

1 PLACE: Rockingham County Courthouse

2 Reidsville, North Carolina

3 DATE: Tuesday, October 25, 2016

4 TIME: 7:00 p.m. - 8:40 p.m.

5 DOCKET NO: EMP-92, Sub 0

6 BEFORE: Commissioner ToNola D. Brown-Bland, Presiding

7 Commissioner Don M. Bailey

8 Commissioner James G. Patterson

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11 IN THE MATTER OF:

12 Application of NTE Carolinas II, LLC,
13 for a Certificate of Public Convenience and Necessity
14 to Construct a 500-MW Natural Gas-Fueled Merchant
15 Power Plant in Rockingham County, North Carolina.

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A P P E A R A N C E S:

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E X H I B I T S

Identified / Admitted

No Exhibits of record.

P R O C E E D I N G S

COMMISSIONER BROWN-BLAND: Good evening.

AUDIENCE MEMBERS: Good evening. (In
unison.)

COMMISSIONER BROWN-BLAND: Let's come to
order and go on the record. I am Commissioner ToNola
Brown-Bland of the North Carolina Utilities Commission
and with me this evening are Commissioners Don M.
Bailey and James G. Patterson.

I now call for hearing Docket Number EMP-92,
Sub 0, which is In the Matter of Application of NTE
Carolinas II, LLC, for a Certificate of Public
Convenience and Necessity to Construct a 500-MW
Natural Gas-Fueled Merchant Power Plant in Rockingham
County, North Carolina.

On July 29, 2016, NTE Carolinas, LLC, or I
may refer to them as NTE or Applicant, filed an
Application pursuant to G.S. 62-110.1 and Commission
Rule R8-63 for a Certificate of Public Convenience and
Necessity, commonly called a CPCN, to construct a
natural gas-fueled merchant electric generating
facility in Rockingham County, North Carolina.
Testimony of Michael C. Green, Vice President of NTE,
was also filed with the Application.

NORTH CAROLINA UTILITIES COMMISSION

1 On August 10, 2016, the Public Staff filed a
2 Notice of Completeness requesting the Commission to
3 consider NTE's Application to be complete and issue a
4 procedural order setting the Application for hearing,
5 requiring public notice pursuant to G.S. 62-82 and
6 addressing other procedural matters.

7 On August 16, 2016, the Commission issued an
8 Order Scheduling Hearings, Requiring Filing of
9 Testimony, Establishing Procedural Guidelines and
10 Requiring Public Notice. This Order scheduled the
11 public witness hearing for this evening, Tuesday,
12 October 25, 2016, in Reidsville, North Carolina, and
13 also scheduled an expert witness hearing solely for
14 the purpose of receiving expert testimony of the
15 parties on Wednesday, November 2, 2016, at 2:00 p.m.
16 in the Commission Hearing Room 2115, Dobbs Building,
17 430 North Salisbury Street, Raleigh, North Carolina.

18 On September 21, 2016, NTE filed a letter
19 amending its Application to add approximately 80 acres
20 of property as a part of the project site. In
21 addition, NTE filed an updated map showing the new
22 acreage.

23 On September 23, 2016, the Commission issued
24 an Order Amending Public Notice and Requiring Further

1 Review by the State Clearinghouse to reflect the
2 additional acreage of the project site, and requiring
3 the amendment to the Application to be submitted to
4 the Clearinghouse Coordinator.

5 On October 5, 2016, NC Waste Awareness and
6 Reduction Network, Inc., NC WARN, filed a Motion to
7 Intervene.

8 On October 7, 2016, the Commission issued an
9 Order Granting Petition to Intervene.

10 On October 11, 2016, NTE filed a Motion for
11 Reconsideration of the Order allowing intervention by
12 NC WARN.

13 And on October 17, 2016, the Commission
14 issued an Order Denying NTE's Objection to
15 Intervention by NC WARN.

16 On October 18, 2016, the Public Staff filed
17 the testimony of Dustin R. Metz.

18 On October 19, 2016, NC WARN filed the
19 testimony of William E. Powers.

20 In compliance with the requirements of
21 Chapter 138A of the State Government Ethics Act, I
22 remind members of the Commission of our responsibility
23 to avoid conflicts of interest, and I inquire at this
24 time whether any member of the Commission has a known

1 conflict of interest with respect to the matter before
2 us this evening?

3 (No response.)

4 Let the record reflect that no conflicts
5 were identified.

6 I now call for appearances of counsel,
7 beginning with the Applicant, NTE.

8 MR. STYERS: Thank you, Madam Commissioner.
9 My name is Gray Styers. I'm with the Law Firm of
10 Smith Moore Leatherwood in Raleigh at 434 Fayetteville
11 Street. It is my honor tonight to represent the
12 Applicant, NTE Carolinas. If I may introduce my
13 clients that are here tonight, Michael Green who
14 prefiled testimony is here, the Vice President of NTE
15 Carolinas; Garrett Weeks, the Director of Development
16 is here as well; and John Gulliver who is General
17 Legal Counsel for NTE Carolinas is also here this
18 evening. Thank you.

19 COMMISSIONER BROWN-BLAND: Welcome and thank
20 you, Mr. Styers.

21 MR. RUNKLE: My name is John Runkle
22 representing NC WARN.

23 MS. DOWNEY: Good evening, Commissioners,
24 Dianna Downey on behalf of the Public Staff

1 representing the Using and Consuming Public.

2 COMMISSIONER BROWN-BLAND: Good evening to
3 you both, glad you're with us tonight.

4 Does anyone have any preliminary matters
5 that we need to cover before we start?

6 MS. DOWNEY: No.

7 MR. RUNKLE: No, ma'am.

8 MR. STYERS: (Shakes head no)

9 COMMISSIONER BROWN-BLAND: In that case,
10 just let me say a little bit more about why we're here
11 tonight and the procedure for this hearing.

12 This is a proceeding that is conducted
13 similarly to a court case. The case started with the
14 Company's Application for a Certificate of Public
15 Convenience and Necessity and the Commission set the
16 hearing and scheduled it in two parts.

17 This first part is the public witness
18 hearing. The Commission holds the hearing to take
19 evidence from the public witnesses. Your testimony is
20 evidence in the case. When you're called to the
21 stand, sworn in, and the court reporter takes your
22 testimony verbatim for the record.

23 The second phase of the case is the expert
24 witness hearing to take evidence from expert witnesses

1 who are called by the parties to the case. In this
2 case, the parties are the Public Staff, the agency
3 that represents all of the Using and Consuming Public;
4 the Company, NTE, also referred to in this hearing
5 tonight as the Applicant; and the Intervenor, NC WARN.
6 The expert witnesses in the expert witness hearing
7 tends to be usually accountants, engineers,
8 economists, those types of persons.

9 The Public Staff, represented tonight here
10 by Ms. Downey, appears on behalf of the Using and
11 Consuming Public. And it's worth noting that the
12 Public Staff is not the same as the Commission; it's
13 independent from the Commission. Its professionals
14 work for the Public Staff under the direction of an
15 Executive Director and neither he nor his staff is
16 controlled by the Commission.

17 The public hearings are held so the
18 Commission can hear from you and take your testimony,
19 and to be evidence in the case you have to be sworn in
20 and be subject to cross examination, and that means
21 that the attorneys here tonight may, they may not, but
22 they may choose to ask you some questions. And if
23 they ask you questions or, if any of the Commissioners
24 here ask you questions, we ask those questions just to

1 clarify your testimony, make sure it's clear for the
2 record, make sure that we understand it, and it's not
3 meant to embarrass you because we may ask questions.
4 Once you've given your statement we ask that you not
5 step down until I excuse you to step down just in case
6 someone has a question. I'll inquire first and then,
7 if there are no questions or no further questions,
8 you'll be excused.

9 Just like a court proceeding, the questions
10 usually -- witnesses are not able to ask questions of
11 the judge or, in this case, cannot ask questions of
12 the Commission. But, if you do have questions, after
13 the hearing I believe that the Company and those
14 persons that Mr. Styers identified a minute ago as
15 well as Ms. Downey, to the extent that she is able,
16 will remain for a while and try to answer any
17 questions that you might have.

18 And, finally, during this hearing, just as
19 in the courtroom or during trials, order must be
20 maintained. The court reporter has to be able to hear
21 what you all have to say so that she can take it down
22 word for word, so those sitting in the audience should
23 remain silent. This is not like a town hall meeting
24 or a time to protest, we are here to take your

1 testimony. We want to hear from you and we want
2 everybody to be heard.

3 I think that we should be able to -- from
4 the size of the crowd I think we should be able to
5 proceed in a timely fashion, and just ask that
6 everyone keep in mind that the others here, your
7 neighbors and fellow residents of the area, are here
8 to testify and they want to have time left so they can
9 do that, so we just ask you to be judicious with the
10 time. If you hear someone else has already said
11 something that you came to say or the same thing that
12 you want to say, if you agree to adopt that, just let
13 me know, say I want to adopt what Mr. Whoever or Ms.
14 Whoever had to say. If you have something to add, you
15 can add that. So even though your name is on the
16 list, when it comes your time, you can choose not to
17 go forward if your position has already been stated
18 or, if you still want to come forward, we're happy to
19 hear from you. We just ask that you bear those things
20 in mind. If it gets late and it looks like it's going
21 to -- and people may not have time then at that time
22 we may go on a time -- we may time the comments, but
23 we hope not to have to do that. So I think that
24 covers the basics.

