3 that Dominion
7 needed to do to bring the facilities up at that
8 location to standard, that was not charged to
9 Mr. Hill?

10 A Correct. The only thing charged at Work
11 Location 3 was the replacement of an adequate
12 primary and neutral dead-end guy.

13 Q Are you aware of how many guy-wires were
14 installed at Work Location 1, 2 and 3 in total?

15 A Yes, I am.

16 Q And how many is that?

17 A Seven guy-wires, four anchors.

18 Q And how many of those guy-wires did Mr. Hill
19 pay for?

20 A Four guy-wires, two anchors.

21 Q And in the Complaint, Mr. Hill also talkies
22 about working being done hot. Can you explain
23 what that means?

24 A Yes. So the way Dominion codes, we use a

1 graphic CU system that codes for different
2 aspects of a pole or -- and/or line. You have
3 options to code those graphic CUs. One being
4 cold. One being hot. If you code the CU hot,
5 that means the line workers have to wear gloves
6 and sleeves because the line is energized,
7 which makes it more dangerous which in turn
8 costs more money. If the line is done cold,
9 that means the linemen are not in a hot zone so
10 they don't have to wear gloves and sleeves and
11 the line would be de-energized.

12 Q Was any of the work done at Work Location 1, 2,
13 or 3 done hot?

14 A Yes.

15 Q And what work locations was work done hot at?

16 A So work Location 1, everything was done hot,
17 nothing was charged to Mr. Hills. Moving to
18 Work Location 2, we did set the pole, the
19 graphic CU for the pole was done cold, because
20 we set that before we transferred any wire to
21 the new pole. Everything else at Work Location
22 2 would have been done hot because they would
23 have had an energized line in their hand. And
24 Work Location 3, everything was done hot, but

1 the only thing charged was the replacement of
2 the neutral and primary dead-end guys.

3 Q And the work that was done hot at Work Location
4 2 and three, why was that work done hot?

5 A Because the linemen were in their gloves and
6 sleeves. Dominion does not de-energize
7 existing lines just to prevent from wearing
8 gloves and sleeves. They do their jobs in
9 gloves and sleeves.

10 Q And say that were to have been done cold for
11 some hypothetical reason, would that had meant
12 that other Dominion customers would have been
13 without power?

14 A Correct.

15 Q I would like to turn now to another exhibit in
16 the Complaint. That's Exhibit G, I believe.
17 Is this a breakdown of costs for the work done
18 at Work Locations 1, 2, and 3?

19 A Yes. This is the working revision?

20 Q And what was the total amount, the total cost
21 for the work done at all three work locations?

22 A It looks like \$8,000.24. Excuse me, \$8,024.60.

23 COURT REPORTER: Please say that number
24 one more time.

1 THE WITNESS: I apologize. \$8,024.60.

2 COURT REPORTER: Thank you.

3 BY MS. ATHENS:

4 Q And if we turn to the other page, the back page
5 of that Exhibit G, is this the amount that was
6 actually charged to Mr. Hill?

7 A Correct. This is the cost revision which was
8 \$5,266.80.

9 Q And did Mr. Hill pay for any work that was
10 required to bring any of Dominion's facilities
11 up to standard?

12 A No.

13 Q Was the invoice provided to Mr. Hill inflated
14 at all?

15 A No.

16 Q Did the Company attempt to lower cost for
17 Mr. Hill?

18 A Yes.

19 Q Can you give me an example of that?

20 A Yes. So we could have easily charged him more,
21 like labor and engineering hours. The type of
22 project that this was which was a DWFO, a work
23 for others, a minimum of two hours would need
24 to be charged for labor and engineering. It

1 took me an hour just to drive there and back,
2 so I could have easily charged more money on
3 the engineering aspect but I don't enjoy giving
4 customers costs so I tried my best to keep the
5 cost as low as I possibly could, but not only
6 that aspect but also with the way I designed
7 the project.

8 Q Thank you. So is it your testimony today that
9 all work that was completed for Mr. Hill was
10 fairly charged to him?

11 A In my opinion, yes.

12 Q Do you also believe that all work completed was
13 in compliance with all applicable law,
14 regulation, and industry standards?

15 A I know it was.

16 MS. ATHENS: No further questions.

17 HEARING EXAMINER GAJDA: At this time,
18 Mr. Hills, you can ask questions of the witness.

19 MR. HILLS: Okay.

20 CROSS EXAMINATION BY MR. HILLS:

21 Q Seth, you just said, you testified that I paid
22 for four guy-wires on this job.

23 A That's correct.

24 Q That is correct?

1 A Yes.

2 Q So, could you point them out on this piece of
3 paper for me. I'll bring it over to you.

4 Can I do that?

5 So which guy-wires out of the
6 four?

7 A Yeah, no problem. I'll do my best.

8 Q It seems to me that the new pole has one
9 guy-wire on it and obviously I've got to pay
10 for that. There was one guy-wire placed on the
11 pole additional to the guy-wire that was there
12 on the pole up next to my house.

