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E-2 SUB 1150

Public

MAR 13 2018

EXECUTIVE DIRECTOR  
PUBLIC STAFF

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

To: -N.C. Utility Commission, (Attn: Commission Daniel G. Clodfelter) 430 N. Salisbury St., 10005  
Building, Raleigh, N.C. -27699-9001

MAR 13 2018

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

Clerk's Office

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

N.C. Utilities Commission

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, 14 Jul. 2017

- (b) Lawrence B. Somers letter of 13 Nov. 2017, RE: Docket No. E-2, SUB 1150; to Chief Clerk, N.C. Utility 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. Utilities Commission – Order Granting Extension of Time to File Notice of Appeal and Exceptions of 8 Feb. 2018; for (Oliver L. Canaday intervening party)
- (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 proceeding,...-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 the exercise of reasonable diligence, and will materially affect the merits of the case, the court may,...-take such 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 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 1155, -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 meetings 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

Encl: (1) DEP Late-Filed Exhibit No. 2, Docket No. E-2, SUB 1150, Cost Comparison of four best scored alternative routes; (-additional information added to compare Routes 31 & 4) **(-shows Rt.-4 is Best route for consuming public** -Cost-Rt.-4 is \$543,153.00 more expensive; -length -Rt.-4 is 5.23 miles shorter/more reliable =45.5%; -See **Snap Shot of enclosure (1) for overview of Comparisons)**

(2) Snapshot of information: Subtitle I of Title XV, Section 1539-1548; Known as -Agriculture and Food Act of 1981 – Farmland Protection Policy Act (FPPA) (-Providing financing or loans, -Providing technical assistance – to include corridors for transmission lines)

(3) Roy & Alberta Massengill letter of 22 Aug. 2017, (available via Public Staff 10-30-17; submitted by K. Nutchon on 12-14-17), made Public Record on Docket 14 Dec. 2017

*(4) Witness List, Technical Experts*

Subj: 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)

- Intervener, Oliver L. Canaday, In Accordance with reference (c) and (j), -hereby gives formal Notice of Appeal to the N.C. Utility Commission from the "Order Granting Certificate of Environmental Compatibility and Public Convenience and Necessity" (hereafter, the "Order" as issued by the Commission in reference (d) for Docket No. E-2, Sub 1150. Further, as required by N.C. GS 62-90, Intervenor sets forth hereafter his exceptions to the Order.

### EXCEPTIONS

-Intervener via reference (f) and (g) prays Commission accepts Discovered evidence that was not available for Hearing of 31 Oct. 2017, and Give Discovery a Hard Look as follows below:

a. DEP's Late-Filled Exhibit No. 2 of 13 Nov. 2017: Cost Comparison of four best scored routes, this gave Intervener evidence as to cost of best four routes & allow a comparison of issues between Route-4 and Route-31 via reference (a) (Cross-Reference) Routes via - table 4-4. -Intervener could not make comparison for a Best-Route without this evidence. (Intervener is new to this process, withholding this key information of cost and 4-best scored routes by DEP seems to be deliberate for control of Cost comparison and information (Cross-Reference) process of routes.

b. Intervener Discovered reference (e), FPPA, in early Jan. 2018. -Intervener reviewed the input from N.C. agencies and DPE information again, neither gave any reference to complying with the FPPA Congressional Policy/Act. -Intervener believes sidestepping this Federal Act to protect farms/croplands/forest is unjust, unreasonable, and unwarranted to construct a 230kV Transmission Line corridor (thru prime farm/cropland) (ROW 11.5 miles). There is a route available, one of four best scored routes, and Intervener considers Route-4 Best Route, due to Cost savings of \$ 543,153.00 to the Rate Payers. There is also the Fact Route-4 is 5.23-miles shorter which makes it more reliable, Less line to break/maintain, and there will less cost in ROW maintenance (chemicals sprayed) over life of transmission line, say a 100-years before

new technology changes new delivery system for supplying electricity.

c. -(Massengill letter Discovered late Dec. 2017). Mr. Roy & Alberta Massengill letter, enclosure (3), demonstrates DEP did not mail certified letters to all the Land Owners as stated under testimony by DEP witness Same. The Public Staff had this letter the night of 30 Oct. 2017 at Hearing in Smithfield, N.C., (according to notes on letter), and the Public Staff did not bring this up during the 31 Oct. 2017, Hearing during the discussion on notifying the property owners on Route-31. (The number of property owners not notified on Route-31, "on/about one-fourth in numbers", of the 16/17 Nov. 2017 Public Meetings; the redundancy of use of information from input of these meetings in reference (a) and 31 Oct. 2017 Hearing, the weight this information seemed to carry during this process seems unjust, unreasonable, and unwarranted to Intervener when on/about one-fourth of property owners on Route-31 (selected Preferred Route) states they were not notified of public meetings. To Intervener this looks and feels like (Deliberate) "insurance" created for a path of least Challenges and least resistance.

1. -(Page 3, paragraph 3 -Via 8 Nov. 2017) Intervenor excepts and objects to Order, (Fact), Commission issued Order prior to DEP completing requirements by the State Environmental Clearinghouse to provide supplemental documentation and information requested by the Department of Natural and Cultural Resources to include results of an archaeological survey conducted by an experienced archaeologist. (By request, The Clearing House sent me a copy of all correspondence pertaining to Docket No. E-2, Sub 1150, postmarked on 14 Feb. 2018; -DEP had not complied with request that date.) This evidence in record conclusively indicates DEP has not completed requirements via reference (k), (5) (-A list of all necessary approvals that the applicant must obtain before it may begin to construct the transmission line.) Intervener shows Commission has error-ed or oversight by Granting Order prior to completion of requirements in reference (k). Intervener believes Granting the Order unjust, unreasonable, and unwarranted and must be rescinded until requirements complete.

2. -(Page 3, paragraph 5 -Via 13 Nov. 2017) -Intervener objects and excepts DEP untimely submission of Late-Filed Exhibit 2 Containing cost estimates of the four best-scored transmission line routes, including route-31 of 13 Nov. 2017. (This critical information was required ("shall file") in reference (a), of 14 Jul. 2017; -filed 122 days late. Intervener uses this information to construct a matrix to show the Commission to demonstrate Route-4 is -Best Route to provide Reliable electric service to consuming public in the Cleveland area for less cost, shorter/more-reliable, and cause less impact to cropland and forest by a significant difference and to economic well being of rate payers of N.C., see enclosure (1) for comparison of Route-31 & Route-4.

#### **UNDER FINDING OF FACT (in Order)**

3. ( Page 4, paragraph 1) Intervener excepts and objects to the termination of the proposed transmission line at a tap point south of Four Oaks, N.C. along the existing Erwin-Selma 23kV line approximately 11.5 miles in length. Intervener has no issue with start point (substation on Matthews Road). Intervener proposes the Commission give a **Hard Look** at enclosure (1), Comparison of Route-31 & Route-4. Intervener, via enclosure (1), presents evidence/proof that Route-4 is a superior route, Best Route, via following criteria: Route-4 saves using public \$ 543,153.00 by Less Cost; Less cropland crossed/impacted by 63.2A. (no irrigation close to lines, no poles as obstacles in fields, less crops at risk during DPE required maintenance on lines), Route-4 is on/about 5.23 miles shorter/more-reliable & shorter means less maintenance/less expensive to operate, Route-4 has 7 Less Road/Rail/Roads crossed less expensive, Route-4 has 8 Less Heavy Angles to engineer, in summary enclosure (1) gives evidence/proof Route-4 ending tap line on the west route connecting to the Erwin-Milburnie 230kV line is the Best Route to deliver Reliability electric service to Cleveland area.

