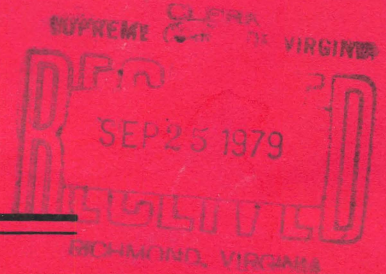


220 Va 645



IN THE

Supreme Court of Virginia

AT RICHMOND

RECORD NO. 791020

TOWN OF MT. CRAWFORD

Appellant

v.

VIRGINIA ELECTRIC AND POWER COMPANY and
STATE CORPORATION COMMISSION

Appellees

JOINT APPENDIX

Lawrence H. Hoover, Jr., Esq.
Town Attorney
342 South Main Street
Harrisonburg, Virginia 22801

William S. Jordon, III, Esq.
Karin P. Sheldon, Esq.
Sheldon, Harmon, Roisman
& Weiss
1725 I Street, N.W.
Washington, D. C. 20006

Counsel for Appellant

Guy T. Tripp, III, Esq.
Hunton & Williams
P. O. Box 1535
Richmond, Va. 23212

Counsel for Appellee

Hon. Marshall Coleman
Attorney General of Va.
Supreme Court Building
Richmond, Virginia 23219

Richard D. Rogers, Jr.
General Counsel
State Corporation Comm.
P. O. Box 1197
Richmond, Virginia 23209

TABLE OF CONTENTS

	<u>Appendix Page</u>
Application with Exhibits 1-4 filed 10-30-78	1
Order Providing for Hearing filed 1-10-79	12
Names of Witnesses and Subject Matter and Description of Alternative Route to be Presented	15
<u>Transcript of Hearing Heard 1-23-79</u>	
Discussion between Commissioner and Counsel	22
Testimony of Roscoe Bishop	41
Testimony of Edward L. Jennings	51
Testimony of Richard C. Collins	111
Testimony of J. R. Copper, Jr.	150
Testimony of Donald N. Rice	155
Order Establishing Date for Filing Simultaneous Briefs filed 2-16-79	192
Order Denying Application filed 3-14-79	193
Order Denying Petition for Rehearing and Reconsideration filed 4-4-79	197
Opinion filed 7-16-79	198
Notice of Appeal dated 4-10-79	213
Notice of Intent to Participate in Appeal as Appellee filed 4-19-79	214
Certificate of Supreme Court	215
Assignments of Error filed 8-14-79	217

<u>Exhibits</u>	<u>Appendix Page</u>
Exh. EJ-2 - Returned to Appellant - Bailiff's Note	221
Exh. EJ-2A - Slide Presentation	223
Prints of Slides	224
Vepco #3 - Letters	235
DNR-4 - Aerial Photo	237
RCC-5 - Map - West Staunton-Harrisonburg 230 KV Line	238
JRC-6 - Map - Corporate Limits of Town of Mt. Crawford . . .	239
EJ-1 - Original Land Use Plan	240
with Overlay	241
JRC-7 - County Tax Map	242

VIRGINIA:

STATE CORPORATION COMMISSION

Commonwealth of Virginia, ex rel
Town of Mt. Crawford

v.

Virginia Electric and Power Company

APPLICATION FOR HEARING ON THE APPLICATION
OF VIRGINIA ELECTRIC AND POWER COMPANY (VEPCO)
FOR APPROVAL OF ELECTRICAL TRANSMISSION LINE
PROJECT 80-068 (WEST STAUNTON--HARRISONBURG)

The Town of Mt. Crawford respectfully represents the following:

1. VEPCO filed an application on July 14, 1976, for approval and certification of West Staunton -- Harrisonburg Transmission Line and Valley Substation, Project No. 80-068, (Application No. 67).
2. The proposed line route, shown on Exhibit A-1 and A-2 of the application, passes through the corporate limits of the Town of Mt. Crawford, Rockingham County, Virginia. The corporate limits of the town are set forth in the charter of the town, a copy of which is attached as Exhibit 1. A plat of a survey of the corporate limits of the town, which plat shows the proposed location of VEPCO's transmission line, is attached as Exhibit 2. A certified copy of a resolution of the Mt. Crawford Town Council declaring the survey to be the true corporate limits of the town is attached as Exhibit 3.

3. The Town Council of the Town of Mt. Crawford did not receive written notice of the above described application as required by §56-46.1 of the Code of Virginia, 1950, as amended; consequently, the Commission's approval of VEPCO's application was premature.

4. The Mt. Crawford Town Council adopted a resolution on June 26, 1978, requesting a hearing on VEPCO's application. A certified copy of the resolution is attached as Exhibit 4.

5. Construction has begun on the West Staunton--Harrisonburg transmission line. VEPCO officials state that the contract calls for completion of construction by January, 1979.

6. The petitioner believes that construction of the line in the vicinity of Mt. Crawford would prejudice the outcome of the hearing that it is requesting.

WHEREFORE, the Town of Mt. Crawford respectfully requests that the Commission:

(a) hold a hearing on VEPCO's Application No. 67, Project 80-068 so that the Town of Mt. Crawford can be afforded an opportunity to present its objections to the location of the line within the corporate limits of the town.

(b) restrain VEPCO from proceeding with further construction in the vicinity of Mt. Crawford until the Commission has an opportunity to consider the objections of the town.

Date 10-30-78

TOWN OF MT. CRAWFORD

By

Roscoe Bishop, Mayor of
Mt. Crawford Town Council

Lawrence H. Hoover, Jr.
Lawrence H. Hoover, Jr.
Attorney for Town of Mt. Crawford
306 Virginia National Bank Building
Harrisonburg, Virginia 22801

002

13. The council of said town may pass all by-laws, rules, and ordinances, not repugnant to the constitution and laws of the state, which it may deem necessary for the good order and government of the town, the management of its property, the conduct of its affairs, the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and to do such other things, and pass such other by-laws and ordinances, as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction which is, or shall be, granted to or vested in said town, or in the council or officers thereof, or which may be necessarily incident to a municipal corporation.

14. The corporate limits of the town of Clover shall constitute a school district, and the council shall appoint, as soon as it may deem expedient, three trustees for the public schools to serve one, two, and three years, respectively, and annually thereafter it shall appoint a school trustee to serve three years.

15. From and after this act goes into effect, and until the councilmen and mayor to be elected under its provisions shall have been elected and qualified, J. M. Pollard, George M. Allen, W. H. Heidelberg, C. A. Gregory, and A. V. Womack are hereby appointed councilmen, and W. G. Morton, mayor, and may qualify before any justice of the peace of Halifax county, and thereupon shall constitute the council and mayor of the said town of Clover, and may organize and perform the duties of said council and mayor.

16. This act shall be in force from its passage.

CHAP. 7.—An ACT to incorporate the town of Mount Crawford, in the county of Rockingham.

Approved December 14, 1895.

1. Be it enacted by the general assembly of Virginia, That the territory contained within the limits set forth and described in section second of this act be deemed and taken as the town of Mount Crawford, and the inhabitants of the town of Mount Crawford, for all purposes for which towns are incorporated in this commonwealth, shall be a body politic in fact and in name, under the denomination of the town of Mount Crawford, and as such shall have and exercise and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations incumbent upon and pertaining to said town as a municipal corporation.

2. The boundaries of said town shall be as follows, namely: Beginning at the ford crossing North river below Plecker's bridge; following north side of road to Valley turnpike, crossing turnpike to line between J. W. Sherman and Mrs. S. Craun's property; thence on this line to Cook's creek, following up the channel of said creek to culvert at corner of Benjamin Switzer's barn-yard; thence following J. A. Switzer's line to a corner between J. A. Switzer and Wil-

liam Branson; thence crossing road, following line between J. B. Roller and Baptist church to a point in Peter Roller's property on a line with Bridgewater road; from this point to intersection of Bridgewater road and Valley turnpike; from this point a direct line to a point dividing the lands of Samuel Whitmer and Daniel Landes; following this line to river, then down channel of river to the ford at the beginning.

3. The government of said town shall be vested in a mayor and six councilmen, who shall be residents of and voters in said town, to be chosen annually by ballot on the second Thursday of June of each year, their term of office to begin on the first day of July following. Any person entitled to vote in the county of Rockingham, and residing in the corporate limits of the town of Mount Crawford three months previous to any election, shall be entitled to vote at all elections under this act of incorporation. There shall be ten days' notice given of all elections by posting notices at three or more public places in said corporation. The mayor shall appoint three qualified voters who shall preside as judges at corporation elections, and who shall have the right to appoint two clerks of election, and shall hold said elections between the hours of one and five o'clock post meridian. In case where it cannot be decided who has the largest number of votes by reason of a tie, one of the said clerks shall decide by lot, in the presence of three judges aforesaid. Immediately after each election the recorder shall make out and deliver to the mayor and council certificates of their election. In case a vacancy shall occur in any municipal office, the council shall elect a qualified person to fill the office for the unexpired term. The mayor and councilmen of said town, before entering upon the duties of their offices, shall be sworn in accordance with the laws of the state. The mayor and three of the councilmen shall constitute a quorum to do business. They shall appoint their time of meeting, which shall be once at least in every month, and when necessary the mayor or any three councilmen may call a meeting. In the absence of the mayor, one of the councilmen shall preside as mayor pro tempore. The mayor and council shall have and exercise all the rights and powers conferred upon said officers by this act until their successors in office are duly elected and qualified under the provisions of this act.

4. The said council shall select from their own number a treasurer and a recorder, and from the qualified voters elect a town sergeant and a commissioner of revenue. The treasurer shall execute his bond before he enters upon the duties of his office in a penalty double the amount of the revenue of the said town the preceding year for the faithful discharge of his duties. The sergeant, elected as aforesaid, before he enters upon the duties of his office, shall execute his bond, with security to be approved by the council, in a sum double the amount of the revenue of the said town the preceding year, and conditioned for the faithful discharge of the duties of his office. The commissioner of the revenue shall perform all the duties in relation to the assessment of property for the purpose of levying the town taxes that may be ordered by the council.

J. R. COPPER, JR. LS, INC.

LAND SURVEYORS • LAND PLANNERS
1828 S. Main St., Harrisonburg, Virginia 22801

ember
A.S.
C.S.M.

Phone:
(703) 434-6365
(703) 433-1758

Following is a survey report of the corporate limits of the Town of Mt. Crawford, Virginia, based on the facts and evidence of this surveyor in the year 1978.

The quotes below are from the original Town Charter of 1895.

"Beginning at the ford crossing North river below Plecker's bridge;"

This point was picked based on the water level and accessibility of the river from both the East and the West sides.

"following north side of road to Valley turnpike,"

The road is visible and easily established from Route 11 (Valley Turnpike) West to the flooded area of the river. From this point to the ford, the road was established by depressions in the existing banks. Due to numerous floodings the present location may vary slightly from the original roadway which would be impossible to find at this time.

"crossing turnpike to line between J. W. Sherman and Mrs. S. Craun's property;"

The J. W. Sherman (presently Paul Phibbs) corner was established based on an old survey dated prior to 1895 and the Craun property (presently Paul Phibbs et.al.) did join the 7½ acre tract.

"thence, on this line to Cook's creek,"

This line was established by the above survey.

"following up the channel of said creek"

(2)

The present stream channel was located and determined by checking old surveys to be in or near the same location as in 1895.

"to culvert at corner of Benjamin Switzer's barn-yard;"

It was determined and checked by extensive research that Benjamin Switzer's only applicable property holding in 1895 was the parcel along the East side of Cook's Creek. The original bridge (or culvert) was located southwest of the present structure. This was checked by old surveys that call for points on, near, or under the bridge.

"thence following J. A. Switzer's line"

The J. A. Switzer (presently Fred Shank) property bordered on Cook's Creek and the old public road to Mt. Crawford. This line was re-established based on a conveyance from J. A. Switzer to O. A. Layman in 1904.

"to a corner between J. A. Switzer and William Branson;"

William Branson (presently Donald Hogan) owned the corner lot at the intersection of State Route 257 and Valley Turnpike. Their common corner was established in State Route 257.

"thence crossing road, following line between J. B. Roller and Baptist church"

The property line was re-established between the present cemetery and the J. B. Roller (presently Fred Shank) property.

"to a point in Peter Rollers property on a line with Bridgewater road;"

Peter Roller (presently Theodore Craun, Sr.) owned 8 acres \pm on the East side of the Valley Turnpike. The old Bridgewater Road was established by old surveys and highway plans.

"from this point to intersection of Bridgewater road and Valley turnpike;"

The alignment of the Bridgewater road was established as above mentioned and the location of the Valley Turnpike was determined by the above mentioned 8 acre survey and old highway monuments and plans. The old Valley turnpike was very close to its present-day location at this point.

"from this point a direct line to a point dividing the lands of Samuel Whitmer and Daniel Landes;"

Samuel Whitmer (should be Whitmore) (presently Justus Horst) acquired 2 acres, 2 roods, and 31 poles from Joseph V. Bolten in Deed Book 13, Page 119. The Laymans' description of this property called for Daniel Landes to own property to the southeast. It was determined that Bolten acquired the same tract from Noah Landes in Deed Book 11, Page 266 with the same Laymans' description. Noah Landes acquired 2 acres, 9 poles, and 6 acres from John Miller in Deed Book 2, Page 455 with a survey of both. My conclusion is that Noah Landes sold the 2 acres, 9 poles tract along with a portion of the 6 acre tract to make 2 acres, 2 roods, 31 poles. By using the survey of the 2 acres, 9 poles and moving the eastern property line far enough to encompass 2 acres, 2 roods, 31 poles (2.69 acres) I re-established the common corner between Whitmore and Landes in this manner.

(4)

"following this line to river,"

The common property line between Whitmore and Landes (both properties presently Justus C. Horst) was established by the above described method and extended to the middle of the North River.

"then down channel of river to the ford at the beginning."

The river was relocated at the time of this survey and determined by old surveys to be close to its 1895 location.

EXHIBIT 3

EXCERPT FROM
SPECIAL MEETING OF
MT. CRAWFORD TOWN COUNCIL
OCTOBER 23, 1978

RESOLVED that the survey of J. R. Copper, Jr. dated October 16, 1978, of the corporate limits of the Town of Mt. Crawford according to the town charter is hereby accepted and declared to be the true corporate limits of the town.

I hereby certify that the foregoing is a true and correct copy of a resolution from the Special Meeting of the Mt. Crawford Town Council held October 23, 1978.


Clerk of Council

EXCERPT OF
SPECIAL MEETING OF
MT. CRAWFORD TOWN COUNCIL
JUNE 26, 1978

There follows an excerpt from the minutes of the Town Council meeting of the Mt. Crawford Town Council held on June 26, 1978.

