

1 PLACE: Beaufort County Courthouse

APR 03 2018

2 Washington, North Carolina

Clerk's Office
N.C. Utilities Commission

3 DATE: Monday, March 19, 2018

4 DOCKET NO.: EMP-93, Sub 0

5 TIME IN SESSION: 7:00 P.M. TO 8:35 P.M.

6 BEFORE: COMMISSIONER ToNola D. Brown-Bland

7 Commissioner James G. Patterson

8 Commissioner Lyons Gray

9

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IN THE MATTER OF:

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Application of Wilkinson Solar LLC for

12

a Certificate of Public Convenience and

13

Necessity to Construct a 74-MW Solar

14

Facility in Beaufort, North Carolina

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Volume 4

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1 P R O C E E D I N G S

2 COMMISSIONER BROWN-BLAND: We'll come to order
3 now and go on the record. I am Commissioner ToNola
4 Brown-Bland of the North Carolina Utilities Commission,
5 and with me this afternoon are Commissioners James G.
6 Patterson and Lyons Gray.

7 I now call for hearing Docket No. EMP-93, Sub
8 0, which is In the Matter of Application of Wilkinson
9 Solar, LLC, for a Certificate of Public Convenience and
10 Necessity to Construct a 74 Megawatt Facility -- Solar
11 Facility in Beaufort County, North Carolina.

12 On October the 11th, 2017, the Commission
13 issued an Order granting a Certificate of Public
14 Convenience and Necessity to Wilkinson Solar, LLC,
15 hereafter Wilkinson or Applicant, for the construction of
16 a 74 megawatt solar voltaic -- photovoltaic merchant
17 plant electric generating facility to be located in
18 Beaufort County, North Carolina, on the south side of
19 Terra Ceia Road between Virgin Hill Road and Christian
20 School Road, and the north side of Terra Ceia Road east
21 of Christian School Road, subject to various conditions
22 set forth in the Commission's Order and the certificate
23 attached thereto.

24 On November 29th, 2017, Wilkinson filed a

1 letter with the Commission stating that the proposed
2 solar panels on the Respass property north of Terra Ceia
3 Road had been removed from the initial planned footprint
4 of the facility, and the footprint is now proposed to
5 expand south and incorporate additional land south of
6 Terra Ceia Road. The Applicant further stated that it
7 had site control over this additional land to be
8 incorporated. In addition, the Applicant filed a revised
9 site plan map showing the additional acreage and
10 including a revised location description for the
11 facility.

12 On December 6, 2017, based upon the Amended
13 Application, the Commission issued an Order requiring the
14 Applicant to publish a notice of the Amended Application
15 in the manner required by G.S. 62-82(a) and file an
16 Affidavit of Publication with the Commission. In
17 addition, the Commission directed the notice be delivered
18 to the State Clearinghouse Coordinator of the Office of
19 Policy and Planning of the Department of Administration
20 for distribution to State agencies having an interest in
21 the application.

22 The State Clearinghouse filed Comments on
23 January 16th, 2018 and January 26, 2018.

24 On February 1st, 2018 and March 9, 2018, the

1 Applicant filed Affidavits of Publication, as required by
2 the Commission's December 6, 2017 Order.

3 Since the Commission issued its December 6
4 Order, numerous consumer statements of position were
5 filed in this docket expressing opposition to the siting
6 of the facility as revised in the Amended Application.

7 On February 7th, 2018, the Commission issued an
8 Order Scheduling Further Hearings, Requiring Filing of
9 Testimony, Establishing Procedural Guidelines, and
10 Requiring Public Notice. The Order scheduled a public
11 witness hearing at this time and in this place, and
12 scheduled an expert witness hearing on Wednesday, March
13 21st, 2018 in Raleigh, North Carolina, which has been
14 subsequently rescheduled by order of the Commission.

15 On February 16th, 2018, Wilkinson filed
16 prefiled direct testimony and exhibit of April
17 Montgomery.

18 On March 8th, 2018, the Public Staff filed
19 supplemental testimony of Evan D. Lawrence.

20 On March 9th, 2018, Deb VanStaalduinen,
21 Kristina Beasley, Marshall and Joann Lilley filed
22 Petitions to Intervene.

23 On March 12th, 2018, Wilkinson filed a Motion
24 to Deny the Petitions to Intervene.

1 reflect that no conflicts were identified.

2 This brings us to tonight's hearing for the
3 purpose of receiving public witness testimony.

4 I now call for appearances of counsel,
5 beginning with Wilkinson.

6 MR. CAMPEN: Chair, my name is Henry Campen and
7 along with my colleague, Bahati Mutisya, we represent the
8 Applicant, Wilkinson Solar.

9 COMMISSIONER BROWN-BLAND: All right. Thank
10 you.

11 MS. HOLT: Good evening. I am Gina Holt with
12 the Public Staff here on behalf of the Using and
13 Consuming Public, and with me at the counsel table is
14 Public Staff engineer Evan Lawrence.

15 COMMISSIONER BROWN-BLAND: All right. Ms.
16 Holt, have you identified public witnesses for tonight?

17 MS. HOLT: Yes, I have.

18 COMMISSIONER BROWN-BLAND: And before we move
19 on with that, as a preliminary matter, I understand the
20 Petitioner to Intervene, Ms. Deb VanStaalduinen, is
21 present in the hearing room and has decided that she
22 would not intervene per the Commission's Order; is that
23 correct?

24 MS. VANSTAALDUINEN: Correct.

1 COMMISSIONER BROWN-BLAND: Are you Ms.
2 VanStaalduinen?

3 MS. VANSTAALDUINEN: Yes.

4 COMMISSIONER BROWN-BLAND: All right. Let the
5 record reflect that Ms. VanStaalduinen says that she will
6 not -- she is choosing at this time not to intervene and
7 she will be here as a member of the public and eligible
8 to testify and give testimony as a public witness.

9 All right. Any further comment for the record
10 about that from anybody? All right. So before -- Ms.
11 Holt, who represents the Using and Consuming Public, has
12 indicated that there are witnesses here who wish to
13 testify. And before we do that, just let me give you a
14 little background. I don't know if you all were here the
15 other time we came to town. I think we have a little bit
16 of a different crowd. So I'll just give you some
17 background about how this proceeding works.

18 This proceeding is conducted similarly to a
19 court case, and it started with the Company's Amended
20 Application in this case for a Certificate of Public
21 Convenience and Necessity. And in deciding on that
22 application, the Commission is largely focused on two
23 broad issues of need for the facility and whether
24 construction or operation of the facility is in the

1 public convenience. And as I told them last time, the
2 term public convenience is relatively elastic, and it is
3 -- it is a broad and is not a very difficult standard to
4 meet. To that end, this Panel, though, is here to
5 receive whatever testimony about the facility that you,
6 the members of the public, wish to have included in the
7 record in this proceeding. However, our actions as a
8 Commission will not preempt any of the local, state, or
9 federal regulations or requirements. And absent
10 extraordinary circumstances, local land use regulation
11 and zoning authority will not be affected by this
12 Commission's decision. And likewise, the Commission's
13 decision won't alter the Applicant's duty and
14 responsibility to comply with all applicable laws,
15 federal and state environmental law, or to obtain permits
16 required for construction or operation.

17 And as I indicated in the opening remarks, this
18 hearing is set in two parts, one for this public witness
19 testimony, and the other for expert evidentiary testimony
20 that will take place back in Raleigh. But for our
21 purposes tonight, when you come up to give us your
22 statement or to tell us what you want us to know, that
23 will be considered evidence in the case, and for that
24 reason you will take the stand, you will be under oath

1 and sworn in, and the court reporter will take down what
2 you have to say verbatim word for word, and it will be
3 evidence in the case.

4 The Public Staff is here represented by Ms.
5 Holt, and Mr. Lawrence is here with her, and they appear
6 on behalf of the Using and Consuming Public, and they are
7 not the same as the Commission. They don't work for the
8 Commission. They are independent from the Commission.
9 They work for you, and they answer to an executive
10 director. As I understand it, some of you probably have
11 been in touch with the Public Staff prior to tonight.
12 And we take -- we have these hearings just specifically
13 to hear from you. We receive your letters and the
14 consumer position statements which are placed in our
15 official file, and they are accepted as expressions of
16 views and public sentiment, but unless you're here
17 tonight to either verify that you sent in that letter and
18 that you want that to become a part of the record or to
19 give your own separate testimony all under oath, those
20 are not considered evidence upon which we can just rely
21 on. They will be received for -- for the value, you
22 know, received for whatever purposes -- for our
23 consideration, but they won't be relied upon as evidence
24 on the basis of our -- that we would make our decision

1 upon.

2 Now, I think -- now, I -- generally, the
3 Applicant will stay and answer questions if you may have
4 some. I think Mr. Campen is nodding that his client is
5 willing to do that tonight. But because this is just
6 like a court proceeding, which I am sure you have seen or
7 attended some, you are not able to ask the Commission
8 questions, but you can -- if you stay after and you have
9 questions of either Ms. Holt or Mr. Campen or his client,
10 you may speak with them then.