4. (Page 4, paragraph number 5); Intervenor excepts and objects to Commission accepting DEP's application as meeting the requirements of G.S. 62-102. Per the Clearinghouse records, DEP had not completed requested supplemental documentation and information requested via Department of Natural and Cultural Resources to include an archaeological survey as of 14 Feb. 2018. Intervener

believes Granting the Order prior to complying with G. S. 62-102 is unjust, unreasonable, and unwarranted and must be rescinded until requirements are complete.

5. (Page 4, paragraph 6. (a)); Intervener excepts and objects to Commission statement: -"the proposed transmission line is necessary to satisfy the reasonable needs of the public for an adequate and reliable supply of electricity;" -Intervener propose the Commission give a **Hard Look** at enclosure (1).

Intervener, via enclosure (1) shows Route-4 is (Best Route), for transmission line to satisfy and deliver necessary reasonable needs of the public for adequate reliable supply of electricity. Intervener has presented proof/evidence Route-4 is, Best Route, less expensive, shorter/more-reliable, less impact to economy (cropland income), etc. see enclosure (1) for all details. Intervener believes selection of Route-31 is unjust, unreasonable, and unwarranted as DPE did not complete (this part) application until after 31 Oct. 2017 hearing; submitted Late Filed, see reference (b) of 13 Nov. 2017. Intervener prays after **Hard Look** the Commission, via enclosure (1) information, will rescind Order pertaining to Route-31 and amend the prior Order to use Route-4 to deliver reliable and adequate supply of electricity to the Cleveland area.

6. (Page 4, paragraph 6. (b)); Intervener excepts and objects to Commission statement: "when compared with reasonable alternative courses of action, construction of the transmission line in the proposed location is reasonable, preferred, and in the public interest;" Intervener proposes the Commission give a **Hard Look** at enclosure (1). Enclosure (1) is proof/evidence that Route-4 is, Best Route, and Best course of action to construct transmission line in Cleveland area. Route-4 has less impact on cropland acres, forest acres, it is substantial less cost to consuming public by total of \$543,153.00 and Route-4 will deliver reliable (shorter route), economical electricity to Cleveland area. Intervener believes it unjust, unreasonable, and unwarranted to allow Route-31 continue as Preferred Route which is 5.23 miles longer/requires more maintenance in out-years (anticipate life-of-line to be 100 years for rate payers to pay for maintenance of line and spraying chemicals/maintaining ROW. By Commission Amending Order to Route-4; the Commission gives Rate-Payers the Best Route for supplying economic choice to deliver reasonable, reliable electric service to the Cleveland area and at Less recurring annual expense to the consuming public -- for on/about next 100-years.

7. (Page 4, paragraph 6. (c)); Intervener accepts and objects to Commission statement: "The cost associated with the proposed transmission line are reasonable;" -Intervener objects to this cost associated with proposed proposed transmission line. The "Cost" of proposed transmission line is unjust, unreasonable, and unwarranted via evidence/proof, see reference (b) and enclosure (1), Route-4 is Less Expensive by \$543,153.00, shorter/less maintenance, and more reliable/shorter. Intervener prays Commission take a **Hard Look** at this being a reasonable cost and use reference (1) to rescind the Order, and Amend Order to use Route-4 for construction of transmission line to Cleveland area.

8. (Page 4, paragraph 6. (d)); Intervener accepts and objects to Commission accepting DPE's burden of proof under G.S. 62-105(a); "the impact that the proposed transmission line will have on the environment is justified considering the state of available technology, the nature and economics of the alternatives, and other material considerations; and". Intervener objects to impact on environment, (cropland and forest acres), considering available technology, and economics of the alternatives. Intervener prays Commission take a **Hard Look** at enclosure (1), this shows Route-4 has less impact on environment (cropland and forest) and is less expensive, more economical to consuming public as it is \$543,153.00 less than Route-31. The economics and impact on the environment on Route-31 is unjust, unreasonable, and unwarranted when Route-4 is shown with evidence/proof as Best Route.

9. (Page 4, paragraph 6. (e)); Intervener accepts and objects to the Commission accepting DPE's burden of proof for; "ECPC require the construction of the transmission line." Intervener objects to Order Granting DPE ECPC for Route-31, the Order is unjust, unreasonable, and unwarranted to Grant Order for Route-31 when Route-4 is a much superior (and Best Route), for transmission line to deliver reliable electricity with less environmental impact, less cost, less maintenance to the Cleveland area. Intervener prays Commission take a **Hard Look** at enclosure (1) for impact facts and cost comparisons.

10. (Page 4, paragraph 7.) "Mr. Canaday did not satisfy his burden of proof under G.S. 62-105(a), by failing to provide substantial, competent evidence proposing a reasonable alternate route." Intervener accepts and objects to statement above; -Intervener objects as DEP Late Filed, reference (b) on 13 Nov. 2017, 13 days after Hearing of 31 Oct. 2017. Via dates, It appears DEP Late Filed this critical

information on Cost Comparison of four best scored alternative routes to deny Intervener information on cost comparison of routes. -Intervener took this information of cost comparison, and cross referenced with table 4-4 in reference (a) to build matrix of Facts/Factors comparing Route-31 and Route-4 with impacts on environment, engineering, and social issues shown via enclosure (1). Enclosure (1) shows Route-4 is Best Route via **Facts**: -Less cost, -5.23 miles shorter/more reliable & less maintenance cost on life-of-line, -less impact on forest in ROW, -less impact on cropland in ROW, -less Heavy angles in ROW, -Less roads/Rail/Roads crossed, etc. see enclosure (1) for details. Intervener believes it to be unjust, unreasonable, and unwarranted to Grant an Order for this transmission line to use Route-31 when it is clearly shown that Route-4 is Best Route via Facts above and enclosure (1). Intervener prays Commission use reference (1) to rescind Order pertaining to Route 31 and Amend Order to use Route-4 as Best Route to deliver reasonable, reliable, economical electricity to Cleveland area.