1 So with that, Ms. Downey, have you
2 identified witnesses and, if so, please call the first
3 one.

4 MS. DOWNEY: Ken Allen, and if Ronnie Tate
5 will be ready to go next. Ken Allen.

6 KEN ALLEN; was duly sworn and
7 testified as follows:

8 COMMISSIONER BROWN-BLAND: You may be
9 seated, and I believe Ms. Downey will start you off
10 with a few questions.

11 MS. DOWNEY: Would you please state your
12 name and address for the record?

13 THE WITNESS: Yes. My name is Ken Allen.
14 My address is 425 NC 65, Reidsville, North Carolina.

15 MS. DOWNEY: Please proceed with your
16 statement.

17 DIRECT STATEMENT

18 BY THE WITNESS:

19 As I just said, my name is Ken Allen and I'm
20 the Business and Economic Developer for Rockingham
21 County. I'm here to just mention in favor of the
22 project. There's challenges for economic development
23 in rural areas; traditional industries have left,
24 MillerCoors has left. We've worked with NTE for over

1 a year. NTE has shown their commitment to the local
2 committee -- community and a good corporate citizen.
3 NTE was flexible and responsible in response -- in
4 negotiating agreements. NTE generally cares about the
5 community, listens to the residents, and works to
6 accommodate community members' request.

7 This project will increase the capital
8 investment for the Reidsville Energy Center by \$380
9 million, significant increase in the county's tax base
10 which results in approximately \$27 million in the tax
11 revenue during the next 20 years. Job creation will
12 be 15 to 20 full-time jobs with an average annual
13 salary expected to exceed \$60,000. There will be 200
14 to 300 construction jobs. NTE has said it will use
15 its best efforts to hire locally from the surrounding
16 communities. Thank you.

17 MS. DOWNEY: I don't have anything further.

18 COMMISSIONER BROWN-BLAND: Mr. Runkle, do
19 you have any questions of this witness?

20 MR. RUNKLE: No.

21 MR. STYERS: (Shakes head no)

22 COMMISSIONER BROWN-BLAND: Any questions
23 from the Commission?

24 (No response.)

1 Mr. Allen, we thank you for coming out
2 tonight. You're excused.

3 (The witness is excused.)

4 MS. DOWNEY: I call Ronnie Tate and if Mike
5 Dougherty would be ready to go next.

6 RONNIE TATE; was duly sworn and
7 testified as follows:

8 MS. DOWNEY: Would you please state your
9 name and address for the record?

10 THE WITNESS: I am Ronnie Tate. My address
11 is 371 N.C. 65, Reidsville, North Carolina 27320.

12 MS. DOWNEY: Please proceed with your
13 statement.

14 DIRECT STATEMENT

15 BY THE WITNESS:

16 I am Director of Engineering and Public
17 Utilities for Rockingham County. One of our divisions
18 in my department is the water and sewer company or
19 division for Rockingham County. So NTE is going to be
20 one of our largest or our largest customer for water
21 and wastewater services. I've worked with NTE for
22 over a year on providing water and wastewater to this
23 project. Our department supports a mutually
24 beneficial agreement allowing for the expansion of the

1 county services. NTE will be a new, large utility
2 customer providing a substantial amount of revenue for
3 the county for the enterprise fund for water and
4 sewer. The new infrastructure will result in two new
5 county jobs to support operations and maintenance of
6 the new water and wastewater infrastructure. And NTE
7 has been willing to work with the county to find
8 practical solutions that are beneficial for everyone
9 for this project.

10 COMMISSIONER BROWN-BLAND: Mr. Runkle.

11 MR. RUNKLE: Good evening, Mr. Tate, my name
12 is John Runkle with NC WARN.

13 EXAMINATION

14 BY MR. RUNKLE:

15 Q How much water is the plant planning to use?

16 A Our report from NTE or their estimate is 1.7
17 million gallons per day, average.

18 MR. RUNKLE: No further questions.

19 COMMISSIONER BROWN-BLAND: Thank you. Any
20 other questions for this witness?

21 MR. STYERS: (Shakes head no)

22 COMMISSIONER BROWN-BLAND: Mr. Tate, we
23 thank you for coming. You may be excused.

24 (The witness is excused.)

1 MS. DOWNEY: Mike Dougherty and if Melissa
2 Chatman would be ready to go.

3 MIKE DOUGHERTY; was duly sworn and
4 testified as follows:

5 THE WITNESS: I'd like to read a letter
6 from --

7 MS. DOWNEY: Hold on.

8 THE WITNESS: I'm sorry. I'm sorry.

9 DIRECT EXAMINATION

10 BY MS. DOWNEY:

11 Q Would you please state your name and would you
12 spell your last name please?

13 A D-O-U-G-H-E-R-T-Y.

14 Q And your address, please?

15 A 308 East Stadium Drive, Eden, North Carolina.

16 Q Please proceed with your statement.

17 A Sorry I jumped the gun there. I want to read a
18 letter that was sent to Lance Metzler, who is the
19 Rockingham County Manager, from Terry Shelton,
20 our Public Utilities Director.

21 *Dear Mr. Metzler, the City of Eden*
22 *has been watching the developing path of the NTE*
23 *Electric Company as it has been following the*
24 *steps to build a new plant in the Bethany Area of*

1 the County. It is our understanding that NTE
2 would be withdrawing 5 million gallons per day
3 from the Dan River possibly on a daily basis.
4 This withdrawal during periods of normal rainfall
5 and the absence of drought would normally not
6 present problems for downstream users. During
7 periods of drought, for example, the 2002
8 drought, the availability of water -- of flow in
9 the river was extremely limited. The City of
10 Eden had to add supplemental pumps to the river
11 bank in order to draft enough water from the
12 river at its current depth to supply the needs of
13 Eden and the surrounding communities in the
14 county. Eden is a water purveyor to a large
15 portion of the northern part of the county via
16 Dan River Water company.

17 While we do not oppose the
18 construction of this electric plant and the
19 economic benefits it can bring to the County, we
20 do have grave concern over the withdrawal of
21 water from the river during the drought periods.
22 We would ask that during low flow periods during
23 drought that restrictions be placed on NTE on how
24 much of the water can be withdrawn from the

1 river. We would also ask, that the Division of
2 Water Resources, a Division of the Department of
3 Environment and Natural Resources, be contacted
4 to model the impact of NTE's five million gallons
5 a day withdrawal from the Roanoke River basin to
6 see the impact that this additional load would
7 have on the river basin and downstream users.

8 We would ask that this be put into
9 the record.

10 Now, since I came here tonight, I
11 spoke to Mr. Tate and he said that the daily
12 withdrawal would be much less because he just
13 stated 1.7 million gallons which would lay a lot
14 of our fears. However, we do have still concerns
15 about during the drought conditions.

16 Q And would you please clarify, who is "we" that
17 you're referring to?

18 A The City of Eden. I'm the Economic Development
19 Director for the City of Eden.

20 Q Okay.

21 A I'm sorry.

22 Q Thank you for that clarification.

23 COMMISSIONER BROWN-BLAND: Any other
24 questions for this witness? Mr. Styers.

CROSS EXAMINATION

BY MR. STYERS:

Q Mr. Dougherty, I just wanted to follow up. You said you had spoken to Mr. Tate --

A Right.

Q -- previously and so he indicated that the amount of water would be 1.7 million gallons per day, much less than the five million that was the concern in the letter you read, correct?

A But that was the number that we received when we talked to the state. That's the recurring amount we kept on hearing so it certainly was better when we clarified it with Mr. Tate.

Q Mr. Tate communicated to you that the water resources that had been analyzed by his office were sufficient to meet the needs, and the needs of the power plant could be met with the resources that have been dedicated and discussed with the county, to your knowledge?

A Correct.

Q And you understand that the Application is being circulated to the Department of Natural Resources and through the State Clearinghouse?

A Right.

1 Q And they will be reviewing it as well?

2 A And we certainly hope that they will address our
3 concerns about drought conditions.

4 MR. STYERS: No further questions. Thank
5 you.

6 COMMISSIONER BROWN-BLAND: Any questions
7 from the Commission?

8 (No response.)

9 You may be excused. Thank you for coming
10 tonight, Mr. Dougherty.

11 (The witness is excused.)

12 MS. DOWNEY: Melissa Chatman. And if Buck
13 Purgason would be ready to go next.

14 **MELISSA CHATMAN;** was duly sworn and
15 testified as follows:

16 COMMISSIONER BROWN-BLAND: You may be seated
17 and hold on there for some questions from Ms. Downey.

18 MS. DOWNEY: Would you please state your
19 name and address for the record?

20 THE WITNESS: My name is Melissa Chatman and
21 I live at 178 Planters Road, Madison, North Carolina
22 27025.

23 MS. DOWNEY: Please proceed with your
24 statement?

1 DIRECT STATEMENT

2 BY THE WITNESS:

3 I live where the water is supposed to be
4 taken from the river and put back in and my biggest
5 concern is what it's going to do to our rivers and
6 what kind of toxins are going to come out of that and
7 how that's going to affect the people who have wells
8 around the area, and I am very opposed of the project.
9 That's it.

10 MS. DOWNEY: Thank you.

11 COMMISSIONER BROWN-BLAND: Are there any
12 questions for this witness, Mr. Runkle?

13 EXAMINATION

14 BY MR. RUNKLE:

15 Q Ms.Chatman, are you on a well?

16 A Yes, sir.

17 Q Are your neighbors on wells?

18 A Yes, sir.

19 Q And so how far from where we are right now do you
20 all live?

21 A Not even a mile from the river.

22 MR. RUNKLE: So you're about a mile from the
23 river. Thank you.

24

EXAMINATION

BY MR. STYERS:

Q Ms. Chatman, just for clarification, about how far from the proposed facility do you live, and the facility is going to be on Highway 65, how far is that --

A I live very far from it. I live like over in the Madison area. I'm a good distance from that. But the area that I live in is where they're wanting to take the water from the river and put it back in --

Q So you're --

A And I disagree because that's taking lots of resources from the river and then putting all of that back in because once that water goes back in it's not going to be any good.

Q Have you spoken with anyone from NTE about how the water is utilized in a power plant such as this?

A I have not spoke with NTE but I have done my research.

MR. STYERS: No further questions.

COMMISSIONER BROWN-BLAND: Any questions from the Commission?

1 (No response.)