11 And the only other thing is we try to maintain
12 order in these proceedings just like you see in a
13 courtroom, so we ask that you remain silent while someone
14 is on the stand. It is not appropriate to give applause,
15 and stand, and any of those kinds of things. It's just a
16 very solemn procedure. And as I said, we are here to
17 receive evidence. It doesn't sound like we have too many
18 people, so I am at this time not going to impose any
19 strict time limit. I would ask that you try to govern
20 yourself by a five-minute rule. If you go over a little
21 bit, I'm not going to run you off. We're here to hear
22 what you have to say and we want to be sure that we have
23 heard it. And I think that covers the bases, other than
24 I believe you have all signed -- those who wish to speak

1 or testify have signed up with Ms. Holt, and she will go
2 down that list in the order in which you signed up, I
3 believe. If not, she will explain that to you in a
4 minute. But other than that, Ms. Holt, I would turn it
5 over to you.

6 MS. HOLT: Mr. William Wescott.

7 WILLIAM WESCOTT; Having been duly sworn,
8 Testified as follows:

9 DIRECT EXAMINATION BY MS. HOLT:

10 Q Could you please state your name and address
11 for the record.

12 A William Wescott. I currently live at 859
13 Manson Drewey Road, Manson, North Carolina.

14 Q Thank you. Please proceed.

15 A I'm going to start with a statement from my
16 testimony, the February testimony that says that
17 Wilkinson has designed the facility to avoid any
18 anticipated impacts to wetlands and jurisdictional waters
19 on the site. Well, that's testimony, like I said, from
20 the February 16, 2018. At face value that statement
21 sounds really good, but let's look at the validity of
22 that statement. Does that statement have supporting
23 evidence? There is nothing that has been provided by the
24 Company that indicates that wetland determinations,

1 wetland delineations, jurisdictional determinations, or
2 the Tar/Pamlico buffer rules have been conducted. That
3 evaluation has not yet been done. At least that
4 information has not been shared with any of the agencies
5 if it has been done. Responses from multiple agencies in
6 the spring of 2017 and again later just this past
7 December indicate the -- requesting that this information
8 be provided so an adequate environmental evaluation can
9 be done for this particular project.

10 Within the last week, the Terra Ceia community,
11 we have contacted the Corps of Engineers and the Division
12 of Water Resources just to ask the question has anyone
13 associated with this company contacted the U.S. Army
14 Corps of Engineers or the Division of Water Resources to
15 request a determination -- a wetland determination or
16 delineation? The answer from the Corps of Engineers is
17 no. The answer from the North Carolina Division of Water
18 Resources is no. No one has yet to contact these
19 agencies that are right here in Washington, North
20 Carolina, to do the appropriate environmental evaluations
21 to determine what permits are going to be needed for this
22 facility.

23 Well, is there any reason for concern? Is
24 there any indication that jurisdictional features may be

1 out there? Well, if you look in the December comments
2 from the Clearinghouse -- December -- from Division of
3 Water Resources, it states according to the most recent
4 topographic maps from the U.S. Department -- or USGS,
5 that blue line features are mapped on the subject
6 property and may be subject to the Tar/Pamlico buffer
7 rules. Later on in their comments it says that no
8 mention of possible existence impacts have been provided
9 by the Company, and that the office highly recommends
10 that the -- that this project be coordinated with the
11 U.S. Army Corps of Engineers, as well as with the North
12 Carolina Division of Water Resources, in order to provide
13 the environmental documentation so that this could be
14 adequately reviewed.

15 Well, if you take a quick look at the
16 referenced USGS topo map that the Division of Water
17 Resources mentioned, there are approximately 23,800
18 linear feet, or approximately four and a half miles, of
19 blue line ditches on or immediately adjacent to this
20 project site. A quick calculation of the buffers,
21 there's almost 1.7 million square feet, or approximately
22 39 acres of land, with potentially Tar/Pamlico buffer
23 rules that are within the project site. Again, let me go
24 back to the statement, Wilkinson has designed the

1 facility to avoid anticipated impacts to wetlands and
2 jurisdictional waters on site. That is only a feel-good,
3 hollow statement because there has not been any
4 information provided to substantiate that statement.
5 Now, I just shared with you some critical pieces of
6 information that are missing in order to properly conduct
7 an environmental evaluation.

8 What's another concern is the timing of the
9 submittal by the Clearinghouse to the environmental
10 agencies or to State agencies. Most of the time these
11 agencies have two to three weeks in which to provide
12 comments back to the Clearinghouse. That two-to-three-
13 week window started just before Christmas and ended just
14 after New Year's. Most people in the State agencies are
15 taking their annual leave during the holiday season, and
16 so this was an extremely rushed review and inadequate
17 review. And that raises concerns and cautions and
18 suspicions regarding how much review this project
19 actually received.

20 Fortunately, we did have an agency or a couple
21 agencies that did comment regarding the need for more
22 information to conduct the environmental evaluation. So
23 far, our experience with this company shows them to be
24 somewhat deceptive. They are failing to provide the

1 requested information, and they make unsubstantiated
2 comments regarding the avoidance or minimization of
3 potential jurisdictional features. Rarely do we get a
4 second chance to do what's right. Rarely do we get a
5 second chance to make sure that this project gets a
6 thorough, fair, and appropriate review.

7 And the application to the State Utilities
8 Commission, it specifically asked to give us a list of
9 potential permits that are needed for this project.
10 What's going to be needed? Is the 401 Water Quality
11 Certification needed? If it is, guess what? We have to
12 have an environmental review -- a jurisdictional
13 determination of what is out there. This Company has yet
14 to provide that. Is -- a sedimentation erosion control
15 permit requires for us to have a wetland delineation and
16 determination. A stormwater permit requires to have a
17 wetland delineation and determination, waters of the U.S.
18 be identified, buffers be identified. The 404 permit, is
19 it even going to be needed through the U.S. Army Corps of
20 Engineers? There's other permits that may be needed, but
21 we don't know what's needed. The Commission is not going
22 to know what's needed until a thorough and complete
23 environmental impact -- or impact study or evaluation has
24 been conducted. Thank you.

1 COMMISSIONER BROWN-BLAND: Are there any
2 questions?

3 MR. CAMPEN: No, ma'am.

4 COMMISSIONER BROWN-BLAND: Any from the Public
5 Staff?

6 (No response.)

7 COMMISSIONER BROWN-BLAND: Commission?

8 COMMISSIONER PATTERSON: Yes.

9 COMMISSIONER BROWN-BLAND: Commissioner
10 Patterson.

11 COMMISSIONER PATTERSON: Yes.

12 EXAMINATION BY COMMISSIONER PATTERSON:

13 Q James Patterson. Will you testify at the
14 evidentiary hearing later in Raleigh? I don't know what
15 the date is for that.

16 A I think they had originally had it the 21st,
17 and I will -- is that correct? And then they've moved it
18 to April.

19 COMMISSIONER BROWN-BLAND: April the 11th.

20 A But I think I just heard that she said that
21 that was closed as far as additional witnesses, or is
22 that -- was I -- did I hear that incorrectly?

23 COMMISSIONER BROWN-BLAND: That is the expert
24 witness hearing. This is the public -- public witness

1 hearing.

2 A I mean, I -- I'm not opposed to doing that if
3 there -- if it's open to do. I mean, it was originally
4 scheduled the 21st. I had a scheduling conflict because
5 I was actually on site with the Corps of Engineers on
6 other projects because I am an environmental consultant
7 for the last three years. I used to work for the U.S.
8 Army Corps of Engineers and before that with the State of
9 North Carolina doing evaluations of permits. So I know
10 the process.

11 COMMISSIONER PATTERSON: I have nothing
12 further.

13 THE WITNESS: Okay.

14 COMMISSIONER PATTERSON: Thank you.

15 THE WITNESS: Yes, sir.

16 COMMISSIONER BROWN-BLAND: All right. You may
17 be excused.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 COMMISSIONER BROWN-BLAND: The next witness?

21 MS. HOLT: Mr. Herbert Eckerlin?

22 MR. ECKERLIN: That's correct.

23 HERBERT M. ECKERLIN; Having been duly sworn,

24 Testified as follows:

1 DIRECT EXAMINATION BY MS. HOLT:

2 Q Please state and spell your name for the
3 record.

4 A It's Herbert M. Eckerlin. Do you want my
5 address? 4313 Azalea Drive, Raleigh, North Carolina,
6 27612.

7 COMMISSIONER BROWN-BLAND: Could you spell your
8 last name?

9 THE WITNESS: Okay. E-C-K-E-R-L-I-N.

10 COMMISSIONER BROWN-BLAND: And Mr. Eckerlin,
11 would speak up as best you can to be sure the folks in
12 the back can hear?

