

1 PLACE: Catawba County Courthouse
 2 Newton, North Carolina
 3 DATE: Wednesday, June 5, 2024
 4 TIME: 7:00 p.m. - 8:40 p.m
 5 DOCKET: E-7, Sub 1297
 6 BEFORE: Chair Charlotte A. Mitchell
 7 Commissioner Jeffrey A. Hughes
 8 Commissioner Floyd B. McKissick, Jr.
 9 Commissioner William M. Brawley
 10 Commissioner Tommy Tucker

11
 12
 13 IN THE MATTER OF:
 14 Application of Duke Energy Carolinas, LLC,
 15 for a Certificate of Public Convenience and Necessity
 16 to Construct an 850 MW Natural Gas-Fired Combustion
 17 Turbine Electric Generating Facility in
 18 Catawba County, North Carolina

19
 20
 21 VOLUME 1
 22
 23
 24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A P P E A R A N C E S:
FOR DUKE ENERGY CAROLINAS, LLC:
Jason Higginbotham, Esq.
Duke Energy Corporation
525 South Tryon Street
Charlotte, North Carolina 28202

FOR THE USING AND CONSUMING PUBLIC:
Anne Keyworth, Esq.
Public Staff - North Carolina Utilities Commission
4326 Mail Service Center
Raleigh, North Carolina 27699-4326

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

T A B L E O F C O N T E N T S
E X A M I N A T I O N S

PAGE

FRANK YOUNG

Direct Examination by Ms. Keyworth 18

ANDY WELLS

Direct Examination by Ms. Keyworth 21

JOHN GAERTNER

Direct Examination by Ms. Keyworth 25

RANDY BURNS

Direct Examination by Ms. Keyworth 28

MARILYN STANWOOD

Direct Examination by Ms. Keyworth 31

KENYON KELLY

Direct Examination by Ms. Keyworth 33

Examination by Commissioner Hughes 37

HILDA VON SCHMITTOU

Direct Examination by Ms. Keyworth 38

SKYLAR GOLIBER

Direct Examination by Ms. Keyworth 43

JACKSON FAW

Direct Examination by Ms. Keyworth 46

THOMAS GETZ

Direct Examination by Ms. Keyworth 50

1	E X A M I N A T I O N S (Cont'd.)	
		PAGE
2	RACHAEL RADER	
3	Direct Examination by Ms. Keyworth	52
4	GARY MOHR	
5	Direct Examination by Ms. Keyworth	56
6	Examination by Chair Mitchell	61
7	Examination by Ms. Keyworth	62
8	RON SEVILLA	
9	Direct Examination by Ms. Keyworth	63
10	Examination by Commissioner McKissick	67
11	JAMES PERKINS	
12	Direct Examination by Ms. Keyworth	68
13	Examination by Chair Mitchell	71
14	Examination by Commissioner McKissick	72
15	KEVIN GREANEY	
16	Direct Examination by Ms. Keyworth	75
17	Examination by Chair Mitchell	76
18	KRISTEN RHODES	
19	Direct Examination by Ms. Keyworth	78
20	JEROME WAGNER	
21	Direct Examination by Ms. Keyworth	82
22	MICHELLE CARR	
23	Direct Examination by Ms. Keyworth	86
24		

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

E X A M I N A T I O N S (Cont'd.)	
	PAGE
JACQUES OESTREICH	
Direct Examination by Ms. Keyworth	92
Examination by Chair Mitchell	93
Examination by Commissioner McKissick	94
Examination by Commissioner Hughes	96
Examination by Commissioner Tucker	97
Examination by Chair Mitchell	97

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

E X H I B I T S

IDENTIFIED/ADMITTED

Sevilla Exhibit 1 -- / 67

P R O C E E D I N G S

1
2 CHAIR MITCHELL: Good evening. Let's come
3 to order and go on the record, please. I'm Charlotte
4 Mitchell, Chair of the North Carolina Utilities
5 Commission. With me tonight are Commissioners Floyd
6 B. McKissick, Jr., Jeffrey A. Hughes, William M.
7 Brawley, and Tommy Tucker.

8 I now call for hearing Docket No. E-7, Sub
9 1297, In the Matter of Application of Duke Energy
10 Carolinas, LLC for a Certificate of Public Convenience
11 and Necessity to Construct an 850 MW Natural Gas-Fired
12 Combustion Turbine Electric Generating Facility in
13 Catawba County, North Carolina.

14 Before we proceed further and as is required
15 by the State Government Ethics Act, I remind members
16 of the Commission of our duty to avoid conflicts of
17 interest, and inquire at this time as to whether any
18 member of the Commission has a known conflict with to
19 matters coming before us in this proceeding?

20 COMMISSIONER BRAWLEY: No.

21 COMMISSIONER MCKISSICK: (Shakes head no).

22 COMMISSIONER TUCKER: (Shakes head no).

23 CHAIR MITCHELL: The record will reflect
24 that no conflicts have been identified.

NORTH CAROLINA UTILITIES COMMISSION

1 On March 14, 2024, Duke Energy Carolinas,
2 LLC, or DEC, filed with the Commission an Application,
3 pursuant to North Carolina General Statute § 62-82,
4 62-110.1, 62-110.9, and Commission Rule R8-61(b) for a
5 Certificate of Public Convenience and Necessity to
6 construct and operate two advanced-class, simple-cycle
7 gas combustion turbine units that will be
8 approximately 425 megawatts each, in order to generate
9 electricity at the site of its existing Marshall Steam
10 Station in Catawba County, North Carolina. In support
11 of the Application, DEC filed four exhibits and the
12 direct testimony of two witnesses, portions of which
13 were filed confidentially.

14 The Application explains that the two CT
15 units will be constructed on DEC land -- DEC-owned
16 land at the Marshall Steam Station site, which
17 currently consists of four coal-fired electric
18 generating units. The Application provides that the
19 two CT units are estimated to have a combined total
20 winter capacity of 850 MW, which will facilitate the
21 permanent retirement of two of the coal-fired
22 generating units at the Marshall site. The
23 Application provides further that the new CT units
24 have been designed to use the existing transmission

1 infrastructure that coal-fired units 1 and 2 are
2 currently utilizing.

3 The Application explains that the
4 interconnection study processes undertaken for the new
5 CT units indicate that only minimal transmission
6 network upgrades will be necessary to support the two
7 new CT units.

8 The Application provides that the CTs will
9 rely on natural gas as fuel supply and will be capable
10 of utilizing ultra-low sulfur diesel as back-up fuel.
11 The Application also explains that DEC will take
12 advantage of existing natural gas transmission
13 capacity for the delivery of fuel to the Marshall
14 site, though DEC has proposed to construct a
15 compressor station at the Marshall site to ensure that
16 natural gas is delivered to the new units at
17 sufficient pressure.

18 The testimony accompanying the Application
19 discusses DEC's need for and cost of the facility.

20 On April 10th, 2024, the Commission issued
21 an Order Scheduling Hearings, Establishing Procedural
22 and Filing Requirements, and Requiring Public Notice.
23 The Scheduling Order scheduled one public witness
24 hearing to be held on this date and at this time in

1 Catawba County, as well as a second public witness
2 hearing to be held remotely by way of Webex tomorrow
3 evening, June 6th, 2024, beginning at 6:30 p.m. The
4 Scheduling Order also scheduled an expert witness
5 hearing to begin immediately following the hearing in
6 Docket E-100, Sub 190, which is scheduled to begin at
7 two o'clock in the afternoon on Monday, July 22nd,
8 2024. If the expert witness hearing on the
9 Application has not concluded by August 9th, 2024, the
10 hearing will resume at two o'clock in the afternoon on
11 Thursday [sic] September 3rd, continuing as necessary
12 until conclusion.

13 On April 12th, 2024, DEC filed a request to
14 amend the public notice mailing date, which was
15 granted by Commission Order on April 15th, 2024.

16 On May 31st, 2024, DEC filed its Affidavits
17 of Publication, confirming that public notice was
18 provided in accordance with the requirements of the
19 Scheduling Order, as amended by the April 15th Order.

20 The following parties have petitioned to and
21 been allowed to intervene in this proceeding: The
22 Carolina Industrial Group for Fair Utility Rates III;
23 Carolina Utility Customers Association, Inc.; the
24 Environmental Defense Fund; and the Southern Alliance

1 for Clean Energy, Sierra Club, and Natural Resources
2 Defense Council.

3 The Public Staff, which represents the Using
4 and Consuming Public, has been made a party to this
5 proceeding in accordance with North Carolina General
6 Statute § 62-15(d). The Public Staff represents
7 you-all, the Using and Consuming Public, and is here
8 tonight to assist you with the provision of your
9 testimony to the Commission.

10 That brings us to tonight.

11 I now call upon counsel for the parties to
12 introduce themselves for purposes of the record.
13 We'll begin with DEC.

14 MR. HIGGINBOTHAM: Good evening, Chair
15 Mitchell. Good evening, Commissioners. Jason
16 Higginbotham on behalf of DEC.

17 CHAIR MITCHELL: Good evening,
18 Mr. Higginbotham. Mr. Higginbotham, who do you have
19 with you here tonight?

20 MR. HIGGINBOTHAM: Robin Nicholson,
21 Government and Community Relations Manager.

22 CHAIR MITCHELL: Anyone else from the
23 Company here with you?

24 MR. HIGGINBOTHAM: That's all. Thank you.

1 CHAIR MITCHELL: Okay. Ms. Keyworth.

2 MS. KEYWORTH: Yes. My name is Anne
3 Keyworth, and I'm here on behalf of the Using and
4 Consuming Public with the Public Staff tonight.

5 CHAIR MITCHELL: All right. And with you
6 tonight, who do you have?

7 MS. KEYWORTH: With me tonight is Evan
8 Lawrence and Dustin Metz, both of whom are Engineers
9 in our Energy Division.

10 CHAIR MITCHELL: Thank you, Ms. Keyworth.

11 The purpose of tonight's hearing is to hear
12 from DEC's customers regarding their concerns for the
13 pending Application. We appreciate your being here
14 tonight to voice your views on this matter. We
15 welcome your testimony. We want to hear from you.

16 In order to facilitate a full and fair
17 opportunity for all speakers to participate, we will
18 use the following procedures:

19 In conducting this hearing, the Commission
20 functions in a judicial capacity as we're required to
21 do in North Carolina law. We'll largely follow the
22 Rules of North Carolina Civil Procedure and the Rules
23 of Evidence. Because the Commission is functioning in
24 a quasi-judicial capacity, we can't respond to your

1 questions, rather we're here to receive evidence from
2 you-all in the form of your testimony. In addition,
3 for these reasons, if you choose to testify tonight,
4 you will be asked to swear to or affirm the
5 truthfulness of your testimony. Witnesses who wish to
6 testify, must sign up for the Public Staff, and the
7 Public Staff will call each witness in the order
8 listed on the roster. When you hear your name called,
9 please proceed to the witness stand which is directly
10 in front of me, I'll deliver the oath, and at that
11 point you'll be asked by the Public Staff counsel to
12 first state your name and address for purposes of the
13 record and then you may begin your testimony.

14 Counsel for any party may ask questions of
15 the witnesses tonight. And, in addition, the
16 Commission will have an opportunity to ask questions
17 as well. This means that if you choose to
18 testify -- if you choose to provide testimony, you
19 may be asked questions by the attorneys or by the
20 Commissioners.

21 Testimony is being recorded tonight by our
22 court reporter and, therefore, to ensure the accuracy
23 of the record, we ask that you speak slowly and
24 audibly and please remain quiet when you're not

1 testifying so that the court reporter is able to hear
2 the witness who is testifying.

3 As a final note, although the Commission and
4 attorneys for the parties are not allowed to respond
5 to your questions during this hearing, both the Public
6 Staff and DEC have representatives here who will be
7 available after the hearing to answer your questions.