2 Ms. Chatman, while you're here you might
3 want to take advantage of the opportunity to speak to
4 some of the folks from NTE. But other than that, we
5 appreciate you coming out and giving us your opinion
6 tonight, and you may be excused.

7 (The witness is excused.)

8 MS. DOWNEY: Buck Purgason and if Jenny
9 Edwards would be prepared to go next.

10 COMMISSIONER BROWN-BLAND: Is that
11 Mr. Ferguson?

12 MR. PURGASON: Purgason, P.

13 BUCK PURGASON; was duly sworn and
14 testified as follows:

15 MS. DOWNEY: Would you please state your
16 name and address for the record?

17 THE WITNESS: My name is Buck Purgason. I
18 live at 331 Crowder Road in Madison.

19 MS. DOWNEY: Please proceed with your
20 statement.

21 DIRECT STATEMENT

22 BY THE WITNESS:

23 All right. I live about probably
24 three miles from the proposed project. There is a

1 plant there now that I can hear running when it runs.
2 I talked to some person at Duke Power who told me that
3 it only runs when there is a peak demand for energy.
4 We have the Belews Creek Station. It's only running
5 at half capacity. The one in Eden is only running at
6 a third of capacity. I don't see a need for another
7 unit in Rockingham County. We just do not need the
8 power, I mean, it's sold somewhere else in peak
9 demands; they sell it to California or wherever. I
10 don't think we need it in Rockingham County.

11 Another concern, they have a smokestack,
12 they're using this water that is coming down the
13 river, the Belews Creek Steam Station has been
14 approved to dump coal ash into the river, and when
15 they draw this water out and heat it with the coal ash
16 in it, what kind of toxins is that going to produce
17 and come out the stack. I'm downwind of it. I live
18 approximately three miles away. I'm concerned about
19 whatever comes out of the stack is going to be
20 settling in my garden. I sell produce. I'm a farmer.
21 It concerns me a great deal.

22 MS. DOWNEY: I don't have anything further.

23 COMMISSIONER BROWN-BLAND: Any questions?

24 MR. STYERS: I don't have any questions.

1 MR. RUNKLE: No.

2 COMMISSIONER BROWN-BLAND: Mr. Purgason,
3 just hold on a second. You mentioned, when you
4 referred to the plant there now that's not the NTE
5 plant though?

6 THE WITNESS: No, ma'am, they're all Duke
7 Power plants and there's three in the county now. And
8 Miller Brewery, like you said, just closed down. I'm
9 sure they can take the energy that they used in a year
10 and they wouldn't need another plant. We have a --
11 (inaudible).

12 COMMISSIONER BROWN-BLAND: Any other
13 questions from the Commission?

14 THE WITNESS: I hadn't had any rolling
15 blackouts.

16 COMMISSIONER BROWN-BLAND: You're excused,
17 Mr. Purgason. Thank you for coming out tonight.

18 (The witness is excused.)

19 MS. DOWNEY: Jenny Edwards and then if Nick
20 Hendricks would be prepared to go next.

21 JENNY EDWARDS; was duly sworn and
22 testified as follows:
23
24

1 DIRECT EXAMINATION

2 BY MS. DOWNEY:

3 Q Please state your name and address for the
4 record.5 A My name is Jenny Edwards and I live at 507 Edney
6 Ridge Road, Greensboro, North Carolina.7 Q I see in your address on your -- on the sign-up
8 sheet it says DRBA Eden. Would you explain to me
9 what that is?10 A Yes, I'd be happy to. So that's an acronym for
11 the Dan River Basin Association. We had some
12 discussion when we got started whether we would
13 pronounce it durba or darba, so it's pronounced
14 darba.15 Q Thank you for that clarification. Go ahead and
16 proceed with your statement.17 A Thank you. I want to thank the Commission for
18 taking time to do this tonight. The Dan River
19 Basin is a -- Association is a non-profit and our
20 mission is to preserve and promote the natural
21 and cultural resources of the Dan River
22 Watershed.23 Our approach is today and always
24 has been to work with businesses for the best

1 possible use of our natural resources. So we do
2 understand that environmental stewardship and
3 economic development must go hand in hand.

4 Rockingham County is certainly in need of more
5 jobs and tax benefits of an investment. I'm not
6 so sure it's in need of additional power
7 generation. However, if the Commission makes a
8 decision on this, based on the need for economic
9 development, I think that certainly would be a
10 need in the county and we certainly understand
11 that reasoning.

12 DRBA is currently in the fact
13 finding stage and at this time we are neither in
14 favor of nor opposed to the proposed NTE power
15 plant.

16 We do have three main questions
17 that are still unanswered and that we would like
18 the North Carolina Utilities Commission to take
19 into account as they are making this decision and
20 we also would like these questions to be entered
21 into the record. So the first one is, what are
22 the possible and probable, if any, negative
23 impacts to the Dan River? The second one is, how
24 will the proposed withdrawal and discharge site

1 on Planters Road impact the environmental park
2 and public river access with regard to noise,
3 aesthetics and quality of life? Number three is,
4 what is the anticipated level of chlorine or
5 other chemicals back into the Dan River and how
6 might those bind with the coal ash Buck mentioned
7 and possibly create a toxic problem? And that's
8 my statement for now.

9 MS. DOWNEY: Thank you.

10 COMMISSIONER BROWN-BLAND: Are there
11 questions for this witness?

12 MR. RUNKLE: Yes, ma'am.

13 CROSS EXAMINATION

14 BY MR. RUNKLE:

15 Q Ms. Edwards, you said the environmental park,
16 what is that?

17 A So Rockingham County received funding from the
18 Duke Energy Water Resources Fund to purchase
19 about three and a half acres of property at the
20 end of Planters Road and the intention of that
21 grant is to develop it into an environmental park
22 and river access. The county also received
23 funding from the North Carolina State Trails
24 Commission to develop that project, and I think

1 the funding was just under \$30,000. And it's our
2 understanding that that's the site for the
3 proposed withdrawal and discharge.

4 Q So the water withdrawal and water discharge is in
5 the park?

6 A I believe that's the plan. The county owns that
7 property and I think that that's the plan is to
8 put the withdrawal and discharge at that site.

9 MR. RUNKLE: Thank you.

10 COMMISSIONER BROWN-BLAND: Mr. Styers.

11 CROSS EXAMINATION

12 BY MR. STYERS:

13 Q Just a question, Ms. Edwards, it is your
14 understanding that the withdrawal and discharge
15 will be through the Rockingham Public Works Water
16 and Sewer Systems; is that your understanding?

17 A That's my understanding after hearing the
18 testimony of Mr. Tate, yes.

19 Q And both the withdrawal and the discharge will be
20 regulated by the State of North Carolina; is that
21 your understanding as well?

22 A I'm not clear on that.

23 Q You do know that the Application that has been
24 filed is circulated through the State

1 Clearinghouse to the Department of Environment
2 and Natural Resources?

3 A Yes, sir, I was aware of that.

4 MR. STYERS: No further questions. Thank
5 you very much.

6 COMMISSIONER BROWN-BLAND: Any other
7 questions for this witness?

8 (No response.)

9 Ms. Edwards, thank you for coming out
10 tonight. We appreciate it and you may be excused.

11 (The witness is excused.)

12 MS. DOWNEY: Nick Hendricks and if John
13 Hubbard will be ready to go next.

14 NICK HENDRICKS; was duly sworn and
15 testified as follows:

16 MS. DOWNEY: Would you please state your
17 name and address for the record?

18 THE WITNESS: Nick Hendricks, Jr., 708
19 Bethlehem Road, Kings Mountain, North Carolina.

20 MS. DOWNEY: Please proceed with your
21 statement.

22 DIRECT STATEMENT

23 BY THE WITNESS:

24 Again, I appreciate the Utility Commission

1 (sic) and others for holding a public hearing. Public
2 hearings are always a great venture into allowing
3 people to speak their points of interest. And in
4 speaking in mine tonight I am speaking in favor of NTE
5 as a -- I am an employee of the City of Kings Mountain
6 with 31 years as the Assistant City Manager/Energy
7 Services.

8 I have had the privilege, I consider it a
9 very great privilege, to have worked with NTE over the
10 last three years. The City of Kings Mountain along
11 with Cleveland County, North Carolina has endeavored
12 into a project over the last three years where we can
13 say that we are about, I would say, 60 percent
14 completed with a sister-type project of this type.

15 I'm here to also say that the things that we
16 worked due diligently with, I want to state for the
17 record that those things were met. Some of the things
18 that we discussed in earnest was the environmental
19 studies; the environmental impact to our town; what
20 the need, the necessity of why we need it; our county
21 economics; our unemployment rate. We looked at
22 everything - our tax base. As an example, this plant
23 is built inside the county. NTE has worked due
24 diligently to become a corporate citizen of Kings

1 Mountain. They have now been annexed into our
2 community. They are, over the last few years, been
3 heavily involved in our community. We see this --
4 both as the city and the county management believe
5 this to be a -- and have proven to be a well economic,
6 viable option for our county and we are very impressed
7 with what we have seen so far. Thank you.

8 COMMISSIONER BROWN-BLAND: Are there any
9 questions for this witness?

10 MS. DOWNEY: No.

11 COMMISSIONER BROWN-BLAND: Any questions,
12 Mr. Styers?

13 MR. STYERS: Just a clarification.

14 EXAMINATION

15 BY MR. STYERS:

16 Q You referred to the Kings Mountain Energy Center
17 as a sister-type project?

18 A Yes, sir.

19 Q Are you familiar with the specifications and the
20 description of the Kings Mountain project at NTE?

21 A I am. I'm the -- I'm actually the Project
22 Manager for the City of Kings Mountain for this
23 project. My daily duties are electric and gas.
24 This project -- I handle the water and wastewater

1 as well -- it's roughly about a 475-MW unit. It
2 produces about, I'm going to say on an average of
3 about 1.5, 1.8 million gallons of water a day.
4 The recirculation confounds of what's going on
5 there and how it's refiltered, it meets our
6 criteria. We are very pleased with the outcome
7 of what the state has provided on the research
8 that we have studied.