11. (Page 4, paragraph 8.) "It is in the public interest, reasonable, and appropriate to grant the requested certificate." Intervener accepts and objects to above statement via the following Facts & Factors. It is a Fact, the Order Granting the Certificate, is not appropriate or in best interest of the consuming public. This certificate for Route-31 cost \$543,153.00 More than Route-4, -paying \$543,153.00 Less; for equivalent electric service; is not appropriate or in best interest of consuming public. Reference (a) states all the routes considered would supply reliable electric service to the Cleveland area; the objective is select the Best Route to supply electricity. See enclosure (1), make comparison between Route-31 and Route-4; the following issues for Best Route Selection will glare back at the Commission: -Route-31 Cost More -\$543,153.00, -Route-4 is 5.23 miles shorter (this translates into less maintenance Over life-of-line, shorter usually translates into more Reliable service as less line to break/repair issues, Route-4 has 7 more road /Rail/Roads to cross, Route-4 has 8 Less Heavy Angles in ROW, Route-4 has Less acres of Cropland impacted & Less acres of Forest impacted by ROW, Route-31 has 85.2 acres cropland & 100.1 acres forest-(includes crossed streams that will be cut) impacted by Row - impact to cropland affects the economic-well-being/lively-hood of property

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owners annually and forest for timber is less on/about every 40 years. The forest is more than just cutting the timber: -It gets thinned for pulpwood & chips, farmers runs hogs & cows in forest/woods, cut selected crooked trees for fire wood , hunting game, one/two property owners mentioned bailing pine straw as a crop – this is annual income (price a bail of pine straw at Home Depot or Lowe's), once a transmission line ROW goes through the forest/woods it is gone and will not be productive again until removed due to a different electric power source or different delivery system. Intervener prays Commission give a **Hard Look** at evidence/proof in enclosure (1). -Intervener does not believe (via evidence/proof shown in enclosure (1)) Granting this Certificate is reasonable, appropriate, or in best interest of consuming public. Therefore, Intervener believes Granting this Certificate is unjust, unreasonable, unwarranted and is not in best interest of Rate-Payers. Intervener believes completing evidence/proof in enclosure (1) justifies Commission, (via reference (l), to Alter Order and Amend Order to Best Route-4 for this 230kV transmission line to supply reliable, economical electric power to the Cleveland area.

#### **EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NOS. 3-8**

12. (Page 5, paragraph 2) "... The Commission has in the past interpreted the burden of proof requirement set forth in G.S. 62-105(a) as follows:..." -Intervener accepts and objects to Commission's Granting of Order via interpretation of this statute and Intervener proposes alternate Route-4 for proposed transmission line and submit proof to sustain the selection of Route-4 v/s Route 31. -Intervener follows reference (m) criteria for Commission to Grant a Certificate:

(a) An Applicate for the certificate described in G.S. 62-101 shall file an application with the Commission containing the following information: - - -

(1) ...proposed transmission line, reference (a) is not necessary to satisfy the reasonable needs of the public for an adequate and reliable supply of electric energy. -Intervener presents proof that Route-4 is Best Route to supply reasonable needs of the Cleveland area public for adequate and reliable supply of electric energy. It is a Fact Route-4 cost Less \$543,153.00,

it is a Fact Route-4 is 5.23 miles shorter/usually meaning more reliable/less reoccurring maintenance in the out-years. -Intervener prays Commission **Take a Hard Look** via enclosure (1) for Comparison of routes & Identify Best Route for reference (a). -Intervener believes it unjust, unreasonable, and unwarranted to use Route-31 for reference (a) when Route-4 is Best Route to delivery reasonable and reliable electric power to the Cleveland area at Less cost to Consuming Public via a shorter route which is more reliable. Less maintenance in out-years at Less cost to Consuming Public, and Less economic impact on Route 31 via more acres of cropland (used for lively-hood), & more acres of forest, see enclosure (1) for details.

(2) "...compared with reasonable alternative courses of action...the proposed location is reasonable, preferred, and in the public interest;" -Intervener accepts and objects to Commission's Granting Order for Route-31 for reference (a). Intervener prays Commission give a **Hard Look** at Alternative Route-4 as superior route, Best Route, -it is more reasonable -(cost Less \$543,153.00 for consuming public), it is shorter by 5.23 miles which means less maintenance and more reliable, less impact to cropland and economic-well-being of consuming public; see enclosure (1) for more details. -Intervener believes it unjust, unreasonable, and unwarranted to construct the 230kV transmission line via Route-31 when Alternative Route-4 is shown to be Best Route and superior Route to supply reliable electric service to Cleveland area.

(3) "...cost associated with proposed transmission line are reasonable;" -Intervener accepts and objects to cost of Route-31 as reasonable to supply reliable electric power service to Cleveland area. Intervener shows evidence/proof that Route-4 cost \$543,153.00 Less when compared to Route-31, see enclosure (1) and reference (b). Intervener prays Commission give a **Hard Look** at comparison of cost by DPE estimates via enclosure (1). Intervener assures Commission that consuming public south of Four Oaks, N.C. (Parker Town Road area) does not believe it reasonable to Grant the Order for 230kV transmission line route that cost \$543,153.00 more than a known Best Route-4 that cost Less by \$543,153.00. Intervener and consuming public he has spoken with believes this cost difference is unjust, unreasonable, and unwarranted.

Intervener believes this is justification for Commission, via reference (1), to Alter Order using Route-31 and Amend Order for use of Best Route-4, to supply reliable electric service to Cleveland-Matthews substation for the Cleveland area.

(4) "... impact the proposed transmission line ... on the environment... is justified...available technology, nature of economics of various alternatives and other materials considerations; and" Intervener accepts and objects to 'impact of proposed transmission line on Route-31 -environment considering available technology, alternatives, and other considerations for the following reasons:

a. Intervener does not believe it is justified to use Route-31 at 11.5 miles v/s using Route-4 at 6.27 miles, (this is impacting an additional 5.23 miles). This is additional 5.23 miles impact on cropland and forest that is not necessary to provide reliable electric service to Cleveland area.

b. Route-4 is alternative, and Best Route), most economical, to supply electric power service to Cleveland area, see enclosure (1). Route-4 is most economical via the Fact: -1-it cost \$543,153.00 Less compared to Route-31, -2- Route-4 is 5.23 miles shorter/more reliable, Less cost for recurring maintenance in out-years due to being shorter, -3- Less economic impact to farmers-income/ farming operation, & Less cropland & forest in ROW of Route-31, see enclosure (1).

(5) "That the environmental compatibility, public convenience, and necessity require the transmission line." \_Intervener accepts and objects to Granting Order for **"the Transmission Line, Route-31"** for reference (a). Intervener accepts the necessity for **"a transmission line"** and presents evidence/proof that Best Route-4 is more environmentally compatibility -as proof it is shorter by 5.24 miles/more reliable/less maintenance in out-years for Consuming Public, will impact Less cropland and forest. Intervener prays Commission give this Route Selection a **Hard Look** especially the **environmental impact compatibility** comparison between Route-4 v/s Route-31 cropland, forest, forest/stream/crossing, will show Route-4 as Best Route to supply reliable, reasonable, electric service to Cleveland area. Intervener believes it unjust, unreasonable, and unwarranted to Order Route-31 to supply reliable electric service to Cleveland area, when compared to Route-4 -a superior route.