8 And as a final reminder, we are going to --
9 in order to provide every one sufficient time to
10 provide testimony tonight, we're going to limit
11 testimony to three minutes. If your testimony runs a
12 bit long, I will let you finish your statement, but
13 please be considerate of those who are here tonight to
14 testify, and try to limit your remarks to three
15 minutes.

16 It's my understanding that the Public Staff
17 would like to provide an opening statement.

18 MS. KEYWORTH: Thank you, Chair Mitchell.
19 Good evening. My name is Anne Keyworth and I'm a
20 Staff Attorney with the Public Staff.

21 The Public Staff is an independent state
22 agency that represents the Using and Consuming Public
23 in matters before the North Carolina Utilities
24 Commission.

1 The Public Staff has been reviewing Duke
2 Energy Carolinas' Application for a Certificate of
3 Public Convenience and Necessity to construct and
4 operate two advanced class simple cycle gas combustion
5 turbine units at the site of its existing Marshall
6 Steam Station in Catawba County.

7 We have a team of engineers and accountants
8 analyzing Duke's Application and we're scheduled to
9 file our testimony and exhibits setting out our
10 position regarding the Application tomorrow. Our
11 testimony will be available for your review on the
12 Commission's website, along with other documents
13 related to the case.

14 The purpose of this hearing this evening is
15 to hear from customers like you regarding this
16 Application. Many of you have signed up already. If
17 you haven't and you would like to, you can see either
18 one of our Engineers who have sign-up sheets. This is
19 Evan Lawrence and in the back we have Dustin Metz.
20 We'll call each of you who have indicated on the
21 sign-up sheet that you would like to make a statement.

22 One thing I will add is that if you have
23 with you a written version of the statement that
24 you're providing, it's helpful to our court reporter

1 if you're willing to leave that behind for her. So,
2 if you're willing to do that you can just hand it to
3 me. I'll be sitting here when you've concluded your
4 statement.

5 We very much appreciate each of you coming
6 out tonight for this public hearing. We want to hear
7 from folks like you as does the Commission. If you
8 have questions about the Application, members of the
9 Public Staff, including Evan, Dustin, and myself will
10 be glad to speak with you during a break or after
11 tonight's hearing. Thank you, again, for being out
12 here tonight.

13 And Chair Mitchell, we have approximately 19
14 witnesses.

15 CHAIR MITCHELL: Thank you, Ms. Keyworth.
16 Mr. Higginbotham.

17 MR. HIGGINBOTHAM: Yes. If it's okay with
18 the Commission, Duke Energy Carolinas would like to
19 ask Ms. Robin Nicholson to come up to provide our
20 opening statement.

21 CHAIR MITCHELL: Ms. Nicholson, you may come
22 on up.

23 MS. NICHOLSON: Good evening, Commissioners,
24 Public Staff, thank you for coming to Catawba County

1 to visit with us tonight. I am Robin Nicholson and
2 I'm the Government Community Relations District
3 Manager for Catawba County and several of the
4 surrounding counties in this particular area.

5 Marshall Steam Station is why we're here to
6 talk tonight and Marshall has been a proud and engaged
7 community partner and neighbor providing reliable and
8 highly efficient electric generation for over 60
9 years, as well as a strong employer for hundreds of
10 our local residents.

11 Change is everywhere and its impact on a
12 community is challenging: New businesses, new homes
13 new technology. The Sherrills Ford area where
14 Marshall is located is a testament to all the recent
15 change that has been seen in that particular area.
16 With this change, the need for electricity changes and
17 has steadily increased. It's crucial that we reinvest
18 in our communities, and that is the reason for
19 proposing this new generation to be constructed on the
20 current site of Marshall Steam Station. As we move
21 through this reinvestment process, we realize it's
22 critical to consider all input and wide-range of
23 perspectives. This affects our community, our county
24 economically and financially, environmentally, and

1 historically. This is a very historic area where
2 Marshall sits, and Marshall is part of that history.

3 So we welcome the comments from our
4 neighbors and community partners who are here this
5 evening. And we also have folks with us, if there are
6 any specific customer service issues or other related
7 issues that they would like for us to address, we'll
8 be glad to talk with them after the hearing.

9 Thank you again for your time.

10 CHAIR MITCHELL: Thank you. Counsel, before
11 we begin, any preliminary matters?

12 MR. HIGGINBOTHAM: (Shakes head no).

13 MS. KEYWORTH: (Shakes head no).

14 CHAIR MITCHELL: Public Staff, you may call
15 your first witness.

16 MS. KEYWORTH: The first witness is Frank
17 Young.

18 CHAIR MITCHELL: Good evening, Mr. Young.
19 Do you wish to swear or affirm your testimony?

20 MR. YOUNG: Yes. I'd like to swear. Yes.

21 FRANK YOUNG;
22 having been duly sworn,
23 testified as follows:

24 DIRECT EXAMINATION BY MS. KEYWORTH:

1 Q If you can state your name for the record.

2 A My name is Frank Young.

3 Q And your address.

4 A It's 460 17th Avenue Wayne, NW, Hickory, North
5 Carolina.

6 Q And are you a Duke Energy Carolinas customer?

7 A Yes, I am.

8 Q You can provide your statement.

9 A Well, thank you, Commissioners. I appreciate the
10 opportunity to speak. My name, again, is Frank
11 Young and I am the Chairman of, and speaking on
12 behalf of, the Catawba County Economic
13 Development Corporation, the EDC.

14 We at the EDC work to build a diversified
15 economic base by recruiting new business in
16 industry. We also help the existing business and
17 industry to grow by fostering a creation of jobs.
18 North Carolina, and this area in particular, are
19 very attractive for new business for many reasons
20 such as our climate and our natural resources.

21 We are rapidly growing and this means we
22 need reliable, continual electricity. In fact,
23 we have an urgent need here in Catawba County for
24 new electric infrastructure to help meet this

1 growing demand. Duke Energy is proposing the
2 construction of two hydrogen capable simple cycle
3 gas combustion turbine units which will take
4 advantage of the existing natural gas supply to
5 the plant that was added in 2021. If we're going
6 to meet the needs of North Carolina's economic
7 growth, we must leverage all available energy
8 generation.

9 We ask that the North Carolina Utilities
10 Commission, through the construction of these
11 replacement units at Marshall Steam Station, our
12 community's economic growth and quality of life
13 depend on them. Thank you very much.

14 CHAIR MITCHELL: Thank you, Mr. Young. Let
15 me see if there are questions for you from counsel.

16 MS. KEYWORTH: I have just one.

17 Q I heard you say that you're here on behalf of the
18 Economic --

19 A The EDC.

20 Q Yes. And just, for the record, you're speaking
21 in that capacity?

22 A Yes.

23 Q And not in your individual capacity.

24 A Yes.

1 Q Thank you.

2 A Thank you.

3 CHAIR MITCHELL: Commissioners, questions
4 for the witness?

5 MR. HIGGINBOTHAM: No. Oh, Commissioners.
6 I'm sorry.

7 CHAIR MITCHELL: No questions.

8 MR. HIGGINBOTHAM: No, thank you.

9 CHAIR MITCHELL: Thank you very much for
10 your testimony tonight.

11 MS. KEYWORTH: The next witness is Andy
12 Wells.

13 CHAIR MITCHELL: Good evening, Mr. Wells.
14 Do you wish to swear or affirm your testimony?

15 MR. WELLS: I'll swear.

16 ANDY WELLS;
17 having been duly sworn,
18 testified as follows:

19 CHAIR MITCHELL: You may proceed.

20 DIRECT EXAMINATION BY MS. KEYWORTH:

21 Q If you can provide your name for the record.

22 A Andy Wells.

23 Q And your address.

24 A 1301 North Center Street, Hickory.

1 Q And are you a Duke Energy Carolinas customer?

2 A Yes, except for my solar panels.

3 Q Okay. If you can provide your statement; thank
4 you.

5 A Thank you members for making the trek up here.
6 The Catawba Valley lost half our manufacturing
7 base 20 years ago. That left us with a surplus
8 capacity in both electric and water, and then the
9 data centers discovered us, and they have been a
10 big help. So we are attractive to data centers,
11 and they did replace some of our tax base, but we
12 still need more tax base. But data centers need
13 electricity to operate. We don't have enough
14 electricity.

15 Small modular reactors that produce
16 electricity are our best option for meeting and
17 increasing energy demand. Other states are
18 moving in that direction. Other countries that
19 are friendly to us are moving in that direction
20 and some countries that are not so friendly are
21 working on that.

22 Why is North Carolina delaying approving --
23 a proven energy provider that has served the
24 United States Navy well for other 70 years?

1 Small modular technology is safe. Flexibility
2 makes it less expensive. We can boost our
3 economy. We can move it into a clean energy
4 future.

5 A small Wyoming town has stepped up to
6 replace coal directly with a new modular reactor.
7 The Biden administration says it's clean energy,
8 and the town skipped the massively expensive
9 natural gas transition.

10 Like most things, we know technology goes
11 where it is wanted. Here, we know how it feels
12 and what it costs to lose 30,000 jobs. It
13 happened because we were out of step with
14 international trade. We can't take another
15 economic hit here because we refuse technology.

16 Electric vehicle sales are increasing. AI
17 technology offers the promise of improved
18 productivity to replace a dwindling workforce.
19 Neither of those will happen with our current
20 electric grid. What will happen, more events
21 like the 2022 Christmas Eve blackouts in
22 Charlotte, rolling blackouts where two of my sons
23 and my grandsons live. Demand for grid security
24 will accelerate as those things happen, but at

1 that point, it's too late to address the grid,
2 when you're actually into the blackouts.

3 Let's prepare for our future. We can work
4 through the challenges of electric power
5 conversion from hydrocarbons to modular reactors.
6 It's time to address and manage the issues that
7 that we control. We can prepare and be ready to
8 lead the transaction; to be proactive.

9 When the market is moving, and it is, we
10 need to be first in line in North Carolina. We
11 can't sit back and watch a major economic driver
12 move to other states because they welcome a new
13 technology and we didn't.

14 CHAIR MITCHELL: Thank you, Mr. Wells. Let
15 me see if there are questions for you from counsel?

16 MS. KEYWORTH: (Shakes head no).

17 MR. HIGGINBOTHAM: No questions.

18 CHAIR MITCHELL: Commissioners?

19 (No audible response)

20 CHAIR MITCHELL: No questions. Thank you,
21 Mr. Wells, for coming tonight.

22 MR. WELLS: Thank you.

23 MS. KEYWORTH: Thank you. John Gaertner.

24 CHAIR MITCHELL: Good evening, Mr. Gaertner.

1 Do you wish to swear or affirm?

2 MR. GAERTNER: I'll swear.

3 JOHN GAERTNER;

4 having been duly sworn,

5 testified as follows:

6 DIRECT EXAMINATION BY MS. KEYWORTH:

7 Q If you can state your name for the record.

8 A John Gaertner.

9 Q And do you mind spelling your last name?

10 A G-A-E-R-T-N-E-R.

11 Q Thank you. And your address.

12 A 1440 Harding Place, Charlotte, North Carolina

13 28204?

14 Q Are you a Duke Energy Carolinas customer?

15 A I am.

16 Q If you can provide your statement.

17 A Thank you and good evening. I have 50 years of
18 experience as an engineer and scientist in the
19 area of electric power generation and this is be
20 my testimony. Duke Energy has proposed building
21 850 megawatts of gas-fired combustion turbines at
22 Marshall Plant site by 2029, and they have
23 committed in their 2022 and 2023 Carbon Plans to
24 transition to zero carbon using hydrogen. Duke

1 Energy's filings provide no details of how this
2 transaction will be done and no evidence that it
3 is even possible.

4 Therefore, if the CPCN is granted, I
5 recommend that the Commission require Duke Energy
6 to provide: (1) a detailed plan for this
7 transition; (2) actions to ensure the Plan
8 remains on track; and importantly, (3), a
9 commitment that the plant will operate at its
10 hydrogen capability from start up in 2029 until
11 zero carbon is achieved. Otherwise, the
12 Commission should reject the CPCN.