13 THE WITNESS: Yeah. Should I --

14 MR. CAMPEN: The microphone doesn't work, Mr.
15 Eckerlin.

16 THE WITNESS: Pardon me?

17 COMMISSIONER BROWN-BLAND: The microphone does
18 not work.

19 THE WITNESS: Oh, okay. Thanks.

20 MR. CAMPEN: So you have to raise it up.

21 THE WITNESS: Pardon me?

22 MR. CAMPEN: Raise your voice.

23 THE WITNESS: Oh, I will, yes. Thank you. And
24 if you don't hear, holler, please.

1 A My name is Herbert M. Eckerlin. I am a
2 Professor Emeritus at NC State in mechanical and
3 aerospace engineering. I have worked in the energy field
4 for over 40 years. Actually, it began with the Arab oil
5 embargo in 1973. So the state and the country was going
6 through a lot of turmoil at that time, and my colleagues
7 and I felt that perhaps there might be some alternatives
8 for the state and for the nation to consider instead of
9 importing very expensive oil.

10 So in 1980 and '81, because of that crisis in
11 the nation and in the state, I designed and built the
12 NCSU Solar House. Can you hear me back there? That was
13 in 1980 and '81. It was done for research, educational
14 and resear--- and demonstration purposes. The house was
15 open to the public for over 30 years. Perhaps some of
16 the Commissioners and others have seen the house and have
17 gone through the house.

18 But because it was located in Raleigh, it had a
19 limited reach, so in 1987 and '88 I founded the North
20 Carolina Solar Center. The whole purpose there was to
21 communicate the benefits of solar to the people across
22 the state. So -- and so to speak from Murphy to Manteo,
23 as is commonly called here.

24 About four years ago -- now moving forward,

1 about four years ago, four to five years ago, the name of
2 the Solar Center was changed to the North Carolina Clean
3 Tech Energy Center, and that's what it's called today.

4 The precursor for that was, of course, the Solar Center.

5 Since I'm retired, I'm not speaking for the
6 University, and what I have to say are my own thoughts
7 and experiences based on what I did at NC State. And the
8 University has to be very careful about taking positions
9 on controversial issues like this. That's happened in my
10 case when I have lectured on other matters, also, when
11 people perhaps from one industry or another were offended
12 by perhaps something of -- that I had mentioned in a
13 workshop or seminar. So I'm well familiar with the
14 sensitivity that the University has with regard to these
15 controversial matters.

16 In order to minimize -- now going back to this
17 Beaufort situation -- going back, the -- let's consider
18 the transmission losses that typically are a problem, an
19 issue, a challenge for the power companies in the nation
20 and in North Carolina, particularly, for example, Duke.
21 Take, for examp--- and one of the things that the power
22 companies have done all along is they've tried to locate
23 power companies near load centers. An example of that in
24 North Carolina might be the Roxboro plant north of Durham

1 which serves the Triangle and which also serves the
2 capital city area. Marshall -- the Marshall steam plant
3 closer down to Charlotte serves the Charlotte
4 metropolitan area. So transmission losses are important
5 to utilities because of the cost. You're losing
6 efficiency when you have to transport power long, long
7 distances.

8 So what we have here is we have two pillars
9 here in terms of this renewable energy green movement
10 that we have to recognize; one is energy efficiency and
11 the other is renewable energy. We want to optimize both
12 of them. Now, locating a solar plant in rural Beaufort
13 County is -- violates the principle that power companies
14 have typically followed about putting the power plants
15 near the load centers, and so we have a situation where
16 you have a fairly large utility scale solar plant in
17 Beaufort County miles away from a load center. And what
18 we're doing is we're shipping -- transmitting that power
19 north to some load which is right now not defined. And
20 so we're going to have significant transmission losses
21 associated with that location. Furthermore, we have to
22 recognize that Wilkinson Solar is not going to serve the
23 citizens of Beaufort. It's transmitting this power north
24 to other -- to another load and probably not to North

1 Carolinians.

2 Now, I want to mention something which I think
3 is very important for us, and that is for us as a
4 society, we have to adopt good principles and then
5 implement them. The benefits of installing a large solar
6 power station far from major loads and wasting that
7 generated power to some extent through transmission
8 losses makes no sense. Our society can do better, and we
9 must. PV solar is a wonderful technology, but there is a
10 world of difference about installing PV systems on the
11 roof of a house, a building, an industrial plant, what
12 have you, and using that energy there in the operation of
13 that building, compared to installing a system out in a
14 field, miles from a load center, and having significant
15 transmission losses.

16 We, you and me, are charged with the
17 responsibility of doing what is best for our citizens.
18 Let's adopt a win-win policy where we use renewable
19 energy and minimize transmission losses rather than win-
20 lose which is what is being proposed here. That ends my
21 comments.

22 COMMISSIONER BROWN-BLAND: All right. Any
23 questions for this witness? Mr. Campen?

24 MR. CAMPEN: No.

1 COMMISSIONER BROWN-BLAND: Ms. Holt?

2 Commissioners?

3 (No response.)

4 COMMISSIONER BROWN-BLAND: Mr. Eckerlin, before
5 you step aside, did you indicate where you -- where do
6 you reside?

7 THE WITNESS: I live in Raleigh.

8 COMMISSIONER BROWN-BLAND: Okay.

9 THE WITNESS: Is that it?

10 COMMISSIONER BROWN-BLAND: All right. Thank
11 you.

12 THE WITNESS: Thank you.

13 COMMISSIONER BROWN-BLAND: You may be excused.

14 (Witness excused.)

15 COMMISSIONER BROWN-BLAND: Ms. Holt?

16 MS. HOLT: Bradley VanStaalduinen.

17 BRADLEY VANSTAALDUINEN; Having been duly sworn,

18 Testified as follows:

19 COMMISSIONER BROWN-BLAND: Ms. Holt, your
20 witness.

21 DIRECT EXAMINATION BY MS. HOLT:

22 Q Could you state and spell your name for the
23 record.

24 A Bradley VanStaalduinen,

1 V-A-N-S-T-A-A-L-D-U-I-N-E-N, and my residence is 203
2 Harbor Drive, Washington, North Carolina.

3 Q Thank you.

4 A All right. I want to address -- my concern
5 tonight was water contamination from solar facilities.
6 It has come to my attention that solar panels contain
7 GenX and PFASs which are a class of manmade chemicals
8 that are not naturally found in the environment. There
9 has been extensive research with PFAS showing that they
10 are -- that they are very persistent in the environment
11 and human bodies when they are exposed. However, GenX
12 has not been studied as extensively in humans, but
13 studies that were done on lab animals were submitted to
14 the EPA by two -- by Dupont from 2006 to 2013, showing
15 that the lab animals that are exposed to GenX got tumors
16 and experienced reproductive issues.

17 A few months ago two Duke professors, Heather
18 Stapleton and Lee Ferguson, served a report about the --
19 Lake Jordan in Cary, North Carolina, saying that it
20 contained detectable levels of GenX and PFASs. What
21 concerns me about this is that the Strata solar farm is
22 loc--- which is located on Farrington Point Road right by
23 Lake Jordan -- it's right near it, so maybe some of those
24 contaminants are going to Lake Jordan.

1 your information concerning GenX and its possible
2 relationship to the solar panels --

3 A It's a couple --

4 Q -- and PFASs?

5 A It's a couple published articles, and I do not
6 have them cited here.

7 Q All right. You don't know how to -- sitting
8 here tonight, you don't know how to tell us to find them?

9 A You can Google them.

10 Q Okay. That's what you did? You Googled them?

11 A Yes.

12 Q All right.

13 COMMISSIONER BROWN-BLAND: Are there any
14 questions on the Commission's questions?

15 MR. CAMPEN: Yes.

16 COMMISSIONER BROWN-BLAND: Mr. Campen?

17 EXAMINATION BY MR. CAMPEN:

18 Q Mr. VanStaaldinen, the source of your research
19 is a Google search?

20 A Well, some of it was from a Google search, yes.

21 MR. CAMPEN: Thank you.

22 THE WITNESS: You're welcome.

23 COMMISSIONER BROWN-BLAND: All right. You may
24 step down.

1 (Witness excused.)

2 MS. HOLT: Myra Beasley.

3 MYRA BEASLEY; Having been duly sworn,

4 Testified as follows:

5 DIRECT EXAMINATION BY MS. HOLT:

6 Q Could you state and spell your last name for
7 the record.

8 A Myra Beasley. Beasley is B-E-A-S-L-E-Y. And I
9 reside at 24515 NC Highway 32 North, Plymouth.

10 Q Okay.

11 COMMISSIONER BROWN-BLAND: Can everyone hear
12 Ms. Beasley? All right.

13 A As a citizen in Beaufort County, I would like
14 to ask the Utilities Commission to consider the health
15 and environmental impacts placing a solar facility in the
16 Terra Ceia community will have on this county. According
17 to the North Carolina Central Cancer Registry report, a
18 five-year average of the years 2009 to 2013 rates
19 Beaufort County as having the highest cancer rate in the
20 East and is the seventh highest in the state. Why add to
21 the potential health risk by adding such chemicals to the
22 water table and the environment as GenX, perfluorinated
23 alkylated substances referred to as PFAS, and heavy
24 metals? I'm asking the Utilities Commission to ask for

1 full disclosure of the chemical makeup and chemical
2 processes used in the production of the solar panels.