"The Council had a lengthy discussion concerning the VEPCO transmission line project and considered the possible alternatives available to it in trying to get the line moved away from the Town. The Council heard a report from the Town Attorney concerning additional work that VEPCO has done on the Town boundary lines. The Town Attorney reported that a VEPCO certified surveyor has completed a survey of the boundary line, and their survey shows that the proposed transmission line is entirely outside of the Town limits. The members of the Town Council expressed an interest in seeing the evidence that the VEPCO surveyor had put together which leads him to this conclusion. Several members reaffirmed the Council's position that the proposed transmission line is within the Town's boundaries and that the actual location of the boundaries is irrelevant to the principal problem, which is that the proposed

line is too close to the community and is a serious deterrent to the orderly growth and development of the community. After further discussion and on motion by Hal Benner, seconded by Milton Coyle, it was unanimously

"RESOLVED that the State Corporation Commission be requested to convene a hearing on the application of VEPCO in connection with Project 80-068 in order to allow the Town of Mt. Crawford to be heard on the question of the location of the proposed 230 KV transmission line, presently planned to be constructed along the eastern boundary of the Town limits."

I hereby certify that the foregoing is a true and correct copy of excerpts from the Special Meeting of the Mt. Crawford Town Council held June 26, 1978.

Howard H. Hodge
Town Clerk

STATE CORPORATION COMMISSION

duplicate

AT RICHMOND, JANUARY 10, 1979

COMMONWEALTH OF VIRGINIA, ex rel.

TOWN OF MT. CRAWFORD

v.

CASE NO. 20084

VIRGINIA ELECTRIC AND POWER COMPANY

In Re: Request of Town of Mt. Crawford
for hearing on construction of transmission
line from West Staunton to Harrisonburg

ORDER PROVIDING FOR HEARING

It appears that on July 14, 1976, Vepco filed Application No. 67, which was assigned Case No. 11655, seeking a Certificate of Public Convenience and Necessity to construct and operate Project No. 80-068, which includes a transmission line extending from West Staunton to Harrisonburg, that construction of the line was authorized by Commission Order dated February 23, 1977, and that construction has begun in and around the Town of Mt. Crawford;

It further appearing that the Town of Mt. Crawford has filed an "Application For Hearing on the Application of Virginia Electric and Power Company (VEPCO) for Approval of Electrical Transmission Line Project 80-068 (West Staunton - Harrisonburg)" wherein said town states that the transmission corridor approved by the Commission's aforesaid Order of February 23, passes through the town corporate limits, and further, that said town did not receive notice of Vepco's application nor a reasonable opportunity to present any objections to the location of the corridor, and

the town requests that it be given an opportunity to be heard so as to present its objections to the proposed corridor;

It also appears that Vepco has responded to the aforesaid application filed by the Town of Mt. Crawford and stated, among other things, that the transmission line in issue does not pass through the corporate limits of the Town of Mt. Crawford, that formal notice to the town, therefore, was not required, and that if notice had been required the Town of Mt. Crawford had actual notice;

It further appears that the town and Vepco have met on several occasions in unsuccessful attempts to resolve their difference;

It finally appearing that both the town and Vepco have requested the Commission to schedule a hearing for the purpose of receiving evidence on whether there are reasonable alternatives to the line corridor approved by the Commission's aforesaid Order of February 23, 1977, reserving unto the parties the right to argue at a later date the questions of whether the transmission line is within the corporate limits of the Town of Mt. Crawford and the adequacy of notice;

NOW, THEREFORE the Commission, having considered the foregoing facts, representations and understandings of the parties, is of the opinion and finds that a hearing conforming to the procedure hereinafter provided be scheduled for 10:00 a.m., January 23, 1979, in the Commission's Courtroom, 13th Floor, Blanton Building, Richmond, Virginia, and it hereby is so ORDERED.

The procedure for the hearing shall be as follows:

- A. Beginning at 10:00 a.m., opening statements from counsel which should be limited to seven minutes;
- B. The Town of Mt. Crawford will next present its witnesses supporting an alternative route for the transmission line, which witnesses shall be subject to reasonable cross-examination;
- C. Vepco may next offer evidence in response to the town's position, subject also to reasonable cross-examination by the attorney for the town.
- D. The parties will then be expected to make specific recommendations of findings and like recommendations for further procedural steps deemed necessary or desirable for proper disposition of the issues.

We further ORDER the Town of Mt. Crawford to file with the Commission, on or before January 17, 1979, with a copy to Vepco's counsel, a statement setting forth: (a) names of witnesses to be presented, and the subject matter to be addressed by each; (b) a description of the alternative route to be presented and the reasons therefor. This statement by the town is intended to result in a more adequate response from Vepco at the time of the hearing.

AN ATTESTED COPY hereof shall be sent to Guy T. Tripp, III, Esquire, Hunton & Williams, 707 East Main Street, P.O. Box 1535, Richmond, Virginia 23212; Lawrence H. Hoover, Jr., Esquire, Hoover, Hoover & Penrod, Attorney at Law, 306 Virginia National Bank Building, Harrisonburg, Virginia 22801; and attested copies shall be delivered to the Commission's Division's of Energy Regulation, and Economic Research and Development.

A True Copy

Teste:



014

Clerk of State Corporation Commission.

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

COMMONWEALTH OF VIRGINIA, ex rel.

TOWN OF MT. CRAWFORD

v.

CASE NO. 20084

VIRGINIA ELECTRIC AND POWER COMPANY

In Re: Request of Town of Mt. Crawford
for hearing on construction of transmission
line from West Staunton to Harrisonburg

NAMES OF WITNESSES AND SUBJECT MATTER
AND DESCRIPTION OF ALTERNATIVE ROUTE
TO BE PRESENTED AND REASONS THEREFOR
AT HEARING SCHEDULED FOR JANUARY 23, 1979

The Town of Mt. Crawford respectfully represents the following in response to the Commission's Order Providing for Hearing dated January 10, 1979:

a) The names of proposed witnesses and the subject matter to be addressed by each are as follows:

1. Mayor Roscoe Bishop - Objections of the Town of Mt. Crawford to the location of a portion of the corridor for the transmission line from West Staunton to Harrisonburg, Project No. 80-068, authorized by Commission Order dated February 23, 1977;

2. Edward Jennings, Rockingham County Planner - planning background re Town of Mt. Crawford's objections to transmission line and evaluation of possible alternatives;

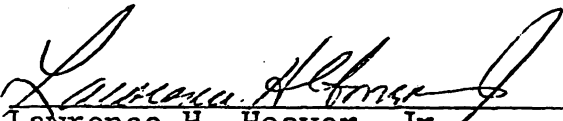
3. Richard Collins, Chairman, Planning Department, School of Architecture, University of Virginia - evaluation of planning considerations re existing transmission easement

and possible alternatives;

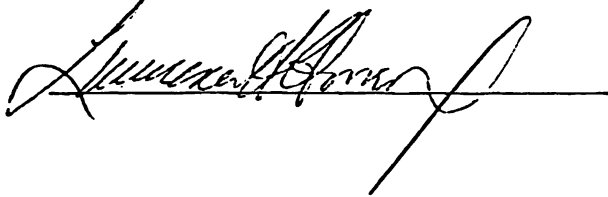
b) The alternative route of the transmission line near the Town of Mt. Crawford which will be presented is described as follows:

Beginning at a point in the present right of way, said point being approximately 1250 feet south of the intersection of the above right of way with the North River, thence extending with a proposed new line in a northeasterly direction approximately 3000 feet to a point just east of the intersection of U. S. Route 11 and North River, thence in an easterly direction along and with the flood plain of said river to a point near the intersection of the above River and the western line of Interstate 81, thence along with and parallel to the above Interstate 81 a distance of approximately 4500 feet, crossing Highway 867 to a point near the intersection of the above line of I-81 and the southern line of State Route 682, thence leaving said I-81 in a northwesterly direction and diagonally crossing State Route 682 to an angle point in the present right of way line, said angle point being approximately 1000 feet north of State Route 682 and in the Roller land.

The alternative route was chosen since it would have less adverse impact on the scenic, environmental and historical assets of the area concerned, particularly the Joel Kidd property, which has historical value, the farm land and potential development land between the Town of Mt. Crawford and the interstate highway, and the proposed residential development land within and just outside of the Town, and the orderly development of the Town in general. Details of the above will be presented by witnesses and demonstrative evidence during the hearing and may also be obtained by telephone inquiry to counsel for petitioner.


Lawrence H. Hoover, Jr.
Counsel for Town of Mt. Crawford
306 Virginia National Bank Building
Harrisonburg, VA 22801

I certify that an attested copy of the foregoing was mailed to Guy T. Tripp, III, Esquire, counsel for defendant, this 16th day of January, 1979.



COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

Commonwealth of Virginia, ex rel.

Town of Mt. Crawford

v.

Virginia Electric and Power Company

CASE NO. 20084

DATE OF HEARING

January 23, 1979

I-N-D-E-X

Opening Statements

Pages 5 thru 23

Testimony of:

Direct Cross Redirect Recross

Roscoe Bishop

24

30

Edward L. Jennings

34

61

88

92

Richard C. Collins

93

124

J. R. Copper, Jr.

132

Donald N. Rice

137

151

162

163

Certificate of Reporter

173

INDEX OF EXHIBITS

Exhibit EJ-1	Page 46
Exhibit EJ-2	Page 49
Exhibit Vepco-3	Page 71
Exhibit EJ-2A	Page 82
Exhibit DNR-4	Page 109
Exhibit RCC-5	Page 115
Exhibit JRC-6	Page 134
Exhibit JRC-7	Page 134

COMMONWEALTH OF VIRGINIA

4

STATE CORPORATION COMMISSION

Commonwealth of Virginia, ex rel.

CASE NO.

Town of Mt. Crawford

20084

v.

Virginia Electric and Power Company

PRESENT:

COMMISSIONERS

JUNIE L. BRADSHAW

PRESTON C. SHANNON, Presiding

ABSENT:

THOMAS P. HARWOOD, Jr.,

APPEARANCES:

Laurence H. Hoover, Jr., Esq.
and

Dale A. Davenport, Esq.
Counsel for Town of Mt. Crawford

Guy T. Tripp, III., Esq.
Counsel for Vepco

Richard D. Rogers, Jr.,
Counsel to the Commission

10:05 a.m. The Commission
resumes it's session.

COMMISSIONER SHANNON: Mr. Rogers, do you
have anything in the way of a preliminary statement?

MR. ROGERS: Yes, sir, if I could. I would
take just a few seconds to bring the case into
perspective.

In 1976, Vepco sought and eas issued a
certificate of public convenience and necessity
authorizing it to construct a transmission line
from West Staunton to Harrisonburg.

This past year, the Town of Mt. Crawford
filed an application for a hearing on the application
of Vepco for approval of that line. Of course,
that time for reconsideration of that Order has
passed.

However, the Town contended that the trans-
mission line passed through the Town of Mount Crawford.
It further contended that it was not given notice as
required by the Code and as required by the Commission's
Order.

Vepco, on the other hand, stated that the

022

1
2 transmission line did not pass through the town of
3 Mount Crawford, and that even if it did, -- and
4 Mr. Tripp will correct me if I am wrong -- that while
5 it was not given notice, per se, it was given -- it
6 had actual notice.

7 The parties I think have been most cooperative
8 and they have said let us bypass those questions for the
9 time being, and get to the more important question: Is
10 there an alternative that Vepco should have considered?

11 That is why we are here today. The procedure
12 set forth in your Order of January 10, 1979, the procedure
13 will be as follows: Just outlines, opening statement,
14 the Town of Mt. Crawford will present it's witnesses,
15 Vepco cross examines, and Vepco to present it's response,
16 and then we close out.

17 COMMISSIONER SHANNON: Mr. Rogers, isn't this
18 something that can be worked out between the parties?

19 MR. ROGERS: We tried for about six months.
20 We tried for nearly a year --

21 COMMISSIONER SHANNON: There is no way that
22 you all can get together on this thing?

23 MR. ROGERS: We met in Richmond, in the library,
24 we met in the Town of Mt. Crawford, and we have been unable

1
2 to resolve it.

3 COMMISSIONER SHANNON: The Commission
4 thinks this is something that absolutely should be
5 worked out among the parties. Now, we can hear it
6 and we can listen to the testimony, but we are going
7 to decide it. We can decide it. But it seems to me
8 that in the interest of the Town, in the interest of
9 Vepco, Mr. Tripp, that if we give you a few minutes here
10 do you think you could come to some sort of understanding?

11 MR. ROGERS: Judge, I presided over a meeting
12 in Richmond that took over a year's time. Mr. Wittine
13 went out to Mt. Crawford, and we tried our darrest to
14 resolve it.

15 COMMISSIONER SHANNON: What is the impasse, Mr.
16 Rogers?

17 MR. ROGERS: The fact that the Town believes
18 they have an interest in keeping it away from where it
19 is. There are alternatives to be developed, and Vepco
20 believes there are not, and they would like for the
21 Commission to see if you think there are alternatives to
22 be developed.

23 COMMISSIONER SHANNON: All right. We will
24 proceed then. Mr. Hoover?

1
2 MR. HOOVER: May it please the Court, this is
3 Dale Davenport, my junior partner, and we are here
4 representing the Town of Mt. Crawford.

5 As Mr. Rogers has said, the Town did not receive
6 notice under Section 56-46.1, and that came to our attention
7 -- the Town made inquiries about whether they had any
8 right to have a voice in the determination of the location
9 of the line. It led to the meeting that Mr. Rogers
10 described. Over the past eight or nine months we have
11 been attempting to take a look at the possibilities of
12 settling this.

13 The purpose of the hearing is to give the
14 Town an opportunity to express its objections to the
15 Commission. It's objections to the location of the
16 line that now is cited through the eastern portion of
17 the Town, alongside the whole town, really, and that
18 will be shown from the descriptions and the maps.

19 We do appreciate the cooperation of the Staff.
20 We have made some efforts to settle the route, and
21 they have been very helpful in hosting meetings in an
22 effort to do that. I will just add as a comment
23 that I think there may have been more real possibility
24 of a settlement had it not been for the issue of the Town

1
2 boundaries. It sort of injected a side issue into the
3 case. And we got stuck on the town boundaries.

4 Since then the Town has had a survey, it has
5 had it certified with Rockingham County, which I find
6 just now has been signed in the statutory section locating
7 the town bouandries between county and town.

8 COMMISSIONER BRADSHAW: Mr. Hoover, how can
9 a line be an issue? Town boundary. That is something
10 that is fixed, isn't it?

11 MR. HOOVER: The town boundary? The town had
12 never had a survey, Your Honor. The Charter dates back
13 to 1895, and the town had never had a survey for
14 boundary purposes.

15 COMMISSIONER BRADSHAW: But you do now?

16 MR. HOOVER: We do now, yes, sir.

17 COMMISSIONER BRADSHAW: When did you get this?

18 MR. HOOVER: The survey?

19 COMMISSIONER BRADSHAW: Yes.

20 MR. HOOVER: It was in August.

21 COMMISSIONER BRADSDHAW: 1978?

22 MR. HOOVER: '78. In that period -- in the Fall
23 of '78, when it was finally staked and certified and adopted
24 by the Town, and since then been adopted by the town and

the county which have adjoining boundaries.

COMMISSIONER SHANNON: And a certified engineer has placed the line within the town boundary?

MR. HOOVER: Yes. The certified engineer is here, Mr. Cooper. The Charter from which the boundary was drawn was actually assembled in 1895, and it was like going along the creek to J. H. Switcher's barnyard. It didn't have any boundaries on it at all. It was something the town had been thinking of doing for years, and finally it did it, and it is located now definitely.

COMMISSIONER BRADSHAW: And what Judge Shannon just reported, it is now inside the survey?