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(b) "If the Commission determines that the location of the proposed transmission line should be modified, it may condition its certificate upon modifications it finds necessary to make the findings and determinations set forth in subsection (a) of this section." -Intervener accepts and objects to Commission's Order via proposing an alternate route/location (Route-4) for reference (a). Intervener presents Burden of Proof in sustaining this position, see evidence and proof below:

1. -Route-4 cost Less \$543,153.00, more economical
2. -Route-4 is 5.23 miles shorter,- more reliable electricity, -less maintenance/cost in out-years,
3. - Route-4 being shorter is Less impact on cropland & forest when compared to Route-31, see enclosure (1) for comparison of acres in ROW (less impact on farmers lively-hood)
- 4, -Route-4 has 38 Less land parcels crossed by ROW
5. -Route-4 has 7 Less Road, Rail/Road crossings
6. -Route-4 has 79.3 acres Less New ROW impacted
7. -Route-4 has 8 Less Heavy Angles in ROW
8. -Route-4 has 15.5A. Less impacted (**Crossed**) in: -Marsh/wetlands, -Forest Hydric Soils, Non-Forest Hydric Soils, Floodplain, NHD streams w/50' buffer, -Sensitive streams (medium), -Sensitive streams (low)

\*\*\*Intervener believes the above Facts/Factors & enclosure (1) information gives evidence/proof to sustain position that Route-4 is Best-Route per issues: economical, impacted acres of environment, impacted cropland (lively-hood) & income from forest. Further more, Intervener prays Commission give a **Hard Look** via reference (1) and give notice to DPE that Route-31 is rescinded from Order and amended to use Route-4 to supply reasonable, reliable, economical, electric service to Cleveland area; -and amendment is justified via merits that Route-4 is Best Route.

13. (Page 5, paragraph 5) -In considering other "relevant and material" factors pursuant to G.S. 62-105(a), (... "[i]t is the policy of North Carolina: ...(5) To encourage and promote harmony between public utilities, their users and the environment." ...following declaration of State environmental policy: ... ) Intervener accepts and objects to action of Order to use Route-31 for

reference (a). This Order violates/sidesteps reference (e), (see enclosure (2) a snapshot of information via Congress, Farmland Protection Policy Act (FPPA) meant to: "...implement programs and policies to protect farmland and combat urban sprawl and the waste of energy and resources that accompanies sprawling development." Furthermore; "The Compact Cities report indicated that much of the sprawl was the result of programs funded by the Federal Government." Assistance from a Federal agency includes: 1- Providing financing or loans, and 2- Providing technical assistance, -both of these factors, (financing/loans & technical assistance) are far reaching and not just Federal Government projects. Activities that may be subject to FPPA includes -Electric cooperative construction projects (includes electric utility corridors for transmission lines (ROW). -Intervener has reviewed the correspondence sent to the Clearinghouse from the different N.C. agencies that are concerned with impacts to environment and impacts farmland via Docket No. E-2, Sub 1150. The State agencies: NCDEQ, N.C. Secretary of Agriculture, N.C. Wildlife Resources Commission, NCDOT and local government offices; -Johnston County Commissioners & Town of Four Oaks Planning Board has extended past Parker Town Road down Hwy-301 to Oliver's Grove Church Road. -Not one State agency referenced FPPA to protect farmland and combat urban sprawl, in their correspondence, nor neither local government office gave any input to protect farmland and combat urban sprawl. -Intervenor does not believe the Commission's Order is the Best choice of a Route to supply reliable electric service to Cleveland area. Nor, Intervener does not believe Route-31 is in the Best Interest of State environmental policy via N.C. General Assembly (N.C. G.S. 113A-3) "...recognizing the profound influence of man's activity on the natural environment and desiring, in its role as trustee for future generation; ... -declares that it shall be the continuing policy of the State of North Carolina to conserve and protect its natural resources;...-to attain the widest range of beneficial uses of the environment without degradation;...-and to preserve the important historic and cultural elements of our common inheritance." (Intervener remembers Commission asking DPE witness about giving a weight in route selection process to a family farm that has been in family for "3 ,4, 5, even 6 -Generations. Intervener believes interpretation of

G.S. 113A-3 gives the Commission guidance to require any utility using a weight system in selection of a ROW route for heavy transmission lines, to give multi-generation farms (by acre) the same matching value of other factors, (in this case residences & green-spaces), used in route selection. ("My farm on Parker Town Road, (part I inherited from my mother, who inherited from her mother, so that makes me 3<sup>rd</sup> Generation that grew-up there" ---original farm +/- 45 acres was purchased shortly after Black-Thursday 1929, so only been in family for 89-years this fall.)

-Intervener believes N.C. General Assembly would agree a farm (by acre) that has been in a family for on/about 160 years or as few as 3-generations, would be weighted as much as a residence or green space for route selection purpose. -Intervener believes it unjust, unreasonable, and unwarranted to Grant Order for reference (a) on Route-31 when Route-4 is Best Route. Intervener prays Commission give above information a Hard Look via reference (l) and Amend Order to use Route-4, Best Route, to supply reasonable, reliable, economical electricity to the Cleveland area.

#### SHOWING NEED

14. Intervener accepts DEP's analysis of 'need' for additional electrical power in the Cleveland area.

#### THE ROUTE STUDY AND SELECTION PROCESS

15. ( Page 7, paragraph -2). Intervener accepts and object to Burns & McDonnell/DPE's selection process of Route-31; via process of: "...then assigned a weight from one to five to reflect potential sensitivity to the presence of a transmission line." -This assigned weight is subjective by the "Team", per reference (a). (I have a Master of Science Degree in Education and have experience in making matrixs and giving weights to issues to show an outcome. When the **weight process is devised**, to **keep from being corrupted by subjectivity** – the designer must **state the criteria for each weight**; (this case 1 thru 5 weight). Intervener has not found where Burns & McDonnell/DPE did the **criteria list** for weighting issues on routes, all the Intervener has read/seen is subjective of giving weights. -When you list the criteria for weight it becomes objective, it meets criteria for a weight or it does not; this is what keeps corruption from getting into process. -Example, Intervener has looked for what

makes a Sensitive stream, (high), (medium), (low) there should be a criteria identifying each level to give it a weight. (Even went to NCDOT and looked, did not find profile. -Intervener then questions: -"What does reflect potential sensitivity to the presence of a transmission line?" (The most recurring issues Intervener read about were: EMF issues and property values/development -both dollar related; EMF & property value were dismissed by Commission; so not at issue in Order. Intervener objects to Burns & McDonnell/DPE suitability analysis, identifying potential routes, and ultimately selected Route-31 as preferred route for the transmission line. Burns & McDowell/DPE states identification process as follows: " The objective of the routing analysis was to identify an economically feasible route that would supply the most reliable electric service, while also minimizing to extent possible adverse impacts to the economic, social, and natural environment." Intervener will go issue by issue stated in objective:

a. -objective, economically feasible route; -this was not identified until DEP Late Filed reference (b) showing Cost Comparison of four best scored routes of 13 Nov. 2017 this was 122 days after reference (a) was submitted to Commission. **The Best economically feasible route identified is Route-4 at \$543,153.00 Less than Route-31;** shows it is 4.23 miles shorter meaning less cost in maintenance in out-years for consuming public.

b. -objective, supply the most reliable electric service; -once DPE Late Filed the best scored routes this allowed a comparison of issues for reliable service. Intervener's definition of being reliable is not breaking down/interrupting service for maintenance. DPE's Late Filed reference (b) crossed referenced with reference (a), table 4-4 allows comparison of Route-31 and Route-4. Route-4 is 5.23 miles shorter, a shorter length translates into more reliable as less line to break, less line maintenance in out-years, and less ROW maintenance during life-of-line .

c. -minimizing to the extent possible adverse impacts to the economic, social, and natural environment. -Intervener refers Commission to enclosure (1), see the facts/factors listed: Route-4 is Best Route as Less impact to farming/forest economy; -Less economic impact is more money in pockets of property owners on Route-31 & more money in their pockets helps social well-being

of farmers' family/kids & paying for their homes; -Route-4 is Less impact on forest/cropland, see enclosure (1). -Intervener believes it unjust, unreasonable, and unwarranted for Commission to allow Order to construct reference (a) via Route-31 when Route-4 is shown with proof/evidence to be Best Route to supply reasonable, reliable, economical electric service to Cleveland area and consuming public (rate-payers) for the coming out-years; (life-of-line).