13 The following comments explain and justify
14 this recommendation. Duke Energy's filing
15 describes the resource operational life of the
16 plant. They say the planned lifetime is 35
17 years. That means it will last til 2059. The
18 combustion turbines are described as hydrogen
19 capable with transition to 100 percent hydrogen,
20 or they say the use of carbon capture and storage
21 to achieve net zero carbon by 2050.

22 I suggest that Duke can secure vendor
23 guarantees for, say, 30 percent hydrogen in 2029
24 and 100 percent by 2040. By the way, 30 percent

1 hydrogen only reduces greenhouse gas emissions by
2 13 percent, so that's not a lot. Duke must also
3 commit to produce or purchase green hydrogen and
4 provide for hydrogen transport and storage by
5 2029. Finally, carbon capture and storage is not
6 in Duke Energy's Carbon Plans. If it is planned
7 for combustion or for hydrogen production at
8 Marshall, then this CPCN should not proceed until
9 that Carbon Plan is revised.

10 Duke has cited a heat and power project at
11 Clemson University as a demonstration plant for
12 hydrogen, but they use 0 percent hydrogen fuel in
13 that plant after seven years of planning and four
14 years of operation.

15 Now is the time to put the plan into action,
16 and this CPCN is the opportunity to do it. Thank
17 you.

18 CHAIR MITCHELL: Thank you, Mr. Gaertner.
19 Let me see if there are questions for you from
20 counsel.

21 MS. KEYWORTH: (Shakes head no).

22 MR. HIGGINBOTHAM: No questions.

23 CHAIR MITCHELL: Commissioners?

24 (No audible response)

1 CHAIR MITCHELL: Thank you for coming
2 tonight.

3 MS. KEYWORTH: Thank you.

4 The next witness is Randy Burns.

5 CHAIR MITCHELL: Good evening, Mr. Burns.
6 Do you wish to swear or affirm your testimony?

7 MR. BURNS: (Indicating).

8 RANDY BURNS;
9 having been duly sworn,
10 testified as follows:

11 DIRECT EXAMINATION BY MS. KEYWORTH:

12 Q And if you can state your name for the record.

13 A Randy Burns.

14 Q And your address.

15 A I'm at 6413 Bridle Ridge Lane, Morganton, North
16 Carolina.

17 Q Thank you. And are you a Duke Energy Carolinas
18 customers?

19 A I am indirectly a Duke Energy customer. My power
20 supplier is actually Rutherford Electric who buys
21 wholesale power from Duke. So, yes, indirectly.

22 Q Thank you. And if you can provide your
23 statement.

24 A Thank you very much. When I was thinking about

1 coming here today, I thought about a lot of
2 things. One of the things that I do feel in my
3 heart of hearts is that we have to harden our
4 system. We have to develop an electric grid that
5 is not only diverse but sustainable. And I know
6 that we, as a country, as a state, as a county,
7 as a city, we're all in transition and we're
8 moving towards sustainability. But when I read
9 articles and I look at things across the country
10 that; you know, are EV cars are being sold, that
11 the power grid systems are having a hard time
12 keeping up. And I, too, remember the rolling
13 brownouts that we had back, I think it was
14 December a year ago.

15 I just want to say that I applaud Duke's
16 efforts to diversify our power generation system.
17 I like the idea that it's going to basically take
18 two of the coal-fired generators out of
19 commission and replace them with, from what I've
20 read, from what I understand, energy that's about
21 50 percent cleaner than that, and it's moving in
22 the right direction.

23 I remember as a child watching Star Trek on
24 television and I watched this guy walk up to a

1 hole in the wall and say, "I want tea and I want
2 it very hot", and it materialized. Well, the
3 things that I've seen in my life as I've gone
4 through my life are just about as awe-inspiring.
5 And I think about the transition as we go through
6 as a country. I think Andy Wells had mentioned
7 data centers. We've got to be able to supply
8 that power.

9 I would ask the Commission, if you would
10 please, give serious consideration to approving
11 this application. Thank you.

12 CHAIR MITCHELL: Questions for the witness
13 from the --

14 MR. HIGGINBOTHAM: No.

15 MS. KEYWORTH: (Shakes head no).

16 CHAIR MITCHELL: Commissioners?

17 (No audible response)

18 CHAIR MITCHELL: Thank you for coming
19 tonight, sir.

20 MS. KEYWORTH: Marilyn Stanwood.

21 CHAIR MITCHELL: Good evening. Do you wish
22 to swear or affirm your testimony?

23 MS. STANWOOD: Affirm.

24 MARILYN STANWOOD;

1 having been duly affirmed,

2 testified as follows:

3 DIRECT EXAMINATION BY MS. KEYWORTH:

4 Q If you can provide your name for the record.

5 A My name is Marilyn Stanwood.

6 Q And how do you spell your first name?

7 A S-T-A-N-W-O-O-D.

8 Q Okay. And your address. 4209.

9 A It's 4209 Brazos Street in Charlotte, North
10 Carolina.

11 Q Are you a Duke Energy Carolinas customer?

12 A Yes, I am.

13 Q And if you can provide your statement. Thank
14 you.

15 A All right. Good evening, everybody. My name is
16 Marilyn Stanwood, and I am a software engineer; I
17 am an environmentalist; I am a U.S. citizen; and
18 also a customer of Duke Energy.

19 First of all, I would like to thank the
20 North Carolina Utilities Commission for their
21 diligent work and also for being here listening
22 to us.

23 So, in my house, we care for the
24 environment. We try to do all the things that

1 help: We recycle, we plant trees, we even
2 installed solar panels, we save energy, and we
3 save water, but it is never enough.

4 You guys have the power to have a real
5 impact. The decision you make today will have
6 long lasting consequences, not just for our
7 generation, but also for all the generations to
8 come.

9 Gas plants will bring with them a huge
10 amount of environmental and health issues. They
11 contribute to air and water pollution, and we
12 don't want Catawba County contaminated. North
13 Carolina doesn't need more gas plants.

14 I urge Duke Energy to turn to renewable
15 energy sources such as wind and solar. These
16 offer clean and sustainable energy solutions and
17 they do not compromise the health of our people.

18 Please do not accept this gas plant.

19 Thank you very much for your time and for
20 your consideration.

21 CHAIR MITCHELL: Thank you, Ms. Stanwood.
22 Let me see if there are any questions for you from
23 counsel.

24 MS. KEYWORTH: (Shakes head no).

1 MR. HIGGINBOTHAM: (Shakes head no).

2 CHAIR MITCHELL: Commissioners?

3 (No audible response)

4 CHAIR MITCHELL: Thank you for your
5 testimony tonight.

6 MS. KEYWORTH: Kenyon Kelly.

7 CHAIR MITCHELL: Mr. Kelly, do you wish to
8 swear or affirm your testimony?

9 MR. KELLY: Affirm.

10

11 KENYON KELLY;

12 having been duly affirmed,

13 testified as follows:

14 DIRECT EXAMINATION BY MS. KEYWORTH:

15 Q If you can state your name for the record and
16 spell it.

17 A Kenyan Kelly, K-E-N-Y-O-N K-E-L-L-Y.

18 Q And your address.

19 A I live at 2943 Sandy Ford Road in Newton.

20 Q Thank you. Are you a Duke Energy Carolinas
21 customer?

22 A I am.

23 Q Thank you. You can provide your statement.

24 A As I stated, my name is Kenyon Kelley. I'm here

1 as a representative of the Catawba Valley
2 Heritage Alliance, a nonprofit organization whose
3 mission is the protection of natural habitats and
4 improvements of recreational resources for the
5 benefit of the citizens of our region. I should
6 mention, as well, our group served as a
7 stakeholder in the Catawba-Wateree FERC
8 Relicensing process which resulted in significant
9 recreational improvements along the Catawba
10 River.

11 I'm grateful to the members of the Utility
12 Commission, staff, and Public Staff attorneys, as
13 well as representatives of Duke for the
14 opportunity to speak with you tonight.

15 I want to speak in regard to the Application
16 for a Certificate of Public Convenience and
17 Necessity to construct the a 85 -- 850 megawatt
18 natural gas-fired combustion turbine generating
19 facility at the Marshall Steam Plant in Sherrills
20 Ford, here in Catawba County.

21 I wish to express my strong opposition to
22 this proposal for a number of reasons. First, I
23 find this a direct -- this proposal a direct
24 contravention of Duke's stated plan to reduce

1 greenhouse gas emissions by 2030.

2 A key provision of House Bill 951 directs
3 North Carolina utilities to reduce greenhouse gas
4 emissions by 70 percent over the course of the
5 next six years. Natural gas is a fossil fuel
6 which greatly increases carbon and methane
7 emissions rather than a reduction. In addition
8 to addressing climate crisis reduction, would
9 greatly -- and this would -- if it was addressed
10 properly, it would greatly improve the air
11 quality around the power plant resulting in
12 increased health outcomes for near by residents.

13 Secondly, I would like to wish to argue that
14 against the acceptance of this application on
15 economic grounds. In my humble opinion, I
16 believe Duke investors and stockholders should
17 weather the effects of the volatile energy
18 market, not the ratepayers. Recent increases in
19 natural gas costs have significantly impacted
20 utility customers' rates which have been borne by
21 those who can afford it least, especially the
22 elderly and low-income families.

23 Duke should instead be investing in a
24 diverse energy mix. Specifically, renewable

1 energy resources such as solar and wind as well
2 as battery storage and energy conservation.
3 Duke's own internal studies indicate that it
4 would save -- it could save ratepayers
5 \$1.3 billion just by replacing new -- if it --
6 rather than adding new proposed gas plants that
7 they would implement programs that would work
8 with customers to reduce energy usage during peak
9 times. An investment at this time of this type
10 would be in the best interest to the customers as
11 well as the viability of Duke's stock portfolio.

12 Therefore, I respectfully request that the
13 North Carolina Utilities Commission reject this
14 proposal and instead require Duke to fulfill its
15 legal obligation to reduce harmful carbon
16 emissions as outlined in the legislation which
17 was enacted with overwhelming bipartisan support
18 by the North Carolina General Statute Assembly.
19 Thank you for the opportunity.

20 CHAIR MITCHELL: Thank you, Mr. Kelly.

21 Questions for the witness?

22 MS. KEYWORTH: Just one.

23 BY MS. KEYWORTH:

24 Q Mr. Kelly, you mentioned that you're here on

1 behalf of Catawba County Heritage Alliance --

2 A Catawba Valley.

3 Q Catawba Valley. Thank you. I just wanted to
4 confirm that you're speaking in that capacity
5 tonight and not in your individual capacity.

6 A Uh-huh (yes).

7 Q Thank you.

8 MS. KEYWORTH: Thank you for your statement.

9 CHAIR MITCHELL: Questions from
10 Commissioners? Commissioner Hughes, go ahead.

11 EXAMINATION BY COMMISSIONER HUGHES:

12 Q Just, the number you cited, do you have more
13 information on what you cited? The study that
14 they did.

15 A The study. No, I don't have that with me but I'd
16 be happy to get it for you. It was a research
17 document that Duke produced internally. I can
18 get that for you.

19 MS. KEYWORTH: You can file that as a
20 consumer statement.

21 Would that work for you, Commissioner
22 Hughes?

23 COMMISSIONER HUGHES: Yes.

24 MS. KEYWORTH: If you can go on line to the

1 docket system, then you can submit a consumer
2 statement that way and also feel free and give us a
3 call if you have questions figuring out how to do
4 that. Thanks.