MR. HOOVER: The line?

COMMISSIONER BRADSHAW: The line.

MR. HOOVER: Yes, it is.

COMMISSIONER BRADSHAW: How far?

MR. HOOVER: Well, we brought an overlay which shows it on the map there, and if we could just --

COMMISSIONER SHANNON: We will let you do that.

MR. HOOVER: We will show that graphically on the map.

1
2 COMMISSIONER BRADSHAW: When did you actually
3 receive any kind of notice? Let's assume you didn't
4 get the formal legal notice. When did you have
5 constructive notice?

6 MR. HOOVER: It is kind of interesting.
7 There was an advisory committee appointed by the Town
8 and county to do the land use plan, and when they had
9 one of their meetings in April of 1977, the planners had
10 developed a map of the town showing the proposed development
11 of the Town, and they discussed it with the Citizens
12 Committee, and one of the participants in that meeting
13 said: Hey, that is not going to work, because Vepco
14 has an easement and has permission to go across that
15 portion which you have chosen for your prime residential
16 development, and that was the first time the people who
17 are working on the land use plan and the town council
18 knew about the permit being granted. And that was reported
19 back to the town council at the next town council meeting.

20 COMMISSIONER BRADSHAW: That was April of
21 1977?

22 MR. HOOVER: April '77 when that meeting was
23 held.
24

1 We will call today three witnesses; you
2 will hear from the Mayor, who was the Mayor at
3 that time, and he will give you a summary of the
4 objectives of the Town from his point of view -- from
5 the Town Council's point of view -- to speak for the
6 Council.
7

8 We also will call the County Planner, Mr.
9 Larry Jennings, who has been on the planning staff
10 for several years, and who was involved in the development
11 of the Town and County planning effort, was on the
12 staff when his plans were being developed, and was
13 involved in the change from the desirable plan to the
14 one which has been affected by the easement that comes
15 through the town.

16 And finally, we will call Mr. Rich Collins,
17 who is the head of the Planning Department at the
18 University of Virginia, who has done an evaluation of
19 the planning aspects of the location of this line,
20 especially in terms of the Federal criteria that
21 he has examined with respect to the reasons this
22 should be considered, and also will testify about
23 his evaluation of the proposed alternative, which
24 we have submitted in accordance with the Court's Order

1
2 five days ahead of this hearing, a proposed alternative
3 which would skirt the town a bit more so that it
4 wouldn't interfere with the development of the town.

5 COMMISSIONER BRADSHAW: All right.

6 MR. HOOVER: May I just say in closing that
7 one of the very positive values that has come out of
8 this case I think is the growing awareness of the people
9 in this Community about how important it is to plan
10 the future, and how much they are affected by outside
11 influences. So I just feel very fortunate to have
12 helped work with these people who have been very
13 consistent in their strong feelings about this, and
14 in doing that they have had the opportunity, really,
15 to look down the road and see that things like this
16 do have a tremendous impact on their future, and also
17 makes it focus on the values that are there for them,
18 and how they want their town to develop.

19 COMMISSIONER SHANNON: Thank you, Mr. Hoover.

20 Mr. Tripp?
21
22
23
24

1
2 MR. TRIPP: Thank you, Judge Shannon.

3 This is a rather unusual proceeding that is before
4 you today. Vepco's effort, I think I can say fairly,
5 to accommodate the Town of Mt. Crawford's interest
6 in this transmission line. Perhaps we have gone too
7 far in trying to accommodate that interest. Let me
8 explain how we view the matter.

9 We discussed the citing of this transmission line
10 as early as 1971 with officials of Rockingham County,
11 the Board of Supervisors, and the planning people in
12 Rockingham County, -- this is 1971.

13 As you well know, the planning of this trans-
14 mission system takes years. So it started eight years
15 ago now, talking with those people. And as I understand
16 it, at that time until this present moment, the planning
17 people of Rockingham County performed a land use planning
18 function for the town of Mt. Crawford.

19 So it was certainly known for years that they
20 were planning this transmission line. We filed our
21 application under the appropriate statute with this
22 Commission in 1976. We published notice in the newspapers
23 in the area, as well as again serving notice on Rockingham
24 County. One landowner requested a hearing. We worked

1
2 with that landowner, and he became reconciled to the
3 writing of the right-of-way, and withdrew his request
4 for a hearing, and the Commission then issued an Order
5 approving our application for this right-of-way. And
6 that Order was issued in February of 1977, nearly
7 two years ago.

8 Earlier this year, the Town of Mt. Crawford --
9 I think it arose about April, the earliest that I
10 know of any question arising, and basically the position
11 of the Town of Mt. Crawford was their Town Council
12 was concerned with the land use matters that focused on
13 the location of the transmission line, and didn't like
14 it, sought ways to attack it.

15 They alleged that part of this right-of-way
16 is in the Town of Mt. Crawford. We say it is not in
17 the town. It is a question about the town boundary.
18 It is not in the town. We have a certified surveyor
19 who says in his opinion it is not in the town. We
20 have a certified surveyor who says it is in the town.
21 We went round and around about that issue for some time.
22 Not on the merits of the location, as I understand, but
23 on the peculiar boundary question. We read many times
24 the town charter issued in 1895, and I think it is

032

1 somewhat ambiguous. We couldn't resolve that question.
2
3 The town is interested in where the town boundary is for
4 reasons in addition to the reasons related at this
5 proceeding. So it is a matter of substantial concern to
6 them.

7 It seems to us that it might be best not to
8 call on this Commission to resolve the boundary dispute.
9 Because that is not the sort of thing this Commission does.
10 It might have ramifications in other aspects of the law.
11 In my letter to Mr. Rogers, of December 4th, we said
12 we have a legal right to build the line. We are not in
13 the town. It is our position but to try to accommodate
14 the town, and to avoid dealing with this boundary dispute
15 problem, -- it is really sort of an inappropriate forum.

16 Let's talk about the merits of the case. We
17 think the line is in the right place no matter what the
18 standing of the town is, even if they have stated they
19 don't have any objection on the merits. So we will come
20 to the Commission, let the town present their complaints
21 about the location of the line, and we will explain to the
22 Commission why --none of the reasons presented by the town
23 justify reconsideration of our certificate of convenience
24 and necessity. We think that would dispose of the matter

1
2 in the promptest way. Maybe that is not the best way
3 to address it. Maybe -- as I said, parts of this case
4 is a little unusual. We thought maybe that was the best
5 way to do it, because it would give the Town a chance to
6 state their concerns, to hear their arguments, and we
7 are hopeful that the Commission will recognize that there
8 are concerns broader than just the Town of Mt. Crawford
9 if that necessitates the line being where it is, and we
10 will say so. That will resolve the matter.

11 If that doesn't resolve the matter, then I
12 guess we will have to deal with the boundary dispute,
13 and we will have to go to the question of where the
14 town boundary could reasonably be determined to be. At
15 the time we filed our application we had to give notice.
16 We hear recently it didn't exist. That determination
17 didn't exist in 1971 and 1976. And we can't be bound
18 by something done since the time we filed our application
19 and the day this Commission issued an Order.

20 As I see it, the purpose of our -- of our hearing
21 here today is certainly to look at the merits of the
22 matter briefly, and I am hopeful the Commission will find
23 that the original order not be reexamined. If it has to
24 be reexamined, then we are talking about a lengthy
proceeding. The reason we wanted to dispose of the matter

1
2 as expeditiously as possible is that this line must
3 be completed promptly for a number of reasons.

4 We are already working on the line, and
5 we would like to get this matter disposed of. That
6 is our posture today, and if we are imposing on the
7 Commission's time, we apologize. We thought this was
8 the best way to proceed to accommodate the town.

9 COMMISSIONER BRADSHAW: Mr. Tripp, let me
10 ask you a couple of questions before we get started.

11 Obviously, without hearing either side other than
12 opening statements, they have got an alternative route.

13 MR. TRIPP: Yes, sir.

14 COMMISSIONER BRADSHAW: A deviation, or it
15 might be a departure from the line that you say should
16 be built as is, where it is. Why does that deviation
17 -- what is wrong engineering-wise. I don't even know
18 what it is.

19 MR. TRIPP: I can state that briefly. We have witnesses
20 through the course of the afternoon than can tell you in
21 more detail. The problem with the location that they
22 propose is that it would put it right beside Interstate-81
23 for a distance, I think, of four thousand, five hundred
24 feet. It is right up against the Interstate highway, and

1 through an exchange of Interstate-81. And the FPC
2 Guidelines and principles that we are familiar with
3 citing transmission lines say that you don't put a
4 hundred and twenty-five foot tall transmission towers
5 down an Interstate highway, and particularly with the
6 sight alignment.

7 If you are going along Interstate-81, you
8 would see this thing, and it looks like you are going
9 to run right into it, as I understand it. It would be
10 highly visible from the heavily travelled interstate.
11 Our present alignment would have it, I think, a little
12 over two thousand feet west of the Interstate.

13 It would still be visible, but not nearly as
14 much impact on the people traveling the interstate.
15 That is putting it right along side the interstate.

16 Let me point out that to the west of the Town
17 of Mt. Crawford is the Bridgeport Airport. You just
18 can't put a transmission line close to the airport
19 obviously, so really the only practical alternative
20 they could suggest is putting it east of the town over
21 toward Interstate-81, and we say that is non-acceptable
22 citing, and we think you would agree with that. The more
23 angles -- of course, angles cost more, the line would be
24 longer. There would be substantial problems with landowners

1
2 who would now be affected. There are some homes through
3 which the alternative would practically go through the
4 heart of certain homes. People who may or may not know
5 about this proposed rerouting. Our routing does not
6 affect homes nearly so much.

7 We just think the proposed new routing is
8 something that you would think is not justified.
9 Changing our alignment. We think you can reach that
10 conclusion pretty easily.

11 That is the reason we are here.

12 COMMISSIONER BRADSHAW: You are obviously talking
13 about moving it less than two thousand feet. How close
14 is the alternative?

15 MR. TRIPP: If I can put up an aerial photo
16 I can show you very easily.

17 COMMISSIONER BRADSHAW: All right.

18 MR. TRIPP: It may be helpful to have it up.
19 People are going to be constantly referring to it.

20 COMMISSIONER BRADSHAW: Yes. I want to see
21 what we are talking about before we start entertaining
22 the evidence.

23 MR. TRIPP: I won't try to testify any more.

24 MR. HOOVER: The map shows the Interstate.
It is sort of right here — it doesn't give you any

1
2 distance. It gives you a perspective of the Interstate
3 next to the Town.

4 MR. TRIPP: This is our present route. This
5 is our present route.

6 COMMISSIONER BRADSHAW: Okay.

7 MR. TRIPP: Staunton is down here, about
8 ten to twelve miles, approximately. Harrisonburg is
9 up here, eight miles maybe. This is -- here is the
10 Town of Mt. Crawford, with Route 11 running through
11 it, coming down right there. Here is Interstate-81.

12 COMMISSIONER BRADSHAW: Right.

13 MR. TRIPP: Here, as we best understand it,
14 is the proposed rerouting. They would depart from
15 our routing south of the town, come over to the
16 Interstate, go right beside the Interstate, up into
17 the exchange area, cross here, and go back to our
18 line. For reasons I mentioned, we think this is
19 unacceptable transmission line routing practice. We
20 would have to have a large angle tower here and here.
21 Obviously, the line would be longer.

22 COMMISSIONER SHANNON: Approximately how many
23 feet is that from I-81?

24 MR. TRIPP: As I understand, this is about two

1
2 thousand feet here.

3 COMMISSIONER SHANNON: What about the alternative?

4 MR. TRIPP: The distance between our routing and
5 their proposed routing and the Interstate, which is side-by-
6 side here, approximately two thousand feet, leaving out
7 the width of the right-of-ways.

8 COMMISSIONER SHANNON: The alternative appears
9 to be right along side of 81.

10 MR. TRIPP: Yes, it would -- their pleading
11 filed with the Commission I believe says adjoining
12 -- here it is. I will read the description of it.
13 Hence, along with and parallel to the abutting of
14 interstate-81, a distance of approximately forty-five
hundred feet, crossing highway so-and-so.

15 So they are suggesting right along here
16 (pointing). One other thing. There is a creek that
17 comes down here, and we generally follow the flat plane
18 of that creek. As you can see, there isn't much
19 development in that area. I won't go into the details,
20 but that is the general layout. Is this angle
21 all right?

22 COMMISSIONER SHANNON: We can see it fine.
23 Thank you, Mr. Tripp. Anything further?

24 MR. TRIPP: I think that covers it pretty well.

COMMISSIONER SHANNON: Do you want to proceed?

MR. HOOVER: I would like to call Mayor Roscoe

Bishop.

C40

ROSCOE BISHOP,
a witness introduced on behalf of the Applicant, being first duly
sworn, testified as follows:

DIRECT EXAMINATION

BY MR. DAVENPORT

Q State your name.

A Roscoe Allen Bishop.

Q What is your residence address?

A 233 Mill Street, Mount Crawford.

Q Are you an elected office holder in the town
of Mt. Crawford, Virginia?

A Yes, sir.

Q What is your position there?

A Mayor.

Q How long have you been Mayor of Mt. Crawford?

A I have been the Mayor for approximately four
years.

Q Four years. Were you on the town council in
Mt. Crawford before you became Mayor?

A Yes, sir. I was — I have been on the town
council since 1966.

041

1
2 Q About how many people live in Mt.
3 Crawford now?

4 A Approximately three hundred.

5 Q It is an incorporated municipality?

6 A Yes, sir.

7 Q Mr. Bishop, explain to the Commission
8 a little bit about the history of Mt. Crawford, and tell
9 them a little bit about what the town is like today?

10 A Well, the Town of Mt. Crawford has a long
11 history. Although it wasn't chartered until 1895, it was
12 -- it started about seventeen hundred, and it was known
13 by other names ; Mt. Pleasant, Mt. Stevens. Then, in
14 about 1825 it started to really grow and expand. It
15 has stores, taverns, saw mills, flour mills, and pottery
16 shops, etc.

17 And one reason that it was really
18 successful was that it was two routes to get into town.
19 One was by the Indian highway at the time, which was
20 later known as Route 11, and by North River.

21 In 1835, Mt. Crawford had one of the
22 first water systems, town water systems, which was build
23 in lead pipes, and about the time of the Civil War, this
24 was dug up and used for bullets. In 1979, the town

1
2 was mostly residential. The people are going through
3 a period of fixing up the homes, which date back somewhere
4 to 1772.

5 Q All right. This movement to restore
6 old buildings, has there been a formal committee, or a
7 group or anything like that sponsoring this?

8 A Over the years, the town people have
9 been taking on their own to fix up and restore these
10 old homes. Mostly on their own. And more or less
11 bring it back to the 1825 era.

12 Two years ago, the town and the Ruitan
13 Club of Mt. Crawford started a project they called
14 "Old Fashioned Days," which bring back a lot of the
15 products and the memories of that era, really. And
16 of course there was a citizens advisory committee formed
17 to set the goals for the town, too.

18 Q What were the goals that the citizens
19 advisory committee set? What are you talking about on
20 this?

21 A Well, to beautify, to preserve and to
22 plan the future of the town.

23 Q When did the Town of Mt. Crawford first
24 realize that Vepco did intend to build the transmission

1
2 where it intends to build it?

