

Docket E-2 sub 1150

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APR 09 2018

31 Mar. 2018

Clerk's Office
N.C. Utilities Commission

From: Oliver L. Canaday, 713 Camellia Ave., Panama City FL. -32404
(In reference to farm on 909 Parker Town Rd, Four Oaks, N.C. 27524)

To: N.C. Utilities Commission, (Attn: Commissioner Daniel G. Clodfelter) 430 N. Salisbury St.
Dobbs Building, Raleigh, N.C. -27699-9001

Lawrence B. Somers (DGC), NCRH 20 / PO Box 1551, Raleigh, N.C. -27602

Robert W. Kaylor, 353 Six Forks Rd., Suite 260, Raleigh, N.C. -27609

- Ref: (a) Application of Duke Energy Progress, LLC (DEP) for Certificate of Environmental Compatibility and Public Convenience and Necessity (CPCN) to Construct Approximately 11.5 Miles of New 230kV Transmission Line in Johnston County, N.C.; via Docket No. E-2, SUB 1150 of 14 Jul. 2017
- (b) Lawrence B. Somers letter of 13 Nov. 2017, RE: Docket No. E-2, SUB 1150; to Chief Clerk, N.C. Utilities Commission, (with two-late filed exhibits, No. 2 is Cost Comparison of the four best-scored alternative routes) -(this is - ALTERNATIVES TO PROPOSED ACTION TO Construct Approx. 11.5 miles of New 230kV Transmission Line, Route 31 south of Four Oaks, N.C.; filed 122 days late, was due in Application of 14 Jul. 2017) (Discovered early Jan. 2018)
- (c) N.C. Utility Commission Order of 22 Mar. 2018, Order Allowing Responses and Reply to Motion for Reconsideration
- (d) N.C. Utilities Commission - Order Granting Certificate of Environmental Compatibility and Public Convenience and Necessity of 12 Jan. 2018, (pertains to Docket No. E-2, Sub 1150
- (e) Subtitle I of Title XV, Section 1539-1549; known as - Agriculture and Food Act of 1981 Farmland Protection Policy Act (FPPA) (Discovered on/about early Jan. 2018)
- (f) N.C. GS 62-78. Proposed findings, briefs, exceptions, orders, expediting cases, and other procedure. (d) (When exceptions are filed,...-if sufficient reason appears therefor,...-or hold or authorize such further hearing or processing,...-to carry out purpose of this Chapter;...)
- (g) N.C. GS 62-93. No Evidence admitted on appeal; remission for further evidence. -(No evidence shall be received at the hearing on appeal but if any party shall satisfy the court that evidence has been discovered since the hearing before the Commission that could not have been obtained for use at the hearing by exercise of reasonable diligence, and will materially affect the merits of the case, the court may,...-take subsequently discovered evidence, and after consideration thereof, to make such order as the Commission may deem proper,...)
- (h) Formal Hearing of 31 Oct. 2017 for Docket No. E-2, Sub 1150, Page 36/159, Lines 1-12) Testimony of Timothy J. Same pertaining to notification of 67 property owners via certified mail. "...67 landowners...directly affected by...having...some portion...of...proposed 125 foot Right-of-Way (ROW) on their property. On 20 Apr. 2017, (DEP) sent letters to ... 67

property owners of total 77...parcels...within...proposed 125 foot Right of Way. ...All... letters...were mailed certified US Postal Service...reference N.C. Gen. Stat. 40A-11...30 day notice...enter properties...surveying, soil boring, appraisals, and assessments."

(i) Filled under Docket No E-2, Sub 1150, -letter via – North Carolina Wildlife Resources Commission, by Gabriela Garrison, of 1 Nov. 2017; Page 1 paragraph 3 - **"Recommendations made by NCWRC Research Coordinator, Vann Stancil, at prior scoping meeting in the spring of 2017 include conducting an aquatic species survey at the (PROPOSED MIDDLE CREEK CROSSING LOCATION)"**; -Via – Vann Stancil -notes show date of scoping meeting was 26 Apr. 2017, Raleigh Office of NCDEQ Project No. 18-0076; -DEP witness Same, under testimony, reference (a) states Preferred Route 31 was not selected until after the Public Meeting of 16 & 17 Nov. 2017; - *****'PROPOSED' MIDDLE CREEK CROSSING** scoping meeting 26 Apr. 2017 is strong indications a southern route was already ear-marked (pre-selected)