5 THE WITNESS: Thank you very much.

6 CHAIR MITCHELL: Thank you, Mr. Kelly.

7 MS. KEYWORTH: The next witness is Hilda von
8 Schmittou. Apologies if I --

9 MS. VON SCHMITTOU: You were very close.

10 CHAIR MITCHELL: Good evening. Do you wish
11 to swear or affirm your testimony?

12 MS. VON SCHMITTOU: Swear.

13 HILDA VON SCHMITTOU;
14 having been duly sworn,
15 testified as follows:

16 DIRECT EXAMINATION BY MS. KEYWORTH:

17 Q If you can please state and spell your name for
18 the record.

19 A Yes. Hilda von Schmittou, V-O-N space
20 S-C-H-M-I-T-T-O-U.

21 Q And your address?

22 A 508 East 17th Street, Newton.

23 Q Are you a Energy Carolinas customer?

24 A Indirectly. It's sourced through the City of

1 Newton and they're a Duke Energy Carolinas
2 customer.

3 Q Thank you. And thank you for providing your
4 statement.

5 A Firstly, thank you so much, Commissioners, for
6 your time. I know you're all busy people. But,
7 as a local citizen, it's very important to me to
8 be able to come and voice my concerns, and I
9 truly do appreciate it.

10 A lot of people have talked about the need
11 for change and reinvestment in our community and
12 I couldn't agree more. What I am hesitant to do
13 is endorse changes that on the surface are
14 seemingly cost-effective and working towards Duke
15 Energy's carbon emissions reduction goals as
16 outlined in North Carolina House Bill 951 which,
17 as a reminder for anyone not familiar with it,
18 it's a 70% reduction by 7030 (sic) in carbon
19 emissions net zero by 2050.

20 I'm very hesitant to see how natural gas
21 emissions are going to help us meet our carbon
22 reduction plan. And as a consumer, I'm very
23 hesitant to endorse that has an additional cost
24 with such a minimal life span.

1 Duke's estimate is that construction would
2 be completed by 2029 which means just one year
3 before a 70% reduction CO2 target. I don't see
4 how natural gas, which one of its main components
5 is methane, is going to help us meet this.

6 Additionally, it's estimated that there is
7 going to be an \$80 a month cost increase for the
8 average household. There's roughly 2.6 million
9 Duke Carolina consumers that are going to be
10 bearing the cost of that. Over just a one-year
11 period, that comes out to just under \$2.5
12 billion. It's not cost effective nor is it
13 meeting Duke's own stated goals, nor is it
14 meeting North Carolina law.

15 Consumers have already stated what we
16 consider to be a priority: Clean and
17 cost-effective energy. That's why our
18 representatives, as people referenced earlier, in
19 such a bipartisan motion passed that bill.

20 One of the things that strikes me as
21 somewhat out of line with Duke's goals and its
22 practices are on their website they're very clear
23 to point out the pride they take in renewable and
24 cost-effective energy. I would remind them that

1 as it stands today the most cost effective energy
2 sources are actually going to be renewables and
3 that's what we should be pursuing. If this plant
4 is hydrogen capable then from day one it's more
5 cost-effective to pursue hydrogen capable and
6 actually be using hydrogen. I don't want to have
7 to pay for a short lifespan that will be retired
8 early because it's in theory illegal in a year.

9 I'd like to close with a nice anecdote. I
10 was coming back from our sister South Carolina
11 and we have a gorgeous state flag that meets us
12 as we cross the State lines. Our State motto is
13 *Esse Quam Videri*. And for anyone who doesn't
14 just randomly quote Latin, it means "to be rather
15 than to seem". It seems to me today that Duke
16 wants to seem as though it is being proactive and
17 cost-effective when in reality the coal that it
18 is saying it reduces is just being switched
19 around with another emission source that is
20 neither cost-effective and, again, not clean, and
21 technically illegal. Thank you so much for your
22 time this evening.

23 CHAIR MITCHELL: Thank you. Let me see if
24 there are questions for the witness. Counsel?

1 MS. KEYWORTH: Just one.

2 BY MS. KEYWORTH:

3 Q I think you mentioned something about \$80 per
4 month on customer bills as a result of this.

5 A Yes.

6 Q Do you have any idea where that came from?

7 A I do. It is the study that Duke published. And
8 it is Carolina Resource Plan Supplemental
9 Planning Analysis.

10 Q Okay.

11 A And I believe that was produced last year ahead
12 of their filing.

13 Q Thank you. That's the only question I have.

14 CHAIR MITCHELL: Questions from
15 Commissioners?

16 (No audible response)

17 CHAIR MITCHELL: Thank you very much for
18 coming out tonight. We appreciate your testimony.

19 MS. KEYWORTH: Sky Goliber.

20 CHAIR MITCHELL: Good evening. Do you wish
21 to swear or affirm your testimony?

22 MS. GOLIBER: Affirm.

23 CHAIR MITCHELL: Okay.

24 SKYLAR GOLIBER;

1 having been duly sworn,

2 testified as follows:

3 DIRECT EXAMINATION BY MS. KEYWORTH:

4 Q And your name, if you can state and spell it.

5 A My name is Skylar Goliber. S-K-Y-L-A-R

6 G-O-L-I-B-E-R.

7 Q And your address.

8 A 220 43rd Avenue Drive NW, Hickory, North

9 Carolina.

10 Q Are you a Duke Energy Carolinas customer?

11 A My family is, yes.

12 Q Are you --

13 A Yes.

14 Q And if you can provide your statement. Thank

15 you.

16 A So I came here today as practice for public
17 speaking and about something that I care about
18 which is reducing greenhouse emissions. Every
19 one here has had a lot of really good things to
20 say.

21 I wanted to mention that I am currently
22 employed as a renewable energy developer, to say
23 that I am in support of decommissioning a coal
24 plant, however possible. The two gas-fired units

1 proposed today will only replace half of the
2 Marshall Steam Station and there will still be
3 two active coal units in 2029 as the plan is
4 presented. And I wanted to ask this Commission
5 how quickly the additional units will be replaced
6 and with what energy sources. I would urge the
7 Commission to require Duke Energy to consider a
8 diverse energy source, a diverse renewable energy
9 source of wind and solar. Pollution and climate
10 change may not even be the primary motivator
11 behind an energy mix that includes solar and wind
12 power.

13 On May 29th, Duke Energy itself published
14 news that they have agreed to pursue carbon-free
15 energy with the support of companies such as
16 Amazon, Google, Microsoft, and Nucor. The
17 announcement of these agreements specifically
18 mentions nuclear and battery storage. The
19 nuclear developments will most likely experience
20 heavy public backlash, especially considering the
21 Vogtle Nuclear Plant in Georgia.

22 In addition, right now in this time of
23 energy transition is vital but solar and wind are
24 proven carbon-free energy sources that are ready

1 for utility scale deployment today.

2 I would urge the Commission to require a mix
3 of energy sources be used to replace the entirety
4 of the Marshall Steam Station. Thank you for
5 your time.

6 CHAIR MITCHELL: Thank you, Ms. Goliber.

7 Let me see if there are questions from counsel.

8 MS. KEYWORTH: (Shakes head no).

9 MR. HIGGINBOTHAM: (Shakes head no).

10 CHAIR MITCHELL: Commissioners?

11 (No audible response)

12 Thank you for your testimony.

13 THE WITNESS: Thank you.

14 MS. KEYWORTH: Jackson Faw. Is there a
15 Jackson Faw?

16 MR. FAW: Good evening.

17 CHAIR MITCHELL: Good evening. Do you wish
18 to swear or affirm your testimony?

19 MR. FAW: To swear.

20 JACKSON FAW;

21 having been duly sworn,

22 testified as follows:

23 CHAIR MITCHELL: You may proceed.

24 MS. KEYWORTH: Thank you.

1 DIRECT EXAMINATION BY MS. KEYWORTH:

2 Q If you can state and spell your name for the
3 record.

4 A It's Jackson Faw. That's F, as in fabulous, A-W.
5 Faw.

6 Q Thank you. Can you state your address?

7 A 223 Oakland Circle, Newton 28658.

8 Q Are you a Duke Energy Carolinas customer?

9 A Yes, ma'am.

10 Q You can provide your statement, please.

11 A Have y'all ever seen a Carolina Parakeet? Unless
12 you were alive in 1907 you haven't. Neither will
13 your children nor your grandchildren because it's
14 extinct due to deforestation, habitat
15 encroachment, just like the Eastern Cougar.

16 Duke Energy's plan to build a methane gas
17 plant at Lake Norman is in violation of North
18 Carolina's Clean Energy Bill HB951 which mandates
19 zero carbon emissions by 2025. North Carolina
20 must be investing in hydrogen, not methane gas.
21 It's not natural gas. That's a fancy name. It's
22 methane fracked gas which has a convenient
23 acronym of MF gas.

24 House Bill 951 was a bipartisan effort

1 crafted by Governor Cooper along with Republican
2 Phil Berger. It's the law. It requires this
3 Commission to quote, achieve carbon neutrality by
4 2050, and to comply with least cost planning for
5 power generation. Least cost planning; Duke
6 won't even tell us how much the plants are going
7 to cost. Estimates three years ago put it at
8 \$300 million. That's \$300 million for investment
9 for a methane gas facility that will be in
10 violation of the law in 20 years.

11 Methane gas accounts for 30 percent of
12 global warming since the industrial age. Twenty
13 years ago, natural gas accounted for just
14 two percent of North Carolina's greenhouse gas
15 emissions. Today, it's 45 percent. Leaders in
16 the United States' House and Senate are asking
17 for the kind of action that the Department of
18 Justice brought against big tobacco 20 years ago.
19 Representative Jamie Raskin cites evidence that
20 quote, for at least 50 years big oil and gas have
21 clearly understood that the burning of fossil
22 fuels destabilizes the climate and warms the
23 earth, and are making a very deliberate decision
24 to try to suppress that evidence, end quote.

1 Does the Utilities Commission want to be
2 complicit in this cover up or do you want a
3 record to turn it around.

4 In the Capitol of New Delhi last week where
5 35 million people live, temperatures reached 122
6 degrees. In Mexico, howler monkeys are falling
7 out of the trees dead because of a 100 degree
8 heat. Triple digits here in the United States.
9 Last week, Oregon and Washington State closed
10 their entire coast to shellfish harvesting
11 because of human caused climate change ocean
12 warming.

13 Right here at home, no one predicts the
14 greatest number of hurricanes ever for the 2024
15 Atlantic season. These are all facts.

16 There are currently three new methane gas
17 pipeline proposals already under construction in
18 North Carolina threatening the Haw River and
19 already polluting the Dan River in Virginia.
20 Methane gas leaks at every stage of extraction
21 and transportation. Here's what north Carolina's
22 Department of Environmental Quality Secretary
23 Michael Regan said in 2020, quote, North
24 Carolina's energy future is not dependent on

1 adding more gas infrastructure. Duke Energy
2 claims that Lake Norman methane gas plant, quote,
3 could incorporate hydrogen power should that
4 technology mature.

5 Commissioners, please, please commit to
6 hydrogen now. There are already methane gas
7 plants in seven states. Under President Biden's
8 bipartisan infrastructure law, Duke Energy and
9 others submitted bids for a southeast hydrogen
10 hub. The southeastern hydrogen hub's bid was
11 only asking for \$125 million, along with private
12 matching funds. That's just a fraction of what's
13 being spent on Duke's planned new methane fracked
14 gas plants.

15 Commissioners, if Duke Energy is committed
16 to hydrogen, do it now before wasting our money
17 on more methane gas. Don't let Duke Energy wave
18 a dying red heron promise of hydrogen. Do it
19 now. Thank you.

20 CHAIR MITCHELL: Thank you, Mr. Faw. Let's
21 see if there questions from counsel for the witness.
22 From Commissioners?

23 (No audible response)

24 Thank you for coming tonight. You may step

1 down. Thank you, sir.

2 MS. KEYWORTH: Randall Johnson.

3 MR. JOHNSON: Yes. I don't have a statement
4 or testimony to give tonight or questions for the
5 Commission. I appreciate your time now sitting up
6 there and listening to us.