3 A The Town Council, at its May 1977 Council
4 Meeting -- the council members -- that were the members
5 of the citizens advisory committee formed the town
6 council at that time. There was a proposed Vepco trans-
7 mission line through the town.

8 Q How did the Town Council feel when it
9 learned of these plans that Vepco had?

10 A Very disturbed, because they felt that
11 they were being run over without any say in the matter
12 whatsoever.

13 Actually after making some of these
14 goals with the citizens advisory committee.

15 Q What are some of the town's objections
16 to the present citing of this transmission line?

17 A Well, we would like to see it moved to
18 preserve this -- this is a big growth area that we have
19 -- the best growth area that we have.

20 Q Where are you talking about?

21 A Between -- well, to the east of Mt.
22 Crawford. Right where the line that you see running
23 now, the proposed line. That is the best growth area
24 that we have, and it is hillside. Could be a really

good residential area.

Q Okay. Let me ask you one more question. What the town council believes the town boundary is. Did the council feel when they had this line, that it was within or without the town boundaries? Did they think it ran through the town or not, based on the town council's understanding at that time, before the survey?

A We believed from the town council's standpoint, that this line was in town, and it runs through town. We have our town charter which dates back to 1895, which spells it out other than just leaps and bounds.

COMMISSIONER BRADSHAW: When did you first get wind of this map?

WITNESS BISHOP: The town council itself?

COMMISSIONER BRADSHAW: No. You.

WITNESS BISHOP: At the May meeting.

COMMISSIONER BRADSHAW : You didn't know it was coming anywhere nearby?

WITNESS BISHOP: No, sir.

COMMISSIONER BRADSHAW: May of 1976?

WITNESS BISHOP: No, sir. I did not.

This came as a shock to us, and like I say, we had

1
2 two of the council members on this Committee, and they
3 reported back to our May meeting, which they had a meeting
4 in April, the latter part of April. The Citizens Advisory
5 Committee.

6 We have our council meetings the second
7 Monday of the month. So they reported then to the Council.

8 COMMISSIONER SHANNON: How big is your
9 council?

10 WITNESS BISHOP: We have six members
11 and the Mayor.

12 COMMISSIONER SHANNON: Anything further?

13 MR. DAVENPORT: No, sir.

14 COMMISSIONER SHANNON: Mr. Tripp?
15
16
17
18
19
20
21
22
23
24

C46

CROSS EXAMINATION

BY MR. TRIPP

Q Mayor Bishop, you said the population of Mt. Crawford at the present is about three hundred?

A Yes, sir; I say approximately three hundred.

Q What was it in the 1960's, or some date about that time?

A It really hasn't changed very much. It has been right on the border line. It hasn't changed a good deal. Maybe one percent over.

Q Are you acquainted with Mr. Joel Kidd?

A Yes, sir.

Q How long have you known him?

A I would say approximately -- I have been in town ever since 1964, so I could say that I have known Mr. Kidd that long.

MR. TRIPP: Thank you. That is all I have.

MR. ROGERS: No questions.

COMMISSIONER BRADSHAW : I have one more question. You see that proposed line on the

photograph up there?

WITNESS BISHOP: Yes, sir.

COMMISSIONER BRADSHAW : You are taxing people, and when I say 'you are,' I mean City Council, you are taxing people that lived out there in 1976 for city taxes?

WITNESS BISHOP: Well, sir, we have on our tax -- we have some sort of -- this is one reason we had a survey run to get this all straight.

Now, we do have an order with the Rockingham County, that if there is more land lying in the town or lying in the county, it is taxed that way. This is mostly farm land owned by one person.

COMMISSIONER BRADSHAW: All that land is owned by one person?

WITNESS BISHOP: No, sir. I am not saying all the land is owned by one person, but I would say three or four parties, but yet more of our land lies in the county than in town. So, they are taxed by the county.

COMMISSIONER SHANNON: As I understand

1
2 your answer, and I want to make sure that I
3 do, on the proposed line, all of that land
4 -- under the proposed line -- is on the tax
5 rolls of the County, and not the Town of Mt.
6 Crawford?

7 WITNESS BISHOP: Yes, sir, I think it
8 is. Our bouandries go up there. We know where
9 our boundries are. But yet more of the land --
10 say one farmer has more land in the county than
11 in town -- so we did not tax him.

12 COMMISSIONER SHANNON: I see.

13
14 CROSS EXAMINATION

15 BY MR. ROGERS

16 Q What you do consistently all around the
17 boundary.

18 A Yes, sir.

19 COMMISSIONER BRADSHAW : This is all
20 the way around town.

21 WITNESS BISHOP: Right.

22 COMMISSIONER BRADSHAW: If you live
23 on the line, sixty percent is in Rockingham, and
24 forty percent is in the city, the tax is paid

to Rockingham.

WITNESS BISHOP: That's right.

COMMISSIONER SHANNON: Any redirect?

MR. TRIPP: I have one more question.

A follow-up of what was asked from the Bench.

BY MR. TRIPP (Continuing)

Q At the time Vepco filed its application on this line in 1976, the tax maps showed the entire area covered by the right-of-way to be in Rockingham County, and not the Town of Mt. Crawford, isn't that correct?

A Yes, sir, but the tax map it did, sir.

MR. TRIPP: Thank you.

COMMISSIONER SHANNON: Thank you very much.

WITNESS STANDS ASIDE.

1-B 2

COMMISSIONER SHANNON: Call your next
witness, please.

MR. HOOVER: Mr. Edward Jennings.

EDWARD L. JENNINGS,
a witness introduced on behalf of the Applicant, being
first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HOOVER

Q Will you state your full name, and where
you live, and your position.

A I am Edward Lawrence Jennings, I live
at 113 Shenandoah Drive, Maston Village. I am Planning
Director of Rockingham County for the last year and a
half.

Q How long have you been with the planning
department of Rockingham County?

A I have been with the Department two and
a half years. Originally acting as Senior Planner on
the project team of the joint county planning program.

Q About two and a half years ago?

A Yes, sir. August '76.

Q What is your educational and professional background?

A I am a graduate of East Carolina University and I have a certificate of municipal administration from the Institute of Government, University of North Carolina.

Q Maybe you can talk a little bit slower.

A Okay.

Q And when did you get your degree?

A In 1973.

Q Would you give a brief history, Mr. Jennings, of the Rockingham County planning program, with specific emphasis on the county/town planning program?

A The planned program of Rockingham County was primarily the offset of a citizens group of some two hundred people in 1974, and the best I understand it was that it stems from a concern for agricultural work in the county, and through that group and some forty subcommittees with that group, a planning director was hired in 1974, and they proceeded with looking at alternatives for growth in Rockingham County.

1
2 First of all, they looked at the existing
3 conditions, what they have there now, and came up with
4 two volumes of existing conditions, and another volume
5 of transitions and alternatives, as I said.

6 In the alternatives, they looked at
7 volumes -- four alternatives of growth in the county,
8 one being scattered as it was going there, another
9 being county growth centers, one being concentration of
10 growth in our incorporated towns, a couple of growth
11 centers, the fourth is -- I don't recall that offhand,
12 but it was not utilized.

13 Anyway, from that a land use plan
14 was drawn up for the county. Looking at nine growth
15 centers on the county land use plan, Mt. Crawford being
16 one of the seven incorporated towns designated as one
17 of those growth cities. Fiscal Year '75-76 for the growth
18 year of Elkton, and then fiscal year '76-77; joint county/
19 town planning program proceeded further, with five other
20 community services, and these were for five other towns.

21 So in continuation of Elkton -- excuse
22 me -- there were five in all, two other towns worked
23 independently, Mt. Crawford was one of those five for
24 fiscal year '76-77.

1
2 Q Could you give a brief description of
3 the planning program as it involved Mt. Crawford in
4 this joint town/county planning program?

5 A Okay.

6 Q And could you please slow down, Mr.
7 Jennings?

8 A Yes, sir. I am sorry. In October 26,
9 1976, the Citizens Advisory Committee went for the
10 first time into the town of Mt. Crawford. It was
11 composed of representatives of the county and the town,
12 what would have been considered that community service
13 area, or the town area. The citizens advisory committee
14 was formulated in the fall of that year, and met monthly
15 for approximately a year. One fiscal year.

16 It was in the spring -- April 26th of
17 1977, -- the following spring, that the land use plan
18 was tested by the staff and presented to the citizens
19 advisory committee. It was also at that time that we
20 first received information from a member, from one or
21 two members of the Committee that there was a proposed
22 Vepco transmission line that would extend through the
23 area that was proposed on the original land use plan
24 as continued residential growth.

Q At this time, did the town of Mt. Crawford have a planning commission?

A No, sir; they did not.

Q When did they get a planning commission?

A The contacted Rockingham County and the Planning Commission of Rockingham County became the planning commission for the town of Mt. Crawford in the fall of '77.

Q Now, mr. Jennings, what was the Planning Department's reason for the first proposal that you have generally described for the development east of the town?

A The reason for the proposed boundary to extend to the east of the town was that to the south, that area lies in the flat plane, to the west there is a sink hole. So -- also, with the area along the east of Route 11 there, the northeastern section of Mt. Crawford, is also residential. So it is basically those three components, and the terrain of the land there, on the northeastern sector of Mt. Crawford that lends itself to continued residential growth, and it is really the best location for residential growth of Mt. Crawford.

In addition, that area lies within the growth boundary as originally designated on the county

land use plan, as adopted.

Q What did the Planning Department do when it learned about the proposed easement going through that area on which a permit had just recently been granted?

A Okay. Since the permit had been issued some two months before, I believe it would have been February 23rd '77, and then in April the Staff presented the land use plan, we saw no other alternative at that time other than to redraw the land use plan, and that was done during the course of the following two weeks, and then we returned to the citizens advisory committee and presented them a land use plan which relocated the residential growth to the western sector -- to the western side of town -- although we thought it was detrimental because of the sink hole being over there, and encompassing the proposed Vepco transmission line along the eastern side of town.

Q Is the present location that is now within the corridor that has been approved by this Commission consistent with the policies in the land use plan in the Mt. Crawford comprehensive plan?

A The considered location?

Q The considered -- present location, yes.
The one they have a permit for?

A I would say it is inconsistent, because
the primary objective of the county land use plan has
been concentrated growth and to develop balanced
communities with a balanced urban fall in those nine
areas of Rockingham County.

And this line hinders that growth along
that section within a growth boundary.

Also, I would say it is first of all
inconsistent with certain policy objectives of the
county land use plan, and also inconsistent with
policy objectives of the comprehensive -- proposed
comprehensive plan of the Town of Mt. Crawford.

COMMISSIONER SHANNON: Where is the
comprehensive plan? I understand you to say
the Planning Commission of Rockingham County
was actually the planning commission for
the Town of Mt. Crawford.

WITNESS JENNINGS: Yes.

COMMISSIONER SHANNON: When was the
comprehensive plan adopted by the local
planning commission?

1
2 WITNESS JENNINGS: This plan has
3 been presented to the local planning commission
4 January of '78.

5 COMMISSIONER SHANNON: January of
6 '78. When was it adopted?

7 WITNESS JENNINGS: It has not been
8 adopted. This delay has created a problem,
9 and I would say what would be the land use
10 plan, that has caused the delay in adoption.

11 COMMISSIONER SHANNON : But it was
12 submitted to the group in January of '78?

13 WITNESS JENNINGS : Yes, sir.

14 COMMISSIONER BRADSHAW: You say the
15 plan is inconsistent, but I thought you redrew
16 the plan when you learned of the line, and
17 moved it to the west side. Why would it
18 be then inconsistent?

19 WITNESS JENNINGS: It is inconsistent --

20 COMMISSIONER BRADSHAW: -- with the
21 original?

22 WITNESS JENNINGS: I am also saying
23 it is inconsistent with the county land use plan.
24 The twenty-six policy objectives that pertain to

1
2 that plan. The policy -- the theoretical
3 approach of concentrated growth. It is
4 inconsistent there, and it is inconsistent
5 with specific town goals of Mt. Crawford that
6 they had written up for their comprehensive
7 plan. But the revised land use plan, the
8 map itself, it would not be inconsistent
9 with that.
10

11 BY MR. HOOVER (Continuing)

12 Q Can you demonstrate that, Mr. Jennings,
13 by showing on the map that was prepared the -- the
14 first base map that was done before the knowledge of
15 the Vepco line. Would you just go ahead and demonstrate
16 that on the map?

17 A Yes, sir.

18 Q Can you explain that document?

19 A Yes, sir. This is the original land
20 use plan that was presented to the Town in April of
21 1977, and as I say, it is something that we made
22 and ultimately produced this land use plan in April
23 to present to the Town. As I said, these are the growth
24 boundaries -- approximately the same as those that are on

1 county land use plan. This is the area here in question
2 (pointing). Here and here (pointing). This area -- the
3 sink hole being approximately here -- this remained
4 agricultural, open space.
5

6 The area here, flat plain.

7 Q Can you orient the commission again on
8 north/south where that lies in respect to Interstate --

9 A Okay. Interstate 81, Route 11,
10 approximately -- some twelve miles down here (pointing)
11 and approximately half a mile to the interstate.

12 COMMISSIONER BRADSHAW : Approximately
13 when was that plan drawn?

14 WITNESS JENNINGS: This plan was drawn
15 during the month of April '77.

16 COMMISSIONER BRADSHAW: After your
17 survey, or before your survey? Did you know
18 where the town boundaries were at that time?

19 WITNESS JENNINGS: Before the survey.
20 If I may, I would like to clarify that the
21 boundries -- the town corporate limits that
22 we have here are ones that our draftsmen drew
23 up in drawing up the base map during 1876,
24 and they are the corporate limits as known,

060

tax maps, highway maps, and USGS Sheets.

COMMISSIONER SHANNON: Part of that is outside the corporate limits as indicated, is that correct?

WITNESS JENNINGS: Yes, sir. Community service area of expanded growth.

COMMISSIONER BRADSHAW: Is that the area shaded in green?

WITNESS JENNINGS: This would be in it also, and this. This is flood plain (pointing).

BY MR. HOOVER (Continuing)

Q Excuse me, I think there is a misunderstanding. The question was what is in color outside the corporate limits?

A Oh, yes, sir; It is.

COMMISSIONER SHANNON: I understood his answer.

WITNESS JENNINGS: Outside the corporate limits, right. As we understood them at that time.

BY MR. HOOVER (Continuing)

Q I guess I am confused now. I thought

061

1
2 you were saying that the colored part on the map is what
3 is inside the town bouandries, what you understood then to be
4 the town boundaries of Mount Crawford.

5 A This is outside here.

6 COMMISSIONER SHANNON: Is that line -- that
7 line that goes down through there, does that represent
8 the town boundaries?

9 WITNESS JENNINGS: Yes, sir.

10 COMMISSIONER SHANNON: As of that time?

11 WITNESS JENNINGS: In 1976 --

12 MR. TRIPP: Could you point to that line
13 again?

14 WITNESS JENNINGS: (Points to line on map)

15 MR. TRIPP: That two dotted lines?

16 WITNESS JENNINGS: The black --

17 COMMISSIONER SHANNON: Is that map part
18 of the record?

19 MR. ROGERS: It is not now.

20 COMMISSIONER SHANNON: Don't you think
21 it would be a good idea?

22 MR. ROGERS: We are going to need something
23 in there.

24 MR. HOOVER: Okay. I would like to introduce

it as an Applicant's exhibit.