3 It was disclosed in a North State Journal
4 article in February 2018 that physical scientist, Dr.
5 Mark J. Styron, now provided 39 records from the Sci-
6 Finder database in early 2018 used by the EPA to identify
7 applications of PFAS with solar panels. PFAS attracted
8 the attention of many environmental health researchers
9 around the world today. PFAS is a persistent chemical
10 that can be found in solar panel production. This
11 compound degrades solely -- slowly and has been found in
12 waterways, wildlife, and people all over the planet.
13 GenX is a class of manmade chemicals not found naturally
14 in the environment. The long-term health effects of the
15 chemicals related to GenX process in the human body is
16 unknown. Therefore, why should the citizens of this
17 county be the testing grounds for the long-term effects
18 of GenX? The public needs to know the exact types of
19 chemicals that will be used in the NC solar panels.

20 Given the fact that according to the EPA
21 scientists many solar panels contain PFAS compounds, the
22 fact that North Carolina already has the second most
23 solar installations in our country, and the fact that
24 NCDEQ has found these compounds particularly everywhere

1 they have looked for them, is it too little to ask that
2 you first determine the impact solar panels have on
3 groundwater concentrations of PSAF (sic) before you
4 approve another such installation? There needs to be
5 baseline groundwater testing done prior and for the
6 duration of this facility if it is approved. Groundwater
7 flows and is not just constrained to Terra Ceia.

8 GenX has been traced to honey harvested in
9 Bladen County, North Carolina, at levels 15 times greater
10 than the government standard for safety. After
11 researching GenX, many articles point to the terrors of
12 this chemical process in the Wilmington, North Carolina
13 area. Why can't the Commission take note of the problems
14 they are facing and ask the questions necessary to
15 protect Beaufort County? There are honey producers
16 within a five-mile radius of the proposed Terra Ceia
17 solar panel installation. Unlike the Bladen County
18 producer, several of the producers in that area sell
19 honey to the public. Will Wilkinson Solar provide GenX
20 testing for these producers' honey? Testing is costly
21 and necessary, but does Wilkinson Solar and the North
22 Carolina Utilities Commission have the community's well
23 being on the forefront of their minds, or does the bottom
24 line take precedence? Thank you.

1 COMMISSIONER BROWN-BLAND: All right. Are
2 there any questions for this witness?

3 MR. CAMPEN: Yes.

4 CROSS EXAMINATION BY MR. CAMPEN:

5 Q Ms. Beasley, do you have any training or
6 licensure or certification in the field of engineering?

7 A No, sir. I do not.

8 Q And so the source of your concerns, which I
9 understand are heartfelt, is some articles and some
10 internet research in North State? Is that what you're
11 saying?

12 A Yes.

13 MR. CAMPEN: Okay. Thank you so much.

14 THE WITNESS: Would you like that copy?

15 COMMISSIONER BROWN-BLAND: Do you have -- did
16 you want to have it --

17 THE WITNESS: Yes, ma'am.

18 COMMISSIONER BROWN-BLAND: -- marked for
19 identification?

20 MS. HOLT: I'd like this marked as Beasley --

21 COMMISSIONER BROWN-BLAND: Ms. Beasley, don't
22 -- don't leave yet.

23 THE WITNESS: Oh, I'm sorry.

24 COMMISSIONER BROWN-BLAND: All right. You're

1 marking that as what, Ms. --

2 MS. HOLT: Beasley Exhibit 1.

3 COMMISSIONER BROWN-BLAND: All right. It shall
4 be so identified, and it is -- it is received.

5 (Thereupon, Myra Beasley Exhibit 1
6 was marked for identification and
7 admitted into evidence.)

8 EXAMINATION BY COMMISSIONER BROWN-BLAND:

9 Q Ms. Beasley, I don't know what the evidence
10 will show when we are in the evidentiary hearing, but if
11 it were to establish that these chemicals which would
12 rightfully cause you concern like GenX and PFSA's (sic),
13 if they are not part of the solar panels that Wilkinson
14 proposes and intends to use, would that allay your fears?

15 A Well, I think the heavy metals possibly also
16 would still be there. One of the things that really
17 concerns me is the fact that I know a lot of times you'll
18 hear about -- and this is off the subject -- but about
19 chemical-made drugs that are illegal. And I think they
20 say sometimes that that drug can come back on the market
21 if they just change one component. I hope that if the
22 components are given, that they won't -- that the formula
23 would be stuck to and that the public would know exactly
24 what those chemicals were and what the processes were for

1 those chemicals.

2 Q All right. And if the -- and if the chemicals
3 are identified and they were deemed not to be of a
4 harmful nature such as what you've read about on the --
5 or read about in the article, would you withdraw your
6 objection?

7 A On that stance, on the chemical part of it,
8 yes, ma'am. /

9 Q All right.

10 COMMISSIONER BROWN-BLAND: Any questions on the
11 Commission's questions?

12 (No response.)

13 COMMISSIONER BROWN-BLAND: All right. You may
14 be excused.

15 (Witness excused.)

16 MS. HOLT: I'd like to move the admission of
17 Beasley Exhibit 1.

18 COMMISSIONER BROWN-BLAND: It has been
19 received.

20 MS. HOLT: Kristina Beasley?

21 KRISTINA BEASLEY; Having been duly sworn,
22 Testified as follows:

23 DIRECT EXAMINATION BY MS. HOLT:

24 Q Please state your name and address for the

1 record.

2 A Kristina Beasley, 460 Biggs Road, B-I-G-G-S,
3 Washington, North Carolina.

4 Q Okay.

5 A I am a North Carolinian, an environmental
6 advocate, and a community member. I am a member of the
7 Pamlico Albemarle Wildlife Conservationist, a chapter of
8 the North Carolina Wildlife Federation. I am a member of
9 the Friends of the Pocosin Lake National Wildlife Refuge
10 with a mission to advocate, protect, and conserve the
11 wildlife in its habitat.

12 I placed a Petition to Intervene for the
13 proposed solar facility in the Terra Ceia community, but
14 at the request of Wilkinson Solar, I was denied. What is
15 Wilkinson Solar trying to hide? How does my desire to
16 protect the well-being of my family, friends, community,
17 and environment not qualify as a sufficient interest in
18 this case? I have passionate interest in the protection
19 of the environment and its natural resources. I have
20 passionate interest in families, communities, and life in
21 all forms.

22 We are part of the second largest estuary on
23 the East Coast. Beaufort County itself is divided by the
24 Pamlico River. The canals of Terra Ceia empty into the

1 Broad Creek Canal, which empties itself into the Pungo
2 River and into the greater Pamlico River. These canals
3 were originally dug to remove enough water from the
4 fertile land to allow farming. Terra Ceia, as much of
5 eastern North Carolina, is only five to 10 feet above sea
6 level. My concern is chemical spillage in groundwater.
7 I am concerned that chemical substances and heavy metals
8 in the solar panels will wash off and poison our drinking
9 water supplies and estuary. I have a picture that shows
10 the elevation of eastern North Carolina. You'll probably
11 have to look real close to see us, but...

12 We have the right to propo--- excuse me. We
13 have the right to know how this proposed solar facility
14 will affect the Terra Ceia community, our health, our
15 livelihood, and the Pamlico River. Before you approve
16 the CPCN for Wilkinson Solar, we plead for you to
17 reexamine how its runoff will be controlled and how water
18 quality will be protected in light of the new information
19 revealed last month.

20 I am sure you are aware of the public outrage
21 in Wilmington, North Carolina, as residents are currently
22 being faced with contamination to their well water from
23 upstream Dupont. Traces of GenX runoff from -- excuse
24 me. Traces of GenX runoff have been found in their water

1 sources. The North State Journal published an article
2 last month on February 16th confirming that certain
3 perfluorinated compounds are used in the production of
4 solar panels just as discovered downstream from Dupont.
5 The article quoted the EPA scientist responsible for this
6 measurement of GenX compound as saying, "The solar panels
7 have the capacity to be sources of GenX compounds."
8 Senator Michael Lee of New Hanover County states, and I
9 quote, "Water quality is not a political issue. It is a
10 public health issue and a deeply personal issue to me."

11 Commissioners, I suspect water quality is also
12 an issue for you, your family, and your fellow North
13 Carolinians. All I ask is that preliminary testing be
14 performed so that we -- so that we can assign liability
15 if GenX is found after these panels are installed. Let
16 me assure you, if these panels lead to contamination of
17 our groundwater after I have stood here to warn you, then
18 liability will attach to those parties responsible.