7 MS. KEYWORTH: Thomas Getz.

8 CHAIR MITCHELL: Good evening, sir. Do you
9 wish to swear or affirm?

10 MR. GETZ: I'll swear.

11 THOMAS GETZ;

12 having been duly sworn,

13 testified as follows:

14 DIRECT EXAMINATION BY MS. KEYWORTH:

15 Q If you can state and -- state your name and spell
16 your last name for the record.

17 A Thomas Getz, G-E-T-Z, 10400 Country Lane,
18 Charlotte. I'm a Duke customer.

19 Q Duke Energy Carolinas?

20 A Yes.

21 Q Thank you. You can provide your statement,
22 please.

23 A Thank you very much. My statement will begin 50
24 years ago like one of the previous speakers did.

1 I was a college student 50 years ago, studying
2 environmental science and I did a college term
3 paper on the effect of air pollution on the
4 atmosphere of the earth. And 50 years ago, I
5 understood this relationship between carbon
6 dioxide in the atmosphere and the warming of the
7 atmosphere. I was not worried about it 50 years
8 ago because as a 20-year-old college student why
9 be worried about something that is 100 or 200
10 years in the future. Well, a half a century has
11 passed which brings us much closer.

12 The other thing that has changed over the
13 past 50 years since I've been following this
14 science, is that every time new information comes
15 forward it is worse, much much worse than it has
16 been before. And we now can see very clearly
17 what is happening with the effect of the
18 atmosphere on agriculture with extensive
19 droughts, on cities with extensive floods; on our
20 coast lines we've seen the ocean has risen
21 10-inches in the past century and it's rising
22 more quickly, and it is foreseeable that with the
23 increasing storms that the major cities not just
24 in the United States but around the world will be

1 under water. There will be a climate migration
2 of billions of people that need to get away from
3 the ocean as it rises.

4 And so I would ask the Commission to turn
5 down this application to construct new fossil
6 fuel generating stations. All new infrastructure
7 should be based upon renewables for the good of
8 the human race. I'm concerned about this because
9 I now have grandchildren.

10 CHAIR MITCHELL: Thank you, Mr. Getz. Let
11 me see if there are questions for you from counsel?
12 From the Commissioners?

13 (No audible response)

14 Thank you for coming tonight, sir.

15 MS. KEYWORTH: Rachel Rader.

16 CHAIR MITCHELL: Do you wish to swear or
17 affirm your testimony?

18 MS. RADER: I guess I'll swear.

19 RACHAEL RADER;

20 having been duly sworn,

21 testified as follows:

22 CHAIR MITCHELL: Ms. Keyworth, if you would.

23 MS. KEYWORTH: Thank you.

24 DIRECT EXAMINATION BY MS. KEYWORTH:

1 Q If you can state your name and spell your last
2 name, please.

3 A Rachael Rader. R-A-C-H-A-E-L Rader, R-A-D-E-R.

4 Q And your address.

5 A 910 Cameron Village Drive, Matthews, North
6 Carolina. Yes, I am a Duke Energy customer.

7 Q Duke Energy Carolinas?

8 A Yes.

9 Q Thank you. And if you can provide your
10 statement.

11 A All right. Well, thank you guys so much for
12 being here. It means a lot. And tonight, I'm
13 going to be speaking on behalf of myself, and
14 also to the citizens of North Carolina who could
15 not be here tonight who may be, you know, the
16 mother who is supporting three children by
17 herself working three jobs, you know, night
18 shift, day shift, you name it, and who will
19 inevitably deal with the repercussions of the
20 decisions made here tonight.

21 To the NC Utilities Commission, we urge you
22 to fulfill your duty to protect the public
23 interest by ensuring adequate service at
24 reasonable rates. By ensuring -- sorry. More

1 importantly, we implore you to act responsibly.
2 Allowing Duke Energy to expand fossil fuel
3 infrastructure will not protect consumers from
4 fuel rate hikes or the inevitable health costs
5 associated with this kind of energy production.
6 It is well-documented that air and water
7 pollution have significant public health costs.

8 Methane gas, aka natural gas, is a potent
9 greenhouse gas that is 25 times more effective at
10 trapping heat in the atmosphere than carbon
11 dioxide over a 100-year period. Meaning that
12 even if natural gas burns cleaner than coal, it
13 warms the planet faster. You think it's hot now,
14 you just wait. Additionally, methane emissions
15 contribute to the formation of ground level ozone
16 which is linked to respiratory problems and other
17 serious health issues.

18 According to the Environmental Defense Fund,
19 methane emissions from the oil and gas industry
20 alone are responsible for over 700 million in
21 health impacts annually in the United States.
22 You must ask yourselves: How am I protecting the
23 public interest; how am I ensuring the health and
24 safety of my community; who will bear the health

1 costs of this pollution. The answer is clear.

2 The consumer will pay.

3 An ounce of prevention is worth a pound of a
4 cure. Preventing pollution is far more effective
5 than dealing with its consequences. Thanks to
6 the Inflation Reduction Act of 2022, there are
7 unprecedented funds available to help local
8 governments and businesses transition to green
9 energy. These provide tax incentives for clean
10 energy, jobs, as well as tax incentives for clean
11 energy infrastructure.

12 Do not allow Duke Energy to build these two
13 new fossil fuel generators. Doing so will burden
14 consumers with health costs and fuel rate hikes,
15 harm the environment and become obsolete by the
16 time they are completed in 2029, given the carbon
17 reduction target set by HB951. Thank you.

18 CHAIR MITCHELL: Thank you, Ms. Rader.

19 Questions for the witness from counsel? From
20 Commissioners?

21 (No audible response)

22 Thank you for your testimony tonight.

23 MS. KEYWORTH: Gary Mohr.

24 CHAIR MITCHELL: Good evening, Mr. Mohr. Do

1 you wish to swear or affirm your testimony?

2 MR. MOHR: I'll swear.

3 GARY MOHR;

4 having been duly sworn,

5 testified as follows:

6 DIRECT EXAMINATION BY MS. KEYWORTH:

7 Q If you can state and spell your name for the
8 record.

9 A My name is Gary, G-A-R-Y, Mohr, M-O-H-R.

10 Q And your address.

11 A 2321 Capes Cove Drive, Sherrills Ford, North
12 Carolina.

13 Q Are you a Duke Energy Carolinas customer?

14 A A real close one.

15 Q That's a yes?

16 A Yes, I am. Sorry.

17 Q Thank you. If you can provide your statement,
18 please. Thank you.

19 A Okay, thank you. Well, I'm going to perhaps
20 bring a -- I've got three minutes on the clock.
21 I'm going to bring maybe a different little point
22 of view, much closer to home here since I live in
23 Sherrills Ford. And when I first read about all
24 of this, certainly when I moved, the Marshall

1 Street plant was there. I don't deny that. I
2 looked into it and I understood what it was, how
3 far away it was, all that. And we made a big
4 investment in the community, and moving here, and
5 enjoying the lake, and everything surrounded
6 about that.

7 Well, now comes the new plant. It seems,
8 and I won't reiterate, but it really does seem so
9 much in conflict with all the other testimony
10 that has been given so I won't reiterate that.
11 You-all are certainly well-versed on that, much
12 more so than myself. But it does have emissions.
13 It does have carbon, carbon dioxide. It does
14 have carbon dioxide emissions and so forth, and
15 that.

16 And unfortunately, the blinds are a little
17 bit down. I was just going to point out that
18 this new facility will now be 2400 feet from the
19 entrance of one of the first large neighborhoods,
20 Capes Northview Harbour which has over 310 homes
21 and, you know, probably five or 600 residents.
22 That's just the first one. Then, it cascades
23 down from that. Well, now we're going to put
24 more pollutants -- we're going to put pollutants

1 that much closer to our families, our children,
2 grandchildren, and all the sort there. And so
3 obviously, I'm asking that reconsideration be
4 given by the Commission to deny this and seek
5 alternative solutions. And I'll come back to
6 that in just a minute I guess.

7 But before that, I'll get off the
8 environmental because it's been so well stated up
9 until now, and I've noticed that you-all have
10 been taking very close attention to that. But
11 other things, like noise pollution. And by the
12 way, this 2400 feet away from the entrance,
13 that's not found in any other document. That's
14 why I wanted to bring that to your attention. I
15 don't know why that was omitted but it was, and
16 certainly I'm not implying intentionally, but
17 it -- the view is not there. And I did provide a
18 view in my letters and I provided views of other
19 things in the letter that I submitted to you-all.
20 And I'll leave that later on.

21 But increased noise pollution. I think it's
22 been very limited in understanding what the
23 increased noise pollution will be. Once again,
24 2400 feet away. And even so, some of the

1 neighbors, even in their own documents, noise
2 pollution will go up. If you ever lived around
3 industrial sites, that's significant. Traffic
4 congestions. We have an elementary school at the
5 end of Island Point Road, school buses,
6 everything. This is going to bring that facility
7 very close to that -- I hope you can give me 30
8 seconds -- it's very close to that roadway.

9 There is nothing about gating, whether
10 gating is going to be on Sherrills -- excuse me,
11 Island Point Road, but we would suggest that if
12 you were to grant this, that the gating be back
13 over where the plant actually is.

14 And then, the other question is, why this
15 site? Well, it's clear in the documentation.
16 I've worked in heavy industry my whole career.
17 This is what the engineer is saying is the most
18 cost-effective for Duke. I get that completely,
19 but it may not be best for the stakeholders. And
20 there has to be other sites if you were to grant
21 them the go-ahead on this. Again, I think
22 there's other solutions.

23 Industrial blight. We talked about that and
24 deforestation. The reduction in quality of life.

1 And here's my very last point and please I
2 appreciate if I can do it. Back when I made the
3 investment, there was a document. You may be
4 unaware of this, but Duke owned all the property
5 around there. Then, they set up a real estate
6 property investment called Crescent Communities,
7 which was in 1999. I submitted that information.
8 And now it's gone bankrupt and so forth through
9 various reasons. I won't go into that. But
10 here's what they say in that Declarant:

11 "Declarant desires to ensure the
12 attractiveness of the development, to prevent any
13 future impairment thereof, to prevent nuisances
14 and to enhance the value and amenities of all the
15 properties within the development."

16 And the Declarant is Duke. And we have that
17 document. This seems to be incomplete. You
18 know, conflict with that. And Duke profited from
19 the development of all these properties and now
20 they're going to suggest to build this facility
21 right at our doorstep.

22 So, I ask you to please take these close in,
23 maybe closer in consideration in your judgment.
24 And please also, if you were to -- let's look at

1 alternative sites that are at least a half mile,
2 or a mile or more away back up towards the power
3 plant or on a different site, please.

4 CHAIR MITCHELL: Mr. Mohr, thank you for
5 your testimony. I have a question for you.

6 THE WITNESS: Yes, ma'am.

7 EXAMINATION BY CHAIR MITCHELL:

8 Q Are you -- do you live or own property that is
9 subject to that Declaration that you just
10 referenced?

11 A Yes, ma'am. But in the Declaration, the
12 Declaration was in 1999. I purchased my
13 property, and please forgive me I might be
14 slightly wrong on this, but I think I purchased
15 my property in 2017, I think. I'm not exactly
16 sure.

17 Q Okay.

18 A But I do -- we do have the Declarant in the
19 homeowners association. I mean, that was in
20 there. And like I said, Duke sold that. My
21 understanding, please, I could be wrong about
22 this and I don't want to get in trouble, but they
23 sold this and then it was resold. You know,
24 these property investment firms. We all know how

1 that works. Anyhow, they ended up going
2 bankrupt. But at the time, that's what that
3 development was based on. And when I looked at
4 purchasing my property, we went through all the
5 HOA information. That's what I was reading.

