

Docket E2 sub 1150

October 30, 2017

Testimony not completed in 3 minutes

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**NOV 03 2017**

Clerk's Office  
N.C. Utilities Commission

My name is Randy Johnson. My address is 935 Parkertown Road Four Oaks. I am 41 years old, I live there with my wife Casey, daughters Carly Rae 7, and Cara Ryland 3. I am opposed to Duke Progress running there transmission line across my property. Their communication to the public, the bias in their matrix, and fraud in their docket should be enough for the Utilities Commission to make Duke Energy find an alternative route for this line. Preferably in the area that caused the need for it, and that will benefit from it in the future.

### **COMMUNICATION**

Duke Energy mailed out letters about open house. They used responses and information from the open houses to determine the southern route was selected as the best route.

Page 18. Direct testimony of Timothy J. Same. "minimal input from concerned landowners as opposed to much greater input along the other lowest scoring routes indicating less chance of construction or access issues and a more positive public perception of the project".

Page 4-24 docket e2, sub 1150 states

"The disparity between comments received for the western routes versus the southern routes illustrates the general level of interest and/or concern from landowners and the public along these routes.

Page 10 direct testimony of Timothy J. Same

"an informational letter and small scale

map describing the project and advertising the workshops was mailed to all property owners within 500 feet of alternative routes"

If you did not receive a letter about workshops, how was one to make a comment. You can see that there are several letters sent to Utilities Commission from property owners that did not receive letter. In addition, the map sent with the letter has a map that does not have any road names on them, other than highways (40,70,95,301). A person could not look at this map and tell if their property was affected or not.

In appendix c page 6 of 51, depicts a map with segments (17-24). You can see that every state maintained road is listed and is a more accurate map. A person could actually tell where their property is and respond. To further prove the map the people received along the southern route is vague, Duke Energy admits to it.

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6. The letter dated July 31, 2017, to Christopher Ayers from Randy Johnson (submitted into the Commission's docket system on August 15, 2017) includes an attachment purporting to be a map of part of DEP's selected route. Is the map accurate? If this map is accurate, the route appears to cross some 12-15 parcels rather than following property lines. Please discuss the implications of moving the route to the west or east to follow property lines or road(s), so as to reduce the number of parcels being bisected by the route.

**Response:**

Yes, the referenced map from the letter dated July 31, 2017, to Christopher Ayers from Randy Johnson is somewhat illegible, but it appears to be accurate.

This is the interactive map that was available online, that I scanned into an email and sent to them. If it is somewhat illegible to an engineer, that how does a person without an engineering degree interpret and respond.

This leads to my next point in their communication. The duke energy Cleveland Matthews website was listed on this communication dated nov 4. You could go online and view the interactive map. Problem. There is little to no rural broadband serving the parkertown road area of four oaks. I personally have signed up with centurylink on 2 separate occasions. Once in 2008, and again in july of 2017. I cancelled it twice and have records of it. It would not download my first graders summer time curriculum, much less an interactive map. So, if you do not have internet you could not effectively see where this went across your property and respond accordingly. In addition and most importantly, this eliminated several landowners on our route to have a voice. Reason, many of the landowners on this route are in their 60's, 70's and 80's years of age. In segment 39, there are at least 11 property owners over the age of 70. Many of these people have no interest in computers or the internet. Most people this age are not going to drive to an open house in the late afternoon when traffic is bad or after dark. The scoring matrix they used gave a lower score with property owners of more than 1 acre and 5 acres.

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"To determine residential land use score, the acreage of parcels within ROW that were 5 acres or less were multiplied by 2 and parcels that were greater than 5 acres were multiplied by one"

The matrix that was used discriminated against older residents which typically own the larger parcels along their right of way, and in my opinion was intentional in hopes of not getting a response.

Matrix

Page 7 docket e2 sub 1150 testimony timothy j same

“the primary goals regarding routing were to:

- \*minimize overall impacts by paralleling existing ROWS, including transmission lines, highways, and roads where possible

- \*maximize the distance of the line from existing residences

- \*minimize the overall length of route

Duke energy only accomplished 1 of the 3 goals set forth in docket. They did not use any existing ROWS, highways or roads and they chose the longest route in the matrix. One has to wonder how much effort was put into actually achieving these goals.

The matrix that Duke energy used to assign values is biased toward property owners that own larger parcels of land. Parcels of one acre to 5 acres with a residence received a value of 5. In addition, businesses were given a value of 5.

Page 12 direct testimony of timothy j same

Item 14 businesses within 500 feet was a line item

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No business or public facilities within 500 feet of centerline

Title 26: Internal Revenue

PART 1—INCOME TAXES (CONTINUED)

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### **§1.175-3 Definition of “the business of farming.”**

The method described in section 175 is available only to a taxpayer engaged in “the business of farming”. A taxpayer is engaged in the business of farming if he cultivates, operates, or manages a farm for gain or profit, either as owner or tenant. For the purpose of section 175, a taxpayer who receives a rental (either in cash or in kind) which is based upon farm production is engaged in the business of farming.

### **§1.175-4 Definition of “land used in farming.”**

(a) *Requirements.* For purposes of section 175, the term *land used in farming* means land which is used in the business of farming and which meets both of the following requirements:

(1) The land must be used for the production of crops, fruits, or other agricultural products, including fish, or for the sustenance of livestock. The term *livestock* includes cattle, hogs, horses, mules, donkeys, sheep, goats, captive fur-bearing animals, chickens, turkeys, pigeons, and other poultry. Land used for the sustenance of livestock includes land used for grazing such livestock.