16. (Page 9, paragraph 3). Intervener accepts and objects to: "As demonstrated by witness Same's testimony, the Study and DEP Late-Filed Exhibit No. 2, the projected cost of constructing the transmission line on Route 31 is \$13,692,398.00. No party to this proceeding presented evidence alleging that this estimated cost is unreasonable. Furthermore, DEP Late-Filed Exhibit 2 demonstrates that the proposed cost associated with Route 31 are consistent with or lower than alternative routes in siting Process." **-Internever objects to this entire paragraph as being a Fact, Proof/Evidence (is Fraud) as being available at Proceeding referred to, of 31 Oct. 2017 Hearing in Raleigh, N.C.** -Internver states the following as a Fact, Proof, and Evidence all the information in this paragraph is Fraud (due to-date/time-line) via stated evidence below:

a. -witness Same's testimony at Hearing did not contain information presented above; -the DEP Late-Filed Exhibit No. 2 is dated 13 Nov. 2017 with projected cost of Cost Comparison of the four best scored alternative routes, see reference (b) for details. The Hearing was 31 Oct. 2017, this information was entered into Docket No. E-2, Sub 1150 records 13 days after hearing, this testimony is Fraud, via being filed 13 days after 31 Oct. 2017, Hearing.

b. -the projected cost of constructing transmission line (Route-31) is presented as not being unreasonable at \$13,692,398.00. Reference (b) and enclosure (1) shows DPE's estimate for Route-4 as \$13,149,245.00. The cost comparison is extremely unreasonable when Route-31 is estimated at \$543,153.00 More construction cost. Route-4 is 5.23 miles shorter, more reliable, shorter is Less maintenance, & Less ROW maintenance upkeep for life of transmission line, (say a 100-years, -comparing on/about how long electric lines have been in Town of Four Oaks).

-Intervener prays Commission give this testimony (review dates & Time-Line), **a Hard Look,**

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the information presented was not available to be presented at hearing of 31 Oct. 2017.

-Intervener believes allowing this testimony in Order is unjust, unreasonable, and unwarranted to be used as proof in Burden of Proof via reference (m). Furthermore, -Intervener prays Commission Rescind Order using Route-31 and Amend Order to use the Best Route-4 to supply: reasonable, reliable, economical, electric service to Cleveland area. -Intervener prays Commission to review Enclosure (1), **with a Hard Look**, it gives raw data analysis of facts/factors comparing Route-4 v/s Route-31 for route selection without corruption of weights, criteria is merits shown.

17. (Page 9, paragraph 5). -Intervener accepts and objects to not weighting cropland/farms as businesses. Reference (n) identified farming as code 115100 and forest/logs/products as code 113000 as a business, & livestock production code 112900. Enclosure (3) is a list of witnesses to be called to give evidence that cropland/farming is a business. -Intervener believes it unjust, unreasonable, and unwarranted not to consider cropland/farming a business (by acre) when agriculture products valued at \$76-Billion Dollars in N.C. and Forest products (stumpage & delivered forest products) in Johnston County for 2012 was \$5.8-Million Dollars and Forest Industry Impact was \$283.3-Million Dollars. -Intervener prays Commission give this a **Hard Look** for defining what is a business. Intervener believes witnesses will give proof & evidence to support cropland/farming, forest, and raising livestock for profit is a business.

#### **OTHER ISSUES RAISED BY THE PARTICIPANTS**

18. -Intervener accepts and objects to DPE not providing an Environmental Report with no Impact Study of EMF pollution to people, livestock, and plant-crops. -Intervener submitted articles that were published by PhDs, Scientists, or Doctors pertaining to effects of EMF. DEP submitted brochures with their logos and no names of PhDs, Scientists, or Doctors as publishing authors in reference (a) and an article about EMF by Electric Power Research Institute (EPRI), this information

published in brochure did not have names of authors or publishers with PhDs, Scientists, or Doctors showing credible expertise about EMF. The brochure by EPRI had several references of various organizations by; (found one name found, Ahlbom, 2000, on Child - leukemia) ICNIRP, IEEE, ICNIRP, NIEHS, DOE, WHO, & etc. (These organizations are mostly funded by utility companies, that is how they get paid, -Intervener does not believe these organizations will pursue EMF to point of losing their paycheck. Via my studying the EMF subject the past 4-months, individual PhDs, scientist, Doctors will publish what they find, the organizations usually end up inconclusive analysis of EMF.) \*The one thing everyone agrees on about EMF is distant is what makes it safe. Intervener does not believe Due-Diligence has been given to EMF issue in DPE environment report and in impact study, DPE's brochures are not a report or impact study. -Intervener believes it is unjust, unreasonable, and unwarranted to Grant an Order for a transmission line via Route-31 when route -4 is shown with Merit as Best Route, see enclosure (1). -Intervener list names of PhD's, Scientists, and Doctors to call as technical experts on EMF pollution on enclosure (3).

#### Summary

19. (Page 15, paragraph 3). "-For the reasons discussed herein, ...-The Commission next concludes that DEP has carried its burden of proof in successfully demonstrating that Route-31 is in the public interest, and that the proposed cost associated therewith are reasonable. ...". (Page 16, paragraph 1). -"Having carefully reviewed the application and based upon all the evidence of record and the recommendation of the Public Staff that CPCN be issued, ...requirements of G.S. 62-100 et seq., ..."-Intervener accepts and objects to conclusion of Summary, -Intervener believes it unjust, unreasonable, and unwarranted to Grant the Order for the CPCN for the proposed transmission line construction on Route-31, -due to following failures:

a. "...-burden of proof pursuant to G.S. 62-105(a) in demonstrating that the proposed transmission line is necessary for an adequate and reliable supply of electric energy to its service area." -Intervener accepts and objects to Commission's conclusion of DPE's burden of proof. Intervener gives

proof and evidence DPE has not met burden of proof for supplying electricity to service area, known as the Cleveland area by the following facts/factors pertaining to construction of transmission line on Preferred Route-31, Facts shown below: (see enclosure (1))

(1) Route-4 cost Less by \$543,153.00, more economical; as Route-31 would cost Rate-Payers, consuming public - that amount more; -Paying more is not in Public Interest and not reasonable

(2) Route-4 is 5.23 miles shorter – more reliable electricity (less line to break/maintain), and less maintenance -Cost (spraying chemicals) in ROW life of transmission line, all these reoccurring cost get passed on to Rate Paying – Consuming Public in N.C.