19 North Carolina Senate passed a bill that
20 directs the State to tap into a network of scientific
21 resources with the UNC System for investigating water
22 quality and implications of the GenX contamination of the
23 Cape Fear River. The bill provides \$2.4 million for the
24 North Carolina Department of Environmental Quality to

1 devote to research into this contamination. Groundwater
2 flows just like a river, never ending, never stopping. I
3 understand the Commission does not address the
4 environmental concerns or potential health hazards, but I
5 urge you to keep in mind something integral to human
6 life, which is water. Baseline testing should be
7 performed prior to Wilkinson Solar being constructed, and
8 periodic monitoring be performed following the best
9 practices in the North Carolina General Statutes that the
10 North Carolina Legislature put in place for oil and gas
11 development. Groundwater regulations for this proposed
12 solar facility should be held to the same standards as
13 oil and gas. We have every right to expect the same
14 protection for well monitoring as oil and gas. Who is
15 going to be held responsible on the fallout? No one
16 wants to be held responsible. The North Carolina
17 Utilities Commission gives approval, so is the State held
18 responsible? Will they be there to provide aid? They
19 continue to provide for their fellow neighbors, those in
20 the PJM transmission system, so I infer that the State
21 itself will support its citizens.

22 North Carolina meets and will continue to meet
23 the NC Renewable Energy and Energy Efficiency Portfolio
24 Standard. Wilkinson Solar will not serve any North

1 Carolina citizens. All of its electric generation will
2 be sold within the PJM transmission system north of our
3 state. Why would North Carolina risk its water quality
4 for electricity it will not use?

5 The Beaufort County Commissioners have enacted
6 a one-year moratorium to explore their role in solar
7 facility advancement. The moratorium came into effect
8 November 6, 2017. The citizens of Beaufort County have
9 spoken and our county commissioners have listened. They
10 are updating their solar ordinance to protect this
11 county, halting project development. The moratorium
12 prevents installation until November 6, 2018.

13 National disasters are not unknown to Beaufort
14 County. We experience hurricanes. We are in tornado
15 alley. We do not want to experience the same effects as
16 those in Puerto Rico after the last hurricane, Maria.
17 These so-called indestructible panels are devastated by
18 their exposure to Hurricane Maria. Here is an image.
19 What chemicals are being released? How will the impact
20 -- how will this impact groundwater? Who pays when the
21 panels are dislodged all over Terra Ceia? In my
22 communication with Beaufort County Emergency Director
23 Chris Newkirk, there has not been any communication
24 between Wilkinson Solar and Beaufort County Emergency

1 Management. In fact, Mr. Newkirk states he does not have
2 enough information to make an educated inference
3 regarding possible fire and chemical threats. He states
4 that his department has no jurisdiction over this project
5 and must be invited in. He was unaware of the possible
6 threat 422 lithium ion batteries and a five-acre
7 substation may have upon eruption. An article by
8 Scientific Report reveals that the eruption of lithium
9 ion batteries releases toxic gas and smoke emissions that
10 are larger -- that are a larger threat than the fire
11 itself. These gases are lethal. How will the community
12 be protected, with no training or education on the
13 possibility of a fire or a toxic explosion from these
14 solar panels or the substation? Beaufort County needs
15 resources, training, and protection. The Pinetown
16 Volunteer Fire Department will be the first to respond,
17 and they deserve proper training.

18 In what way is Wilkinson Solar acting as a good
19 neighbor? This so-called once in a lifetime opportunity
20 for farmers is consequently a death knell for this
21 community. Siblings have grown apart, sons have lied to
22 mothers, and friends have become silent. Slowly and
23 steadily for eight years, April Montgomery and now
24 Wilkinson Solar have spread the falsehood of wanting to

1 be a good neighbor by -- step-by-step Wilkinson Solar has
2 systematically silenced an entire community and its
3 property owners. I, too, have been silenced as my
4 Petition to Intervene has been denied, despite my
5 interest in the community and its many assets. Ms.
6 Montgomery and Wilkinson Solar were assured success
7 knowing that most everyone would eventually succumb to
8 their 30 pieces of silver. Despite their efforts, there
9 are still several individuals who cannot be bought. In
10 fact, they are willing to stand up and fight against a
11 well-oiled machine.

12 This short-term financial gain for a few will
13 have long-term, devastating effects for the generations
14 to come. Submit to your conscience, please. Thank you
15 for your time.

16 COMMISSIONER BROWN-BLAND: Thank you. Any
17 questions?

18 BY MS. HOLT:

19 Q I was going to ask you to describe what you
20 have shown.

21 A This just shows that where Terra Ceia is
22 located in Pantego, North Carolina, we are five to 10
23 feet above sea level.

24 Q Okay.

1 THE WITNESS: (To Commissioner Gray) Sorry.

2 COMMISSIONER GRAY: Where are you?

3 THE WITNESS: I'm looking myself. I know where
4 I am. Right here (indicating). And then five to 10,
5 yes.

6 COMMISSIONER GRAY: Yeah. All right. May I
7 see what the next --

8 THE WITNESS: Yes, sir. Of course.

9 BY MS. HOLT:

10 Q And could you describe what's going on in that
11 picture?

12 A This is just an image after Hurricane Maria
13 where -- I'll come closer -- all the panels are dislodged
14 from their racks.

15 COMMISSIONER GRAY: And this was taken where?

16 THE WITNESS: In Puerto Rico.

17 COMMISSIONER GRAY: Thank you.

18 COMMISSIONER BROWN-BLAND: Ms. Beasley, did you
19 wish to leave -- leave those with us?

20 THE WITNESS: Yes, ma'am.

21 MS. HOLT: I will have those marked as Myra
22 Beasley --

23 THE WITNESS: Or I can send -- I can send them
24 in.

1 COMMISSIONER BROWN-BLAND: This is Kristina
2 Beasley.

3 MS. HOLT: Kristina. I'm sorry. Kristina --

4 THE WITNESS: That's okay.

5 MS. HOLT: -- Beasley Exhibits 1 and 2.

6 COMMISSIONER BROWN-BLAND: All right. And the
7 elevation diagram or exhibit will be marked as Exhibit 1,
8 and the devastation after Hurricane Maria will be Exhibit
9 2, Kristina Beasley Exhibit 1 and 2. All right. And --
10 do you -- do you need to mark them? Are they marked?

11 MS. HOLT: They are. I'll mark the back.

12 (Thereupon, Kristina Beasley Exhibits
13 1 and 2 were marked for
14 identification and admitted into
15 evidence.)

16 COMMISSIONER BROWN-BLAND: All right. Are
17 there any questions for this witness?

18 MR. CAMPEN: No, ma'am.

19 COMMISSIONER BROWN-BLAND: All right. Thank
20 you.

21 THE WITNESS: Thank you.

22 COMMISSIONER BROWN-BLAND: You may step down.

23 (Witness excused.)

24 MS. HOLT: Mary VanStaalduinen?

1 MR. VANSTAALDUINEN: Is it Carl?

2 MS. HOLT: Carl. I'm sorry.

3 MR. VANSTAALDUINEN: It's my handwriting.

4 CARL VANSTAALDUINEN; Having been duly sworn,

5 Testified as follows:

6 DIRECT EXAMINATION BY MS. HOLT:

7 Q Please state and spell your name for the
8 record.

9 A Carl with a C, C-A-R-L, VanStaalduinen,
10 V-A-N-S-T-A-A-L-D-U-I-N-E-N.

11 Q And what is your address?

12 A 5664 Terra Ceia Road, Pantego.

13 Q Okay.

14 A I'll be short. I am, I guess,, the new
15 footprint, so, yes, I stand to benefit as well as two
16 partners and their families. I do stand to benefit if
17 the Wilkinson Solar project comes to fruition in Terra
18 Ceia.

19 That being said, I think I have all of the
20 concerns that everybody that is opposed to it does as
21 well. What I will say is I have worked very closely with
22 Invenergy. This is actually the second solar lease that
23 I've been involved in. The first was with a different
24 company. So I am somewhat aware of the process as far as

1 being a landowner and solar generation goes or power
2 generation goes. It's the second project with Invenergy.
3 So I want to say along with the help of some very good
4 attorneys in Washington, I am very comfortable with the
5 due diligence that went into the process.

6 There is a risk involved. There always is. I
7 am a farmer. I handle some of the most dangerous
8 chemicals known to man every single day in their
9 concentrated form. I rely on the State in regards to
10 those chemicals, the North Carolina Department of
11 Agriculture in particular, the FDA that regulates these
12 chemicals, but at the end of the day, I'm still using
13 them, and if I misuse them, it's a danger not only to me
14 but to my neighbor. I give all of the other farmers that
15 are next to me on Terra Ceia Road the benefit of the
16 doubt that they approach the use of those things in the
17 same manner that I do, but I also give Invenergy and
18 Wilkinson Solar.