(2) The land must be or have been so used either by the taxpayer or his tenant at some time before or at the same time as, the taxpayer makes the expenditures for soil or water conservation or for the prevention of the erosion of land. The taxpayer will be considered to have used the land in farming before making such expenditure if he or his tenant has employed the land in a farming use in the past

The above negates the duke energy docket e-2 sub1150. There are businesses along this route, and most importantly these businesses provide food and fiber that sustain our population and is just as important as any other factor quantified in this matrix. According to NCDA, a 74 billion dollar business in 2016!

In addition, Ag Carolina financial, the farm service agency, nash equipment company, east coast equipment, crop production service and well as many other vendors I utilize for my farming business would contend that there are businesses along this route as well. Reason, their businesses depends on farming.

## NEED

Initial communication dated nov 4 2016

Duke energy identified the need for a transmission to distribution substation in the Cleveland area of Johnston county to meet projected growth in the area.

Fact :I DO NOT LIVE IN THE CLEVELAND AREA OF JOHNSTON COUNTY

It is a fact that this area of the county is growing, subdivisions are being constructed a high rate. My contention is that now is the time for developers and duke energy get together and plan for this right of way to supply these developments the necessary power. The developer already has to leave out "green space" which is also quantified in matrix with value of 5) Duke energy is a for profit company, they will be the ones making money off of the substation and power lines the second they hook up new customers. It baffles me that they want to construct a line almost 12 miles across peoples property that will not benefit at all from this line. This area created the need. They need to deal with the transmission line.

Reason 1. A house in a subdivision will gain little to no value once it is built, only market fluctuations will cause it to go up or down in value. The house just gets older, depreciates, and only upgrades to the existing structure could make it go up or down. In most cases, these people are limited to adding structures or improvements or most likely members of an hoa, that determines what they can and cannot do.

My 40+ acres has unlimited potential. I do not want it depreciated or restricted to serve the needs of others because of poor planning between the county, developers and duke energy. I did not create this problem. This may sound selfish to some, but I bought this property and have maintained it and built it to what it is today.

Note: Duke energy brochure at Johnston county cooperative extension service building

Restricts what I can plant or do with my property. Also provides me information that states all the safety steps when working around power lines and poles. As of today, I do not have any restrictions or have to worry about this. This restricts profitability of my farm and creates additional safety measures I have to adhere to.

#### NOTE

Direct testimony of timothy j same page 19 docket e-2, sub 1150

"the preferred route was one of the least overall impacting routes(fifth lowest scoring) in the numerical evaluation performed for the proposed project.

Translation...there were other routes that scored better, but this route will be the easiest to construct and maintain because somebody has already cleared it and already maintain it and their was little response from affected landowners.

#### Contention

I do not participate in the profit of duke energy. If duke sees a need in this part of the county, and they are going to realize a profit from it, then they need to invest in the engineering, construction and maintaining of the transmission line to the "area of need". My property is not a willing participant in the profitability of duke energy. I understand it may take a little effort, but if the profit is great enough, then they should proceed with the steps it takes to use the lower scoring routes that keeps the transmission line where it is needed. If the profit is not there in the area it is needed, then do not do it all until duke can figure out how to put the line in the area it is needed. One of 2 things will happen, developers and existing landowners in that area will come together with a plan for the right of way that will serve continued growth, or the developers will stop building until this plan is put into place. THE people in the southern part of the county should not have their properties ruined, lives affected, homes affected for growth in another part of the county that they have nothing to do with.

In closing,

Many people did not receive letters about open houses and that has been documented.

OLDER residents had little to no way to voice their opinions about this project which weighed heavily in duke consideration of proposed route

The matrix duke utilized favored the southern routes intentionally, stating no businesses, and given higher values for parcels less than 5 acres and the highest value for green space.

There were other routes that scored better. Fact. In direct testimony. Timothy j same

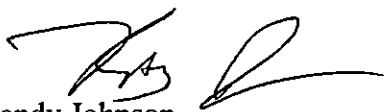
The lowest scoring routes were in the area of need. It needs to stay there. Again, I do not participate in their profit, so if it costs more to build in that area and you can make a profit, then build it in that area, if you cannot put in area of need profitably, then do not build it. The marketplace can decide.

My farm is in the Johnston County Voluntary Agriculture District

My youngest daughter, Cara is 3 years old. I mention this because her whole entire life has had her parents being consumed with the threat of eminent domain on our property. 2015-2016 CSX wanted our property for a intermodal hub. 2016-2017 duke energy want to cut her inheritance in half and create an unsafe environment for her to ride her 4 wheeler or work along side her sister in our fields and pastures.

She has been robbed of countless hours of spending time with her parents because they have been constantly studying and researching for hearings just like this one in hopes of saving our property. I cannot go back and give her those hours back. I missed them.

Based on all the facts mentioned above, I ask that the utilities commission to "NOT APPROVE" the construction of the Cleveland Matthews line on the proposed preferred route. The route needs to be in the area of need on the lowest scoring route in that area. Thank you.

  
Randy Johnson

935 parkertown road, Four Oaks NC 27524