

**STATEMENT FOR OCTOBER 1 HEARING ON POWER LINE**

9/30AM

ON JUNE 28, IN A LETTER ON BEHALF OF MYSELF, THE FORESIDE COMMONS HOMEOWNER ASSOCIATION, MR. ROBERT SEAMANS OF OCEAN VIEW, AND MS. SUE DICK OF OCEAN VIEW, ALL IMPACTED PROPERTY OWNERS, WE REQUESTED THERE BE A PUBLIC HEARING ON THE POWER LINE UNDER WHITES CREEK. WE NOTED THAT "AT THIS TIME, WE DO NOT KNOW THE DETAILS OF IN-GROUND CONSTRUCTION." NOTWITHSTANDING REPEATED ATTEMPTS TO OBTAIN INFORMATION, AS OF SEPTEMBER 29, WE STILL DO NOT. HOW COULD WE MAKE A MEANINGFUL STATEMENT ON THE APPLICATION?

STILL WITHOUT INFORMATION, BY LETTER ON SEPTEMBER 8, WE REQUESTED THIS HEARING BE POSTPONED FOR 30 DAYS. ON SEPTEMBER 25, AN EMAIL WAS RECEIVED SAYING THE DELAY WAS DENIED. I READ IT LATE ON SEPTEMBER 26 WHEN I RETURNED FROM NORWAY. IT NOTED THAT I WOULD BE GIVEN 3 MINUTES TO SPEAK.

I CALLED MS. PATTY MURRAY ON SEPTEMBER 27, AND MS. GAYLE CALDER ANSWERED THE PHONE. WE DISCUSSED MY REQUEST FOR A DELAY BECAUSE OF THE UNAVAILABILITY OF DETAILED LOCATION INFORMATION. I ALSO NOTED THAT I HAD RECEIVED AN EMAIL APOLOGY FROM MS. MURRAY FOR NOT INCLUDING A LOCATION MAP IN INFORMATION SENT TO ME. WITHOUT INFORMATION FROM EITHER DNREC OR DELMARVA POWER, IT SIMPLY IS NOT POSSIBLE IN THE TIME ALLOWED TO PROVIDE A FULL, ACCURATE AND TIMELY STATEMENT ON THE APPLICATION. WE CERTAINLY WORKED HARD TO GET INFORMATION. WE HAVE BEEN TRYING FOR MONTHS TO OBTAIN INFORMATION. ON JUNE 10 I MET WITH DELMARVA POWER IN MY HOME. POWER LINE LOCATION INFORMATION AND LAND CONSTRUCTION INFORMATION WERE PROMISED – YES, PROMISED. THAT HAS NOT HAPPENED. LOCATION SUBJECT TO SURVEYS TO BE CONDUCTED WERE AGAIN PROMISED AFTER CONFIDENTIAL INFORMATION WAS REMOVED FROM A DRAWING

IN THE HANDS OF THE POWER COMPANY REP. A DETAILED DRAWING WAS PROMISED. NOT RECEIVED!!!

ON JUNE 24, I RECEIVED AN EMAIL NOTE THAT "I [JIM SMITH OF THE POWER COMPANY] WILL BE PULLING TOGETHER OUR PROJECT TEAM TO DISCUSS ALL OF THESE ISSUES AND THAN SET UP A TIME TO MEET." HASN'T HAPPENED. A MEETING WAS DELAYED UNTIL SOIL SAMPLES WERE TAKEN. "ONCE WE HAVE DONE THAT, WE WILL WORK TO SET UP A MEETING WITH YOU AFTER THE HOLIDAY [JULY 4]." THERE HAS BEEN NO SUCH MEETING. ON AUGUST 4, I INQUIRED "WHAT HAS HAPPENED TO THE PROMISED MEETING?" THE RESPONSE: "APOLOGIES FOR THE DELAY. . . .ONCE THAT SURVEY IS DONE, I PROPOSE THAT WE MEET." THERE WAS STILL NO FINAL LOCATION AND CONCOMITANT ABILITY TO EVALUATE IMPACTS OR SUCH A MEETING.

AUGUST 6 EMAIL FROM THE POWER COMPANY: "THANKS FOR YOUR PATIENCE. IT SUGGESTED THAT WHEN WE GET THE PROJECT STAKED WE CAN MEET. I ASSUME IT IS STAKED (NOW, SEPT. 29). A MEETING IS IN THE PROCESS OF BEING SCHEDULED FOR SEPT. 30, THE AFTERNOON OF THE DAY BEFORE THE HEARING. STILL NO STAKES AND HARD TO PREPARE A STATEMENT

I SELDOM SUSPECT CONSPIRACIES, BUT THE RECORD MIGHT CAUSE ONE TO BELIEVE SO. NECESSARY, TIMELY INFORMATION TO PREPARE TESTIMONY FOR THIS HEARING WAS BEING DELAYED. I CERTAINLY HOPE THAT IS NOT THE CASE, BUT . . . .

I UNDERSTAND DNREC IS EVALUATING A PERMIT FOR UNDERWATER LICENSE AND NOT LAND IMPACTS. IN THIS REGARD, I NOTE CAREFULLY, THAT THE PROPOSED LINE, IF THE LOCATION IS ACCURATE, GOES DIRECTLY UNDER MR. SEAMAN'S DNREC LICENSED OR PERMITTED DOCK. WILL HE BE ABLE TO MAINTAIN HIS PERMITTED-BY-DNREC DOCK IN THE FUTURE WITH LIKELY NECESSARY NEW PILINGS? WE DON'T KNOW, BUT THIS IS A REASONABLE CONCERN. WE DON'T KNOWHOW WIDE

A SWATH OF RIVER AND SHORE WILL BE RESTRICTED? ARE THERE OTHER LIKELY RESTRICTIONS? WE ARE IN THE DARK. DETERMINING IMPACTS TIMELY HAS BEEN IMPOSSIBLE WITHOUT TIMELY INFORMATION. HOW COULD WE PREPARE A STATEMENT?