19 And like I said, I do have a maybe more
20 intimate knowledge of what's involved and the rights of
21 the landowner, but I can't say anything bad as far as
22 that process or that I have a bad feeling because I had
23 -- once again, I had to address those same concerns and
24 come to terms with it. So, you know, I just want to --

1 from the other side, I expect Wilkinson Solar to be a
2 good neighbor. That's all I have to say.

3 COMMISSIONER BROWN-BLAND: Any questions for
4 this witness?

5 MS. HOLT: I have a question.

6 BY MS. HOLT:

7 Q Mr. VanStaaldinun, are you going to forgo
8 farming if this project comes to fruition?

9 A Well, we're not a typical farm. We're a
10 nursery, and we're flower growers, and we have a nursery
11 business, so that continues to operate. The land that
12 it's on is already leased to another farmer. We used to
13 grow just conventional grain, corn, soybeans on this
14 land, but we haven't done that -- this will be the third
15 year now that we haven't done that. So we still are
16 growing in production, but it will not affect that. That
17 land will just have a different use, and that's why we --
18 it's the same reason we rented the land out. It was just
19 a much better opportunity for us than actually farming
20 it, given our situation.

21 Q Okay.

22 EXAMINATION BY COMMISSIONER BROWN-BLAND:

23 Q Mr. VanStaalduinen, since the Commission's
24 first trip here and this time in this process, and

1 dealing with Invenergy and being one of the landowners
2 involved, have you had any occasion to ask and find out
3 about these chemicals that your neighbors are worried
4 about? Are these chemicals present, do you know, in the
5 panels that are proposed?

6 A I absolutely have no idea what's inside a solar
7 panel.

8 Q Okay.

9 A I guess to the same effect that I don't know
10 what's in a battery that's in my flashlight at home.

11 Q All right. I was just curious as to whether
12 you had taken on to find out, you know, personally --

13 A I want to make sure that they are -- you know,
14 I know the production to manufacture them is -- once
15 again, there is oversight there by other government
16 agencies and hopefully people that are much more
17 knowledgeable about those kind of things than I am. I
18 know problems that come up that are weather related,
19 damage. I know that at least in my contract and in my
20 lease, those issues are already addressed, what's going
21 to happen if that does once again come to fruition.

22 Q All right.

23 A Those -- as a landowner and as a neighbor,
24 those are the things that I am concerned with.

1 Q All right. Thank you.

2 COMMISSIONER BROWN-BLAND: Any questions on my
3 questions? All right. Commissioner Gray?

4 EXAMINATION BY COMMISSIONER GRAY:

5 Q Sir, how long is the duration of the lease you
6 have potentially entered into?

7 A Twenty years with five-year renewals.

8 Q And in that lease does it call out closure of
9 the facility?

10 A Yes.

11 Q At whose expense is that?

12 A Theirs.

13 Q And is there a potential bond in place for that
14 closure expense?

15 A There is not.

16 Q Thank you.

17 A But there is a -- there is an apparatus that
18 will be monitored much like the -- I guess similar to
19 what they're talking about doing with the groundwater.
20 We have an apparatus in our lease that looks at the value
21 of the installation on an ongoing basis by a neutral
22 third party to determine that. So there is the potential
23 for a bond at a later date.

24 COMMISSIONER GRAY: Thank you.

1 COMMISSIONER BROWN-BLAND: Are there any
2 questions on Commissioner Gray's questions?

3 (No response.)

4 COMMISSIONER BROWN-BLAND: All right. Thank
5 you. You may be excused.

6 (Witness excused.)

7 MS. HOLT: Ms. Jeanne VanStaalduinen?

8 JEANNE VANSTAALDUINEN; Having been duly sworn,
9 Testified as follows:

10 DIRECT EXAMINATION BY MS. HOLT:

11 Q Please state your name and address for the
12 record.

13 A Jeanne VanStaalduinen, 7593 Old 97 Road,
14 Pantego, North Carolina.

15 Q Thank you.

16 A I am here to request that you not issue the
17 order to Wilkinson for the 74 megawatt solar facility.
18 North Carolina has been a leading producer of renewable
19 energy, second only to California. In fact, if you
20 compare the two states' size and square miles and the
21 amount of solar energy that is produced, North Carolina
22 actually produces twice the amount of megawatts per
23 square mile than California does.

24 Within our own state, Beaufort County is the

1 15th largest producer of solar energy, currently
2 producing 57 megawatts of solar energy. We are home to a
3 \$180 million solar investment, but also home to only
4 three jobs related to solar facilities. The proposed
5 Wilkinson project would add an additional 74 megawatts,
6 more than doubling our current production, making
7 Beaufort County the second largest producer of solar
8 energy in North Carolina. And these figures don't even
9 include all the other projects that have been approved,
10 but not yet built, in North Carolina.

11 As required by law, by 2021, 4.5 percent of the
12 power that Duke and Dominion sell must come from in-state
13 solar and other in-state renewable energy resources.
14 However, the U.S. Energy Information Administration
15 reports that in 2017, more than 6.6 percent of the
16 electricity generated in our state was non-hydro
17 renewable, therefore, exceeding the requirements that
18 need to be met. Additionally, the electric power
19 produced by the Wilkinson Solar project will probably not
20 serve North Carolina citizens.

21 North Carolina, and in this instance Beaufort
22 County, is being asked to sacrifice productive farmland
23 and the goods and services it provides to our community
24 for the benefit of other states. It does not seem wise

1 that North Carolina give up its valuable resources for
2 something that isn't even going to benefit our own state.
3 It does not seem to be in North Carolina's best interest
4 to be the dumping ground for solar panels and a provider
5 of renewable energy for the states to the north with its
6 own residents having to pay the price.

7 North Carolina is a beautiful state with many
8 resources, citizens, and communities that need to be
9 protected. Please take a stand and say no to the
10 Wilkinson Solar project.

11 COMMISSIONER BROWN-BLAND: Thank you. Any
12 questions for this witness?

13 (No response.)

14 COMMISSIONER BROWN-BLAND: All right. Thank
15 you. You may step down.

16 (Witness excused.)

17 MS. HOLT: Deb VanStaalduinen.

18 DEB VANSTAALDUINEN; Having been duly sworn,

19 Testified as follows:

20 DIRECT EXAMINATION BY MS. HOLT:

21 Q Please state your name and your address for the
22 record.

23 A Deb VanStaalduinen, 3424 Terra Ceia Road,
24 Pantego, North Carolina.

1 Q Okay.

2 A Glad to see this Bible here. That makes me
3 feel at comfort. As a homeowner in the area adjacent to
4 the amended plans for the solar facility, I am asking the
5 Utilities Commission to please protect property value,
6 prime farmland, and the health and safety of our
7 community. I am a homeowner. I have not been contacted.
8 I'll be honest with you, when I first found out about it,
9 my granddaughter and I were in the back yard swimming in
10 a little tiny pool and she said, "Who is that man out
11 there," with a fluorescent orange hoodie with sunglasses,
12 the whole outfit, putting around the cage out there, and
13 that was the weather station placed there. And, of
14 course, I went out there and talked to him because I am a
15 protector of my grandchildren.

16 Recent studies have shown that heavy metal
17 runoff and the toxic chemical makeup of the solar panels
18 creates hazardous groundwater contamination.
19 Additionally, low-lying elevation and a high water table
20 in this particular area would result in contamination of
21 wells and drinking water all throughout the community.
22 Please do not endorse a facility that will have future
23 repercussions from an industry that is proving to be an
24 environmental and health hazard. More studies need to be

1 conducted in order to avoid groundwater and surface water
2 contamination from GenX, PFAS, and heavy metals. Please
3 protect this part of North Carolina that holds a profound
4 sense of heritage, long traditions of productive
5 agriculture, and a close connection with the environment.

6 And I just want to show you a picture. Behind
7 my house -- we bought the homeplace, and I -- we have
8 been there for 20 years, and it's absolutely beautiful.
9 The landscape is -- it's just beautiful. And there is
10 potential. I mean, this is what it has been in the past.
11 It is beautiful, rich farmland, and that's what it needs
12 to be used as, is that beautiful, rich farmland to
13 produce a beautiful part of God's creation as this. And
14 I just feel like we really, really need to look into this
15 and have some more answers.

16 You are the last line of our protection for our
17 community. Taking away prime farmland and allowing heavy
18 metals and toxic chemicals to leach into our water
19 systems from the deep canals leading directly into local
20 rivers and estuary would be devastating for farming, food
21 source, and water quality. Future generations will be
22 drinking this water and will depend on these river
23 systems. And I think about my five grandchildren. I've
24 raised -- my husband and I have raised our four children

1 there. Very grateful. And I have five grandchildren
2 riding bikes in the backyard, and I think about 20 years
3 from now when they remove this -- and we're not sure
4 where that is going with all metals and things -- how
5 they will remove it and like who is responsible for it.
6 And you just wonder, they're going to be 25. Like little
7 Harper, she's -- why -- you know, they're going to be 25
8 and having to deal with this, also. We must consider the
9 future repercussions. More time needs to be devoted to
10 further research and finding out the potential effects.