COMMISSIONER SHANNON: I believe this will be the first exhibit. So let's go ahead and make this Mr. Jennings Exhibit. We can make it EJ-1.

All right. Go ahead and mark that. How would you describe that.

WITNESS JENNINGS: Original land use plan presented to the Citizens Advisory Committee.

COMMISSIONER SHANNON: All right. It will be EJ-1.

COMMISSIONER BRADSHAW: Mr. Jennings, this Citizens Advisory Committee, when they first met the plan, were you present?

WITNESS JENNINGS: Yes, sir.

COMMISSIONER BRADSHAW: Was the plan to deal beyond the city limits, or just within the city limits?

WITNESS JENNINGS: Yes, sir. That was the approach for -- of the county land use plan, which preceded this program.

COMMISSIONER BRADSHAW: How far did you all plan to go outside the city limits? Two miles, three miles, five miles?

WITNESS JENNINGS: The total area here of

1
2 approximately ninety-three acres. That includes
3 what is within the corporate limits, and additional.

4 COMMISSIONER BRADSHAW: And how long was this
5 plan to project into the future?

6 WITNESS JENNINGS: The year two thousand.

7 COMMISSIONER BRADSHAW: All right.

8
9 BY MR. HOOVER (Continuing)

10 Q Can you show by the overlay what changes were
11 brought about as a result of the knowledge of the Vepco easement
12 coming through the area of the town?

13 A Okay. You see what happened here was -- through
14 the redrawing -- with the proposed one hundred twenty foot easement
15 through here, ~~cul du sacs~~ were eliminated, and this cul du sac
16 through here (pointing) and here (pointing) were eliminated.
17 Residential was shifted to this side of town, as I mentioned
18 earlier.

19 COMMISSIONER SHANNON: The overlay will be
20 part of the exhibit.

21 MR. HOOVER: Yes.

22 COMMISSIONER SHANNON: That will be part
23 of Exhibit EJ-1.

24 WITNESS JENNINGS: The line would fall to

064

the rear -- lot lines of these proposed lots here.

This area became open space area, being separated from this area here (pointing).

BY MR. HOOVER (Continuing)

Q Again to put it in context with the town limits, the town limit that you pointed out there, that black line then, Vepco's proposed easement, which is overlayed on there, does pass through the town limits?

A Yes.

Q Now, if you will just come on back. There are no further questions about the map, and we will proceed over here.

Has the construction begun on the present Vepco line, Mr. Jennings?

A Yes, sir, it has.

Q Have you visited the site?

A I visited the site last Thursday.

Q And have you taken some slides from the town, and from the immediate vicinity of the town?

A Yes, sir.

Q Would you show these slides now?

1
2 COMMISSIONER SHANNON: Of course, I don't
3 know how we will get the slides in the record. It
4 will be interesting for the Commission to see them.
5 I don't know exactly how we will get them in the record.

6 MR. HOOVER: Well, we could leave them if
7 that is appropriate, and offer them as an exhibit.

8 COMMISSIONER SHANNON: I guess we could do
9 that. Is that agreeable, Mr. Tripp?

10 MR. TRIPP: Excuse me?

11 COMMISSIONER SHANNON: The slides, he is going
12 to show some slides. He has agreed to leave the
13 slides with the Commission, and identify them as an
14 exhibit.

15 MR. TRIPP: That is fine.

16 COMMISSIONER SHANNON: The slides then will
17 be identified as Exhibit EJ-2.

18 How many slides are there?

19 WITNESS JENNINGS: There are approximately
20 twenty-two.

21 COMMISSIONER SHANNON: All right. I --

22 WITNESS JENNINGS : I think we are only going
23 to show about nineteen or twenty.

24 COMMISSIONER SHANNON: Make sure the ones

you show are the ones you leave with us.

WITNESS JENNINGS: Okay. What you see here is the main street of Mt. Crawford, Route 11, and it is looking south. I would like to point the architecture that we have here.

This is looking north, looking on the western side of Route 11. The type of structures that we have.

All right. Looking from the south again on both sides of the street. The transmission line would be to our right.

Okay. This is on the northern end of Mt. Crawford. Still within the corporate limits. It is looking east, and this is cemetery drive.

BY MR. HOOVER (Continuing)

Q That area is within the town?

A Yes, sir. That would be the town limits.

COMMISSIONER BRADSHAW: Is that tower one of the new towers?

WITNESS JENNINGS: Yes, sir. That is one that has been constructed now. This is on the northern end of Mt. Crawford, just outside the corporate limits.

067

1
2 The corporate limits are approximately over here
3 at the right edge of the photo. It is the intersection
4 of Route 257, and the Town of Bridgewater and Route 11
5 is here, another one of the towers which is being
6 constructed.

7 COMMISSIONER SHANNON: Have all the towers
8 been erected on the contested area?

9 WITNESS JENNINGS: Four of the towers have
10 been constructed. The angle tower has not been
11 constructed.

12 COMMISSIONER SHANNON: Would it necessitate
13 removal of a tower if the line were changed?

14 MR. HOOVER: Yes.

15 COMMISSIONER SHANNON: How many towers would
16 have to be removed?

17 WITNESS JENNINGS: Four, I believe.

18 MR. HOOVER: Two or three, I think, is all.

19 WITNESS JENNINGS: That is right.

20
21 MR. HOOVER: The towers are coming from the
22 north, and the construction ended after the second
23 or third one came within the area that is in controversy.

24 COMMISSIONER SHANNON: So there would be three

668

1
2 that would have to be removed? Well, maybe Vepco
3 could tell us.

4 MR. HOOVER: I expect they can. I think
5 it was two or three.

6 COMMISSIONER SHANNON: Go ahead.

7 WITNESS JENNINGS: This is standing in front
8 of the Ruitan Hall, where the town council meets.
9 Looking northeastward, you see two of the towers
10 in the background. This is really looking from the
11 western side of Mt. Crawford.

12 Again, approximately the same side of
13 Ruritan Hall, looking northeast along the western
14 side of town.

15 This is in front of the United Methodist
16 Church, on Route 11. And I would like to point out
17 that structure, the character of the town. The
18 scenic -- the environment of the area. Masannuttan
19 peak in the background there.

20 Okay. This is north of Mt. Crawford on the
21 eastern side of Route 11, looking due south, at the
22 towers which are being constructed.

23 BY MR. HOOVER (Continuing)

24 Q Would you go back. The tower you see in the

1 far right, is that the last one that has been constructed,
2
3 Mr. Jennings?

4 A I believe that would be the last one that would
5 be constructed. The town lies, of course, over here to the
6 right.

7 Again, this is the angle tower which has not
8 been constructed. This is located on Route 257, and we are moving
9 east of Mt. Crawford now. Previously, the slides were taken over
10 in that section right there, on my right, and this is -- I believe
11 it would be the second tower.

12 Q That is from route 257?

13 A From Route 257, standing in the same location,
14 again, approximately, looking southwest at the third tower.

15 Q And where is the town in relation to that?

16 A The town would be over the hill. We were
17 discussing the future residential growth. This would be the
18 area of future residential growth, up here at the top of this
19 hill. It is above the flood plain, which is up -- which is
20 down here.

21 Q Right where the tower is?

22 A Yes. Below the tower here would be the flood
23 plain area.

24 Again, this is on Route 257, moving further

070

1
2 east, and it is in close proximity to I-81.

3 This is the same tower that you saw on
4 earlier slides -- on an earlier slide. The cemetery
5 is approximately in that area up there, along the
6 crest of the hill there.

7 The same location again, looking west,
8 and looking at the tower you just saw, taking down
9 -- taken down by the bridge earlier.

10 This is moving south, down to Route 867,
11 and looking north. The town lies to your left.

12 Q Where is 867 in relation to the center
13 of town?

14 A 867? If you will notice, it is not the
15 interchange, but it appears to be the second interchange.
16 The yellow area that extends from the town over.

17 Q Maybe you can just pull that out.

18 A If you would like. Standing approximately
19 here when that photo was taken --

20 Q Will you point out 257 while you are there?

21 A Okay. Here is 257, here.

22 COMMISSIONER SHANNON: Can I see that?

23 WITNESS JENNINGS: I was standing right
24 here looking this way. And then when I pointed out the

one about the cemetery, that was looking up here.

The cemetery being here, the tower was approximately here (pointing). And then down here, to 857.

BY MR. HOOVER (Continuing)

Q 867.

A Excuse me, 867 looking north here.

Q Come on back. Oh, that is it.

COMMISSIONER SHANNON: You showed us fifteen slides.

MR. HOOVER: We have a few more, so there are six more, I believe. Twenty-one in all.

BY MR. HOOVER (Continuing)

Q Mr. Jennings, have you considered an alternative location?

A Yes, sir, I have.

Q Will you describe that by an overlay on the map, which you have already referred to?

A Okay.

COMMISSIONER SHANNON: The second overlay showing the alternate location will be considered a part of EJ-1.

1
2 WITNESS JENNINGS: The alternative location
3 would be to relocate the transmission line along
4 interstate 81 here.

5 COMMISSIONER SHANNON: Mr. Jennings, how
6 close to Interstate 81 would that line be in feet?

7 WITNESS JENNINGS: Sir, I have not considered
8 an exact location. I have not gotten into the
9 engineering aspect.

10 COMMISSIONER SHANNON: I see.

11 COMMISSIONER BRADSHAW: Do you know if it
12 is in the right-of-way of the highway?

13 WITNESS JENNINGS: No, sir; I do not.

14
15 BY MR. HOOVER

16 Q Do you know if it includes the land that they
17 have in their right-of-way? You have the outline of Interstate-81.

18 A Yes. The outline does include the
19 right-of-way of the Interstate. I know that from the draftsman
20 drawing up these maps.

21 COMMISSIONER BRADSHAW: So you are just
22 outside the right-of-way?

23 WITNESS JENNINGS: Yes, sir.

24 COMMISSIONER BRADSHAW: As a professional

1 planner, do you think it is a good place to put
2 these towers right by the highway?
3

4 WITNESS JENNINGS: In viewing this situation,
5 the County Land Use Plan and this comprehensive plan,
6 and the program of the county, in weighing that, yes, I do.

7 COMMISSIONER SHANNON: That is the better
8 of the two routes?

9 WITNESS JENNINGS: Yes, sir.

10
11 MR. HOOVER (Continuing)

12 Q Okay. If you will come back, sir, I would
13 like to show the last five or six slides, to give some visual
14 idea of the area that you are talking about from the standpoint
15 of the proposed route.

16 A The proposed route, this is looking south
17 from Route 867, I-81 being here to our left. The river
18 down there. We are proposing that the line extend through this
19 field here. I would like to point out that it is crop land and
20 would not be disturbed by this transmission, and it is also
21 open.

22 This is on the same site, but you are standing
23 on 867, in close proximity to I-81. This is looking straight west.
24 Mount Crawford being over to our north.

And the town which lies over the -- over
beyond the hill --

COMMISSIONER SHANNON: That is Interstate 81,
isn't it?

WITNESS JENNINGS: This is at the interchange.
When I took this slide, I was standing right at the
bridge, over Interstate 81, and looking at 257, where
it crosses over.

COMMISSIONER SHANNON: Interstate 81 is
going north there? You are looking north as far as
the road is concerned, but you are really looking west?

WITNESS JENNINGS: This is looking west on
257. I-81 lies parallel to the bottom of this slide.

MR. TRIPP: Mr. Chairman, before the slides
are dispensed with, I want to ask a couple of questions
about one that was just shown. Would you like me to do
that now, or come back to the slides.

COMMISSIONER SHANNON: Do you have any
objection?

MR. HOOVER: Not at all.

MR. TRIPP: It might be more convenient
to do it now.

COMMISSIONER SHANNON: All right. Do you
want to tell us which slide?

MR. TRIPP: It is about slide number three.

COMMISSIONER SHANNON: All right. Go back
to slide number three.

Cut the lights off again. Is that it, Mr.
Tripp?

MR. TRIPP: Yes.

677

CROSS EXAMINATION

BY MR. TRIPP

Q That is looking north? You are standing
on the west side of eighty-one, looking north?

A Right.

Q All right. The line as you propose would
go between the highway, which is on the right, and the buildings
on the left?

A Yes.

Q What is the opinion of that property owner
as to that routing?

A I have not spoken with the property owner.

MR. TRIPP: Thank you. That is all I
have.

1
2-A 2
3 BY MR. HOOVER (Continuing)

4 Q On that same line, I believe you did testify
5 that you did not have an exact measurement of the proposed line.
6 Would you elaborate on that? Was that done as far as you know
7 as an exact location, or was it an approximate location?

8 A As far as I know, this was an approximate
9 location based on primarily good land use planning.

10 Q Looking over at the overlay, Mr. Jennings,
11 will you describe the character of the land through which
12 the bottom leg of that proposed alternative would go? I think
13 it is clear from the slides that the line parallels the
14 Interstate. We can see that right along the Interstate farm land.
15 What about the bottom leg of it? Where would most of that
16 go through. What sort of land?

17 A That is flat plain.

18 Q Flat plain.

19 A Yes. As I said earlier, the land to the
20 south of Mt. Crawford is predominantly flat plain.

21 Q What you see is part of the North River.

22 A Yes. That is the North River.

23 Q And there is also some of Cook's Creek down there
24

1
2 below the map?

3 A Yes. Cook's Creek runs along the edge.

4 Q So that leg will go through land, which is
5 because it is flood plain, is not development land, is that
6 accurate?

7 A Yes, sir. I will say that.

8 COMMISSIONER BRADSHAW: Who will be the
9 beneficiary, the citizens of the town?

10 WITNESS JENNINGS: The growth of the town.
11 The residential growth of the people. The goals of
12 what they want for that community, and the ones --
13 the people, when you see Main Street and you see the
14 type of structure that is there. The people that are
15 interested in that community, and the growth of that
16 community in that same direction that they have now.
17 I think that is the prime beneficiary.

18 COMMISSIONER BRADSHAW: Maybe I should have
19 asked the Mayor. Would the town be willing to pay
20 all the costs for moving it, since they are the
21 beneficiaries?
22

23 WITNESS JENNINGS: I can't answer for the
24 town.

MR. HOOVER: That is all.

COMMISSIONER SHANNON: How much cross examination are you going to have of this witness, Mr. Tripp?

MR. TRIPP: Some little bit.

COMMISSIONER SHANNON: Mr. Rogers?

MR. ROGERS: Very little.

COMMISSIONER SHANNON: The Commission will take a short recess.

(11:13 a.m.)

11:23 a.m. The Commission
resumes it's session.

COMMISSONER SHANNON: Mr. Tripp?

CROSS EXAMINATION

BY MR. TRIPP

Q Now --

COMMISSIONER SHANNON: Where is our
witness?

COMMISSIONER BRADSHAW: Do you want
to come back up here, Mr. Jennings.

BY MR. TRIPP

Q Mr. Jennings, I would like to ask you
a few questions. First, I believe you told Mr. Hoover
that you have been in your present position for about
a year and a half?