13 A I'm sorry. You confused me.

14 Q You say I should pay for that because of the
15 off-chute and so forth. Where is the --

16 HEARING EXAMINER GAJDA: Make sure you're
17 asking him a question.

18 BY MR. HILLS:

19 Q Where on the four guy-wires that you charged me
20 for? Just kind of mark them off.

21 A So this was one in the woods that was not --
22 charged.

23 Q Not charged?

24 A Not charged. Yes, not charged.

1 Q But you said you -- you said that --

2 HEARING EXAMINER GAJDA: I'm sorry. If
3 you don't mind, just because we, for the transcript,
4 these Work Locations are referenced so if you don't
5 mind referencing that location.

6 Q So --

7 A If I could just finish talking --

8 Q I'm sorry, sir.

9 A -- that would be great.

10 Work Location 1 was not
11 charged. Work Location 2 was charged two
12 guy-wires --

13 Q Two? There's only one guy-wire on the pole.

14 A There's two guy-wires, one anchor.

15 Q Oh yeah, double down.

16 A One comes from the neutral, one comes from the
17 primary and they meet together at the neutral.

18 Q You're right.

19 A There's two.

20 Q Yep.

21 A Okay. So two at Work Location 2. Work
22 Location 3, two as well because you rerouted
23 the direction of the primary coming in for the
24 dead-end guy so we had to reinstall and scrap

1 an existing adequate primary and neutral
2 dead-end guy. There was two there on one
3 anchor. The secondary guy here that's guying
4 this span going to your neighbor's house was
5 not charged for you.

6 Q Okay.

7 A So two at 2 and two at 3.

8 Q Very good. Thank you, sir. That makes sense
9 now. Thank you.

10 I'm all set with him. I'm all
11 set.

12 HEARING EXAMINER GAJDA: No more
13 questions?

14 MR. HILLS: No more questions.

15 HEARING EXAMINER GAJDA: Let me see, I
16 think I might have a few questions for you.

17 THE WITNESS: No problem.

18 EXAMINATION BY HEARING EXAMINER GAJDA:

19 Q So just to help us with the record, when you
20 talk about bringing certain facilities up to
21 current standards, and was this, can you
22 reference, was this to bring them up to
23 particular standards? Is that that NESC? Is
24 that Dominion standards? Could you just

1 clarify just a little bit?

2 A Yes. So while Dominion or I was on the job,
3 you know, because once we got there we had to
4 relocate the line at that point. We couldn't
5 leave it going over the top of the building.
6 He couldn't even put his joists on the
7 building. So while we were there, we're coming
8 onto a line that probably hasn't been touched
9 in several years and won't be touched for
10 several more years so at that time we
11 determined that we were going to bring
12 everything we could up to our Dominion
13 standards in 2021 at that point. When we
14 determined that we were doing that, that is not
15 Mr. Hills' fault that a line is not up to
16 current standards, so when we made that
17 decision we ate the cost of that, which we
18 basically refer to as "betterment".

19 Q Thank you. And can you just clarify for the
20 record, what is the relation between Dominion
21 standards and the National Electrical Safety
22 Code?

23 A I believe Dominion standards are a little
24 tougher than the National Electrical Code.

1 Q So you would -- I don't want to put words in
2 your mouth, but you're saying they meet or
3 exceed.

4 A They meet or exceed the National Electric Code
5 standards, yes.

6 Q Very good. Does the -- do NESC or Dominion's
7 standards specify any criteria or requirements
8 for pole angle. And when I say pole angle, I'm
9 just going to define that as to any deviation
10 off of perfectly vertical?

11 A Do you mean like the plumbness of the pole?

12 Q Correct. Yes.

13 A I'm not sure the answer to that question. I
14 mean, I do know that if the line has a current
15 angle larger than a certain degree, we have to
16 put a guy-wire on it, but our job is not to go
17 set crooked poles.

18 Q Very good. From an overhead -- I want to ask
19 you about overhead clearance. So I think you
20 may have already answered this question
21 indirectly but bear with me. Do all primary
22 and secondary conductors at this location meet
23 NESC and/or Dominion standards for overhead
24 clearance?