6 CHAIR MITCHELL: Thank you, sir.

7 THE WITNESS: Thank you.

8 CHAIR MITCHELL: Questions from counsel?

9 MS. KEYWORTH: Yes, a couple.

10 EXAMINATION BY MS. KEYWORTH:

11 Q I believe you mentioned that you had filed maybe
12 a consumer statement already; is that right?

13 A You know, I got a little bit confused. I'm
14 sorry. I'm glad when I heard you-all were here
15 tonight because I have a handout just stating
16 that. But I wrote multiple letters to the North
17 Carolina Utilities Commission which I'm sure the
18 folks said and then I wrote to a variety of other
19 people, but I can give you a copy of the full
20 packet, regardless of who it was written to
21 because it's all pretty much the same, with the
22 attachments of the site overviews that I get that
23 I mentioned the 2400 feet and the Declarant is in
24 there, a copy of that.

1 Q Let's make sure we connect.

2 A Right after.

3 Q Right afterwards and I can make sure that you get
4 that filed as a consumer statement.

5 A Okay.

6 Q Thank you for providing your statement.

7 CHAIR MITCHELL: Questions from Duke?

8 MR. HIGGINBOTHAM: (Shakes head no).

9 CHAIR MITCHELL: Questions from
10 Commissioners?

11 (No audible response)

12 THE WITNESS: I want to thank you-all for
13 your time.

14 CHAIR MITCHELL: Thank you for coming out.

15 MS. KEYWORTH: Ron Sevilla. Ron Sevilla.

16 MR. SEVILLA: Yes.

17 CHAIR MITCHELL: Good evening, sir. Do you
18 wish to swear or affirm your testimony?

19 MR. SEVILLA: I'll swear.

20 RON SEVILLA;

21 having been duly sworn,

22 testified as follows:

23 DIRECT EXAMINATION BY MS. KEYWORTH:

24 Q If you can provide and spell your name for the

1 record.

2 A Ron Sevilla, S-E-V-I-L-L-A.

3 Q I did wonder about the pronunciation. And your
4 address.

5 A 2482 Capes Cove Drive, Sherrills Ford.

6 Q Are you a Duke Energy Carolinas customer?

7 A Yes.

8 Q Okay. If you can provide your statement. Thank
9 you.

10 A Sure. Thank you for being here tonight. Back in
11 2003, my wife and I bought our lot on Capes Cove
12 Drive in Northview Harbour from Duke, basically
13 Crescent Communities. And like Gary, that was
14 part of the deal was we had this development, we
15 knew what was around us, we didn't have to worry
16 about anything else coming in except for maybe
17 some more homes at the beginning of Island Point
18 Road. And now, all of a sudden, a half mile from
19 my house they're going to put this plant. And I
20 don't know if you know but these twin turbines
21 are going to put out 120 decibels and there's
22 nothing in the Application that says how they're
23 going to mitigate that. A 120 decibels is what
24 we hear when the coal cars get turned over at

1 night and that's two miles away and we can hear
2 that.

3 It's just not right for all of a sudden them
4 to put this in this location considering they
5 sold us the land the way it was with the
6 implication that they weren't going to do
7 anything else to harm our community. And harm I
8 do say because of the emissions that are going in
9 there. The emissions can cause asthma attacks,
10 heart attacks, possibly cancers.

11 The EPA recommends these gas plants be
12 three-miles away from residences. A half-mile is
13 not three miles. There is an elementary school
14 within two miles. There's a daycare center
15 within two miles. That should not occur.

16 As far as traffic goes, nothing in the
17 Application says where they're going to put the
18 entrance to this plant. If it goes through and
19 they put the entrance on Island Point Road, it's
20 going to be a huge issue, along with construction
21 workers, heavy equipment. Duke has their own
22 road on Steam Plant Road. They should use that.
23 That's where the entrance should be.

24 We, as homeowners, are worried not just

1 about our health, excuse me, but also we've made
2 an investment in these homes. These are custom
3 built homes and we don't feel like losing any
4 value. Because if this steam plant goes in,
5 people aren't going to want to live there like we
6 live there now.

7 So, I'm asking, please, do not approve the
8 location of this plant. I'm not trying to say
9 NIMBY, not in my backyard, but it needs to be
10 farther away from residences. It should not be
11 this close. Thank you very much.

12 CHAIR MITCHELL: Let me see if there are
13 questions for the witness. Ms. Keyworth?

14 MS. KEYWORTH: I do have one.

15 BY MS. KEYWORTH:

16 Q Thank you for your statement. Thank you, also,
17 for the paper you just handed me. It was
18 different than the statement that you gave, so I
19 wanted to see if you'd like me to enter it into
20 the record as an exhibit.

21 A Please.

22 Q So these are your words, your preparation; you
23 prepared this?

24 A Yes.

1 Q And you'd like the Commission to consider it?

2 A Right. Along with the signatures of 50
3 neighbors.

4 Q Okay.

5 MS. KEYWORTH: I would move that this be
6 entered into the record as Exhibit 1.

7 CHAIR MITCHELL: Sevilla Exhibit 1.

8 MS. KEYWORTH: Thank you very much.

9 (WHEREUPON, Sevilla Exhibit
10 1 is received into
11 evidence.)

12 CHAIR MITCHELL: Commissioner McKissick?

13 EXAMINATION BY COMMISSIONER MCKISSICK:

14 Q Mr. Sevilla, you indicated that you reviewed data
15 that indicated the sound level of 120 decibels;
16 is that correct?

17 A Yes. It's right in the Application.

18 Q Okay. And does it say what the -- you indicated
19 you live how far away from the --

20 A One-half mile.

21 Q One-half mile away.

22 A One-half mile. I'm the very first house in the
23 development.

24 Q Now, let me ask you this. Did it mention any

1 sound deafening materials or anything that will
2 be utilized or --

3 A No.

4 Q And you indicated that EPA had some radius that
5 was identified for far away?

6 A Three miles.

7 Q Three miles. And you secured that information
8 from what source of the EPA?

9 A I went to the EPA page on the internet.

10 Q The internet, okay. Thank you. I just wanted to
11 get that into the record so it can be
12 independently reviewed and so forth. Thank you,
13 sir?

14 A Thank you.

15 MS. KEYWORTH: Thank you for providing your
16 statement.

17 Jim Perkins.

18 CHAIR MITCHELL: Good evening, sir. Do you
19 wish to swear or affirm?

20 JAMES PERKINS;
21 having been duly sworn,
22 testified as follows:

23 DIRECT EXAMINATION BY MS. KEYWORTH:

24 Q If you can provide your name for the record.

1 A James Perkins is the formal name.

2 Q And your address.

3 A 2161 Capes Cove Drive --

4 Q And are you --

5 A Sherrills Ford.

6 Q Sorry.

7 A Yes, I am.

8 Q You're a Duke Energy Carolinas customer?

9 A Yes, I am.

10 Q Thank you. And if you can provide your
11 statement.

12 A Sure. Well, thank you. Good evening. I'm here
13 to testify as a Marshall Steam Plant neighbor as
14 well as an EV owner. So, I'll give you a couple
15 of different perspectives on this. I'm actually
16 a resident in the same neighborhood as the
17 previous two individuals who testified.

18 As an EV owner, I support the need for clean
19 and affordable electricity as well as a robust
20 grid.

21 As a homeowner, I have four concerns if this
22 project goes through and they can be categorized
23 as emissions, noise, visibility, and traffic.
24 And when I say traffic, I'm talking about both

1 construction traffic as well as ongoing operating
2 traffic; so employees and service providers,
3 materials going in and out.

4 The emissions concern has already been
5 addressed by some very smart people already
6 tonight. I've been very impressed with some of
7 the people that have talked. So, I'm not going
8 to touch that one. I am going to talk though
9 about noise, visibility, and traffic.

10 In my corporate life, I was involved in a
11 project where we went into a rural area -- well,
12 I say rural area, residential/rural area, and we
13 had to put in a 340-acre manufacturing facility.
14 And one of the first things that we did before we
15 ever broke ground is -- we knew the impact we
16 were going to have on the people around there --
17 and we held some information sessions/listening
18 sessions. And heard their concerns, shared with
19 them what we could about our specific plans and
20 then addressed them from day one. To my
21 knowledge, Duke has not done none of the above.
22 And, as you've heard from previous people, the
23 impact on us, our home values, things like that,
24 are real.

1 So, in the end, when I use the example where
2 we both came in with a manufacturing facility, we
3 ended up doing a number of different things that
4 were not part of the original plan. We changed
5 access roads to avoid the impact on residential
6 traffic. We changed the elevation of certain
7 buildings so that they weren't visible by moving
8 earth. We built berms to hide things. And we
9 even went to the extent of putting in active
10 noise cancellation so that those -- the sound
11 that some of our stats were emitting was not
12 going to be heard by the neighbors.

13 I realize that, you know, progress is going
14 to always involve those kinds of changes but I
15 think there's a lot, a lot more that could be
16 done than has been done to date. So, I would
17 just ask the Commission to take that into
18 consideration. And Duke, to take that into
19 consideration as we move forward. Thank you.

20 CHAIR MITCHELL: Question for you.

21 EXAMINATION BY CHAIR MITCHELL:

22 Q Can you identify for me the road that's most
23 proximate to your residence? The name of the
24 road.

1 A So, we're on Capes Cove Drive which, as
2 Mr. Sevilla testified, coming down Island Point
3 Road from the school it's the road directly
4 across from the proposed siting. So one side of
5 Island Point Road is Duke's, the Marshall Steam
6 Plant property including the ash landfill, the
7 other side is Northview Harbour. And then
8 continuing down Island Point Road is a number of
9 other subdivisions.

10 Q Okay.

11 CHAIR MITCHELL: Questions from counsel?

12 MS. KEYWORTH: (Shakes head no).

13 MR. HIGGINBOTHAM: (Shakes head no).

14 CHAIR MITCHELL: Questions from
15 Commissioners?

16 COMMISSIONER TUCKER: Madam Chair, may I ask
17 a couple of questions of Mr. Perkins?

18 CHAIR MITCHELL: Let me -- Commissioner
19 Tucker, let me have Commissioner McKissick ask his
20 question and then we'll hear from you.

21 COMMISSIONER MCKISSICK: This mic doesn't
22 want to come on.

23 EXAMINATION BY COMMISSIONER MCKISSICK:

24 Q Just one question, sir. I gather from your

1 testimony that your greatest concern is that you
2 haven't seen measures taken that would mitigate
3 or reduce the impact of noise, visibility, and
4 traffic; is that correct?

5 A From the ones that weren't previously addressed.
6 I mean, I think there's a whole set of questions
7 that was talked to about emissions and whether
8 this is even the right project to be generating
9 electricity with. But setting that aside,
10 speaking as a resident and a neighbor, yes,
11 noise, visibility, and traffic. And I think it
12 starts by seeing the plans, as details of the
13 plans as currently proposed. As you heard, we
14 don't even know where the entrance road might be
15 for construction or for operations, but all of
16 the things that are planned, what are the
17 alternatives, what can be done to minimize the
18 impact to the neighbors, you know, surrounding
19 residents.

20 Q That's what I wanted to clarify, that your
21 concerns are, it sounds like greater -- yes to
22 those three factors if they were mitigated.

23 A Well, I share the feelings of a lot of people
24 that talked about the technology, whether it's

1 the right solution for generating more
2 electricity. As I mentioned, as an EV owner, I
3 support going that way, but whether we should be
4 doing it with gas turbines I think is -- I've got
5 my feelings on that but I wasn't here to testify
6 about that. I think other people have spoken for
7 me well enough.

8 Q Understood. And one other question. Other than
9 this public hearing this evening, have there been
10 any other meetings to your knowledge --

11 A No.

12 Q -- that have been scheduled by Duke to discuss
13 this project in the community?

14 A No.

15 COMMISSIONER McKISSICK: Thank you, sir.

16 CHAIR MITCHELL: Commissioner Tucker?

17 COMMISSIONER TUCKER: Thank you, Madam
18 Chair. And thank you, Mr. Perkins. Commissioner
19 McKissick was reading my mail. I was taking the same
20 notes he was about visibility, about noise, and about
21 traffic. I do know where Island Point Road is. We
22 know for a long time traffic has been an issue around
23 Lake Norman. The water draws people. So, I don't
24 have any further questions, ma'am. Thank you, sir.