A Yes, sir.

Q When exactly did you come to your
present position?

A Oh --

Q About July of 1977?

A Let's just trace it all the way through. It would be easier and simpler. I became senior planner in August of 1976, and then June 10, 1977, I became acting county planner.

Then in January I became county planner, and then in March I became Director of Planning.

Q And that is all in Rockingham County?

A Rockingham County.

Q Now, you have seen, I imagine, a copy of Vepco's application for convenience and necessity for a certificate for this. Do you recall when that was filed?

A With the county?

Q No. When it was filed with this Commission.

A I believe it was February 23, '77.

Q No, I believe that is the date of the Commission's Order.

A Okay. I am not absolutely certain of that date.

Q Would you accept, subject to check, that it was sometime in 1976 that we filed an application?

1
2 A I cannot give an answer.

3 Q All right. When did you first become
4 aware of the planning of this transmission line?

5 A The day after that was presented to the
6 Citizens Advisory Committee, in April of '77.

7 Q In April of '77.

8 A Right.

9 Q And you do recall this Commission had
10 approved this line in February of '77?

11 A Right, Ugh ugh, yes, sir. I just became
12 aware of that.

13 Q All right. Now, are you aware that
14 notice was served on Rockingham County in 1976 of this
15 Application?

16 A I am aware of that, yes, sir.

17 Q You were aware of the Application -- it
18 was served on Rockingham County in 1976, but you didn't
19 learn --

20 A I am aware of it now because I am in a
21 different position now than I was then. At that time
22 I was senior planner, and I was working primarily for
23 five towns, and was not county planner. Since -- however,
24 since I have, within the course of the past twelve months

1
2 or so, I have realized that that I believe was presented
3 to our Planning Commission of the County. It may have
4 been about August -- I think August -- of '76.

5 And as we said earlier, we met with the
6 Citizens Group of -- in October that same year.

7 Q So in 1976, someone in the Planning
8 Department of Rockingham County knew of this line, knew
9 they were planning for this line?

10 A Yes, sir.

11 Q Did anyone in the Planning Department
12 of Rockingham County know about it earlier than that?

13 A I would not -- to my knowledge, no, I
14 don't know.

15 Q I have a couple of letters here that
16 I am going to ask you to look at that are written to a
17 Mr. George R. Price, Planning Commission, Zoning
18 Administrator, Rockingham County. Do you know who that
19 is?

20 A Yes. He is a staff member with our
21 Department, and he is zoning administrator and secretary
22 to the Planning Commission.

23 Q How long has he been in that position,
24 do you know?

1
2 A Not absolutely certain. I think it is
3 about eight years.

4 Q All right. Mr. Chairman, I have only
5 one copy of these letters. If I may show them to the
6 witness so he can look at them. Let me go around.

7 If you will just look at those two letters
8 and see who they are addressed to, and who they are from.
9 Mr. Soucek, here signed these letters as a Vepco
10 employee.

11 And then if you will read the third
12 paragraph of each letter -- you might want to just glance
13 at the letter.

14 COMMISSIONER SHANNON: Do you want to
15 look at them, Mr. Hoover?

16 MR. HOOVER: Yes. I would just like
17 to see them.

18 WITNESS JENNINGS: Okay.

19 BY MR. TRIPP (Continuing)

20 Q If you will just read for the record
21 to whom each letter is addressed, the date of it, and
22 then read the third paragraph of that letter.

23 A The letter of October 5th 1971, was
24 addressed to Mr. James W. Moyers, Executive Secretary of

086

Rockingham County Board of Supervisors.

In response to your suggestion, I have also reviewed this matter with Mr. George Price, Zoning Administrator, and provided his office with a second set of maps and Company statement. Mr. Price assured me this matter would be reviewed with the Planning Commission, and that at present there appears to be no objection, since the proposed right of way is in an area currently zoned A-1 (Agricultural), which permits construction of electric transmission lines and substations.

COMMISSIONER SHANNON: Who signed the letter?

WITNESS JENNINGS: It is signed -- it is not signed, but it is typed F. J. Soucek.

MR. TRIPP: He is a Vepco employee, the Manager of that area.

WITNESS JENNINGS: The other one is dated October 7, 1971, to Mr. George R. Price, Planning Commission Zonign Administrator.

And the third paragraph of that letter reads: In reference to our phone conversation, this date, I understand you reviewed our transmission line route maps and statement of necessity with

087

1 the Board of Supervisors on September 27, 1971,
2 and with the Planning Commission on October 5,
3 1971, and further, that no objections were
4 expressed. Should you later become aware of any
5 objections to our proposal, I would certainly
6 appreciate an early call from you to allow us
7 time for investigation.
8

9 That letter is also from Mr. Soucek.

10 MR. TRIPP: All right. If I can hand
11 this to the Bailiff so we can get copies made.

12 COMMISSIONER SHANNON: Any objection
13 from anybody about these letters?

14 MR. HOOVER: No.

15 MR. ROGERS: None.

16 COMMISSIONER SHANNON: Do you want to
17 identify those collectively as an exhibit? I
18 don't think Mr. Jennings would want to sponsor
19 those two letters.

20 MR. TRIPP: Vepco cross examination
21 exhibits 1 and 2?

22 COMMISSIONER SHANNON: No, it will be
23 Vepco Cross Examination 3.

24 BAILIFF: Vepco 3.

1
2 BY MR. TRIPP (Continuing)

3 Q So someone in Rockingham County knew
4 about this proposed transmission line as early as 1971.

5 A I would say so from those letters.

6 Q When did you first go to Rockingham
7 County in any capacity? In 1976?

8 A August 1976.

9 Q All right. You understand I am not
10 holding you responsible for this particular knowledge,
11 but I simply wanted to show that somebody in Rockingham
12 County in a responsible planning and political position
13 was aware of this.

14 Now, the land use plan that you described
15 in some detail, that was drawn up or finalized after
16 Vepco filed it's application, and even after this
17 Commission approved this transmission line right of way,
18 is that correct?

19 A Right. It would be, like I said, during
20 the course of 1974 through '77.

21 Q Now, let's talk a little bit about these
22 maps. Would you come over to your Exhibit , sir, and
23 can you show me, using your exhibit, where the town
24 presently says its boundary is?

1
2 A As revised?

3 Q Well, wherever the town presently says
4 its boundary is, as you best understand it.

5 A Well, this exhibit would not show that.

6 Q Will you just trace it with your finger?

7 A I know it is --

8 Q Just on the east side, don't worry about
9 the rest.

10 A I am not that familiar with the revised
11 limits.

12 Q So you can't say where the most recent
13 survey that the town relies on?

14 A I right off hand don't recall it.

15 Q Is it to the east of this shaded area?

16 A Yes.

17 Q It is not this line here (pointing), is
18 it?

19 A Not exactly.

20 Q Isn't this -- you said the boundary of
21 the town was here at the time this plan was prepared?
22 You mentioned earlier the tax maps. There were some
23 questions from the bench about the tax map. Can you show
24 us on your exhibit where the town boundary, according to the

1
2 tax maps, are?

3 A Since I don't have --

4 Q I think this would be easier --

5 A It is kind of difficult. They are
6 approximately the same. I don't know exactly. All I can
7 is this was composite three.

8 MR. HOOVER: May it please the Court,
9 the line of cross examination seems to have
10 been directed solely at the question of the
11 boundaries, and about the issue of actual notice.
12 It is my understanding of the Order, and of the
13 opening statement, that those issues have been
14 bypassed, and it does seem to me for purposes
15 of moving to the presentation of the alternate,
16 which is what the Order allowed the town to do,
17 that these questions are -- I don't object to
18 them from the standpoint of what the answers
19 might be -- but in terms of relevancy.

20 I do have some question about the way
21 the cross examination is moving.

22 COMMISSIONER SHANNON: I think, Mr.
23 Hoover, just in the interest of developing a
24 record as accurately as we can, we will go ahead

1
2 and get all the facts. We will let him
3 answer the question, subject of course to
4 your objection of relevance.

5 MR. TRIPP: There is something to
6 what Mr. Hoover says, and I question on this
7 line because the town witnesses have testified
8 as to where the town boundary is, and I just
9 can't let that pass, because we dispute that.

10 COMMISSIONER SHANNON: All right.

11
12 BY MR. TRIPP (Continuing)

13 Q Are you telling me then, Mr. Jennings,
14 that you cannot show us on here where the tax map boundary
15 is on this side of town?

16 A No, sir, other than the one I have got
17 here. That is all I can show you.

18 Q Well --

19 A I don't have the tax maps here to show
20 you.

21 Q You don't have a copy of the tax map?

22 A No, sir.

23 Q Let me ask Mr. Hoover if he would object
24 to my showing his witness a copy of what I represent to

1
2 be the tax map, and see if that will refresh his memory.

3 MR. HOOVER: If I may suggest a
4 way to shortcut this. We have a surveyer here
5 who has a tax map and a boundary map, which we
6 can introduce very quickly and cut through all
7 of this.

8 You see, Mr. Jennings does not have
9 have -- this would really expedite this whole
10 thing.

11 COMMISSIONER SHANNON: I think that
12 would be better, because the surveyer would be
13 in a better position, better qualified to answer
14 those questions that Mr. Jennings.

15 MR. TRIPP: Okay. Why don't you take
16 your seat, Mr. Jennings?

17
18 BY MR. TRIPP (Continuing)

19 Q You talked earlier about the potential
20 for residential development on the east side of town,
21 in the general area of where we have a permit for a
22 transmission line, and you showed slides showing, in
23 some instances that area. As I looked at the slide,
24 I didn't see any development presently in this area.

1 A That is correct.

2 Q And you are talking about future
3 potential residential development?
4

5 A Right.

6 Q I believe Mayor Bishop testified that
7 the population hasn't changed much since, perhaps,
8 1960 or thereabouts. Can you shed any additional light?

9 A Approximately two fifty in 1960, and
10 three hundred now.

11 Q Not exactly a boom town.

12 A Not a boom town.

13 Q Potential, but present situation is
14 pretty static, would you say?

15 A Stable, yes. One point five percent.

16 Q Thank you. Now, the alternative
17 routing -- let me flip your exhibit back here -- and
18 show your proposed alternative routing. This is your
19 proposed alternative routing, over to Interstate 81,
20 right?

21 A Yes, sir.

22 Q Are you the one who recommended this
23 alternative? I ask you that because if it is not your
24 recommendation, I would ask who ever did recommend it.

1
2 A Okay. That is the results of a group
3 meeting of engineers, surveyer -- engineer, surveyer,
4 several town councilmen, the mayor, myself, and town
5 attorney.

6 Q All right. Now, as for the effect of
7 this rerouting, you have expressed the opinion it is
8 all right to put it along interstate 81, is that
9 correct?

10 A Yes, sir.

11 Q All right. And I believe the question
12 from the Bench related to this strip here. Going a little
13 bit further north -- north -- your alternative shows the
14 right of way to cross up here, so it would be part of the
15 interchange. Did you consider the effect of crossing the
16 interchange with the transmission line? What effect that
17 might have on the development of the interchange area?

18 A Yes, I did.

19 Q What were your conclusions on that?

20 A If the County land use plan and the
21 policy objectives were adhered to, that interchange would
22 not develop. If they were totally adhered to.

23 Q Let me ask you this, Mr. Jennings. Isn't
24 it normal for land around an interstate highway interchange

1
2 to increase dramatically in value, and to be the subject
3 of rather intensive development?

4 A I would say that has been normal.

5 Q But you recommend putting a line through
6 that interchange. Do you see any conflict there?

7 A A -- if the -- if it is totally adhered
8 to, it would not develop. That is not the goals of the
9 county land use plan. It is not it's objective.

10 Q All right. You are saying the transmission
11 line over here would have an effect on potential, future,
12 residential development, but you don't think there would
13 be any adverse impact over here of crossing the interchange.
14 Is that a fair characterization of your view on the
15 matter?

16 A There could be adverse impact there, but
17 it would be lesser, comparatively, than it would through
18 that growth area.

19 Q Potential growth area, right?

20 A No. Community service area, growth area,
21 as adopted on the county land use plan.

22 Q I thought you said there wasn't any
23 development in this area at the present time. There was
24 potential, future development.

1
2 A Yes. In that immediate area, yes, sir.

3 Q That is the area we are talking about,
4 isn't it? I was just talking about the line from here
5 to here. That is the only place --

6 A In that respect, that immediate area,
7 yes.

8 COMMISSIONER BRADSHAW: Did you come
9 up with any other alternatives? You just have
10 one alternative?

11 WITNESS JENNINGS: In meetings that
12 we had with Vepco staff, I believe it has been
13 -- spring of '78, last year -- we discussed
14 other alternatives.

15 COMMISSIONER BRADSHAW: You did discuss
16 other alternatives?

17 WITNESS JENNINGS: Yes.

18 COMMISSIONER BRADSHAW: And you eliminated
19 those?

20 WITNESS JENNINGS: Yes.

21 COMMISSIONER BRADSHAW: Was one of them
22 to go half way. Was one of the alternatives
23 split just between the highway and the present
24 line, and missed the interchange, and get off

1
2 the highway, and still miss the potential
3 development of residential. Was that an
4 alternative?

5 WITNESS JENNINGS: The only other
6 alternative that I am aware of was on the
7 southern end of town there, to pick up and
8 follow this flood plain.

9 MR. HOOVER: Do you want to show him?

10 COMMISSIONER BRADSHAW: That is all right.

11 COMMISSIONER SHANNON: Did you consider
12 going to the west side of town?

13 WITNESS JENNINGS: Well, in those
14 meetings, we realized the west side of town
15 was impossible because of the Bridgewater
16 Airpark. But if you recall in the slides,
17 particularly the two slides where I took
18 at the Intersection of 257, and I pointed out
19 the two towers on the hill. We suggested
20 flood plain theory, and that was an area we
21 had discussed.

22 COMMISSIONER SHANNON: For the record,
23 you took those slides yourself?

24 WITNESS JENNINGS: Yes, sir.

1
2 BY MR. TRIPP (Continuing)

3 Q Before I forget it, if we could have
4 Mr. Jennings mark on some map the positions from which
5 he took each of those pictures. I hate to ask him to do
6 that, since there are what, twenty-one slides? But
7 it may become significant. If he could do that, and
8 furnish it later.

9 COMMISSIONER SHANNON: Probably at the
10 lunch break. You and Mr. Jennings and Mr.
11 Hoover can get together and that can be done.

12 MR. HOOVER: I have such a document
13 which will not necessitate that. I meant to
14 introduce it earlier. It is a part of the slide
15 presentation. It is a document showing -- a
16 number which corresponds to the number of each
17 slide, and it shows the perspective in which
18 the slide was taken.

19 COMMISSIONER SHANNON: All right. Why
20 don't we do this. In order to tie it in with the
21 slides, why don't we make it Exhibit EJ-2A.

22 MR. HOOVER: Fine.

23 COMMISSIONER SHANNON: That will be 2A.

BY MR. TRIPP (Continuing)

Q Mr. Jennings, in relation to Judge Bradshaw's question, isn't there some residential development right here?

A Yes, sir.

Q Now --

A There was slide two -- excuse me, 867 looking straight west showed those homes.