9 Q And based upon your review of the Application
10 filed in this docket, EMP-92, it's your
11 understanding that this facility is very similar
12 to what's been proposed -- what is under
13 construction in Kings Mountain?

14 A Under my research and evaluation, one or the
15 other, it's kind of like looking into the mirror.

16 MR. STYERS: No further questions.

17 EXAMINATION

18 BY COMMISSIONER BROWN-BLAND:

19 Q Mr. Hendricks --

20 A Yes, ma'am.

21 Q So you've heard at least a couple of the
22 witnesses indicate their concerns that the
23 project might have on water, water withdrawn and
24 discharge. Are you able to say anything from

1 your own knowledge that might bear on what they
2 think about that or what points of interest they
3 should pay attention to as this proceeds?

4 A Yes, ma'am, I will be happy to. The -- when we
5 went through the drought -- Kings Mountain also
6 is faced with these same type droughts, and
7 during these droughts, we worked with NTE and we
8 sat down with their management, their
9 environmental team, and we said okay here's the
10 worst case scenario. What (sic) does it happen
11 to us? How does it affect us? Here's our water
12 resources. What in the event of the water -- we
13 probe the water situations in the worst case
14 scenarios based on data in history and those
15 things we are comfortably satisfied with the
16 results that we are -- and we have unanimously as
17 a City of Kings Mountain and unanimously as a
18 county voted for this project to proceed.

19 Q Anything about the discharge? Any concerns about
20 what the --

21 A No, ma'am. We -- the discharge is -- we're very
22 proud in one respect because our water is a lot
23 cleaner than what we envisioned through the
24 testing. The discharge, the recirculation of

1 water, it typically is that or greater than any
2 other discharge going through any other waste
3 treatment facility because the plant has its own
4 internal waste treatment facility operations. It
5 has to be met and maintained by state
6 requirements.

7 Q Have you, either Cleveland County or the City of
8 Kings Mountain, to your knowledge been consulted
9 or contacted by those officials from Rockingham
10 County with regard to this project?

11 A Yes, ma'am. We have -- we have met on one
12 occasion and we talked extensively about what we
13 believed are the benefits as well as the concerns
14 and we shared those concerns and we showed that
15 those concerns were met. And that's why I'm
16 comfortable enough to say in front of these
17 citizens in this county that we, too, in a small
18 Cleveland rural county are very proud of what
19 we've got and we're very satisfied. And we have
20 an expert witness I believe in our town that has
21 done that research.

22 COMMISSIONER BROWN-BLAND: Any questions to
23 follow up on my questions?

24 MR. STYERS: I do have a follow up on the

1 Commissioner's questions.

2 EXAMINATION

3 BY MR. STYERS:

4 Q How many years have you been responsible for the
5 water and wastewater system in Kings Mountain,
6 Mr. Hendricks?

7 A I've been inadvertently -- my background is
8 electric and gas.

9 Q All right.

10 A But I have been side-by-side as the assistant
11 piece of the management team for 31 years.

12 MR. STYERS: Thank you.

13 COMMISSIONER BROWN-BLAND: Commissioner
14 Bailey.

15 EXAMINATION

16 BY COMMISSIONER BAILEY:

17 Q You may not be able to answer, do you know if NTE
18 has their air quality permit for that facility
19 yet?

20 A To my knowledge, and I'm going to say to my best
21 knowledge, I'm going to say absolutely. I think
22 everything is completed. Our air permit is
23 completed because we went through our sound
24 continuation models and those air permitting of

1 Cleveland County is completed.

2 Q From your knowledge is the stacking situation
3 with your facility going to be similar to what
4 they're going to have here in Rockingham County?

5 A Based on my research, again it's going to be the
6 mirror. Now, there may be variation in minors of
7 one to two feet type thing, but it's my
8 understanding that it's somewhere in that 200,
9 180 to 220 range. And during that stack what
10 we've done is we actually -- NTE was very
11 impressed with what they provided. They actually
12 had a balloon. They went up and took pictures.
13 We met with the developers. It's nestled --
14 actually the plant at Kings Mountain is kind of
15 nestled into a bottom, it's along I-85, and there
16 is mountain homes that live at eye level of the
17 stack. There were pictures and models of
18 pictures with those citizens and the evaporation
19 outtake versus the visual was highly concentrated
20 through the working knowledge of what they wanted
21 to do to keep things natural. Very, very
22 considerate of the neighbors.

23 COMMISSIONER BROWN-BLAND: Any other
24 questions?

1 (No response.)

2 Mr. Hendricks, we thank you for coming and
3 sharing your knowledge with us and you're excused.

4 (The witness is excused.)

5 MS. DOWNEY: John Hubbard and if Jesse
6 Epperson would be ready to go next.

7 JOHN HUBBARD; was duly sworn and
8 testified as follows:

9 MS. DOWNEY: Would you please state your
10 name and address for the record?

11 THE WITNESS: My name is John Hubbard. My
12 address is 180 Sharmill Drive in Reidsville.

13 DIRECT STATEMENT

14 BY THE WITNESS:

15 My house is about a half mile from the
16 proposed site and I have a few, more or less, selfish
17 concerns. My wife and I moved in in '99, and at the
18 time it was a quiet community which is basically what
19 Bethany is, a quiet community. That's what -- one of
20 the reasons that people move to Bethany is that along
21 with the school.

22 Since then, since '99, we've had Duke Power
23 build this other power plant that was sort of
24 explained to us as the only time it would be an impact

1 to us by noise would be when they're starting up or
2 shutting down the generators. Since then, the past
3 two years, the noise level has increased to the point
4 that noise is more or less the normal now. Now we're
5 having days where it's quiet rather than days where
6 it's noisy. So noise is a major concern of mine.

7 Along with that noise, I have other concerns
8 as well. One being the construction of the site.
9 It's right there on Highway 65 which is a pretty
10 heavily traveled road in the mornings and the
11 afternoons going to and from the school. That's one
12 concern that I have, the construction traffic and
13 whatever that may entail.

14 Sound, as I mentioned before, we already
15 have this plant that's right there making noise,
16 that's pretty considerable. Now, with an additional
17 plant my concern is here's one more power generator,
18 how much noise is this going to be for me living a
19 half a mile away. That affects a very small amount of
20 residents but it is an effect that we're seeing
21 already from the existing plant and then, also, as we
22 mentioned before, the smoke or the steam coming from
23 the stacks. Not only am I going to have now a house
24 that sounds like an industrial area but it's going to

1 look like an industrial area. So my major concern is
2 all of the above including the financial impact it's
3 going to have on my house. Like I said before,
4 Bethany is -- people move to Bethany for the peace and
5 quiet. Me, as a resident close by, that's going to
6 end for me being half a mile away.

7 COMMISSIONER BROWN-BLAND: Does that
8 complete your statement?

9 THE WITNESS: It does.

10 COMMISSIONER BROWN-BLAND: Are there any
11 questions for Mr. Hubbard?

12 MS. DOWNEY: No.

13 MR. STYERS: (Shakes head no)

14 COMMISSIONER BROWN-BLAND: From the
15 Commission?

16 (No response.)

17 Thank you, Mr. Hubbard. There are no
18 questions, you may be excused.

19 (The witness is excused.)

20 I'll just say for the record that
21 Mr. Hubbard has not lost his sense of chivalry, he
22 opened the door for me when I arrived tonight.

23 (Laughter)

24 MS. DOWNEY: Jesse Epperson and if William

1 Ryan would be prepared to go next.

2 JESSE EPPERSON; was duly sworn and
3 testified as follows:

4 MS. DOWNEY: Would you please state your
5 name and address for the record?

6 THE WITNESS: Jesse Epperson. I live at 351
7 Kallom Mill Road, Madison, which is actually in
8 Bethany.

9 DIRECT STATEMENT

10 BY THE WITNESS:

11 I'm about four miles from the site. I can
12 hear it at times. I'm on the west side. It has to be
13 an east wind to hear it. I'm here tonight to address
14 the concerns of residents of Rockingham County related
15 to an additional 500-MW generation station located
16 east of Bethany. I hope the Commissioners will take
17 note of these concerns.

18 The issues are as follows: First is the
19 proposed generation station: Is it technologically
20 advanced as possible? Thus, relating to efficiency,
21 pollution, environmental consequences. Second, do we
22 need more power generation for Rockingham County?
23 And, third, will the 200 or 300 jobs created be filled
24 by local contractors or will it be filled by NGT --

1 NTE from out of state?

2 The proposed generation station: Is it
3 technologically advanced as possible? I understand it
4 will be similar to Kings Mountain Energy Center which
5 is a Mitsubishi turbine which is 60 percent efficient,
6 which is excellent, but has a Nox rating of 15 ppm at
7 15 percent oxygen, just within North Carolina's limit,
8 to the best of my knowledge. This unit was designed
9 in the late 1990's and has undergone numerous
10 improvements over the years, but is it as advanced as
11 possible or is it just good enough? NC WARN may have
12 a whole lot more to say about the pollution aspects of
13 this debacle.

14 Environmentally: Pumping water at a
15 calculated value of 2400 gallons per minute. What I
16 calculated from five million gallons a day so it may
17 be less than that from the Dan River and only
18 returning a fraction of that later. The possibility
19 of contaminants in this return matter is of question.
20 The pumping station will be located on what will be a
21 new part of the Dan River donated by Duke Power, how
22 convenient. So actually the only real concern here is
23 the danger to the aquatic life being suctioned up into
24 the intake filters to be flushed out at some

1 predetermined interval. The return water temperature
2 should not be an issue but the contaminants will have
3 to be monitored. There are power generation systems
4 available that use air to cool and only small amounts
5 of water but they're more expensive and somewhat less
6 efficient.