(3) Route-4 being shorter is Less impact on cropland in ROW and on forest when compared to Route-31; Route-31 has 85.2A. Cropland v/s Route-4 having 22.0A. Cropland, Less Economic impact to farms/cropland to farmers lively-hood on Route-31

(4) Route-4 has 38 Less land parcels crossed by ROW v/s Route-31 having 38 more parcels to contend with DPE coming thru to maintain lines and spraying chemicals to maintain where forest has been cut back, (80-parcels total impacted) (or total more 5.23 miles of ROW impacted)

(5) Route-4 has 7 Less Road/Rail-Road Crossings

(6) Route-4 has 95 acres of new ROW impacted, compared to Route-31 having 174.3 acres impacted; Route-4 has 79.3 Less acres impacted, therefore Less economic impact to Route-4

(7) Route-4 has 8 Less Heavy Angles in ROW

(8) Route-4 has 15.5A. Less impacted (**Crossed**) in: -Marsh/wetlands, -Forest Hydric Soils, -Non Forest Hydric Soils, -Floodplain, NHD Streams w/50' buffer, -Sensitive streams (medium), -Sensitive streams (low), (wetlands - ideal for Cypress & Juniper trees, as don't grow everywhere)

(b) Public Staff error-ed or overlooked DEP not having completed requirements of reference (k), (a), (4), c.; "Alternatives to the proposed action." This is shown in reference (b), submitted 122 - days late and 13 days after 31 Oct. 2017 Hearing in Raleigh, N.C. Then the Commission error-ed or overlooked same requirement of "Alternatives to the proposed action". (This is what was needed

to compare the routes; Cost and merit issues for selection of Best Route)

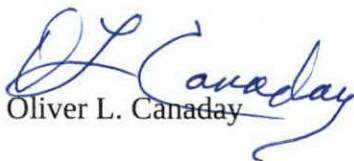
(c) Intervener, via reference (b), and cross-reference Route-31 v/s Route-4 with table 4-4 in reference (a); demonstrates to Commission, O. L. Canaday, Intervener, has met burden of proof with regard to an alternative route required by G.S. 62-105(a). -Intervener, proves with facts and evidence, alternative Route-4 is superior Route, to supply reasonable, reliable, economical, electric service to Cleveland area:

- (1) -Route-4 will provide long-term electric service to Cleveland area via reference (a)
- (2) -Route-4 is a feasible alternative to Route-31 via reference (a) and (b)
- (3) -Route-4 is Best Route via Less Cost \$543,153.00 to Consuming Public, Rate-Payers via reference (b)
- (4) -Route-4 will cause less impact on other landowners croplands and forest per table 4-4 - reference (a), there are less acres crossed, Rt.-4 is 6.27-miles v/s Rt.-31 is 11.5-miles
- (5) -Route-4 is shorter giving it better reliable (less line to break & maintain); also the shorter Route-4 will have less cost for maintenance to line, and spraying chemicals to keep ROW clear.

20. Intervener prays Commission gives this evidence a **Hard Look** for selection of Best-Route to supply, reasonable, economical, feasible, Less impact to cropland & forest, long-term-reliable electric service to the Cleveland area in northern section of Johnston County, N.C. Also, via reference (l) Rescind order using Route-31 and Amend Order to use Route-4 as Best Route.

21. -Intervener thanks the Commission.

Sincerely,

  
Oliver L. Canaday

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## Cost Comparison of Routes 31, 4, 32, and 1

	Selected Route Route 31 North-South	Route 4 East-West	Route 32 North-South	Route 1 East-West
Install /Modify Line Structures and Wires	3,328,000	3,072,000	3,119,235	2,891,776
Install /Modify Line Structures and Wires (Inspector's Time)	244,000	200,000	244,000	200,000
Site Finalization (clean-up)	192,000	96,000	192,000	96,000
Site Finalization (clean-up) Inspector	27,000	14,000	27,000	14,000
As-built	2,000	2,000	2,000	2,000
Erosion Control	1,000,000	2,000,000	1,000,000	2,000,000
Staking	24,000	12,000	24,000	12,000
ROW Clearing	1,818,000	940,000	1,818,000	940,000
Centerline Survey	317,000	164,000	317,000	164,000
Tie Plat Survey	180,000	93,000	180,000	93,000
Flagging Clearing Limit	60,000	31,000	60,000	31,000
Subtotal	7,192,000	6,624,000	6,983,235	6,443,776
Engineering labor & Material Estimates	1,936,265	2,142,163	3,001,683	3,151,788
Subtotal - Direct View	9,128,265	8,766,163	9,984,918	9,595,564

Adjusted to Include Burdens	\$	13,692,398	\$	13,149,245	\$	14,977,377	\$	14,393,346
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7 Mar. 2018; Added Changes - Comparison of Routes 31 & Route 4 (Table 4-4 -DPE Application)

**Fundamentals, Facts/Factors    Route 31 v/s Route 4    Remarks, Criteria Used**

- Cost of Line Construction \$13,692,398. \$13,149,245. **-Rt.-31 Cost More- \$543,153.00;**  
-Rt.-4 Cost Less, -more economical  
to rate payers; **Rt.-4 is Best Route for  
Transmission line for Cleveland area**
- Total Length (feet) 60,791' 33,114'  
(mile) 11.5 mile 6.27 mile **-Rt.-31 is 27,677' Longer by 5.23 miles;**  
**-Rt.-4 is (45.5%-shorter/MORE reliable  
service;-Rt.-4 - Best Route for transmission  
line in Cleveland area**
- Cropland Crossed (acres) 85.2 22.0 **-Rt.-31 has 63.2 More acres impacted/  
degraded Crop yield - ROW maintenance,  
no future irrigation in ROW; -Rt.4 has only  
22A. (387% less) impacted; -Rt.-4 is Best  
Route for Cleveland area transmission line  
as less acres impacted to cropland economy**

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ENCL. (1)