Q Looking that way. Let me turn to a little different subject here. You are aware, are you not, that this Commission has adopted -- what used to be the Federal Power Commission -- guidelines for the routing and siting of transmission lines?

A Yes. I have heard through these meetings that we had, yes.

Q And the Supreme Court has mentioned those in decisions, and I think implicitly approved the use of those guidelines. Are you aware of that?

A Yes, sir.

Q What are they -- what does the FPC guidelines say about putting a transmission line along a highway. Do you know?

A No, sir; I do not know.

1
2 Q Well, in recommending this alternative
3 routing, did you not consult the FPC guidelines, or
4 this Commission's guidelines?

5 A As I said, it was a group decision.

6 Q So it is not really your personal,
7 professional recommendation. It was a committee decision?

8 A I would say it was a committee decision.

9 Q Well, let me ask you to look at the FPC
10 guidelines. Mr. Chairman, I think it would be quicker
11 if I just read it and ask him to accept it subject to
12 check, rather than going through a number of provisions
13 and citations.

14 COMMISSIONER SHANNON: At the first
15 break, Mr. Jennings may look over them, and if
16 he doesn't agree, he can tell us after the break.
17 And his attorney, also, of course.

18
19 BY MR. TRIPP (Continuing)

20 Q Mr. Jennings, will you accept, subject
21 to check, that the Federal Power Commission's guidelines
22 for transmission lines provides in Section 29: Long views
23 of transmission lines parallel to highways should be
24 avoided where possible, unquote. Would you accept that

1
2 subject to check, that this is the language in that
3 document?

4 A Yes.

5 Q Is your alternative inconsistent with
6 that guideline?

7 A Well --

8 Q It has to be, doesn't it? It goes right
9 down the highway?

10 A Well, it is just a matter of weighing the
11 local government, as opposed to the Federal. I would say
12 the alternative for that one line is inconsistent with
13 that one line in the regulation. It could be.

14 Q Let me ask you this: Do you have any
15 studies or any information on the traffic flow on
16 Interstate 81?

17 A I have information on that, yes, sir.

18 Q Could you generally characterize it
19 that the traffic flow is relatively heavy as compared with
20 the traffic flow on Route 11, for example?

21 A Yes.

22 Q Would you say it is maybe four or five
23 times, or could you give us some magnitude?

24 A In fact, we have that information.

1
2 Q So, would five times be a figure I
3 might use without any serious reservations?

4 A I don't recall.

5 Q We will say five times.

6 A You can say that, yes.

7 Q The impact would be five times as great
8 on people traveling on Interstate 81 than it would on
9 Route 11, even if the transmission line were right down
10 11, which it is not, is that correct?

11 A There are people that have sunk a lifetime
12 of interest in that community. They don't look at it
13 full time. They are just driving down the highway.
14 That is the way I view that.

15 Q You are looking at the interest of Mt.
16 Crawford?

17 A Yes.

18 Q Have you considered the cost to Vepco
19 or the cost to whoever might pay it, of the relocation
20 that you have proposed?

21 A I haven't worked any cost figures on
22 that.

23 Q We will put that in through a Vepco
24 witness. Would Vepco's routing of this line interfere

1
2 with any present use of land in this area?

3 A The rerouting?

4 Q No. The Vepco routing. This routing.
5 As shown on here. Would it interfere with the present
6 use?

7 A Environmentally, yes.

8 Q In what way? From a scenic point of view?

9 A I feel that the slides spoke for
10 themselves. The line is in close proximity to development
11 -- existing development of the town now.

12 Q So it would have a scenic impact on
13 people in the town?

14 A Environmental impact, and economic
15 impact. To the existing development.

16 MR. TRIPP: No further questions.

17
18 COMMISSIONER SHANNON: All right. Mr.
19 Rogers?

20 MR. ROGERS : No question.

21 COMMISSIONER SHANNON: This may be a
22 good time to recess for lunch. The Commission
23 will recess until two p.m.

24 MR. TRIPP: Will Mr. Jennings remain

1
2 this afternoon? There may be some questions
3 that will arise.

4 COMMISSIONER SHANNON: All right. Mr.
5 Hoover, will you have Mr. Jennings remain just
6 in case. Of course, Mr. -- Mayor Bishop, unless
7 somebody has any further questions of him, he
8 can be excused.

9 MR. HOOVER: He is driving the car
10 I came in.

11 COMMISSIONER SHANNON: In that event,
12 he had better stay.

13 We will stand in recess until two p.m.

14
15 (11:50 a.m.)
16
17
18
19
20
21
22
23
24

2:10 p.m. The Commission
resumes its session.

COMMISSIONER SHANNON: I apologize
for being late. We had to sign charters
today, and had some meetings. And we will
go ahead and try to complete this today.
All right, your next witness.

MR. HOOVER: Mr. Jennings was on the
stand, I -- and I would like to pose several
questions on redirect.

COMMISSIONER SHANNON: Come around,
Mr. Jennings.

REDIRECT EXAMINATION

BY MR. HOOVER

Q Mr. Jennings, you were questioned on
cross examination about the fact that the town has not
grown, has been relatively stagnant, or was no growth
for a number of years. Is the Town of Mt. Crawford
a member of the Rockingham/Harrisonburg Regional Sewer
Authority?

1
2 A Yes, it is.

3 Q In that context, do they have any kind
4 of obligation or commitment to proceed with at some point
5 the installation of a sewer system?

6 A Yes, they do.

7 Q And, therefore, does that fit into the
8 county's growth policy of having some growth develop
9 around the town of Mt. Crawford?

10 A That would fit in, yes.

11 Q Then -- a couple of other points. You
12 read, I believe, from a letter -- two letters which were
13 dated in September and October 1971, directed to officers
14 of the county, is that correct?

15 A Yes.

16 Q And then on cross examination I believe
17 you testified about how you sort of understood the
18 planning commission was notified, or heard this matter
19 back in the fall of '76. Do you recall stating that
20 that was so?

21 A Yes. It was requested that if I believe
22 the planning commission or someone to have known about
23 this since '76, and I said 'yes.' And I believe that to
24 be because a letter was addressed to the Chairman of the

1
2 Planning Commission, either in July or the early part of
3 August 1976.

4 Q What did the letter have to do with?

5 A It was concerning Vepco's transmission
6 line, and this location.

7 Q Are you aware of any meeting of the
8 Planning Commission that discussed --

9 A To my knowledge, no.

10 Q So you are referring to the letter?

11 A I was referring to that particular
12 letter to the Chairman of the Planning Commission.

13 Q And that was just before you came with
14 the County planning staff?

15 A That was just before I came to the County
16 planning staff. The -- I came in the latter part of
17 August '76.

18 Q And that was also before you began to
19 work on the Mt. Crawford plan?

20 A Right. As I said in my earlier testimony.
21 That was in October.

22 Q When the town planning began --

23 A Right.
24

MR. HOOVER: That is all.

COMMISSIONER SHANNON: Any further
questions of Mr. Jennings?

RE CROSS EXAMINATION

BY MR. TRIPP

Q One clarifying question. Mr. Jennings ,
did anyone in the County, Rockingham County, assign to you
the responsibility of this transmission line application
at any time during 1976?

A No.

Q So if it was reviewed, it would be
someone else's responsibility?

A Yes.

MR. TRIPP: That is all.

MR. ROGERS: No questions.

COMMISSIONER SHANNON: Thank you, Mr.
Jennings. You may stand down.

WITNESS STOOD ASIDE

MR. HOOVER: I would next like to call
Mr. -- Doctor Richard Collins.

RICHARD C. COLLINS,
a witness introduced on behalf of the Applicant, being
first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HOOVER

Q Will you state your name and position,
please?

A My name is Richard C. Collins. I am
a professor of Urban Environmental Planning, the School
of Architecture, at the University of Virginia, and I am
Chairman of two programs in those fields. The under-
graduate and graduate program.

Q At the University of Virginia?

A Yes, sir.

Q Would you state your educational background
and professional background?

A Yes. I have a PhD degree in Public
Administration and Public Policy from the University of
Colorado, and I have been engaged in teaching in the

1
2 practice of planning and policy analysis of what we
3 call the investigation of the way things are done,
4 and not just what is done; since 1963 when I received
5 my Doctorate, I taught at the University of Oregon.
6 I was chairman of a similar program at the Federal
7 Executive Institute, which is a program designed to
8 acquaint top level Federal executives with the difficulties
9 of interprogram coordination, and a mutual interaction
10 among governmental bodies.

11 I have been Chairman of the program at
12 the University of Virginia since 1973. I have been
13 involved in a number of land use cases. I have been
14 consulted -- consultant for the National Trust of
15 Historic Preservation. I have recently edited a book
16 on historic preservation and public policy, and currently
17 writing for a book on preservation of agricultural
18 land.

19 I have written a number of technical reports
20 on planning processes relating social planning to
21 physical planning, and things like that.

22 Q Have you ever testified in litigation
23 involving land use?

24 A Oh, yes. Here in Virginia in a number

1
2 of cases. In Loudoun County, Louisa County, and in
3 Albermarle County.

4 Q Perhaps you could direct your answers
5 to the court?

6 A Yes.

7 Q Thank you. Have you been involved in
8 any special studies with respect to small towns, and
9 plans for small towns?

10 A Yes, I have. I think one of the major
11 changes in the orientation of planners as well as
12 citizens is the importance of the smaller town and the
13 neglect and disinterest that has been reflected in the
14 problems of small towns and in rural areas.

15 I need not go into how this is changing,
16 but I think there are two major reasons for disinterest
17 in towns, and I -- there is a feeling that too often
18 major facilities, major changes in the physical environment
19 or in the development of towns, take place without
20 adequate evaluation of the impacts of these proposed
21 developments by small towns and by rural counties.

22 It seems to be a problem throughout the
23 country, and it is also true here in Virginia that often
24 the areas where the changes that are likely to be made

1
2 that effect the future of the town and its vitality,
3 its coherence, are often made and no one expects it.
4 No one is prepared to analysis.

5 A group of consultants from outside
6 the S tate of Virginia came here under the auspices
7 of the Virginia Environmental Endowment to look at
8 some of the major problems in environmental land use
9 planning, and indicated that one of the major problems
10 was just this, and recommended the State of Virginia
11 begin to do something to develop a capacity to
12 mediate environmental disputes before they become
13 litigation or enter litigation, and that we try to
14 find out if there is not some way that we can put
15 parties together in issues, and join them appropriately.
16 And in some basis more equally, because some time
17 developers or people interested in a particular program
18 or project are so interested in performing that function
19 that they do a conscientious job, I think, of trying to
20 make the trade-offs and so forth, but often there is
21 no fair joining of the issues.

22 So to make a long story short, we are
23 now involved -- or I am involved -- in a study to see
24 whether we can do something about creating a capacity

1
2 for small towns, or counties especially, that have
3 likely developments of more than local impact, and try
4 to find -- try to provide more mutual information
5 in a timely manner to arrange the issues so that it
6 gets solved, if it can be solved, at an early point
7 rather than at some later point.

8 Q Now, with respect to the hearing today,
9 have you examined the petition filed by the Town of
10 Mt. Crawford requesting a hearing on the location of the
11 230 kilovolt line?

12 A Yes, I reviewed it.

13 Q And have you visited the town to look
14 at the proposed site, and the site for the proposed
15 alternative as suggested by the town in the earlier
16 testimony?

17 A Yes, I have. I only learned about the
18 dispute about a week and a half ago, I believe, but I
19 did drive to Mt. Crawford and met with a member of the
20 Town Council, and with yourself and your colleague, and
21 I interviewed a number of other people by phone, and
22 read as much as I could of the County's Comprehensive
23 Plan, and I consulted with you.

24 I wasn't unfamiliar entirely with this

1
2 area, because about a year and a half ago I came to
3 Rockingham County because they were trying to develop
4 a comprehensive plan, and one of the things that I
5 advocated was the attempt to maintain the town's
6 vitality, to encourage reinvestment, and to focus what
7 growth they are experiencing in the county, which was
8 very substantial, around these centers which have often
9 not had the benefit and to some extent the cost of
10 those growths, rather than having it all over the rural
11 land, which often produces tremendous economic costs,
12 and perhaps some unfavorable changes of uses out of
13 agriculture, which requires a number of features in
14 order to be a successful industry.

15 We often have not thought about these.
16 Certainly my profession has not until very recently, so
17 I went to the land, tried to get as much of a visual
18 perspective of the existing line. I went to some of the
19 footings and stood on them and tried to line it. I
20 then suggested a possible alternative, conceptually,
21 that would appear to me to be superior, which is very
22 close to the one that you had arrived at before I came.

23 And as I said, I went to the library
24 to read the petition for the certificate for convenience

1
2 to get the various studies that they said they had
3 complied with in the development of their transmission
4 siting plan.

5 Q That is the FPC Study?

6 A The Federal Power Commission Study that
7 was referred to earlier this morning, yes.

8 Q Did you find other studies that had a
9 bearing on the issues involved here today?

10 A Oh, there are many studies that have a
11 bearing on this particular issue, but the energy question
12 the major facilities are having is a tremendously difficult
13 problem, and there are all kind of issues that bubble
14 up around it.

15 This particular study, which was referred
16 to this morning, deals almost exclusively with visual
17 concerns; that is, how can we hide them from view, number
18 one; and if we can't hide them, how can we reduce the
19 visual impact?

20 If I can speak on that, it is my view
21 that this Study was perhaps most appropriate for areas
22 as in our American West, where the roads are separate from
23 tremendous expanses of trees and wilderness or these
24 undeveloped areas. It mentions nothing at all about small

towns and how to make a trade-off between the visual impact of three or four towers that will continually hover over the town for how many years, as opposed to the thirty or forty seconds that a person might get a view of these poles along the highway.

There are some conflicting goals. I can cite various parts of this, to indicate there is no one, easy answer to how a transmission line or facility should be sited.

Q What are some of those conflicting goals.

First of all, what are some of the guidelines in the FPC Study that would find these in conflict -- possible conflict with -- find themselves in possible conflict with the proposed site that Vepco has suggested?

A Well, I think the first one is an omission, as I see it, one of the major issues here is the land use impact of this proposed location.

This study is principally concerned with visual impact, as I said, principally from what you might say the consumers here on the road as opposed to people who are living there.

That is the major omission in this study and many of the other studies that I have looked at closely, deals much more with these issues of competition for land. We then know that

1
2 the projections for land use, for example, for the year 2000, if
3 we took all users, called for usage of land beyond what we have
4 in the forty-eight contiguous states, and we are beginning to
5 think that we have to use corridors and share. At one time you
6 could separate them, now the competition for land is such that
7 we must make trade-offs and share to a great extent.
8

9 But other aspects in here -- one was
10 mentioned this morning -- about the long tunnel view of the
11 towers that would be on the Interstate there, 81. Others
12 indicate that the agency -- that is, other state or private
13 organizations should be contacted early in the planning of
14 the transmission project to coordinate the line location
15 with the land use plan,

16 Q Is there another guideline about topography
17 in terms of silhouette versus -- how does that fit in with the
18 site that has been selected by Vepco?