7 Does Rockingham County really need more
8 power? We have Dan River Station at 620 megawatts,
9 Rockingham Station next to where the new one will be
10 at 825 megawatts being a combined total of 1445
11 megawatts. According to Duke Energy and NTE's
12 websites, that's good for one million six hundred
13 sixty-five thousand homes -- one million one hundred
14 sixty-five thousand homes. Rockingham County, at the
15 last census, only had 43,696 homes, that calculates to
16 about 26.5 megawatts per household. Well, if you back
17 it down to what we need for a household is fractional.
18 I think we're good there. So why do we need another
19 450,000 more home capacity? So, if we get the
20 pollution, who gets the power?

21 The 200 to 300 jobs that will be created
22 only by the -- filled by locals if that talent is
23 available, according to union rules. I can only guess
24 that most of this workforce will come from elsewhere

1 so why do they brag about the creation of all of these
2 jobs in Rockingham County, and will the 15 to 25
3 operators be filled by locals, it's just hard to say.

4 And, finally, I hope the increase in the tax
5 base is enough to justify the addition of this new
6 generation station because after doing the research I
7 don't really think there's much other benefit to the
8 citizens of Rockingham County. It would sure be nice
9 if they would install a state of the art system with
10 extra low emissions, extra low environmental impact
11 and something we can brag about to the rest of the
12 world. That's the end of my statement.

13 COMMISSIONER BROWN-BLAND: Are there
14 questions for this witness?

15 MS. DOWNEY: (Shakes head no)

16 MR. RUNKLE: (Shakes head no)

17 MR. STYERS: (Shakes head no)

18 COMMISSIONER BROWN-BLAND: Any questions
19 from the Commission?

20 (No response.)

21 COMMISSIONER BROWN-BLAND: Mr. Epperson, we
22 appreciate you coming out tonight.

23 (The witness is excused.)

24 MS. DOWNEY: William Ryan and if Glenn

1 Bozorth would be ready to come next. William Ryan, if
2 you'll come next.

3 MR. RYAN: Yes, I'd like to waive my right
4 to give testimony now. Thank you.

5 COMMISSIONER BROWN-BLAND: All right.

6 MS. DOWNEY: Okay. Glenn Bozorth and if
7 Mike Kennedy will be ready to come after him.

8 **GLENN BOZORTH;** was duly sworn and
9 testified as follows:

10 MS. DOWNEY: If you would please state your
11 name and address for the record?

12 THE WITNESS: My name is Glenn Bozorth. My
13 address is 724 Webster Road, Stoneville. I am the
14 owner --

15 COMMISSIONER BROWN-BLAND: Could you spell
16 your last name?

17 A B- as in bravo, O-Z-O-R-T-H.

18 COMMISSIONER BROWN-BLAND: Thank you.

19 MS. DOWNEY: Please proceed.

20 DIRECT STATEMENT

21 BY THE WITNESS:

22 I am the owner of the Dan River Campground
23 and Dan River Adventures in Stoneville. We're right
24 on the Dan River and I have concerns about this

1 project on several different levels. First of all,
2 we've had some banter about the amount of water
3 they're taking out of the river. I know where the
4 five million gallon figure came from because that was
5 the figure that they gave at the hearing at the
6 Commissioner's meeting, or the Rockingham County's
7 Commissioner meeting for request for the
8 infrastructure. They said that we would be pulling
9 five million gallons of water a day and discharging
10 750,000 gallons of water back into the river per day.
11 Also, it was stated that the water would be treated
12 before they discharged it. Before they used it the
13 water would be treated probably with chlorine. So my
14 first concern there is, okay, what is the impact on
15 the environment with the chlorine going down the
16 river.

17 Also, have they taken into consideration the
18 trihalomethane problem that we have in our water
19 treatment plants at Madison and Eden. This problem
20 occurs because the seepage from the coal ash pond at
21 Belews Creek releases bromide into the river and with
22 chlorine we get trihalomethane which is very toxic,
23 and we have a problem with that in our drinking water
24 and a couple -- well, the whole town. So is that a

1 problem that's going to be, you know, has that been
2 taken into consideration with the environmental
3 impacts or has there been an environmental impact
4 study?

5 As a consumer I am concerned that the fact
6 that Duke Energy has bought Piedmont Gas, now we have
7 another gas plant, what effect is this going to have
8 on actually getting, you know, some choice into the
9 system, you know, the newer like solar farms and wind
10 energy where we actually have some competition?
11 Instead, we're feeding more money to Duke Energy here
12 with this project. And I'm concerned about that
13 competitive thing, the free market thing, and the
14 citizens in general being victimized by a stronger
15 monopoly.

16 And then lastly, as a business owner of Dan
17 River Campground, in case anybody has been there, it's
18 a place to get away where it's peaceful, quiet. You
19 know, this Planters Road site where they're thinking
20 about putting a pump where all of this water, I don't
21 know, is this going to be a noisy pump or, you know,
22 like is it going to interrupt the peace and quiet of
23 the Dan Valley? And also with Dan River Adventures we
24 bring hundreds of people, thousands of people every

1 year to enjoy the river. And I don't know if it's 1.7
2 million gallons they're going to be sucking out or
3 five million, what the actual figure is, who knows.
4 But there's already an intake at Belews Creek Steam
5 Station where if there's low riv- -- drought
6 conditions, they're going to be taking money to fill
7 up their power there at Belews Creek. So that's a --
8 have we studied how much water is actually going to be
9 coming out of the river in drought conditions? Are we
10 even going to be able to float down the river? And
11 recreation is an important part of our economy in
12 Rockingham County, depending on whether you talk to
13 the tourism people or the agriculture people it's
14 either one or two in the county for economics.

15 So, there's a lot of concerns here I don't
16 think they're even being thought of so we need to
17 think about trihalomethane, that's a big deal.
18 Chlorine in the river is a big deal. How about the
19 temperature, what's that going to do when they
20 discharge? Also, the noise factor there. So these
21 are questions I think that need to be delved into by
22 the county and by the State Utilities Commission
23 before we proceed with this.

24 COMMISSIONER BROWN-BLAND: Does that

1 conclude your statement, Mr. Bozorth?

2 THE WITNESS: Pardon me.

3 COMMISSIONER BROWN-BLAND: That's all you
4 wanted to tell us tonight?

5 THE WITNESS: Yes, ma'am.

6 COMMISSIONER BROWN-BLAND: Is there any
7 questions for Mr. Bozorth?

8 MS. DOWNEY: No.

9 MR. RUNKLE: (Shakes head no)

10 MR. STYERS: No.

11 COMMISSIONER BROWN-BLAND: Thank you for
12 coming out and you're excused.

13 (The witness is excused.)

14 Mr. Styers, I would say typically at these
15 public hearings when we get some issues raised that we
16 allow the Applicant or we ask the Applicant to just
17 file a follow-up statement and address, to the extent
18 that it's not already included in your testimony, what
19 you can from tonight just so that that will become
20 part of the record and they can go back and read the
21 response. As well as, as I said in the beginning,
22 those of you that are raising these questions, you can
23 raise them directly with some of the folks from NTE
24 and they'll be happy to discuss further with you what

1 they can answer at this point.

2 All right, Ms. Downey, if you will continue.

3 MS. DOWNEY: Mike Kennedy and if Lindley
4 Butler will be ready to go next.

5 MIKE KENNEDY; was duly sworn and
6 testified as follows:

7 MS. DOWNEY: Please state your name and
8 address for the record.

9 THE WITNESS: Mike Kennedy, 571 Planters
10 Road.

11 MS. DOWNEY: Please proceed with your
12 statement.

13 DIRECT STATEMENT

14 BY THE WITNESS:

15 Okay. Everybody has done a good job tonight
16 and everybody has hinged on economic growth, which
17 everybody wants that for the county. Seems like
18 Rockingham County is willing to give these people
19 \$35 million in incentives to use our natural resource:
20 Energy. I'm not sure if we need energy right now. It
21 sounds like we're provided with plenty of energy.
22 Maybe we should invest our money in passive energy,
23 solar fields or something like that. I mean, the
24 incentive we're offering, it seems like a lot.

1 One thing everybody is overlooking here in
2 my opinion is the water. NTE wants the water. They
3 need that water for that plant. They're going to burn
4 gas. They're going to use our water. Look at
5 Greensboro, Burlington, all of our surrounding
6 communities over the last 10 years, what do they all
7 need? The Randleman Reservoir. They need fresh
8 water.

9 I used to -- when I moved there, I lived on
10 the Dan River for almost 20 years. We called it the
11 "Mighty Dan". The Dan is being taxed - Belews Creek,
12 they're pulling water out; wastewater treatment
13 plants; it's being taxed. It's our resource, it's the
14 people's resource. It's not the Commissioners to give
15 away. It belongs to the people. How long is NTE --
16 they're proud of research; they're a private-owned
17 company; they have over \$50 billion worth of assets.
18 We shouldn't give them our resources. We should be
19 compensated if they use it but I don't think that's a
20 responsible way to use that resource. We're going to
21 need surely -- they're saying maybe it's not going to
22 be five million gallons, maybe it only starts out at a
23 million but surely as this county grows I know what
24 else is going to grow, that need for water. You're

1 going to want to make more water and you will want to
2 draw more and when the people come they're going to
3 need drinking water. Every source of life we need
4 water. So I wonder about your responsibility of that,
5 our future generation that comes in. We're going to
6 need it in the future, they're going to need it in the
7 future. How long are we signing our water rights
8 away? Is it going to be like Alcoa on the Yadkin
9 River chain. They basically own that. They tell you
10 you can't -- when you can draw water, when you can't
11 draw water, where you can access it. Like I said,
12 this is our resource. This is our resource. It's not
13 the County Commissioners to give away, it belongs to
14 the people and I feel strongly about that.

15 It's a private-owned company, fifty
16 billion -- these numbers, the plant is going to cost
17 \$450 million. I mean, we're going to give them
18 \$35 million for 15 jobs. I mean I said -- I'm just,
19 you know, it's mind-boggling when I think about it. I
20 live right next -- yeah, everybody, how far away you
21 live, a half a mile, you know, I live about 300 yards
22 off the river. I live right next to where it's going
23 to be.