11 Our community has always been an intricate
12 balance of wildlife, environment, agriculture, and
13 community, and the solar facility would permanently
14 disrupt and upset this. Please protect this established
15 harmony within our community. There is nothing more
16 beautiful than to stand out in my backyard -- and I know
17 you have beautiful homes -- but to stand back there and
18 look to the side, and I see my church, and I hear the
19 swan right behind the church. It's all this area behind
20 us.

21 Will there be monitoring systems on the water?
22 There are some questions I feel like I -- such as will
23 the -- we wonder whether the land is combustibile. Has
24 that been checked out? What will be the long-term

1 results? So many essentials are at stake, prime
2 farmland, a unique river system and estuary, feeding
3 grounds for migratory tundra swan, highly organic soil,
4 and the safety of wells and drinking water of a
5 historical community. This area is not a good fit for
6 the solar facility. Please do not approve of such a
7 hazard to health, resources, and environment.

8 And I don't know even about will -- will there
9 be setbacks and bordering? What will be -- what does it
10 do to our land value as a homeowner, all these things?
11 But I agree with the gentleman that said let's make it a
12 win-win, not a win-lose. I mean, that -- these are --
13 this is what we've seen in my passing -- we've been here
14 over 30 years. So thank you so much for your time and
15 listening. Thank you.

16 COMMISSIONER BROWN-BLAND: Any questions for
17 this witness?

18 MS. HOLT: I do.

19 BY MS. HOLT:

20 Q So first your picture, Ms. VanStaalduinen.

21 A Yes.

22 Q Can you describe that?

23 A These are fields of tulips that are -- were
24 actually behind our house. And this is the land. This

1 is the -- this -- there is potential, and it just makes
2 me sad to think that this -- there is potential there.
3 You know, it's been beautiful farmland. It's the center
4 of Terra Ceia, and it is just black -- I looked this
5 afternoon. It's this turned over rich, black land, and
6 it just saddened -- it makes me very sad to think that it
7 will go into a solar facility. Thank you for listening.

8 Q Are you willing to offer one of those pictures
9 as an exhibit to leave here?

10 A Certainly, yes.

11 MS. HOLT: I'd ask that the picture of the
12 farmland with the tulip -- rows of tulips be identified
13 as Deb VanStaalduinen Exhibit 1.

14 COMMISSIONER BROWN-BRAND: It will be so
15 marked. There being no objection, it will be received
16 into evidence.

17 (Thereupon, Deb VanStaalduinen
18 Exhibit 1 was marked for
19 identification and admitted into
20 evidence.)

21 EXAMINATION BY COMMISSIONER BROWN-BRAND:

22 Q Ms. VanStaalduinen, so when this matter first
23 came up and we had the first original footprint that the
24 Applicant made, did you have the same concerns that you

1 have tonight?

2 A Yes.

3 Q Are there any -- is there any difference
4 between your concerns then and now?

5 A No, I don't think so.

6 Q And throughout this entire process from the
7 first time and including this time, have you had occasion
8 -- I heard you say you spoke with the man who you saw out
9 there dressed in the orange.

10 A Yes.

11 Q Have you had occasion to speak with him or
12 anyone from the Company? Did you approach them to try to
13 have some of your fears addressed?

14 A I did not. He was -- honestly, I was fearful
15 walking up to him because he was completely in orange and
16 had the hoodie on and glasses. And I asked him, you
17 know, who was he -- it felt like in my backyard -- and
18 why were you there? And he said he was working for a
19 company, that -- he didn't -- he said that he was working
20 for a company and not to come at him, really. And I
21 said, "Well, I was just wondering." It's alarming when
22 you're with your grandchildren in a little tiny pool, and
23 you see someone back there in a cage, and it's -- it's
24 alarming, and you just feel you want to protect your

1 grandchildren and the future children in that area.

2 Q So as I understand you correctly, you didn't
3 reach out to the Company and ask them about the
4 chemicals, or the groundwater, or what kind of processes
5 they might take to protect the community?

6 A No, I did not.

7 Q All right.

8 COMMISSIONER BROWN-BLAND: Questions on the
9 Commission's questions?

10 COMMISSIONER PATTERSON: I have one.

11 COMMISSIONER BROWN-BLAND: All right.

12 Commissioner Patterson.

13 EXAMINATION BY COMMISSIONER PATTERSON:

14 Q Are you the person who was going to intervene
15 and decided not to?

16 A Yes.

17 Q Why did you make that decision not to?

18 A To be honest with you, I was afraid to
19 intervene alone. I'm not a -- I like to stand with
20 people, and I heard the other two were turned down.
21 Probably fear. (Crying.) I'm sorry.

22 COMMISSIONER BROWN-BLAND: That's all right.
23 Take your time.

24 A Tonight I just wanted to change my mind. There

1 are some very wonderful people out there.

2 COMMISSIONER BROWN-BLAND: Questions on
3 Commission questions?

4 MR. CAMPEN: Well, not on Commission questions.
5 If you asked me, I had questions at the beginning. I do
6 have a few questions.

7 COMMISSIONER BROWN-BLAND: All right. I'm
8 sorry.

9 EXAMINATION BY MR. CAMPEN:

10 Q Good evening, Ms. VanStaalduinen.

11 COMMISSIONER BROWN-BLAND: Take your time. Are
12 you all right?

13 THE WITNESS: Sorry.

14 Q Take your time. I'm Henry Campen, and I
15 represent Wilkinson Solar --

16 COMMISSIONER GRAY: A little louder, Mr.
17 Campen, if you don't mind.

18 COMMISSIONER BROWN-BLAND: That doesn't work.

19 COMMISSIONER GRAY: A good lawyer, you can
20 project.

21 MR. CAMPEN: That's right. Okay.

22 Q So I am Henry Campen, and I represent Wilkinson
23 Solar, and I have just a few questions for you. And if
24 you need to stop and take time to compose yourself,

1 that's just fine. In your Petition to Intervene and in
2 your comments here this evening, you raised a number of
3 concerns about this facility, and one of those was its
4 effect on property -- your property value; is that
5 correct?

6 A Correct.

7 Q And are you a licensed real estate appraiser?

8 A No, sir, I'm not.

9 Q And also in your petition you raised concerns
10 about permanent loss of agricultural land, I believe; is
11 that correct?

12 A (Nods affirmatively.)

13 Q Surface and groundwater contamination, correct?

14 A (Nods affirmatively.)

15 Q Electrical hazards?

16 A Correct.

17 Q Flying debris and combustible soils?

18 A (Nods affirmatively.)

19 Q Do you understand that the Commission issued an
20 order granting a Certificate of Public Convenience and
21 Necessity to Wilkinson Solar back some months ago? That
22 was in October. You understand that, correct?

23 A Yes.

24 Q And the layout approved in that Order removed

1 all the panels that were behind the Terra Ceia Christian
2 School -- behind -- the Respress parcel, the Butcher's
3 house, I believe, and the school. Is that your
4 understanding?

5 A Yes.

6 Q And what's being considered tonight by the
7 Commission is a proposal by my client to add some
8 additional land so that -- behind your parcel that would
9 compensate, if you will, for the land that had to be
10 removed behind the school. And would you agree that this
11 new land south and west of your property is about three-
12 tenths of a mile or so from the school? Would that be a
13 fair estimation?

14 A I'm not very good with -- I'll be honest with
15 you, I'm not very good with the amount of space, but
16 correct, I think -- I mean, I think.

17 Q And the land that is proposed to be added to
18 the project is largely flat acreage, agriculture acreage;
19 is that correct?

20 A Correct.

21 Q In the photographs we saw?

22 A Yes.

23 Q All right. And it's in agricultural production
24 or has been, so isn't it true that the land that's

1 proposed to be added to the project is very similar to
2 what was the Respress property behind the Terra Ceia
3 Christian School?

4 A Actually, I think it's better land behind my
5 house.

6 Q Yeah. I understand, I understand, in terms of
7 quality of the agricultural production that might be
8 yielded from that land. That was your testimony, I
9 think, earlier. But in terms of the topography of the
10 property, it's roughly the same; is that not fair?

11 A Yes.

12 Q So you would agree there is nothing unique
13 about the new land that's proposed to be added as
14 compared to the land behind the Terra Ceia Christian
15 School that was a part of the original project, that
16 they're comparable?

17 A I honestly, in my heart, feel like behind our
18 house is richer land.

19 Q Richer land. But otherwise, in terms of
20 topographical features and so on, there is nothing unique
21 about those two parcels; is that correct?

22 A I -- I guess. I'm not sure. I don't know how
23 to answer that.

24 Q Let me just try it another way. If you could

1 describe the land behind which is supposed to be added,
2 some of which is visible from your property, it is flat,
3 agricultural land?