I BELIEVE THE LOCATION OF THE POWER LINE WAS DETERMINED MONTHS AGO. A SURVEYOR WHO WAS MAKING READINGS IN MY BACKYARD TOLD ME WHERE THE LINE WOULD BE – “FROM THAT TREE ACROSS THE CREEK TO THIS ONE ON THIS SIDE.” WHILE THIS INDICATES THERE WAS AN EARLY DETERMINATION, AND I AM SURE IT WAS, MANY EXCUSES HAVE PRECLUDED OUR BEING PROVIDED WITH ACCURATE INFORMATION. WE HAVE BEEN AT A SIGNIFICANT, UNFAIR DISADVANTAGE. THE HEARING SHOULD BE DELAYED.

WHILE I BELIEVE THE POWER COMPANY HAS ANNOUNCED CONSTRUCTION WOULD START IN OCTOBER, I DO NOT SEE HOW THAT CAN HAPPEN. NUMEROUS AVENUES EXIST TO PROTECT OUR INTERESTS. PERHAPS WE CAN PROPOSE A LICENSE WHICH PERMITS THE LINE SOMEWHERE IN A SWATH ACROSS THE CREEK FROM WHICH A FINAL LOCATION CAN BE PROVIDED THAT WE, DNREC AND THE POWER COMPANY CAN EVALUATE FOR MINIMUM ENVIRONMENTAL IMPACT AND IMPACT ON OUR PROPERTIES.

ONCE THE LINE IS APPROVED THE ON-SHORE IMPACTS ARE FIXED. WE HAVE BEEN AGREEABLE WITH REVIEWING AND DISCUSSING THIS WITH THE POWER COMPANY. THE LACK OF INFORMATION UNTIL THE LAST MINUTE SIMPLY IS NOT FAIR TO US – INNOCENTLY OR DELIBERATELY.

I ALSO NOTE THAT I INQUIRED OF MS. GAYLE CALDER ON SEPT. 27 ABOUT WHETHER ANYONE OUTSIDE OF DNREC HAD CONTACTED THEM OR SUPPLIED INFORMATION TO DNREC REGARDING MY REQUEST FOR A DELAY. A CALLBACK WAS PROMISED LATER THAT DAY, AND AN APPRECIATED EMAIL FROM MS. P. MURRAY WAS RECEIVED EARLY IN THE MORNING ON SEPT.

30, THE FOLLOWING WORK DAY.. THE RESPONSE INCLUDED A LIST OF THOSE WHO REQUESTED A HEARING, BUT WAS NOT CLEAR WHETHER ANYONE CONTACTED DNREC RE MY REQUEST FOR A DELAY. WHILE OTHER CORRESPONDENCE REGARDING REQUESTS TO HOLD A HEARING WAS PROVIDED, IS NOT CLEAR WHETHER OTHERS HAD COMMENTED ON MY REQUEST FOR A DELAY. AS OF COMPLETION OF THIS STATEMENT ON SEPT. 30, I AM NOT SURE WHETHER OTHERS HAD PROVIDED INFORMATION IN OPPOSITION TO A DELAY. IF SO, I BELIEVE WE SHOULD HAVE BEEN INFORMED PROMPTLY SO WE COULD RESPOND. I EXPECT MS. MURRAY TO CLARIFY THIS, BUT THIS STATEMENT HAD TO BE COMPLETED EARLY THIS MORNING BECAUSE OF MY PERSONAL SCHEDULE.

I UNDERSTAND THE CORPS OF ENGINEERS PERMIT WAS ISSUED ABOUT SOME TIME IN APRIL OR MAY PURSUANT TO AN APPLICATION IN MARCH OF THIS YEAR. THAT PERMIT WAS ISSUED PURSUANT TO A NATIONAL PERMIT PROCESS NOT REQUIRING PUBLIC NOTICE OR A PUBLIC HEARING.

IN CONCLUSION, WE UNDERSTAND THE UTILITY OF THE CROSSING OF WHITES CREEK, BUT WE HAVE BEEN UNFAIRLY DENIED THE ABILITY TO RESPOND WITH ACCURATE, TIMELY INFORMATION ON IMPACTS OF ITS LOCATION. WE NEED TIME TO PREPARE AN ACCURATE, TIMELY STATEMENT ON OUR BEHALF FOR THIS HEARING. DNREC'S RUSH TO JUDGMENT IN THE FACE OF OUR LACK OF INFORMATION FROM DELMARVA POWER AND THE STATE OF DELAWARE ON THE LINE'S LOCATION DEPRIVES US OF THE LEGITIMATE AND REQUIRED OPPORTUNITY TO RESPOND FULLY. WE WILL BE PREPARED TO DISCUSS THIS WITH DNREC AND DELMARVA POWER. WHY THE RUSH TO JUDGEMENT?

SUBMITTED BY GORDON E. WOOD SR. ON BEHALF OF MYSELF, FORESIDE COMMONS HOMEOWNERS, MR. SEAMANS AND MS. DICK.



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