1 CHAIR MITCHELL: There are no further
2 questions for you, so you may step down. Thank you
3 very much.

4 THE WITNESS: Thank you.

5 MS. KEYWORTH: Kevin Greaney.

6 CHAIR MITCHELL: Do you wish to swear or
7 affirm?

8 MR. GREANEY: Swear.

9 KEVIN GREANEY;
10 having been duly sworn,
11 testified as follows:

12 DIRECT EXAMINATION BY MS. KEYWORTH:

13 Q If you can state and spell your name for the
14 record.

15 A Kevin Greaney. And it's spelled G-R-E-A-N-E-Y.

16 Q And your address?

17 A 8830 Colebridge Court in Sherrills Ford.

18 Q Thank you. Are you a Duke Energy Carolinas
19 customer?

20 A Yes, I am.

21 Q You can provide your statement. Thank you.

22 A I wasn't planning on speaking tonight. Gary, Ron
23 and Jim all hit on the points that I'm concerned
24 about, and as I was sitting there, I was thinking

1 of a couple of other things. One was that I
2 don't think most of our neighbors even know this
3 is happening because there hasn't been any
4 information put out by Duke to anybody. I would
5 guarantee you that probably 75 percent of people
6 down Island Point Road and in our own
7 neighborhood don't know this is going on. And
8 it's literally, where Island Point Road is, it's
9 across the street from the proposed location for
10 this plant, across the street from the entrance
11 to our neighborhood. And I understand the need
12 for the extra generation and the Marshall Steam
13 Station. I don't have a problem with it. I knew
14 it was there when I moved down there from New
15 England. I drive by the coal ash mountain every
16 day. But there's got to be a half a dozen other
17 locations on the existing site where they could
18 put this plant, not over at the entrance to our
19 neighborhood. That's what I want to say.

20 MS. KEYWORTH: Thank you.

21 EXAMINATION BY CHAIR MITCHELL:

22 Q Mr. Greaney, can you help me understand, how did
23 you get your information as to the location of
24 the plant?

1 A There was a mailer that looked like it was a
2 typical thing that comes from Duke saying go
3 ahead and get your free thermostat, and that's
4 the notification about this. My wife almost
5 threw it away. So I talked to these guys and
6 they were like, "yeah, they're putting a plant
7 there". So --

8 CHAIR MITCHELL: Mr. Greaney -- I'll just
9 remind the audience we need to remain quiet. We're at
10 a formal proceeding. Please remain quiet so that the
11 court reporter can hear the witness testify and to
12 hear the questions from the Commissioners. If you
13 can't remain quiet, we'll have to ask the deputies to
14 escort you from the room.

15 Mr. Greaney, I apologize for the
16 interruption.

17 THE WITNESS: No problem.

18 Q My question for you was the location of the
19 plant. How did you become aware of the proposed
20 location?

21 A I believe it was Ron that sent out a link to a
22 website that showed where the proposed location
23 was and that's where it was right across the
24 street from my neighborhood.

1 Q Was the link a Duke Energy generated link or
2 where did that information come from?

3 A Yes. It was from Duke Energy. I don't remember
4 but Ron says it was.

5 MR. SEVILLA: It was in the Application.

6 CHAIR MITCHELL: Thank you, Mr. Greaney.

7 Let me see if there are questions for you from
8 counsel?

9 MR. HIGGINBOTHAM: (Shakes head no).

10 MS. KEYWORTH: (Shakes head no).

11 CHAIR MITCHELL: Commissioners?

12 (No audible response)

13 CHAIR MITCHELL: Thank you very much for
14 coming out tonight.

15 MS. KEYWORTH: Kristen Rhodes.

16 CHAIR MITCHELL: Good evening. Do you wish
17 to swear or affirm your testimony?

18 MS. RHODES: I will swear.

19 KRISTEN RHODES;

20 having been duly sworn,

21 testified as follows:

22 DIRECT EXAMINATION BY MS. KEYWORTH:

23 Q If you can state and spell your name for the
24 record.

1 A Okay. My first name, too. Kristen Rhodes,
2 K-R-I-S-T-E-N, and Rhodes, R-H-O-D-E-S.

3 Q And your address.

4 A 360 South Graham Street, Apartment 555,
5 Charlotte, North Carolina 28202.

6 Q Are you a Duke Energy Carolinas customer?

7 A Yes.

8 Q Thanks. You can provide your statement.

9 A Okay. Again, so my name is Kristen Rhodes and I
10 work with the North Carolina Conservation
11 Network. Our staff has been engaging with the
12 public this year about Duke Energy's plans for
13 new gas-fired power plants in North Carolina.
14 Today, I'm submitting in this public comment
15 period over 2500 petitions for North Carolinians
16 who oppose Duke Energy's request to expand their
17 fossil fuel gas plant operations in the State.
18 That's in this box.

19 A particular concern is the noted volatility
20 of gas prices and the huge risk that would be
21 shouldered by ratepayers if these gas plants move
22 forward. We encourage you to do everything you
23 can to move North Carolina away from dirty,
24 outdated fossil fuels and methane gas and towards

1 cleaner, cheaper, and more efficient clean energy
2 technologies.

3 The petition reads:

4 "We urge the North Carolina
5 Utilities Commission to deny Duke Energy's
6 request to build new fossil fuel gas plants in
7 North Carolina. The cost of large new gas plants
8 will result in higher electric rates for
9 consumers, both when they are built, and again
10 when Duke eventually abandons them to meet lower
11 emission targets, as required by state law. The
12 only beneficiaries of new gas plants will be Duke
13 Energy's executives and stockholders, while
14 ratepayers will be stuck with the bill. Please
15 focus instead on increasing renewable energy
16 resources like wind and solar, which are becoming
17 cheaper each year."

18 Thank you for your time.

19 CHAIR MITCHELL: Thank you, Ms. Rhodes. Do
20 you wish to have those Petitions submitted to the
21 Commission? Is that your desire?

22 THE WITNESS: Yes.

23 CHAIR MITCHELL: You're going to need to do
24 that through the Commission's website. Public Staff

NORTH CAROLINA UTILITIES COMMISSION

1 can provide you with some direction on how to get that
2 done, but you will need to actually file them in the
3 docket yourself.

4 THE WITNESS: Okay. Like, each person's
5 like name and --

6 CHAIR MITCHELL: Yes. Each individual
7 petition or if it's a single petition, I don't know
8 what you've got in the box but, yes, you can file that
9 through our electronic filing system in -- we have a
10 docket that's identified for consumer statements.

11 THE WITNESS: Okay.

12 CHAIR MITCHELL: Public Staff can provide
13 you with some direction to do that. Let me see if
14 there are questions for you from --

15 MS. KEYWORTH: One question.

16 BY MS. KEYWORTH:

17 Q I heard you say that you work with the North
18 Carolina Conservation Network and I just wanted
19 to ask if you're speaking tonight on behalf of
20 the North Carolina Conservation Network or in
21 your individual capacity?

22 A Both, but as a representative mainly.

23 Q Okay. And let's get in touch about how to get
24 this filed as a consumer statement.

1 A Okay. Do I leave this?

2 Q If you don't mind, that will be great. Thank
3 you.

4 CHAIR MITCHELL: Questions from
5 Commissioners for the witness?

6 (No audible response)

7 CHAIR MITCHELL: Thank you for your
8 testimony tonight.

9 MS. KEYWORTH: We have three more witnesses.

10 CHAIR MITCHELL: All right.

11 MS. KEYWORTH: Jerome Wagner.

12 CHAIR MITCHELL: Good evening, sir. Do you
13 wish to swear or affirm your testimony?

14 MR. WAGNER: I'll affirm, please.

15 JEROME WAGNER;

16 having been duly affirmed,

17 testified as follows:

18 DIRECT EXAMINATION BY MS. KEYWORTH:

19 Q If you can state and spell your name for the
20 record.

21 A Jerome Wagner, W-A-G-N-E-R.

22 Q Your address?

23 A 110 Summerlake Drive Southwest, Concord, North
24 Carolina 28025.

1 Q Are you a Duke Energy Carolinas customer?

2 A No, I am not.

3 Q Okay. You can provide your statement. Thank
4 you.

5 A Yes, thank you very much. Good evening and thank
6 you for this opportunity to speak. I am a
7 grassroots organizer with what's called 350
8 Charlotte. Most of those three -- 450 persons on
9 my contact list are Duke Energy customers, but I
10 speak as an individual tonight.

11 Just to highlight some of the headlines that
12 have been in the news recently, I'll read a
13 couple of them: *No New Fossil Fuel Projects*
14 *Needed in the Transition to Net Zero*, that's one;
15 *Hanging By a Thread: U.N. Chief Warns of Missing*
16 *a Key Climate Target*. And then lastly, a quote
17 from the National Centers for Environmental
18 Information which is a branch of the Oceanic and
19 Atmospheric Administration. *Global land-only*
20 *April temperature was warmest on record at 1.97°*
21 *centigrade above average*.

22 That last point to me is important because
23 back in 2015, when the Climate Paris Agreement
24 was made, two degrees was the default. Let's not

1 exceed this. So we're already very close at that
2 in the land-based places where people live.

3 I'll refer you to my January 12th, 2024,
4 submission to this docket. There, I laid out
5 concerns with this CPCN issuance to Duke. I'm
6 not going to repeat that content here. I'm going
7 to highlight though a couple of points. One of
8 them being the upgrade needed down at the Lincoln
9 Combustion Turbine Station in order to supply gas
10 for this proposed plant at Marshall. And also,
11 it's not clear to me, personally, as much I've
12 followed the docket and the proceedings here,
13 where the no-new-gas plan, the portfolio, which
14 was put forward by Duke some years ago, where
15 that ended up going.

16 Now, in the face of the things that I just
17 talked about, to be sitting here talking about
18 giving Duke a Certificate of Public Convenience
19 and Necessity for new gas-fired generation is
20 simply a farce. And sadly, it's not a funny
21 farce. It's a serious and tragically serious
22 farce.

23 I'll also suggest that rather than being
24 convenient where necessary, neither of those are

1 true and that, in fact, it's more close to being
2 criminally negligent.

3 My most recent grandchild was born back in
4 December. I'll call him Johnny here. I fed
5 Johnny some apple sauce a couple of weeks ago. I
6 had to scrape a lot of it off his face, you know,
7 to keep it usable. He has a wonderful smile.
8 I'm sickened by thoughts of the future he will
9 face because of the carbon already in the
10 atmosphere and all the new carbon that North
11 Carolina's current Carbon Plan will eject into
12 the atmosphere. I fear that the affluence of his
13 parents will only delay his suffering as the
14 climate crisis evens.

15 The UCNC (sic) is the gatekeeper for a safe
16 future for Johnny and all our kids and grandkids.
17 Reject this CPCN. Thank you. Goodnight.

18 CHAIR MITCHELL: Questions for the witness?

19 MS. KEYWORTH: A couple.

20 BY MS. KEYWORTH:

21 Q I believe you said that you are speaking in your
22 individual capacity and not on behalf of 350
23 Charlotte, right?