24 The Dan is a beautiful place. It's a good

1 place. Sometimes you can smell still the sewer
2 treatment plant from all the way in Madison. I've
3 seen the Dan when you could walk around it in times of
4 drought. But still they're looking at bottom line
5 profits. They're going to have to make money. Time
6 of drought, they're going to keep wanting to churn and
7 keep sucking that water out.

8 I just took -- we've got to have some kind
9 of regulation, some kind of guideline. I'm against
10 it. I think we should look at more passive types of
11 energy. You're willing to invest \$450 million for us,
12 us as a county, we're willing to give \$35 million over
13 five years' time, which is what the paper says. Why
14 don't we buy some land and let's do a solar field?
15 Greensboro, one's going up on the edge of Greensboro.

16 I've researched and researched NTE, I can't
17 find a working plant. I've seen the closest one is up
18 there -- well, I won't say Hope Mills, I don't have it
19 written down -- the man that testified earlier -- I
20 can't find a working plant. I can't find anything
21 where I can look and see, you know, how they are
22 producing, how they are performing.

23 I'm just -- I'm against it. I think it's an
24 irresponsible move because we will need drinking water

1 in the future; we'll need fresh water. And, if the
2 county grows, the need for fresh water will grow.
3 We're burning through resources; we're going to be
4 burning natural gas there and we're going to be
5 burning water. Let's just think about our future
6 generations and where's that \$35 million we're going
7 to give a company that's worth \$50 billion, \$50
8 billion. It's a lot of money folks.

9 COMMISSIONER BROWN-BLAND: All right. Do we
10 have any questions?

11 MS. DOWNEY: I just wanted to clarify.
12 Mr. Kennedy, you live in Madison; is that right? I
13 don't believe you said that.

14 THE WITNESS: I live right on the Dan River
15 right where the proposed intake and output site is
16 going to be; sure do.

17 MS. DOWNEY: Thank you.

18 COMMISSIONER BROWN-BLAND: Any other
19 questions for this witness?

20 (No response.)

21 Thank you, Mr. Kennedy. We appreciate you
22 coming out and you're excused.

23 THE WITNESS: Thank you.

24 (The witness is excused.)

1 MS. DOWNEY: Lindley Butler and if Larry
2 Sparks would be ready to go after him.

3 LINDLEY BUTLER; was duly affirmed and
4 testified as follows:

5 COMMISSIONER BROWN-BLAND: Thank you.

6 MS. DOWNEY: Would you please state your
7 name and address for the record?

8 THE WITNESS: I'M Lindley Butler,
9 L-I-N-D-L-E-Y. I live at 628 Cedar Lane, Reidsville.
10 I really live in Wentworth but the mailing address is
11 that.

12 MS. DOWNEY: Please proceed.

13 DIRECT STATEMENT

14 BY THE WITNESS:

15 We've had good commentary tonight on the
16 environmental concerns because that's certainly one of
17 them. I'm actually a historical consultant and I
18 worked as a volunteer with the Dan River Basin
19 Association as well as the county museum so I work in
20 both areas, in environment and history, but I want to
21 address history tonight and archaeology. I have --
22 we've asked questions about that and NTE -- in fact, I
23 got a message today that they have done at the
24 construction site, potential construction site,

1 they've done both environmental and archaeology
2 studies, and according to this, a phase one
3 archaeological study, that did not turn up anything
4 that would prevent construction in that area. And
5 they also checked with the state historic preservation
6 office and they said there's no adverse impact to come
7 from development and construction at that site. And I
8 have followed up with the State Historic Preservation
9 office myself. Based on the report, they could not
10 have surveyed the pipeline which will go several miles
11 to the Dan River to the north, nor have they looked at
12 it from an archaeological and historical resource.
13 The property, the park that has been referred to
14 tonight that the county purchased, that site is a very
15 rich historical site and has archaeological remains on
16 it and so there's no doubt in my mind that that has --
17 simply hasn't been looked at yet and that's where the
18 pumping station would be located. And a lot have
19 talked tonight about the noise and the possible
20 impact, that is a residential area on Planters Road
21 and on the other side, too, Danbury and Planters Road,
22 that's a residential area.

23 Alexander Martin lived on that site right
24 across the road. The house is gone but the

1 archaeological remains are there. He's the most
2 important individual in the early history of this
3 county. He did everything from serving in the
4 Continental Army in the Revolution. He was in the
5 U.S. Senate and he went to the Federal Constitutional
6 Convention. He was Governor of the State, all in this
7 Revolutionary, Early National Period. So you've got
8 to question the most important individual in our
9 history in that day. We have found archaeological
10 artifacts on the park property. There will be far
11 more across the road where the house site was. So I
12 just want to be sure that those concerns are addressed
13 by NTE and the county as we move forward. The
14 pipeline route probably will also have archaeological
15 remains and -- both prehistoric and historic.

16 The other thing on the property is a Batteau
17 Navigation Landing. It's on the National Register and
18 that is state property. There's a deed on file in the
19 Office of Administration in Raleigh and that was part
20 of a National Register Survey of the river of these
21 navigation structures that we use the Batteau
22 Navigation and later briefly the Steamboat Navigation
23 in the 19th century and today they're used by kayaks
24 and canoes. All of that stuff is still out there and

1 it's used to navigate the river today. So the plan
2 for canoe access will be just downstream from that
3 stone structure and would not impact it. That's the
4 plan at this point.

5 I don't know how we're going to have a
6 pumping station and a park in three acres. Right
7 now I need to see a lot more information about how you
8 marry those two, particularly with the noise and the
9 possibility of that kind of impact.

10 The plan was a small trail, the canoe
11 access, historical, archaeological, environmental
12 interpretation on the site, and a covered overlook for
13 the handicap, and there's been a special offer of
14 donation, matching money to build that; and that would
15 overlook the river and is a place where handicap
16 people could go and spend a quiet day contemplating
17 the river or nature, and maybe we would hope that part
18 of the trail would be paved and be used as well that
19 way. So there's a lot to think about here and there's
20 a lot to lose on this site from -- in those aspects.

21 COMMISSIONER BROWN-BLAND: Are there any
22 questions? Mr. Styers.

23 MR. STYERS: Thank you. Just a few.
24

EXAMINATION

BY MR. STYERS:

Q Is it your understanding that Rockingham County will be the owner of the water and wastewater pipelines; is that correct?

A I don't know about the wastewater pipeline. I know right now they own the property at the river. I assume -- I guess the county is building it but they can answer that better than I could.

Q You heard the testimony earlier by Mr. Kennedy talking about the county water and wastewater system.

A Okay.

Q But certainly the water intake would be owned by Rockingham County; would it not?

A If they own the pipeline, I assume so.

Q And then the water outflow would also be owned by the county?

A I don't have any knowledge of that but, I mean, it makes sense I suppose. The water is going out and coming back.

Q Through the county's wastewater treatment system; is that your understanding?

1 A I -- okay.

2 Q And the park that you discussed that's going to
3 be the county park I believe. Is that what
4 you --

5 A It was to be a county park, yes.

6 MR. STYERS: No further questions. I just
7 wanted that clarification.

8 THE WITNESS: The county owns the property.

9 MR. STYERS: Thank you.

10 COMMISSIONER BROWN-BLAND: Any other
11 questions for Mr. Butler?

12 (No response.)

13 Mr. Butler, we thank for your comments and
14 your testimony. You're excused.

15 (The witness is excused.)

16 MS. DOWNEY: Larry Sparks and if Paul
17 Satterfield would be prepared to go next.

18 MR. SPARKS: Madam Commissioner, at this
19 time I waive my right to testify. The questions have
20 been asked and answered.

21 COMMISSIONER BROWN-BLAND: Thank you.

22 MS. DOWNEY: Paul Satterfield and Gus
23 Preschle will go after him.

24 COMMISSIONER BROWN-BLAND: How many more

1 names do you have after the one you --

2 MS. DOWNEY: Let's see, this gentleman, we
3 have three other people.

4 PAUL SATTERFIELD; was duly sworn and
5 testified as follows:

6 MS. DOWNEY: Please state your name and
7 address for the record.

8 THE WITNESS: Paul Satterfield, 311 Planters
9 Road, Madison, North Carolina 27025.

10 MS. DOWNEY: Please proceed.

11 DIRECT STATEMENT

12 BY THE WITNESS:

13 My main concern is I live right there on the
14 road. And for the community, we have children; I have
15 grandchildren. We want to get out and walk up and
16 down the road for the evening, or take them for a
17 stroll on the golf cart, or something like that. I
18 just don't feel like they'll be safe if we have
19 someone like this company coming in. And that's as
20 far as gas lines -- the gas lines are going to be dug
21 and put into the ground. Is it going to be on my side
22 of the road, the other side of the road, or what? I'm
23 just concerned about it. I mean, I looked for months
24 and months and months for a place to live like that,

1 and here it is, it's going to be interrupted. I
2 planned to retire there. And that's all I have.

3 COMMISSIONER BROWN-BLAND: Any follow up for
4 Mr. Satterfield?

5 (No response.)

6 COMMISSIONER BROWN-BLAND: Mr. Satterfield,
7 you may be excused.

8 (The witness is excused.)

9 COMMISSIONER BROWN-BLAND: If you will hold
10 up just a minute, sir, I think we'll take a brief
11 break and we'll come right back at 8:20. If you'll be
12 back promptly, we'll start back. Thank you.

13 (Recess at 8:10 p.m., until 8:20 p.m.)

14 COMMISSIONER BROWN-BLAND: Let's come back
15 to order, please. We left off after Mr. Satterfield
16 had left the stand.

17 MS. DOWNEY: Gus Preschle and if Michael
18 Barnes would be ready to go after him.

19 GUS PRESCHLE; was duly sworn and
20 testified as follows:

21 MS. DOWNEY: Would you please state your
22 name and probably should spell your last name for the
23 court reporter? And I probably mispronounced it.