<u>Fundamentals, Facts/Factors</u>	<u>Route-31</u>	<u>v/s</u>	<u>Route-4</u>	<u>Remarks, Criteria Used (Cont.)</u>
<b><u>Social</u></b>				
4. -Parcels Crossed, (number)	80		42	-Rt.31 impacted by 38 more parcels -crossed compared to-Rt.-4 being shorter- has fewer parcels impacted via crossed, -Rt.4 is Best Route to Transmission Line for electric service in <u>Cleveland area</u>
5. -NRHP Historic Archaeological ***** Action not complete, error/oversight (7 Nov. 2017 ltr, is in Docket No. E-2, Sub 1150)	0.0		0.0	None; <b>Note Clearinghouse Review</b> , letters received from Crystal Best 18 Feb. 2018 shows 7 Nov. 2017 letter asking for more information for further review/comment has no reply as of 18 Feb. 2018, <u>incomplete</u>
6. Open Space/Green Area ( <b><u>acres</u></b> )	0.0		1.1	-Rt.4 has 1.1A. More Open Space v/s Rt.-31 with zero, -Rt.31 would be best route when compared; -Example given by DPE for court case – NCDOT v/s Coach Village became an Interlocutory appeal & Dismissed by Judges Calabris and Steelman concur; N.C. AG was Roy Cooper for Plaintiff (Precedence used by DPE was Dismissed)
7. -Residential land use (<5 acre parcels) (acres)	0.7		3.2	-DPE & Commission agreed via 31 Oct. 2017 Hearing & Commission Granting Cert- ificate Order of 12 Jan. 2018 - EMF & Prop- erty value would be the same effect on all routes considered; -Rt.-31 is 2.5 acres less, when compared, implies Rt. 31 <u>Best Route</u>
8. -Residential land use (>5 acre parcels) (acres)	80.5		20.8	-DPE & Commission agreed via 31 Oct. 2017 Hearing & Commission Granting Cert- ificate Order of 12 Jan. 2018 - EMF & Prop- value would be the same effect on all routes considered; -Route-4 is 59.7 acres less, when compared, implies Rt.-4 is <u>Best Route</u>
<b><u>Engineering</u></b>				
9. -Road/RailRoad Crossings (Number)	12		5	-Rt.-31 has 7 More Crossings than Rt.-4 - More Crossings implies more cost in con- struction of line; -Rt.4 is Best Route for Transmission Line for Reliable electric service in <u>Cleveland area</u>
10. New Right of Way ( <b><u>acres</u></b> )	174.3		95.0	-Rt.31 has 79.3 more acres impacted in ROW when compared to Rt.-4, -Rt.4 is Best Route for Transmission Line in <u>Cleveland area</u>

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<u>Fundamentals, Facts/Factors</u>	<u>Route-31</u>	<u>v/s</u>	<u>Route-4</u>	<u>Remarks, Criteria Used (Cont.)</u>
11.-Length not Along Existing Infrastructures	60,791' 11.5 miles		33,114' 6.27 mile	-Route 31 is 5.23 miles longer than Rt.-4, -Rt.-4 is Best Route - Shorter/More Reliable
12.-Heavy Angles (>30 degrees) (number)	11		3	-Rt.-31 has 8 more Heave Angles compared to Rt.-4, -Heavy Angles cost more due to larger structure required & guide cables if needed; -Rt.-4 is Best Route, uses less Heavy Angles, Less Cost to Rate Paying user and will provide Reliable electric service to <u>Cleveland area</u>
13.-Residence w/in 125' of Centerline (number)	0.0		1	-Rt.-4 has one more residence w/in 125' of Centerline, Rt.-31 has zero, -Rt.-31 is Best Route, DPE & Commission has agreeded EMF & Property value does not affect selection of this <u>Transmission Line Route</u>
14.-Residence w/in 126'-300' Centerline (number)	15		27	-Rt.-4 has 12 more residence w/in Centerline range, -Rt.-31 is Best Route by number; DPE & Commission has agreeded EMF & Property value does not effect <u>Route selection</u>
15.-Residence w/in 301'--500' Centerline (number)	30		45	-Rt. -4 has 15 more residence w/in Centerline range, -Rt.-31 is Best Route by number; DPE & Commission has agreeded EMF & Property Value does not effect <u>Route Selection</u>
16. -Business w/in 500' (number)	0		0	<u>Zero for both Routes</u>
17. -Public Facilities w/in 500' (No.)	0		0	<u>Zero for both Routes</u>

### Environmental

18. -Upland Forest <u>Crossed (acres)</u>	57.1		49.8	-Rt.-31 has 7.3 more acres impacted, cut & no reforestation in ROW, -Rt.-4 is Best Route as <u>Less impact to Forest Land acres.</u>
19.-Forested & Marsh Wetland <u>Crossed (acres)</u>	20.8		14.9	-Rt.-31 has 5.9A More Forest cut & no reforestation; -Rt.-4 is Best Route as <u>Less Forest cut &amp; destroyed. (This is ideal for juniper and cypress trees habitat)</u>



<u>Fundamentals, Facts/Factors</u>	<u>Route-31</u>	<u>v/s</u>	<u>Route-4</u>	<u>Remarks, Criteria Used (Cont.)</u>
20.-Forested Hydric (>50%) Soils, <b>Crossed</b> excludes NWI, <b>(acres)</b>	10.8		8.3	-Rt.-31 has 2.5A. More impacted, cut and no reforestation of Forest; -Rt.4 has Less Forest cut, is Shorter/less maintenance, More Reliable electric service for Cleveland area
21.-Non-Forested Wetlands Crossed	0-0		0.0	Zero acres for both routes
22.-Non-Forested Hydric (>=50%) Soils <b>Crossed</b> excludes NWI <b>(acres)</b>	5.5		0.6	-Rt.-31 has 4.9A. More impacted; -Rt.-4 has Less acres impacted and Best Route for Reliable electric service for Cleveland area
23.-100 Year Floodplain <b>Crossed</b> <b>(acres)</b>	11.2		12.4	-Rt.4 has 1.2A. More impacted; -Rt.-31 has Less acres impacted & is better route for this comparison
24. -NHD Streams w/a 50' buffer <b>Crossed (acres)</b>	5.7		4.0	-Rt.31 has 1.7A. More impacted, Forest is cut on both sides of streams; -Rt.4 has Less acres impacted & is Best Route for Reliable electric service for Cleveland area
25. -Sensitive Stream Crossing (High) based on 50' buffer	0.0		0.0	Zero acres both routes
26. Sensitive Stream <b>Crossings</b> (Medium) based on 50' buffer <b>(acres)</b>	2.6		4.0	-Rt.-4 has 1.4A More impacted; -Rt.-31 has Less acres impacted and is better route for this comparison criteria
27. -Sensitive Stream <b>Crossings</b> (Low) based on 50' buffer <b>(acres)</b>	3.1		0.0	-Rt.-31 has 3.1A More impacted; -Rt.-4 has zero impact and Best Route for Reliable electric service in Cleveland area
28. -Sensitive Stream Crossings (High) (number)	00		0.0	Zero both routes
29. -Sensitive Stream Crossing (Medium) (number)	7		13	-Rt.-4 has 6 More stream crossing; -Rt.31 has less stream crossings and a better route for this criteria
30. Sensitive Stream Crossings (Low) (number)	9		0.0	-Rt.-31 has 9 More stream crossing; -Rt.-4 has zero and is Best Route for Reliable electric service for Cleveland area



**-Summary of Raw Criteria Comparison between Preferred Route 31 & Route 4, By each Number**

**Number of item      Best Route -Route-31 v/s Route-4 (Raw Criteria Comparison Used)**

1. ....Best Route
2. ....Best Route
3. ....Best Route
4. ....Best Route
5. Action not complete, error/oversight
6. ....Best Route
7. Residential (numbers)
8. Residential (numbers)
9. ....Best Route
10. ....Best Route
11. ....Best Route
12. ....Best Route
13. Residence (numbers)
14. Residence (numbers)
15. Residence (numbers)
16. Zero both routes
17. Zero both routes
18. ....Best Route
19. ....Best Route
20. ....Best Route
21. Zero both routes
22. ....Best Route
23. ....Best Route
24. ....Best Route
25. Zero both routes
26. ....Best Route
27. ....Best Route
28. Zero both routes
29. ....Best Route
30. ....Best route