1 A The clearance is 12-foot and it does meet that
2 by quite a bit.

3 Q Okay, very good. And, oh yeah, you talked a
4 little bit about performing the work energized
5 or de-energized. And again, just to clarify
6 here, what is Dominion's kind of criteria for
7 deciding in a case like this whether or not
8 it's appropriate to perform the work energized
9 or de-energized?

10 A So, we're not going to perform anything
11 de-energized if we don't have to. The object
12 is to keep everyone's power on and not turn it
13 off. And in this scenario, not only was --
14 Mr. Hill wasn't the only customer affected by
15 de-energizing the line. That would be a
16 different scenario if he was the only one
17 behind the transformer. But in this scenario
18 he's not.

19 Q Okay. Thank you.

20 HEARING EXAMINER GAJDA: Okay. I think
21 that those are all the questions I have.

22 Dominion, do you have any other follow-up
23 questions for your witness?

24 MS. ATHENS: No, I do not.

1 MR. HILLS: I have one. I have one, if
2 it's okay. I just want to understand --

3 HEARING EXAMINER GAJDA: That's fine, yes.

4 EXAMINATION BY MR. HILLS:

5 Q Why there was energized work at pole 2? I
6 don't get that. Why wouldn't you have rigged
7 that pole dead with the new wires and then --
8 you indicated that you did that work live on
9 pole 2. I just don't understand.

10 A Yes. I've already clarified we set the pole
11 cold --

12 Q What did he say?

13 A I've already clarified that we set the pole as
14 cold but everything else was done hot because
15 we were touching hot energized wire.

16 MR. HILLS: Doesn't make sense to me but I
17 guess, you know, you guys are doing it so.

18 HEARING EXAMINER GAJDA: Okay.

19 Mr. Wright, I think that's all for you.

20 THE WITNESS: Thank you.

21 HEARING EXAMINER GAJDA: You may step
22 down.

23 Dominion, do you have any further
24 witnesses?

1 MS. ATHENS: No, we do not.

2 HEARING EXAMINER GAJDA: You do not.

3 Okay. Well, I think we -- unless I'm missing
4 anything, I think everything has been -- all hearing
5 exhibits will be admitted into the record at this
6 time, marked as previously identified.

7 (WHEREUPON, DENC Wright
8 Direct Exhibit 1 is received
9 into evidence.)

10 HEARING EXAMINER GAJDA: Unless anybody
11 has anything else, I think we're adjourned.

12 Oh, I'm sorry. Thank you, Freda. Yes,
13 yes, yes, thank you.

14 Yes -- I'm sorry. I'm missing a piece of
15 notes here for myself. Yes, I will allow the
16 parties an opportunity to file proposed orders
17 within 30 days of the mailing of the transcript.

18 MR. HILLS: What was that, sir?

19 HEARING EXAMINER GAJDA: Yes. Parties can
20 file proposed orders for the Commission within 30
21 days --

22 MR. HILLS: Proof orders?

23 HEARING EXAMINER GAJDA: Proposed --

24 MR. HILLS: Oh!

1 HEARING EXAMINER GAJDA: You're not
2 required to file anything. Well, technically,
3 neither party is required to file anything. You may
4 if you wish. If Dominion files a proposed order and
5 you do not it won't prejudice you in any way.

6 A proposed order, Mr. Hills, for your
7 edification is simply a -- essentially a -- the
8 Commission will ultimately issue an Order in this
9 case. A proposed order is simply -- the parties are
10 allowed to essentially pre-write an order that --
11 propose it to the Commission for their consideration
12 when they come up with their order. So --

13 MR. HILLS: I can do one also to you.

14 HEARING EXAMINER GAJDA: You can, you
15 certainly can.

16 MR. HILLS: I will then.

17 HEARING EXAMINER GAJDA: You certainly can
18 and -- sorry.

19 MR. HILLS: Is there address where that
20 will get mailed to?

21 HEARING EXAMINER GAJDA: We can get that
22 clarified for you, yes. So you can but you don't
23 have to. Same for both parties. Ultimately, I will
24 decide the case based solely on the evidence

1 presented today. The proposed orders, if they're
2 filed, just to be clear are not evidence. They are
3 just a suggested interpretation of the evidence.

4 Are there any other questions from the
5 parties?

6 MR. HILLS: None.

7 HEARING EXAMINER GAJDA: Okay. Well, with
8 that, we will be adjourned. Thank you for your time
9 today.

10 (The proceedings were adjourned)

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C E R T I F I C A T E

I, KIM T. MITCHELL, do hereby certify that
the Proceedings in the above-captioned matter were
taken before me, that I did report in stenographic
shorthand the Proceedings set forth herein, and the
foregoing pages are a true and correct transcription
to the best of my ability.

Kim T. Mitchell_____

Kim T. Mitchell