24 THE WITNESS: Okay. No problem. My name is

1 Gus Preschle, it's P-R-E-S-C-H-L-E. I live at 7711
2 Lassiter Road in Clemmons, North Carolina.

3 MS. DOWNEY: Please proceed with your
4 statement.

5 COMMISSIONER BROWN-BLAND: Mr. Preschle, if
6 you will kind of push that mike a little ways in front
7 of you, we think we might have better sound.

8 THE WITNESS: Is that better? Okay.

9 DIRECT STATEMENT

10 BY THE WITNESS:

11 I'm a retired engineer who has been involved
12 in studying and promoting renewable energy for our
13 great state, use of its residents and businesses,
14 government offices and for economic development. I
15 have come to speak against the plan for a combined
16 site for the power plant proposed by NTE Energy.

17 It's common knowledge that natural gas harms
18 the environment and our health in so many ways, more
19 than I can delve into tonight. It damages the
20 environment at the drilling. It damages the
21 environment in transportation through line losses, hub
22 stations and leaks and, worse yet, tragic accidents.
23 And it damages the environment at the point of
24 consumption, also through leaks, and in some of the

1 testimony we've heard tonight. Also, energy
2 conservation and the growing availability of solar and
3 wind power mitigate the need and justification for
4 this proposed plant any where in our state.

5 North Carolina is already second in the
6 development of solar energy. It's a booming business.
7 Why? Not only because it's a good idea but because
8 it's cheaper than other sources of energy now. And we
9 have under construction down near the coast the first
10 wind farm and there will be many more to come.

11 I wanted to contribute to the discussion by
12 telling you of another power source coming to the
13 North Carolina coast that uses free energy and clean
14 energy, that of offshore wind power. It will generate
15 new businesses for our ports and manufacturing
16 industry. It will generate high paying jobs and all
17 without the serious, negative impact of fossil fuels.
18 Europe already has been enjoying the benefits of
19 offshore wind energy generation on a grand scale.
20 They've been developing it for more than 20 years.
21 Listen to these numbers: They have 3,320 offshore
22 turbines now installed and grid connected in 74 wind
23 farms. They're off the coast of 11 European countries
24 producing a total capacity of 11 gigawatts of power.

1 And because of its accelerating development rate,
2 Europe could have 23 gigawatts installed by 2020.
3 That's equal to 10 massive Belews Creek power plants.

4 When the private sector installs equivalent
5 capacity off of our coast over the next 10 to 15
6 years, the proposed fossil fuel plant will look like
7 so many of the obsolete coal-fired power plants now
8 being recommissioned. I have similar numbers for
9 China. I won't go into them. Suffice it to say that
10 China wants to take our manufacturing jobs away from
11 us. There are already manufacturing jobs in North
12 Carolina making parts for wind turbines that
13 proliferate in the midwest and on the west coast and
14 those that grow in our counties.

15 North Carolina has the greatest potential
16 for offshore wind power along the eastern seaboard,
17 based on studies by the engineers. We have sustained
18 winds, a shallow continental shelf, good ports for
19 support work and hundreds of square miles free of
20 major environmental impacts, yet states from Maine to
21 Virginia will probably have wind turbines in
22 production years ahead of us unless North Carolina
23 becomes proactive and acts now to encourage it. In
24 fact, there are already five turbines operating off of

1 Block Island. And the Federal Bureau of Management --
2 Ocean Energy Management will take bids next year for
3 wind turbines off the coast of North Carolina. Sure,
4 the first few turbines will be expensive, the 100th
5 turbine will have everyone wondering why we didn't
6 start earlier, and the 500th turbine will have people,
7 including citizens like us, enjoying the clean, low
8 cost energy across the state.

9 The challenge falls to the Utilities
10 Commission and individual citizens to reject the
11 temptation to accept the quick fix of another fossil
12 fuel plant. We need to bring North Carolina into the
13 21st century. Let's take on the challenge and show we
14 have what it takes to be the best to do the best at
15 bringing clean, reliable and affordable renewable
16 energy to the people of North Carolina. Reject the
17 proposal for the fossil fuel plant and encourage
18 developers to come to North Carolina and the Federal
19 Bureau of Ocean Energy Management with more proposals
20 for clean energy.

21 I also want to add, I want to agree with
22 some of the concerns expressed earlier about the water
23 intake and discharge pipes. And, as I understand it,
24 this park is funded in part, as mentioned earlier by

1 Mike, from Duke Energy and as I further understand it,
2 Duke Energy is not offering that money out of the
3 goodness of their heart, but it's part of the
4 settlement for the Dan River coal ash spill. And I'm
5 just wondering if that's an appropriate use of land,
6 paid for in part to mitigate the damage already caused
7 by fossil fuel burning. Thank you.

8 COMMISSIONER BROWN-BLAND: Are there any
9 questions for Mr. Preschle?

10 (No response.)

11 Mr. Preschle, we thank you for coming out
12 and you're excused.

13 (The witness is excused.)

14 MS. DOWNEY: Michael Barnes and then Steven
15 Pulliam.

16 MICHAEL BARNES; was duly sworn and
17 testified as follows:

18 MS. DOWNEY: Please state your name and
19 address for the record.

20 THE WITNESS: Michael Barnes. I live at
21 4927 Highway 65.

22 DIRECT STATEMENT

23 BY THE WITNESS:

24 I just have three concerns. I actually live

1 probably within a mile from the Duke Power facility
2 which is already there and the new construction site
3 for NIT (sic). I actually just built a home. I
4 started in January, done most the work myself. Built
5 a real nice home out there. I was excited about
6 moving to the county. I'm originally from Eden, I
7 lived in the city. And about halfway through the
8 building process I find out about NIT (sic) wanting to
9 build another power facility right next to Duke Power.
10 We've been moved in about a month now. I do notice
11 Duke Power is very loud, louder than what I expected.
12 It's more of a constant roar; you hear it through the
13 woods. I've actually spoken with the NIT (sic)
14 people. I went to the town hall meeting and I got to
15 meet with them and they were concerned about it. They
16 said they would do whatever it took to put up trees
17 and try to block, you know, from the sound and the
18 noise but that's just one of my concerns.

19 And then I'm also concerned about the health
20 risk. I have three small children that like to play
21 out in the yard. I'm worried about pollutants in the
22 air, especially with Duke Power already being there
23 and then you add in another power plant facility so
24 then you have double the pollution. If they're going

1 to do like a, you know, check into that and see if
2 it's going to be harmful to our health I definitely
3 don't want it in the area. I'm glad -- I will be glad
4 to see some jobs come to the county but I don't think
5 we need to risk our health for these jobs, for these
6 15 jobs.

7 Also, I just had an appraisal done on my
8 house on the 11th of October and I did not mention
9 anything about a power facility being in the area,
10 which they did note in my appraisal that based on the
11 aerial map the subject appears to be located adjacent
12 to a utility property with adverse impact on value.
13 Okay, that's with just one power plant and now we may
14 have two. So I just got done building the house and
15 now I may lose -- I may stand to lose even more money,
16 which I did know Duke Power was there but now it's
17 twice as bad. So that's it.

18 COMMISSIONER BROWN-BLAND: Are there
19 questions for this witness?

20 MS. DOWNEY: Your address didn't indicate
21 what town you lived in. What --

22 THE WITNESS: Well, the address is
23 Reidsville.

24 MS. DOWNEY: Reidsville, okay.

1 THE WITNESS: Yes.

2 MS. DOWNEY: That's all I have.

3 COMMISSIONER BROWN-BLAND: Thank you for
4 coming out tonight, Mr. Barnes. We appreciate hearing
5 from you.

6 (The witness is excused.)

7 MS. DOWNEY: Steven Pulliam.

8 STEVEN PULLIAM; was duly sworn and
9 testified as follows:

10 MS. DOWNEY: Please state your name and
11 address for the record, and if you wouldn't mind
12 spelling your last name for the court reporter.

13 THE WITNESS: Of course. It's Steven
14 Pulliam, P-U-L-L-I-A-M, 790 Stone Mountain Road,
15 that's in Stoneville, North Carolina.

16 MS. DOWNEY: Please proceed.

17 DIRECT STATEMENT

18 BY THE WITNESS:

19 Thank you. I'm a good ways from the plant.
20 I don't know much about 65; I've been out of the area.
21 I grew up here for many years and I just moved back
22 from Florida where we had similar cases of power and
23 things there so I've been pretty involved. I'm
24 getting back into the places here. I do work for Dan

1 River Adventures. I would like to make note of all of
2 the things that Glenn Bozorth said, I do agree with
3 him wholeheartedly.

4 There have been some discrepancies I've
5 heard about the amount of water that's going to be
6 moved. I wasn't here to really speak, but hearing
7 those discrepancies I would like to, that's why I'm
8 last. I don't think they save the best, I just had a
9 change of heart. 1.7 is new to me tonight. I've
10 never heard that. From what we've been given for
11 months is five million. I spoke with a person who
12 works for NTE -- if I have to give the name I don't
13 mind, I just figured, you know, we'll stay involved
14 with the numbers -- three million on a warm, hot day
15 with peaks of five million, you know five million,
16 when you said five million gallons and that doesn't
17 really ring a bell. People like to compare that to an
18 Olympic-size swimming pool when they have that volume;
19 that will be six, six Olympic-size swimming pools of
20 water per day and less than one-fifth of that would
21 come back, but going along with a better understanding
22 of that.