(j) N.C. GS 62-90 Right of Appeal; Filing Exceptions

(k) N.C. GS 62-102 Application for Certificate

(l) N.C. GS 62-80 Powers of Commission to rescind, alter, or amend prior order or decision

(m) N.C. GS 62-105 Burden of Proof; decision

(n) Federal Tax Form, Schedule C Instructions, Principle Business or Professional Activity Codes

(o) Intervenor, Oliver L. Canaday, ltr. of 7 Mar 2018; -Motion for Appeal and Exceptions to N.C. Utility Commission's Order of 12 Jan. 2018; (Two major Discoveries made after 31 Oct. 2017 Hearing: -1- DPE submitted Alternatives to the Proposed Action via reference (b), - 2- Reference (e) Farmland Protection Policy Act (FPPA)

(p) DEP response to N.C. Utility Commission Order of 22 Mar. 2018; -Did not meet response suspense 30 Mar. 2018 as of 1700 hours Central Time

(q) Public Staff response to N.C. Utility Commission Order of 22 Mar. 2018; -Did not meet response suspense 30 Mar. 2018 as of 1700 hours Central Time

Encl: (1) DEP Late-Filed Exhibit No., 2, Docket No. E-2, Sub 1150, Cost Comparison of four best scored alternative routes; (additional information **(Facts)** added to compare Routes-31 & 4) **(-shows Rt.-4 is Best Route for consuming public** -Cost-Rt -4 is \$543,153.00 Less expensive; -length -Rt.-4 is 5.23 miles shorter/more reliable by 45.5%; -5.23 miles shorter is less maintenance on 'Line'; -5.23 miles shorter is less chemicals to maintain ROW; -5.23 miles shorter is Less Cropland to cross for maintenance (Less damage to crops and degrading of yield); -5.23 miles shorter is less forest to be cut and not re-planted for out-years; -this is a 'Fact', maintenance on a 230kV Transmission Line will never stop as long as in service, additional maintenance cost **(of longer route)** will get passed on to the Rate-Paying Consuming Public in electric utility bills each month; **(-This ltr. is (-) enclosure (1))**

Subj: Responses and Reply to Motion for Reconsideration, "Order" of 22 Mar. 2018; (-Response Support for Motion for Appeal and Exceptions to N.C. Utility Commission's Order of 12 Jan. 2018)

1. In accordance with reference (c), Interveners' reply:

a. Intervener reviewed all 10-pages of Docket No. E-2, Sub 1150; -Did not find a reply from DPE that addressed reference (c) the following dates: 30 Mar. 2018/1700-hours & checked again 31 Mar. 2018/1400-hours. (Panama City, FL. is in Central Time Zone.)

b. Intervener reviewed all 10-pages of Docket No. E-2, Sub 1150; -Did not find a reply from Public Staff that addressed reference (c) the following dates: 30 Mar. 2018/1700-hours & checked again 31 Mar. 2018/1400-hours, (again in Central Time Zone).

2. Intervener request to correct (oversight) errors found in his letter, (reference (o)), of 7 Mar. 2018.

a. Request the following changes (errors be corrected) be made as update:

(1) Request pen change to Page-2/20, Encl: (1), line-5: "change word more to Less", "-it should read: Cost Rt.-4 is \$543,153.00 Less expensive".

(2) Request pen change to Page-8/20, para. 11, line 11: "change word 7-More to 7-Less", "-it should read 7-Less road/rail/roads to cross".

(3) Request pen change to Page-11/20, para. 5, line 5: "change number 5.24 to 5.23 miles", "-it should read shorter by 5.23 miles/more reliable/less maintenance in out years".