-Total **Crossed Acres(A.), Impacted, (Difference in acres)** by comparison Route-31 v/s Route-4  
(Crossed cropland acres, impact, Forest impact is cut, cleared, and no forest replanted/replaced)

<u>Route-31</u>	<u>v/s</u>	<u>Route-4 Best Route</u>
-3. ... 63.2A.		-6. ... 1.1A.
-18. ... 7.3A.		-23. ... 1.2A.
-19. ... 5.9A.		-26. ... 1.4A.
-20. ... 2.5A.		Total 3.7A. Impact Acres
-22. ... 4.9A.		
24. ... 1.7A.		
<u>27. ... 3.1A</u>		
Total 88.6A		

- \*\*-Route-31 has 88.6A. Difference Impacted by 230kV Transmission Line;  
 -Route-4 has 3.7A. Difference Impacted by 230kV Transmission Line;  
 - Route-4 has 84.9A. Less Impacted by Transmission Line & Best Route.

Impact  
Acres

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# Natural Resources Conservation Service

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## Farmland Protection Policy Act

### Latest Feature

To know more about the Farmland Protection Policy Act, you can play the webinar below or download the webinar's PowerPoint file .

### Webinar - Farmland Protection Policy Act (9/2013)



## Background



The National Agricultural Land Study of 1980-81 found that millions of acres of farmland were being converted in the United States each year. The 1981 Congressional report, Compact Cities: Energy-Saving Strategies for the Eighties, identified the need for Congress to implement programs and policies to protect farmland and combat urban sprawl and the waste of energy and resources that accompanies sprawling development. ← ← ←

The Compact Cities report indicated that much of the sprawl was the result of programs funded by the Federal Government. With this in mind, Congress passed the Agriculture and Food Act of 1981 (Public Law 97-98) ← ←

containing the Farmland Protection Policy Act (FPPA) subtitle I of Title XV, Section 1539-1549. The final rules and regulations were published in the Federal Register on June 17, 1994.

## Purpose

The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every two years.

The FPPA does not authorize the Federal Government to regulate the use of private or nonfederal land or, in any way, affect the property rights of owners.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land.

## Projects and Activities

Pr are subject to FPPA requirements if they may irreve convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

#### Assistance from a Federal agency includes:

- Acquiring or disposing of land.
- Providing financing or loans. ←
- Managing property.
- Providing technical assistance ←

#### Activities that may be subject to FPPA include:

- State highway construction projects, (through the Federal Highway Administration)
- Airport expansions
- Electric cooperative construction projects ←
- Railroad construction projects
- Telephone company construction projects
- Reservoir and hydroelectric projects
- Federal agency projects that convert farmland
- Other projects completed with Federal assistance.

#### Activities not subject to FPPA include:

- Federal permitting and licensing
- Projects planned and completed without the assistance of a Federal agency
- Projects on land already in urban development or used for water storage
- Construction within an existing right-of-way purchased on or before August 4, 1984
- Construction for national defense purposes
- Construction of on-farm structures needed for farm operations
- Surface mining, where restoration to agricultural use is planned
- Construction of new minor secondary structures such as a garage or storage shed.

#### Farmland Conversion Impact Rating Form

If you represent a Federal agency in a project that has the potential to convert important farmland to non-farm use, please contact your local office of the Natural Resources Conservation Service (NRCS) or USDA Service Center. NRCS uses a land evaluation and site assessment (LESA) system to establish a farmland conversion impact rating score on proposed sites of Federally funded and assisted projects. This score is used as an indicator for the project sponsor to consider alternative sites if the potential adverse impacts on the farmland exceed the recommended allowable level.

The assessment is completed on form AD-1006, Farmland Conversion Impact Rating. The sponsoring agency completes the site assessment portion of the AD-1006, which assesses non-soil related criteria such as the potential for impact on the local agricultural economy if the land is converted to non-farm use and compatibility with existing agricultural use.

#### Program Contacts

Michael Robotham, National Leader -Technical Soil Services, 402-437-4098

Mabel Kenyon, Program Analyst-Soil Science Division, 202-692-0099

State FPPA Contacts

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FILED

DEC 14 2017

Clerk's Office  
NC. Utilities Commission

August 22, 2017

I am writing about the new proposed  
like transmission line that is to cross  
my property at <sup>1966</sup> elevation road in Town  
Lake, N.C.

This is and has a family for four  
generations. It is a tree farm listed  
with the forestry service in Gorman  
County. At present it produces pure  
stream as a crop and eventually the  
trees will be harvested for timber  
and replanted in their trees as these  
trees were planted.

Your proposed transmission line will  
not benefit me in any way. It will  
not be able to replant the trees as  
was planned. Therefore my wife and I  
are against the proposed route across  
our family farm.

Also we are very concerned about the  
EMF from power lines.

We never received a written letter and  
heard about it from neighbors middle  
of June 2017.

Ray McLaughlin  
Alberta Ave M. Maconville

ENC. (3)

Masseng lat filed #1

(Handed to P.S. Attorney  
at hearing on 10-30-17)

Submitted by  
K. Mitchell  
on  
12-14-17

7 Mar, 2018

Witness List for Appeal and Exception for N.C. Utilities Commission

- Ronnie Parker, Ronnie's Country Store, 701/N,I-95, Four Oaks, N.C.
- Doug Lee, Hwy-96, Four Oaks, N.C.
- Waylon D. Barefoot, Hwy-96, Four Oaks, N.C.
- Stacy Johnson, Hannah Creek Rd., Four Oaks, N.C.
- Sheldon R. Adams, Dragstrip Rd., Benson, N.C.
- Roland Wood, Beasley Rd., Benson, N.C.
- Keith Smith, Holts Lake, Smithfield, N.C.
- Dr. Richard Reich, N.C. Dept. of Agriculture, Raleigh, N.C.
- Mr. Joseph Hadyncia, N.C. Dept. of Agriculture, Raleigh, N.C.
- DPE, 4-Wheel Rider on "Team" selection of routes, (reference (a))
- Dr. Larry Burk, MD, CEHP; Durham, N.C.
- Mr. Michael Gendraud, PO Box 7612, NCSU, Raleigh, N.C.
- Dr. Dana Loomis, UNC, Chapel Hill, N.C.
- Dr. David Savitz, UNC, Chapel Hill, N.C.
- Dr. Carl F. Blackmon, Cary, N.C.
- Dr. Nancy Wertheim, UNC, Chapel Hill, N.C.
- PhD Eric Davies, Dept. Plant & Microbial, Research Gate, NCSU, Raleigh, N.C.
- PhD Robert Belcher, Physics Research, Toxicology & Environmental Health Studies, NCSU, N.C.
- PhD Fred Reit, Dir. Of Bioinformatics, Research<sup>h</sup> Ctr., 306 Ricks Hall, NCSU, Raleigh, N.C.
- Dr. Joseph Pinto, UNC Gillings School of Global Public Health, UNC Chapel Hill, N.C.