24 A Correct.

1 Q And then did I also hear you say that you have
2 submitted a consumer statement in this docket
3 already?

4 A Yes. And I am prepared to give a copy of that to
5 you now as well if you'd like.

6 Q If it's already been filed then no need.

7 MS. KEYWORTH: Thank you for providing your
8 statement.

9 CHAIR MITCHELL: Questions for the witness
10 from Commissioners?

11 (No audible response)

12 CHAIR MITCHELL: Thank you for coming out
13 tonight, sir.

14 THE WITNESS: Thank you.

15 MS. KEYWORTH: Michelle Carr.

16 CHAIR MITCHELL: Good evening. Do you wish
17 to swear or affirm your testimony?

18 MS. CARR: Affirm.

19 MICHELLE CARR;
20 having been duly affirmed,
21 testified as follows:

22 DIRECT EXAMINATION BY MS. KEYWORTH:

23 Q If you can state your name for the record.

24 A Michelle Carr.

1 Q And can you spell your last name?

2 A C-A-R-R.

3 Q And your address?

4 A 1530 Queens Road, Charlotte 28207.

5 Q And are you Duke Energy Carolinas customer?

6 A Yes.

7 Q You can provide your statement.

8 A I'm sorry, I'm not very well organized. I've
9 been working a lot. I'm a nurse. And so I'm
10 going to get right to the point. I don't like to
11 read but I'm going to have to because there is a
12 question and a point here.

13 I was looking at this website trying to
14 prepare for tonight. My entire family has
15 been -- all the men in my family have been killed
16 by chemicals from steel plants. Okay so -- and
17 I'm a nurse. My sister just got diagnosed with
18 myeloma. So, obviously, I'm concerned about
19 that.

20 And I found this article. Sorry to read
21 this. Natural gas workers are inhaling hazardous
22 chemicals, Benzene --

23 (WHEREUPON, the Court

24 Reporter requested the

1 witness to speak into the
2 microphone.)

3 THE WITNESS: Sure.

4 A Natural gas workers are inhaling the hazardous
5 chemical Benzene. And this is talking about --
6 this is an old article but it's very interesting,
7 and I don't know the answer at the end of this.

8 North Carolina is poised to start hydraulic
9 fracking in order to drill for natural gas. And
10 that brings about health concerns. The National
11 Institutes of Occupational Safety and Health
12 finished a study of workers over six oil and gas
13 sites in Colorado and Wyoming and all of those
14 workers were exposed to more Benzene than is
15 safe. And what's disturbing is that the
16 Department of Health and Human Services have
17 determined that Benzene causes cancer in humans.
18 Long term exposure is associated with bone marrow
19 suppression, my family, leading to anemia.
20 Benzene exposure also affects the immune system.
21 And it says that in June, North Carolina passed
22 the Energy Naturalization Act that cleared the
23 way for fracking permits and it will -- like it
24 started in 2015, it says the problem is that

1 while in other states gas drilling companies are
2 required to reveal the toxic chemicals that may
3 be released in the air, soil, and water by
4 fracking.

5 In North Carolina, this information is
6 considered a trade secret by law. Information
7 can only be revealed to first responders in
8 emergency. So that's my -- I thought that was
9 interesting.

10 And my comment -- I'm sorry I didn't time
11 this so I don't know how much time -- I could go
12 on. I have an 18-year-old daughter. I'm a
13 climate activist in my spare time. And basically
14 I just am in awe. I can't believe we're standing
15 here doing this. It's just incredible. And my
16 question -- I have just so many questions. Why
17 are we doing this? I understand we need the
18 money. We need to grow our economy. I don't
19 understand why people aren't afraid of the
20 increasing weather, severe weather, and how much
21 it's going to cost. It's like you're shooting
22 yourself in the foot. And I don't understand why
23 Duke, who is a monopoly from where I sit, is
24 allowed to stop as much as they can the growth of

1 solar. I mean, people want to put it everywhere
2 and it seems to they're doing everything they can
3 to slow up that. I mean, it's like 6 percent.
4 How long have we known there's a global crisis
5 warning. I mean, how is it that they are -- it
6 seems to me that since they are a monopoly they
7 would have this obligation to the community to do
8 more to protect our interests since they have no
9 fair competition. And they -- so I don't
10 understand. I don't understand this and how
11 people can say well you know not in my back yard,
12 and it's like -- and whose back yard do you want
13 this in. I mean, what animals with trees with
14 water -- what do you want these plants near?
15 Who? Do you want your grandmother to get cancer?

16 CHAIR MITCHELL: Okay ma'am, your three
17 minutes is up. Would you please wrap it up?

18 THE WITNESS: Thank you.

19 CHAIR MITCHELL: Ma'am, before you sit down,
20 let's see if there are questions for you from counsel.

21 (No audible response)

22 From Commissioners?

23 (No audible response)

24 MS. KEYWORTH: I did have one. I'm sorry.

1 BY MS. KEYWORTH:

2 Q You were reading from an article. Do you know
3 what the source of that article was?

4 A It was the Workers Compensation and it was local
5 to North Carolina.

6 Q Is it an organization?

7 A It's an LLC. It's an individual law firm making
8 comments about litigation, local litigation in
9 North Carolina.

10 Q Are you willing to provide the name of the law
11 firm?

12 A Yes, so you can read it. Here it is. Johnson &
13 Groninger, G-R-O-N-I-N-G-E-R, PLLC.

14 Q And when was the date?

15 A September 14th, 2014.

16 Q Thank you very much.

17 A You're welcome.

18 MS. KEYWORTH: Jacques --

19 MR. OESTREICH: I got you.

20 CHAIR MITCHELL: Good evening. Do you wish
21 to swear or affirm your testimony?

22 MR. OESTREICH: I'll swear.

23 JACQUES OESTREICH;

24 having been duly sworn,

1 testified as follows:

2 DIRECT EXAMINATION BY MS. KEYWORTH:

3 Q You can state and spell your name for the record.

4 A My name is Jacques Oestreich. First name is
5 spelled J-A-C-Q-U-E-S. Last name is
6 O-E-S-T-R-E-I-C-H.

7 Q Thank you. And your address?

8 A 2271 Northview Harbour Drive, Sherrills Ford.

9 Q Are you a Duke Energy Carolinas customer?

10 A Yes, ma'am.

11 Q You can provide your statement. Thank you.

12 A Thank you. Good evening. I come to you as a
13 member of the community that you've heard from a
14 few other members here. We're about a half mile
15 from where the plant's going to go in. In
16 addition to that, I'm a member of the Board for
17 the Northview Harbour Homeowners Association. I
18 guess, you've already heard a few concerns from
19 the community concerned about the noise
20 pollution. We're concerned about that. We're
21 concerned about the traffic. We're concerned
22 about the location. And we're concerned about
23 the emissions close to the community and the
24 proximity of the residents.

1 I'm not going to go in and expand on it. I
2 would just like to give my formal, like personal,
3 it's not a representation of the Board, it's my
4 own, but opposition to the location. You know,
5 concerns about traffic in and out of the
6 community. Concerns about the emissions and the
7 wellbeing of myself, my family, and the other
8 members of the community, and then as well as the
9 other citizens that are within the three-mile
10 radius of the recommended -- ironically three
11 miles. I just wanted to give a formal opposition
12 to the approval of this plant. Thank you.

13 CHAIR MITCHELL: Thank you for coming out
14 tonight. We appreciate your testimony.

15 EXAMINATION BY CHAIR MITCHELL:

16 Q Can you tell me, do you hear sort of, aside from
17 the coal shaker car noise, do you hear the plant
18 any time during the day when it's in operation?

19 A Absolutely, ma'am. We hear cars. We hear
20 sirens. We hear alarms. When I say cars I mean
21 train cars. There is no shortage of noise coming
22 from the plant as it currently sits, let alone
23 additional noise from reactors, whatever you want
24 to call them.

1 Q Okay. So there is -- so, I just want to make
2 sure I understand. There is noise emanating from
3 the plant?

4 A Yes, ma'am, all hours of the --

5 Q Okay.

6 CHAIR MITCHELL: Questions from counsel?

7 (No audible response)

8 Questions -- all right, Commissioner
9 McKissick. And then, Commissioner Hughes, do you have
10 one?

11 COMMISSIONER MCKISSICK: Just one or two
12 quick questions.

13 EXAMINATION BY COMMISSIONER MCKISSICK:

14 Q I know you said you were speaking in your
15 individual capacity and not on behalf of the HOA.
16 Has the HOA met to discuss this proposal by Duke?

17 A We have. There's been a letter from the
18 President of the HOA on a personal level. I
19 guess I'm not sure of the -- but he said he sent
20 the letter in.

21 Q But the HOA has not taken a position formally?

22 A No, we just had an election and we haven't had a
23 chance to take a formal vote on it.

24 Q I see, okay. And has the HOA been contacted by

1 Duke about this proposed project?

2 A No, we have not. There has been little to no
3 communication with the community. If it wasn't
4 for efforts from members of the community, I
5 would say that less than 50 percent know about
6 the issue.

7 Q And if you could, can you give me some idea if
8 you know about how many homes are in this
9 particular development?

10 A It's about 310 I believe within Northview
11 Harbour. Then, there's another, another
12 development just down the street on Island Point
13 from us. But Northview Harbour itself is about
14 310.

15 Q And you are the North -- what was it, North --

16 A Northview Harbour, sir. Yes, sir.

17 Q Northview Harbour. That's the one you are part
18 of?

19 A Yes, sir.

20 COMMISSIONER McKISSICK: Thank you.

21 MS. KEYWORTH: A follow up to that.

22 If you need any other assistance, if the HOA
23 were to want to file a consumer statement, then feel
24 free to get in touch.

1 THE WITNESS: Yes. And we were currently
2 debating that. Thank you.

3 MS. KEYWORTH: Okay, thank you.

4 THE WITNESS: Thank you.

5 COMMISSIONER HUGHES: Excuse me.

6 THE WITNESS: Oh, I apologize. I'm sorry.

7 EXAMINATION BY COMMISSIONER HUGHES:

8 Q Just a question about, so is it a formal HOA that
9 has dues?

10 A Yes, sir.

11 Q So from time to time do you have community
12 leaders come talk to you about issues?

13 A Yes. Actually, quite frequently, as I'm finding
14 out.

15 Q And has Duke made an arrangement to come and
16 actually do a formal presentation to your
17 Homeowners Association?

18 A There has been nothing from Duke with regards to
19 this addition. We have not received any
20 conversation about wishing to speak with the
21 residents, wishing to publish additional
22 information in the community. There has been
23 absolutely no communication from Duke.

24 COMMISSIONER HUGHES: Thanks.

1 CHAIR MITCHELL: Additional questions from
2 Commissioners?

3 COMMISSIONER TUCKER: I have one.

4 CHAIR MITCHELL: Commissioner Tucker, go
5 ahead.

6 EXAMINATION BY COMMISSIONER TUCKER:

7 Q Has the Homeowners Association formally asked
8 Duke to come out and speak to them?

9 A Not to my knowledge right now. No.

10 COMMISSIONER TUCKER: Thank you.

11 EXAMINATION BY CHAIR MITCHELL:

12 Q Is there a -- just following up on these
13 questions. Has the -- prior to the proposal to
14 construct this generating facility at the
15 Marshall site, was there ever -- has the
16 Homeowners Association ever engaged in
17 communications with Duke about anything related
18 to this site?

19 A I can't give a yes or no answer to that, because
20 I don't have the history or background.

21 Q How long have you been a residential of the
22 neighborhood?

23 A Since November of 2022.

24 Q Okay. So you're relatively new to the area.

1 A Yes, ma'am. I got relocated here for work about
2 a year and a half ago.

3 Q Okay, understood.

4 CHAIR MITCHELL: Thank you for coming out
5 tonight.

6 THE WITNESS: Yes, ma'am. Thank you very
7 much.

8 MS. KEYWORTH: Are there any other witnesses
9 who would like to speak that I have not called?

10 (No response)

11 That's all the witnesses.

12 CHAIR MITCHELL: Let me just, abundance of
13 caution, anyone else in the room who would like to
14 testify tonight before we adjourn the hearing?

15 (No response)

16 Well, with that, we have heard from our last
17 public witness for the evening. We appreciate
18 everybody coming out and we appreciate your testimony
19 to us and your decorum. And, with that, we will be
20 adjourned. Thank you very much.

21 (The proceedings were adjourned)

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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