23 Again, I work for Dan River Adventures, we
24 drop off a lot of people in the river for canoe trips,

1 kayaks, tubings, we keep a good watch on volume that
2 comes down the river each day. We want to stay within
3 a safe limit. We don't want people to go out and not
4 have a fun trip or get their monies worth. Five
5 hundred cubic feet per second is a pretty good stream;
6 that's a good flow. The only times we saw more than
7 that anytime this year was when we had the large
8 amount of rain, which isn't very common for this area
9 unless some hurricanes come through, some off-fronts
10 from those things. So we'll stick with just the solid
11 500 hundred figure, 500-cubic feet, one cubic feet of
12 water, cubic foot I should say, would be about 7.48
13 gallons of water. So if they're going to take
14 five million, again that might not be the case --
15 we'll just stick with what we've been told through the
16 county not through the NTE plant, or attorneys, or
17 anyone at this point -- five million gallons a day
18 will be the equivalent of stopping the Dan River for
19 30 minutes dry, 30 minutes of no flow per day and we
20 get one-fifth of that, excuse me, less than one-fifth,
21 whatever the volume is back with possibly chlorine
22 contamination. I'm not concerned too much about the
23 plant, I think it's great to have some challenges
24 to -- of Duke Power. That's great. We need that in

1 the state -- in the state specifically.

2 I am concerned with environment. I'm in
3 that water a lot. I grew up in that river. I went
4 down that river for the first time before I could
5 walk. My family has been here for a very long time.
6 Stoneville park was the land my grandmother and her
7 father farmed. I have blood in this county; it's a
8 longstanding blood. I feel it's my need to speak out
9 and protect some of these things. I don't think
10 anybody is here to maliciously harm our environment.
11 Again, on the same point, I don't think they said hey
12 here's this little Town of Stoneville we're going to
13 come help out because they need our power. But the
14 bottom line is, if you think more about, you know, if
15 we stop the Dan River, 500 million, 300 million or,
16 excuse me, five million or three million, either case,
17 that's a lot of water, H2O, hydrogen dioxide; it's
18 oxygen. That's an oxygen reduction in our river per
19 day. And then you're going to return it, I forget
20 whatever the specified volume may be, with chlorine
21 contaminants. And as someone had already mentioned
22 bromide that's already in the water from the runoff
23 from Duke Energy so we're going to have methane, the
24 carcinogen. Not only will you have to worry about

1 carcinogen going into our water supply and us drinking
2 it, it goes into the fish, the wildlife, the thing
3 that attracts our economic development here.

4 You know you see clean and green, "Keep
5 North Carolina Clean & Green" all around the state, I
6 agree with that, but we need energy; there's a demand
7 for it. People in this day and age aren't ready for a
8 sustainable lifestyle yet. They're not really ready
9 for the next step of some new things for change to put
10 it, so we do need power. There is a demand for it.
11 We need to make sure that we do this in an effective
12 way, safe way. And there's been a lot of talk about
13 profitability, viability and income, it's a good word,
14 what are the costs? Has anyone considered the real
15 cost, the cost to our environment, the cost to our
16 children, my three-year old? We'll go to the Dan
17 River. We'll get out at the Dan River Campground. We
18 might get out at Settle Bridge Road. We don't go to
19 Eden. The water tests fine there from the coal ash --
20 the selenium dioxide with chromium VI. But that
21 stuff's in bottled water still. So we some lost
22 ground there, we stop before we get to Eden.

23 What happens again with the cost, the
24 potential cost? What happens if there's a spill

1 somewhere? If there's a break in -- what if there's a
2 breach in that return line? Are we going to lose more
3 ground? So I'll have to tell my son you can't go --
4 there's some really cool stuff I'd like to show you,
5 there's some old docks from where the slave trade was
6 going on, there's some really neat bridges where the
7 A&Y Railway used to come through here but you can't
8 see that because you might -- you don't know the large
9 question about this is you could contract some kind of
10 disease, you might have cancer. Do you want to tell
11 your child that? I don't.

12 The job aspect of this, 300 jobs would be
13 great. This county needs that. Especially the
14 construction jobs that they've estimated, 300 I mean,
15 that would be wonderful for this county; that's a lot
16 of folks. But it's not like you can go to Darrell or
17 Troy Hall to get your general contracting done. You
18 can't go to Chilton's Tree Service here in the county
19 to get the trees bulldozed over. You can't go to
20 Dalton Plumbing in Stoneville to have the plumbing
21 done for this pipeline. These aren't our kind of
22 companies. These are big companies that place a bid
23 and the union regulate it. Anyone that works in this
24 county knows you don't speak Floridian in here, it

1 doesn't happen, we're not going to get these jobs.
2 There might be some people that work here that do go
3 to another county to work and they would have those
4 jobs, but it's not going to be a significant income.
5 It's not going to do anything for the people directly
6 here. We're not going to see a difference. The 25
7 jobs that would be permanent, \$60,000 - I love this
8 county, I'd like to keep it just the way it is - and
9 if you're making \$60,000 you're very intelligent or
10 you're paid too much and there's no fine line between
11 it. That's pretty much the spectrum of it.

12 (Laughter)

13 These people aren't coming from this county
14 for a \$60,000 starting salary. Let's be real, it's
15 not happening here. I left a very good paying job in
16 Florida and I'm not expecting to make the same thing
17 here. I came here because I wanted to come back to a
18 small town environment. I wanted to come back to a
19 clean environment. I left Florida because I can't
20 swim in the water there. I can't drink the water
21 there. We're neglecting one of our free basic
22 necessities for life: Food, shelter, water. What
23 else will that take, the cost. You can sit at your
24 desk all day and talk about viability, you can talk

1 about profitability, you can talk about business and
2 economic development, but if you can't go home and if
3 you don't have a bottle of water there to drink, you
4 know, what -- you can't drink the tap water -- what
5 good would that be to anyone?

6 And, again, I don't think NTE is here
7 maliciously, you know, in some sinister corner of
8 their office saying let's go attack Stoneville, North
9 Carolina, or Reidsville, or Bethany, but it's just
10 very poor timing. The timing is poor and the subject
11 is sore. And you've kind of walked in the wake of
12 Duke Power. I would love to see Duke Power bulldoze
13 theirs and you guys come in.

14 A simple person like me called NTE this
15 morning and I was talking to a high ranking official,
16 he was very intelligent, he was very easy to work
17 with. And, unfortunately, I have Duke Power and
18 you're not going to get that kind of service from
19 those guys ever. I think we all know that. But at
20 this point, for me personally, the pros do outweigh
21 the cons. There's a lot of pros and the cons might
22 not be as many in number but they're devastating to
23 our environment and that's what matters to people here
24 and what matters to me. That's what my neighbors talk

1 about. We've taken thousands of people out on the
2 river this year and hundreds have asked about this new
3 access that's going to come up - hey, do you know
4 anything about the access? We don't want to go all
5 the way up. My three-year old can't make the six-mile
6 trip all the way to Settle Bridge Road from 704. We'd
7 love to have a three-mile trip where we can get off
8 right there. My grandma can't walk, she's in a
9 wheelchair, we'd love to be able to roll her down the
10 water; she hasn't seen the river since she was a kid.
11 I think for us we need something for our brothers, our
12 sisters, our children, our grandparents do in this
13 county, we don't need more power right now. As these
14 power stations phase out, which I don't want to get
15 too involved with my personal opinion of Duke Energy
16 if I haven't explained it enough, I would love to see
17 NTE come in, this would be great. I would much rather
18 see solar, but like I said, change is a hard word in
19 this state, this county. I think NTE would be the
20 company for us, but I just don't think now would be
21 the time for that.

22 COMMISSIONER BROWN-BLAND: Are there any
23 questions for this witness?

24 MS. DOWNEY: No.

1 MR. STYERS: (Shakes head no)

2 MR. RUNKLE: (Shakes head no)

3 COMMISSIONER BROWN-BLAND: Thank you for
4 coming.

5 THE WITNESS: Thank you.

6 (The witness is excused.)

7 MS. DOWNEY: Madam Chair, that's the last
8 witness that I have on my list.

9 COMMISSIONER BROWN-BLAND: We're about to
10 conclude this hearing, is there anyone else who didn't
11 sign up who wants to make a statement at this time?

12 (No response.)

13 Let the record reflect that no one else came
14 forward.

15 As you heard in the opening statement, the
16 next part -- Mr. Styers, I forgot.

17 MR. STYERS: Thank you, Madam Chair, if I
18 may just a moment. You have suggested this evening
19 that it may be appropriate for the Applicant to file
20 some supplemental information to address perhaps the
21 confusion and to clarify issues involving water
22 intake, utilization and discharge and other local
23 issues. We would move that we be allowed to provide
24 supplemental information in Docket EMP Sub 0 (sic), on

1 or before the commencement of the expert witness
2 hearing next Wednesday, November 2nd, if we may file
3 supplemental information on those issues raised
4 tonight?

5 COMMISSIONER BROWN-BLAND: That will be
6 fine, Mr. Styers, and that's EMP-92, Sub 0. I repeat
7 that again because you all can -- the court reporter
8 will have all of this transcribed and it will be on
9 our website at www.ncuc.net, and when you go there and
10 you need the docket number, you put in EMP-92, Sub 0,
11 and it will take you to everything that has been filed
12 with us in this case. And in a few days the court
13 reporter will have up the testimony from tonight and
14 you will see that as well, and you can follow it from
15 that also.

16 MR. STYERS: Thank you, Madam Chair, we
17 appreciate that opportunity very much.

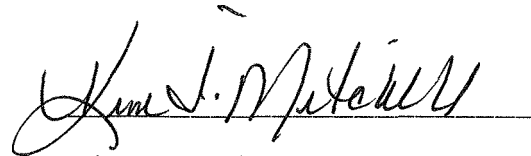
18 COMMISSIONER BROWN-BLAND: And when
19 Mr. Styers files whatever response he and his client's
20 deem appropriate to what has been said here tonight
21 you can see that as well. And you will also see later
22 on after the hearing that we have in Raleigh on the
23 expert testimony that will be out there as well and
24 you can follow this case and see what happens.

1 If there's nothing else to come before us
2 tonight from either party, then we will stand
3 adjourned. Thank you all for coming out tonight.

4 (WHEREUPON, the proceedings were adjourned.)
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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.

A handwritten signature in cursive script, reading "Kim T. Mitchell", written over a horizontal line.

Kim T. Mitchell
Court Reporter II