

58 Daisey Avenue  
Ocean View, Delaware 19970  
September 8, 2019

Ms. Lisa A. Vest, Hearing Officer  
Office of the Secretary  
Department of Natural Resources and Environmental Control  
89 Kings Highway  
Dover, Delaware 19901



Subject: Public Hearing by Delmarva Power and Light (Docker ##2019-P-W-0022 Scheduled for October 1, 2019, in Bethany Beach

Reference: Gordon Wood to Gayle Calder, June 28, 2019

Dear M. S. Vest:

The referent letter from Gordon Wood to Ms. Gayle Calder on behalf of myself; Mr. Robert Seamans of Ocean View; the Foreside Commons Homeowner Association Inc., Ken Jones President; and Ms. Sue Dick of Ocean View, all impacted property owners, requested the scheduled public hearing.

The lack of information on the exact location of the planned power line under White Creek notwithstanding repeated promises to provide that information by Delmarva Power makes it impossible for us to understand the possible and probable impacts on our properties. It makes it impossible to represent our interests in the scheduled hearing until we know the exact planned location of the power line and necessary other in-ground construction and facilities impacting our properties.

On behalf of myself, Mr. Seamans, Ms. Dick and the Foreside Commons Homeowner Association, we request the hearing be postponed to a time not less than thirty days after the time the requested and promised information is provided. A hearing is intended to review all aspects and impacts of planned construction. The exact location is a mystery to us, but not to Delmarva Power.

Very early this year, noticing surveyors in my back yard, I inquired of them what they were doing. While I knew there were plans for a line under White Creek, I knew nothing more. After conversation, the surveyors located the planned location. It was quite precise, from a specific tree on the other side of the creek to a specific tree on our side of the creek. Quite precise!

I contacted Delmarva Power and requested information. Representatives of Delmarva Power met with me in my home on June 10. We discussed our concerns and requested location information and an understanding of in-ground construction plans and possible impacts. The representatives seemed puzzled as to who the surveyors were, and made it clear the location had not been decided. I indicated concern about the accuracy of the location uncertainty. Nothing since has convinced me otherwise. In any event, Delmarva Power promised to develop a drawing showing power line location and the in-ground facility. They noted the detailed drawing they had would have to be modified to delete some detail pursuant to the need to remove some detail which was restricted might by the government as being useful to someone intending to damage or destroy items on the power grid. Since June 10 we have not received the promised drawing. This is in the face of a planned "453 feet" line under White Creek for a power line under White Creek. Very precise, months ago.

On June 18, I sent an email to Janes A. Smith noting I believed he had "promised copies of permit applications and a drawing setting forth in-ground construction on Mr. Seaman's and Foreside Commons' sites." I asked "when will you be able to provide these? Please let me know. Time seems to be of the essence. Please also let me know your understanding of when and where there will be public disclosure and discussion of Delmarva Power's plan and permit applications." I received copies of permit applications, but they do not include locations. In fact, the permit application includes a wide swath of possible locations, seemingly well over a hundred feet wide. With the applications, we still do not understand the firm location of either the line nor the in-ground construction and facility.

On June 19, I received an email from Mr. Smith thanking me for "the opportunity to sit down with you to discuss the project." Attached was "environmental permitting submitted by Delmarva Power." Exact location information was not provided. It was noted that "Exact location is still to be determined based on borings that will be taken very soon." Still no location information!

On June 19, I responded that I was surprised the permit process was completed [by Delmarva] without contact with anyone impacted.

On June 24, having received the permit applications, I responded with a long email with a "15 minute response to a very quick review of the applications." I noted, "We will expect a detailed statement of the physical and economic impact on our properties." I noted that impacts seem to be significant, especially the in-ground box and its location and impact on [large] trees. I further noted the impact on pilings needed for both future home construction and any future reconstruction of the Foreside Commons structure [dock].

On June 24, I received an email from Mr. Smith thanking me for "sharing this feedback." He noted, "I will be pulling together our project team to discuss all of these issues and then set up a time to meet." I responded promptly, "The sooner the better."

On June 28, I received an email from Mr. Smith noting that "we will work to set up a meeting with you following the holiday." That has not happened.

On August 4, I sent Mr. Smith the following email: "What has happened with the promised drawing? Please let me know. This is my 3<sup>rd</sup> or 4<sup>th</sup> email on this. Gordon"

On August 5, Mr. Smith apologized for the delay. He noted they "were in the process of scheduling a survey for the area to mark boundaries and various reference points for the project. I believe the survey has been completed very recently. A meeting with us was proposed after they survey.

On August 5, I thanked Mr. Smith for what was provided noting, "I thought the drawing you would provide would include design of [the] underground box and its location." I asked for other information.

On August 6, Mr. Smith responded, "Thanks for your patience. He noted that he asked for information from Thomas Brady on the exact location of the underground switch cabinet and cable depth. I have not received further information.

Now, without requested information, I leave on September 10 for Norway for two weeks, a trip planned and booked in January. It is impossible to prepare for the currently scheduled hearing. A delay of the hearing until a time at least 30 days after all requested information is provided is hereby requested.

I note that easements were provided from the developer over 30 years ago. I understand easements provide rights. I am sure nobody could have contemplated impacts on planted trees, maintenance of docks, and use of properties to be expected because of the planned project. A simple question: was anything like this reasonably contemplated by anyone 30 years ago? Would such easements be valid for something as large as above-ground switches; blocking of planned ingress to a building lot; destruction of large, mature trees; restriction of major maintenance on existing docks; or construction of new docks. Such a significant taking of private property could not ever have been contemplated when easements were granted.

The efficacy of the hearing is impacted if those impacted are not able to evaluate and discuss project impacts. Please give us the opportunity contemplated by a fair hearing process to present informed, competent information on our behalf. As a respected past member for many years of the Environmental Appeals Board, I can lead our group in a competent manner to review our concerns throughout a finalized permitting process and the Administrator's final decision based upon an understanding of impacts, something we can't do without understanding the meets and bounds of the project.

Very sincerely,



Gordon E. Wood Sr.