4 A Correct.

5 Q Do you understand it to be so?

6 A Yes.

7 Q And isn't that the same description that could
8 be applied to the rest of the property behind the Terra
9 Christian School?

10 A That it's flat land? Yes.

11 Q Are you aware that each and every one of the
12 issues that you have raised in your petition and tonight
13 was raised in the statements and position in the public
14 hearing -- the evidentiary hearing that the Commission
15 heard with respect to the first land? Did you read the
16 Order that was issued by the Commission?

17 A I mean -- yeah. Can you repeat that again?
18 I'm sorry.

19 Q So I am asking whether you -- if you are aware
20 that each and every one of the issues that you raised in
21 your petition --

22 A Right.

23 Q -- was addressed by the Commission in its Order
24 granting the CPCN earlier in this case?

1 A Am I aware of this?

2 Q Yes, ma'am.

3 A Well, yes, I think so.

4 Q Are you aware that Wilkinson has filed
5 testimony of its witness in this docket stating that the
6 Company will obtain the North Carolina Department
7 Environmental Quality, before beginning construction, a
8 stormwater general permit coverage for construction
9 related activities, a stormwater management permit, and
10 an erosion and sedimentation control permit?

11 A Was I aware of that?

12 Q Yes, ma'am.

13 A Probably not, no.

14 MR. CAMPEN: Okay. That's all I have.

15 THE WITNESS: Okay.

16 COMMISSIONER BROWN-BLAND: All right. Thank
17 you, Ms. VanStaalduinen.

18 (Witness excused.)

19 MS. HOLT: Brenda Forrest.

20 MS. FORREST: Good evening.

21 COMMISSIONER BROWN-BLAND: Good evening. Come
22 on up and make yourself comfortable.

23 BRENDA FORREST; Having been duly sworn,

24 Testified as follows:

1 DIRECT EXAMINATION BY MS. HOLT:

2 Q Please state your name and address for the
3 record.

4 A Yes, ma'am. My name is Brenda Forrest. I live
5 at 11137 NC 32 South, Plymouth, North Carolina.

6 Q Thank you.

7 A Yes, ma'am. As a Beaufort County resident and
8 landowner, I believe I have the right to protect the
9 county's prime farmland, communities, and residents.
10 There is an evident loss in property values, and prime
11 farmland, and community and wildlife habitat with the
12 installation of solar panel facilities. I believe these
13 concerns must be addressed before the people of Beaufort
14 County and North Carolina as a whole give up more -- give
15 up more of our great state for energy, and we get nothing
16 for it. There is -- there is just nothing here for us.

17 I received tornado damage as a property owner
18 when I resided in the Pantego community area. It was
19 back a few years ago, and the adjuster referred to our
20 area as tornado alley. Today I contacted the National
21 Weather Environmental Services and they documented that
22 five tornadoes have gone through this proposed area in
23 the past 10 years. You may call them, as I did, and get
24 the same information. How does Wilkinson Solar plan to

1 address this type of disaster if it should happen? And
2 it can.

3 It is not only an observation, but a fact. The
4 Tier 1 counties are being targeted to renewable energy
5 companies proposing quick wealth to combat the challenges
6 that many farmers are currently facing; however, truth is
7 not exposed. Questions are left unanswered. Despite
8 marketing light, these energy companies are acting in the
9 dark. We're just not getting the information we need.
10 Just because we are not scientists does not mean I am not
11 a farmer, and a rancher, and a concerned individual.
12 Thank you.

13 Tonight I have come with many questions. Have
14 there been soil studies done to check the composition of
15 this peat soil, in particular the amended property? What
16 is going to be done to the existing hydrology? There is
17 water everywhere, at least three to four feet under all
18 this. That peat just runs free in it. It's actually
19 been known to be lit underneath it and burning. And when
20 you've got peat, you've got an automatic drop of three or
21 four feet down, no matter what. And when they had that
22 big peat fire over there in 2009, you had 50 foot drops
23 in this area where the soil just kept burning, and
24 burning, and burning, which I'll tell you about in a few

1 minutes. It took three months to finally get it out, and
2 thank God for the rainfall. Can you imagine the disaster
3 we're going to have if something like that was to take
4 place? That's worse than tornado alley, getting it
5 caught on fire.

6 Let's see. Where are we? How will peat moss
7 influence fire eruption? Have solar panels been exposed
8 to ground fires? What was the response? At what
9 temperature will these panels rupture? What then is
10 going to be released? How will volunteer firefighters
11 respond to a lithium ion battery eruption? Have local
12 fire and rescue agencies been contacted in the instance
13 of an eruption? Have they even been educated on this
14 kind of stuff? Have they received any classes? What's
15 going to be done? How will water quality and drainage be
16 controlled? Will ditches be filled in and the land
17 returned to wetlands and returned to its existing -- and
18 another real question on my mind is, these people letting
19 this land go know who is going to take charge of those
20 chemicals, and is -- what is the EPA going to do to us to
21 -- for us to get rid of them? We're liable to be pure-T
22 buried and our children's, children's, children's
23 children will never pay for it. They'll probably be
24 hungry.

1 How will this impact the second -- and I mean
2 this is factual -- the second largest estuary on the East
3 Coast in the United States of America? It's the seafood
4 you all will be eating. How will it impact the tundra
5 swan migration? And by the way, who is purchasing this
6 power? Where are our letters? Where are our answers?
7 Give us answers. Provide us evidence. What is our full
8 disclosure? How many days are favorable for optimal
9 production? Is it even worth it? We have been openly
10 providing our concerns regarding wildlife, regarding
11 drainage, natural disasters, devastation of prime
12 farmland, safety, and fire concerns.

13 In 2008, the Evans Road fire was started by
14 lightening, like we mentioned on June 1, burning over --
15 get ahold of this -- 41,000 acres of the Hyde and Tyrell
16 County areas, including a substantial portion of the
17 Pocosin Lakes National Wildlife Refuge. The fire raged
18 for three months, noted as the largest fire in North
19 Carolina in the past 30 years.

20 Eastern North Carolina soil is comprised of
21 peat soil. The word Terra Ceia means rich soil. It's
22 full of peat. It burns down to an average -- this is an
23 average; we talked about 50-foot holes -- it burns down
24 to an average depth of three feet. Well, that's going to

1 take care of anything that's sitting here. I don't care
2 if it's sitting on cement or what it's sitting on, three
3 feet's going to devastate it. The wildlife was
4 displaced. The community's money was exhausted. They
5 had to do things they could not afford.

6 Please, please make thoughtful considerations
7 before foisting this facility on the people of Beaufort
8 County, North Carolina. Thank you.

9 COMMISSIONER BROWN-BLAND: Thank you. Any
10 questions for this witness?

11 MR. CAMPEN: No, ma'am.

12 COMMISSIONER BROWN-BLAND: Any questions?

13 (No response.)

14 COMMISSIONER BROWN-BLAND: All right, Ms.
15 Forrest.

16 THE WITNESS: I held up. Praise the Lord.

17 COMMISSIONER BROWN-BLAND: Thank you, Ms.
18 Forrest. You may be excused.

19 (Witness excused.)

20 COMMISSIONER BROWN-BLAND: Ms. Holt, do you
21 have other witnesses?

22 MS. HOLT: No, we don't.

23 COMMISSIONER BROWN-BLAND: All right. Ladies
24 and gentlemen, that brings us to an end. We have reached

1 an end to our list of those who wish to speak tonight.

2 As I said in the beginning, the Company will remain

3 around and can -- and will, to the best of its abilities,

4 answer any questions that it can tonight or speak with

5 you about any future contacts and ways to get in touch

6 with them. The Public Staff will also remain around for

7 a few minutes if any of you wish to speak with them.

8 This matter will resume April the 11th at 10:00 in

9 Raleigh. You are -- it's open to the public. You are

10 welcome to attend. And there we will take the evidence

11 from the experts in the case. You may follow this case

12 always on our website, www.ncuc.net, and you just follow

13 through and enter the case number EMP-93, Sub 0.

14 And there being nothing else from the parties

15 to come before us tonight, we will stand adjourned.

16 Thank you again.

17 (The proceedings adjourned.)

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STATE OF NORTH CAROLINA

COUNTY OF PITT

C E R T I F I C A T E

I, Aimee C. Rigsby, Notary Public/Court Reporter, do hereby certify that the foregoing hearing before the North Carolina Utilities Commission in Docket No. EMP-93, Sub 0, was taken and transcribed under my supervision; and that the foregoing pages constitute a true and accurate transcript of said Hearing.

I do further certify that I am not of counsel for, or in the employment of either of the parties to this action, nor am I interested in the results of this action.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of April, 2018.



Aimee C. Rigsby
Notary Public No. 200525000114

FILED

APR 03 2018

**Clerk's Office
N.C. Utilities Commission**