

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. E-7, SUB 1270

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of)	
Rhett Tabor, 2028 Fairview Road, Raleigh,)	
North Carolina 27608,)	
Complainant)	
)	ORDER SERVING COMPLAINT
v.)	
)	
Duke Energy Carolinas LLC,)	
Respondent)	

BY THE COMMISSION: Notice is hereby given of the filing with this Commission on June 13, 2022, of a complaint by Rhett Tabor (Complainant), against Duke Energy Carolinas, LLC (Respondent).

In accordance with the Commission's Rules of Practice and Procedure, service of the complaint is hereby made on Respondent by copy thereof attached to this Order Serving Complaint, by electronic mail (e-mail), delivery confirmation requested. Respondent is hereby directed to either satisfy the demands of Complainant or to file an answer with the Commission on or before June 27, 2022. The answer should comply with Rule R1-9 of the Commission's Rules of Practice and Procedure.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of June, 2022.

NORTH CAROLINA UTILITIES COMMISSION



Erica N. Green, Deputy Clerk

February 26, 2022

1. Complaint against Duke Power and NCDOT
2. I have communicated with Mr. Tommy Williamson. The informal complaint has not been successfully resolved.
3. My family owns a small piece of land in Naples, North Carolina (near Fletcher), close to Hendersonville in Henderson County. It has been in my family since before the American Revolution. This property has been the subject of numerous takings by Duke Power, NC DOT, and other utilities. In 2019 my family was contacted by NC DOT engineer Mr. Brian Birch (919) 707-2511;(828) 226-1777. Mr. Birch explained that Duke power wanted to run additional power lines and that would require yet another taking. My family protested this additional taking. We met Mr. Birch on site. He knows my family from previous takings of the same property. NC DOT engineer Birch had the simple solution to put the power line and two poles on the opposite side of the highway, where power lines already existed. We all thought this was a great solution. I might point out that my father (now deceased) was an engineer and three of my brothers are engineers. We all saw this could easily be done. Mr. Birch checked with his appropriate colleagues at NC DOT. NC DOT had no problems putting the poles on the opposite side of the road. Mr. Birch later said that Duke Power claimed it could not be done. He gave no reason. He simply said Duke Power said it could not be done. I contacted my state representative Mr. McGrady who directed me to Mr. Dan Gurley (919) 856-3111, Deputy Chief of Staff for the NC Speaker of the House. Mr. Gurley contacted Brian Birch and verified that NC DOT had no problems putting the line and poles on the opposite side of the highway and also that Duke Power told him it could not be done. Mr. Gurley contacted Duke and they told him they would contact me and try to reach a solution. No one from Duke Power ever called. I called Mr. Gurley and told him I had not been contacted. He called Duke again and again was told they would contact me. Again Duke failed to contact me. This happened multiple times. For two years Mr. Gurley was told by Duke they would contact me. While Duke was representing to the office of the North Carolina Speaker of the House that they would contact me to reach a solution, Duke Power and NC DOT trespassed on our property and ran the disputed power lines. Neither Duke nor NC DOT have an easement nor have paid us for this trespass. They simply took our property without compensation while falsely representing to the Speaker's office they would contact me and find a solution. When I exposed what happened to Mr. Gurley he gave me the name and number of Mr. Bob Mabry (828) 674-0509 who works for Duke Power. Mr. Mabry gave me the name and number of Mr. Jason Wall (803) 818-7593.

My initial conversation with Jason Wall was lengthy and quite pleasant. He apologized for what happened and assured me he would correct the problem. He told me he was the engineer at Duke responsible and would get the poles moved. I asked if he had the authority to have the poles moved and he assured me he did. He also told me he had been with Duke Power a long time and became an engineer through the "school of hard knocks" and did not have a formal engineering degree. A short while later I received an email from Wall asking if I would be satisfied with moving one of the two poles. I told him I would not because that would still require my family losing the same amount of property (again). He understood and said he would be in touch within two weeks. Six weeks passed. He stopped accepting or returning phone calls or emails. I called Bob Mabry and told him that Jason Wall had gone silent. Finally I got an email from Wall telling me they would move the two poles to the opposite side of the road if I paid Duke Power \$100,000. So if I paid Duke Power \$100,000, Duke would do exactly what they told NC DOT they could not do.

This trespass and taking without compensation is not only illegal, it is unprofessional and unethical. Most people would consider asking for \$100,000 to be extortion. We all want a safe and reliable power. There was a solution that Duke chose to ignore while telling Dan Gurley they would contact me.

4. Please contact NC DOT engineer Brian Birch (919) 707-2511; (828) 226-1777 and Mr. Dan Gurley (919) 856-3110 to verify what I've put in print and signed.

5. I want the two poles moved to the opposite side of the road as NC DOT engineer Brian Birch proposed. My family has suffered too many takings and Duke Power should not be allowed to get away with this unethical, unprofessional, illegal and bullying conduct.

Respectfully,

Rhett Taber
(919) 210-8703

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