3. DPE and Public Staff missed suspense date of Commission Order, reference (c).

4. Intervener Motions to Dismiss any reply from DPE and Public Staff pertaining to reference (c).

5. Intervener prays Commission give a **Hard Look** at Facts, Factors, Evidence submitted via reference (o). Reference (o), enclosure (1), Comparison of Route-31 and Route-4 shows Route-4 as Best Route via compelling evidence (Facts):

a. Route-4 Cost -Less \$543,153.00; (Route-31 More that amount); -being \$543,153.00 Less is a substantial savings to the rate paying consuming public.

b. Route-4 is 5.23 miles shorter; (Route-31 is longer that amount); -Being shorter is Best Route for following reasons:

- 1) -Shorter line translates into Less cost to build as shown above in a.,
- 2) -Shorter line is Less line maintenance cost to Rate Payer Consumers/life of line (out-years),
- 3) -Shorter line is Less ROW maintenance, chemical spraying over the forest cut for ROW,
- 4) -Shorter line is More Reliable Service, (Less to break, Less repair time, Less maintenance time,
- 5) -Shorter line is Less acres of crops/cropland yield degraded due to maintenance of lines in ROW in coming -Out-Years, (will not stop until line is deactivated),
- 6) -Shorter line is 7-Less Roads/Rail/Roads crossed,
- 7) -Shorter line is Less acres impacted by ROW - 95-acres; -Longer line Rt.-31 impacts 174.3 acres the Longer line impacts the economic well being of farmers/cropland via degrading cropland yield during maintenance in ROW,
- 8) Shorter line has 3 heavy angles (>30 degrees), Longer line Rt.-31 has 11 heavy angles,
- 9) -Cropland impacted (economic income) Rt.4 has 22 acre Crossed, v/s Rt.-31 has 85.2 acres Crossed, impacted, cropland is annual income, ROW maintenance in fields will affect income, (simple math shows Rt.-31 is impacted More on/about (o/a) 387%, almost 4-times More),
- 10) -Forest (upland, marsh & hydric soils) (economic income) Rt.4 has 73.0 acres impacted/ Crossed, v/s Rt.31 has 88.7 acres impacted/Crossed, (Crossed means ROW cut through forest and taken out of production until utility line is removed from service) (Rt.-31 impacted o/a 21.5% More) -Intervener has not seen lines removed from service in lifetime of 71 years, he has read about utility companies coming back and increasing electric current in ROW after established to provide more electric service,
- 11) -The Shorter line, Route-4, will continue to be less expensive to operate/maintain and ROW maintenance in out-years which benefits Rate-Paying Consuming Public for electric service.

c. The evidence used is DEP gave the **Cost Comparison of the four-best-scored-routes** (dated 13 Nov. 2017) and using reference (a), table 4-4 to compare Facts of Route-31 and Route-4;

Route-4 is shown via the Hard-Evidence of: -Line-Cost, -Maintenance of Line & ROW, -Impact to farming/cropland via degrading of yield during ROW maintenance, destruction/cutting of Less forest, shows beyond reason that Route-4 is Best Route to provide - reliable, reasonable, economical electric service to the Cleveland area. (Intervener prays Commission give a **Hard Look** to the timeline dates of reference (a), and reference (b) -Cost Comparison of Best Scored Routes. Intervener needed this information for comparison of routes via reference (k), application, (N.C. GS 62-102, "...shall file an application with the Commission containing the following information:" (a), (4), and "c. Alternatives to proposed action." Intervener could not make comparison of routes until this part of application was completed. Intervener knows the date of application is 14 Jul. 2017, and "Alternatives to proposed action" is dated 13 Nov. 2017, Intervener does not know of a way to have this evidence for the 31 Oct. 2017 Hearing; (as it did not exist to Intervener and Rate Paying Consumers). "Connecting the dots" via the dates/timeline and comparing facts Route-4 v/s Route-31; the Facts/evidence shows Route-4 is Best Route to deliver reasonable, reliable; economical, electric service to the Cleveland area for the out-years of progress and growth for this area.

6. Intervener prays Commission use power via N.C. GS 62-80 to rescind Order, (reference (d)), and alter or amend Order to use Best Route-4 to supply reasonable, reliable, economical, electric service to the Cleveland area. The cost and facts show Route-4 is Best Route to supply reliable, reasonable, economical, electric service, with Less impact to cropland, forest, farmers income/ forest products/timber and at Less cost due to maintenance of shorter line, shorter ROW maintenance.

Sincerely,


Oliver L. Canaday

- I know I did not use all references, I did not have enough time to clean up & meet surprise date - due to mail time. O. Canaday