19 A Well, my view is that Vepco had to make a
20 very difficult decision here. I would like to characterize
21 how I would conclude that the decision was reached, if I could
22 do that later, but from a planning point of view. But I would
23 say that they have attempted to put the towers -- not in the crest
24

1
2 of a hill, for example -- but have it just below the crest in
3 the area of the town.

4 They do have them across the highway, the
5 same highway that we would cross in the alternative that we
6 have discussed, just further away. It is still visible from
7 the highway, for example. They attempt to do the best they
8 can, but it is pretty hard to hide these.

9
10 And it is true, I think, that one of the
11 trade-offs in the alternative route would be that it is now
12 visible to the people on the highway, but it would not , to
13 some extent, be visible from anywhere in that town, and that
14 would be a trade-off with the people who are using the
Interstate.

15 I don't have any major argument, frankly, with
16 what they are attempting to do, because I know you can't get the
17 maximum of one thing at the expense of another. They have
18 tried to minimize their cost, I think. I feel they made the
19 wrong choice, and it is certainly an unfortunate choice, in view
20 of the town as an entity. To me that was a consideration that
21 was not adequately considered, because most people don't think
22 about the town as being something -- Harrisonburg can take
23 care of everything -- and since they apparently did not get
24 an organized notice -- I am convinced that the values of the town

1
2 and of contiguous growth will take place there. We are
3 anticipating a fair amount, I think twenty-five percent over
4 the next seven to eight years. I haven't the exact figures
5 at my finger tips.

6 Let's put enough people there so it is
7 feasible economically to put in a sewer collector system.
8 Not to make it so expensive to run these pipes all out, or
9 to separate the town with a major barrier obstruction. It
10 may not be on the right side of the track or the wrong side,
11 but certainly it disables more land and makes much more difficult
12 the attractive maintenance of the town itself.

13 Q Would you evaluate the proposed alternative
14 that has been suggested here today by the County Planner?

15 The same sort of concept that you came up with after your on-sight
16 visit to the town. Evaluate that from a planning point of view,
17 and in terms of the guidelines you talked about in the county's
18 land use plan.

19 A I believe the concept -- I have not had a chance
20 to study each piece of land -- and I would like to emphasize
21 that -- I believe it would be superior from the point of view
22 of the town. That is, of the existing residents and I believe
23 that the county's effort to cooperate with the town to get the
24 residential growth along that piece of land just to the east

1
2 of the highway is by far the most appropriate shape for
3 development.

4 They could develop the flood plain along Cooks
5 Creek as a natural area. Parkway, picnic tables, with the
6 residential development above it and contiguous as I say to the
7 existing development which has certain advantages.

8 I favor, and I think many people are coming
9 to feel that this kind of plan leads to reinvestment and to
10 some renovation -- some civic vitality. Not rapid growth, but
11 enough where this town is going to live, and in fact it is going
12 to perform a useful service for our citizens, in the sense of
13 providing services.

14 And from that standpoint, my own view is,
15 and it is obviously a value judgment, that the additional visual
16 interference that will be seen by a passenger or driver on the
17 Interstate is a very, very acceptable trade-off for the
18 advantages that would be gained in terms of acceptable use of the
19 land because the Interstate is already an obstruction for many
20 of the people who are on these roads that lead to it. The line,
21 being it is there, is something they don't particularly enjoy
22 hearing perhaps, or seeing, and I think that many of them would
23 say it would be better to have one or two things on one side,
24

1 and maybe one on each side of you, you see.

2
3 I believe that -- I don't know the full
4 economic costs. I confess I tried to get some estimates
5 of the economic effect of this change, and who would pay for it,
6 but was unable to do it in the time that was available to me.
7 I assume there would be some additional cost because there is
8 some additional transmission.

9 My view is similar to that taken by this
10 particular group called electric power and the environment,
11 which was done at the same time as this study. And they
12 indicate that we must pay for the full cost of energy. Somebody
13 is going to pay for it. We don't want to hide from ourselves
14 the cost of additional nuclear facilities or transmission lines.
15 And by 'cost' I don't mean only economic costs, but the environ-
16 mental losses, and who should carry those costs.

17
18 I feel that the people of this town have
19 not only a justifiable complaint about not being adequately
20 considered as an entity -- as a community. I don't know about
21 how they feel individually. I also think it is not fair that
22 they have to bear the burden of the environmental deterioration.
23 If you walk down those streets as I did last Sunday, you can't
24 go anywhere without those towers being obvious.

1
2 Now, you say: How much does it cost? It
3 may be that there is even some economic costs beyond that
4 to the town as an area that could develop attractively. And
5 as I said, contiguously. In the sense that these towns have
6 a character, as we saw with some of the houses, townhouses. It
7 has a historic character. I did call the National Park Service,
8 and looked at the Kidd House, and the Mt. Crawford battlefield
9 to see just how much historic and architecture value is there.

10 Neither of those, neither the battlefield
11 or the house are in the National Register. And we talked to the
12 Virginia Landmark Commission about it, and they said there was,
13 in their opinion, some value, but at this time they have no
14 desire or capacity really to nominate it.

15 So it was not on the Register, but I don't
16 think one can read the history of Sheridan's raid or the
17 important battles that took place at Mt. Crawford, indeed in the
18 closing days of the war, around the North River and so forth --

19 Q Could you point that out on the chart there?

20 A Sure.

21 Q The area where there is a sign about the
22 battle of Mt. Crawford?

23 A It is right down here (pointing). The battlefield
24

1
2 was on both sides, and across the river. The houses -- the
3 house is right about here, as I recall (pointing).

4 And I did not get the chance to talk to the
5 owner, but apparently in talking to the Virginia Landmarks
6 Commission yesterday, he indicated that Mr. Kidd, -- his
7 opinion was it had architectural value and historical value
8 as well.

9 I viewed the building. And I don't think one
10 could say that it would be an irreparable loss due to the fact
11 that this transmission tower is adjacent to it. Destroys it,
12 I can't say that. But I do feel that it detracts significantly.

13 Q And the proposed alternative would avoid
14 that?

15 A This is the best map to use to display that.
16 I believe that -- if you look at the number of structures and
17 values affected by our proposed route, or the concept of these,
18 and the ones that -- and the one which exists -- that fewer
19 buildings are affected, number one; and number two, there is
20 less visual impact on that. And I think if you just do that by
21 counting, you could add the number of structures, and see and
22 measure the proximity to the structures. Although it would
23 be a little more difficult to say what the visual impact would
24

1
2 be. Of course, from the side of the house it would not be
3 as important as if you were on your front porch.

4 I believe using the river to come to the
5 Interstate -- now, where am I?

6 MR. TRIPP: Do you want the photograph?

7 WITNESS COLLINS: May I put this up?

8 This is where I first viewed this alternative.

9 And I went up on this hill here (pointing), and you
10 can see pretty well this land and you can see all
11 the towers that have been constructed and so forth.

12 This one, as you can see, does follow the river.

13 And then --

14
15 COMMISSIONER SHANNON: Excuse me. Has
16 that aerial photograph been submitted into evidence?

17 MR. TRIPP: It has not. We plan to put
18 it in through Mr. Rice, who will testify for us.

19 COMMISSIONER SHANNON: Well, let's go ahead
20 and identify it as Mr. Rice's exhibit, because Doctor
21 Collins has referred to it. What are Mr. Rice's initials?

22
23 MR. TRIPP: DNR.

24 COMMISSIONER SHANNON: All right. That will be

1 DNR-4, I believe. Is that correct, Mr. Bailiff?

2 Bailiff: Yes, sir.

3 COMMISSIONER SHANNON: If you can refer to
4 these as near as you can, and not as 'these' or 'those'.
5 It is going in the record, and if you can be a little
6 more descriptive, it would help.
7

8 WITNESS COLLINS: The Kidd farm, which is
9 perhaps the one site which has the greatest historical
10 and architectural significance that would be impacted
11 by the existing route is more adversely affected by this
12 than by this route, which goes from this point -- where
13 they have an existing footing directly down the river
14 to the Interstate.

15 And the reason I say that , some of it may
16 be visible to you from the map, is because the river
17 itself will remain as a buffer visually. It is just --
18 it is just not as apparent because of the topography
19 as well.

20 If you look down coming down from the town,
21 that power line is going to extend right across it.
22 It is much further -- it would be much more blatant.
23 Here you have a -- this here is farmland (pointing)
24 and obviously the tower would be more visible here.

1
2 It bisects the town, and if people were
3 to come and visit this area, there are a number of
4 interesting antique shops, and there are a lot
5 of mixed residential and commercial use; people living
6 in the house and selling antiques, or things of that sort.

7 It already has some existing tourist value.
8 Because people seek such places on the weekend, for
9 example, and I can only see that growing if national
10 trends are any indication. And I could see where this
11 could be developed as a very attractive area for people
12 to visit and to discuss the history of the valley.
13 The relationship of the roads and the river to the
14 historical development of the community.

15 BY MR. HOOVER (Continuing)

16 Q Could you point out the battlefield on there?
17 You pointed to Kidd Farm.

18 A Yes, I can. The battlefield in general extends
19 in this area right here (pointing), although the battle, as I
20 understand it -- went back and forth from the town, back across
21 the river. The major aim, apparently, the Union Army was to get
22 across the river and head over to Charlottesville, and get some
23 of the supply stations and things of that sort, and the
24 Confederates were attempting to destroy the bridge and make the river

1
2 a barrier to any further advance to the east, or to the south.

3 COMMISSIONER SHANNON: That was late in the
4 war, wasn't it?

5 WITNESS COLLINS: Yes. 1864, and then again
6 in '65 there was some action there. I am not an expert.
7 A friend of mine, who is on the Faculty, told me the man
8 who knows something about this in the Park Service,
9 but I, frankly, have not heard much about the Battle of
10 Mt. Crawford until this came up.

11 COMMISSIONER SHANNON: I think they would rather
12 think about the Battle of New Market, Doctor.

13 WITNESS COLLINS: Well, there was the -- the
14 -- they were able to come across, the Union Army, and
15 as you know how the war came out.

16 As I was saying, the town of Mt. Crawford
17 donated its water pipes anyway.

18 And then I think if you would look at the
19 structures that are affected here, if you go and follow
20 this line that is proposed, and you can see it is a major
21 barrier to the community. There is just no question that
22 even these people on this road here are really more
23 affected than if it were moved an equal distance to the
24 east, in my view. It makes the natural growth areas --

1 and I am talking about natural in the sense where the
2
3 proposed facilities as well as the topography is
4 suitable. It is very logical that it would develop
5 here because of economics and an attractiveness.

6 BY MR. HOOVER (Continuing)

7 Q Where is the sewer plant, Doctor Collins?

8 A The sewer plant is over here (pointing). You
9 see, you have this trunk line sewer which roughly parallels Cook's
10 Creek, and it then comes down here. Now they do not have sewers
11 in the town of Mt. Crawford. They are going to have to have
12 sewers or they are going to suffer substantial deterioration.
13 in their major built-up areas, because the lots are too small,
14 the mixture of water to drink in the cisterns and wells --

15 COMMISSIONER SHANNON: Do they have a public
16 water system?

17 WITNESS COLLINS: No, there is not, sir. And
18 I have not investigated this, but I am concerned that
19 the safe water drinking act Federal government requirements
20 is eventually going to get them and cost them one awful
21 lot of money, as well as perhaps additional requirements
22 for sewerage which might come into effect. I think they
23 are interested in doing that, and I am not sure that they
24 understand the economic implications of it.

I am not convinced the community is, although the County Planning Staff, I think, has attempted to indicate what sort of things would be feasible.

The economics of contiguous development, I think, are fairly obvious from both a private and a public point of view.

In any case, this house here is also of some interest. The name of the house again, Mr. Stark --

BY MR. HOOVER (Continuing)

Q Mr. Shank on 257.

A Mr. Shank's house is here. It is an interesting structure. I haven't had time to investigate it. I understand that obviously it is a 19th Century structure. Those are the two that are most affected as individuals. I think this property which I consider to be historic, being the most important, and this one potentially has some considerable merit, and certainly pleasing to the eye, and of course the community impact is a much greater thing.

If we took this route, and you look and see how many buildings does it affect adversely, this one here, would be the one most adversely affected in the change of routes.

I believe that all the others, all the other residential -- existing residential units, and the potential residential units -- which would

1
2 be likely to develop along this area here (pointing) and perhaps
3 down in this area here (pointing), if the growth was sufficient,
4 comes about, would be benefitted. And I don't -- I would think
5 the economics would favor this one in terms of just land
6 acquisition. It may trade-off, to some extent, with the additional
7 length of the towers and the transmission line.

8 I think it unlikely -- and again I hesitate
9 to say this because I haven't done a careful analysis -- but
10 I don't think one could expect a great deal of development
11 on this interchange at this location (pointing), because of the
12 fact that the other exits that are adjacent to it for a traveler
13 in Harrisonburg or Staunton and so forth, are more, you know,
14 pretty well, I think, handling the demand that the casual
15 passerby would use.

16 It would be a tremendous advantage if people
17 could be steered into the town. People are more likely to come
18 off and see a town now -- in that case, you could get some
19 additional commercial development along this route, or perhaps
20 in this area right here.

1
3-A 2 Q While we are over here, if we can step back
3 and take a little bit longer view, Doctor Collins, and look at
4 a map of the entire proposed route of Vepco, and I would like
5 to introduce this as an exhibit for the Applicant.

6 COMMISSIONER SHANNON: That will be Exhibit
7 No. 5. Is Doctor Collins going to sponsor this?

8 MR. HOOVER: Yes.

9 COMMISSIONER SHANNON: It will be 5.

10 BY MR. HOOVER (Continuing)

11 Q It is a map of the entire line from West Staunton
12 to Dayton. They have a substation here, which is the subject
13 of the application in the permanent which was granted, and I
14 would like you, Doctor Collins, to look at that in terms of
15 stepping back perspective, if you will. You were talking about
16 the plan in process, and it was testified to earlier that the
17 Federal Aviation Regulations really were a physical barrier
18 over here. And I would like for you to put that in the perspective
19 of their having gone to the east of the town for that reason,
20 and what your observations of that would be.

21 A My belief is, of course, -- the first thing
22 is they want to get from here to here by the most direct route
23 that they can, without abusing some of the environmental -- abusing
24 the environment, be it man-made or natural.

1
2 I believe, of course, they would use existing
3 right of ways to reduce expense. I think when they confronted
4 this air park, of course, and having to get here they had to go
5 east, as I think they have indicated, and my belief is that
6 institutionally what such an organization thinks is that well,
7 we must then come this way to get here (pointing).

8 Now, if we go next to the highway we are
9 going to have to wrestle with the highway people who generally
10 do not favor multiple use because of visual reasons, and also,
11 perhaps, because of established practice that you can separate
12 users, and that was a better way to go.
13
14
15
16
17
18
19
20
21
22
23
24

1
2 They, in my view, would tend to react
3 to get around the barrier with the least time spent
4 in negotiations or in conflict with powerful agencies.
5 I think at that point they cut it as short as they could
6 to reduce expense, and to avoid the long, drawn out
7 negotiations that might be required with the highway
8 agency if they moved it further, and not knowing for
9 some reason -- however they come to the conclusion
10 that this town did not exist -- I think this is a
11 psychological feature. Towns always kind of treated
12 that way. They have been. We will go to Harrisonburg,
13 and we will handle it that way, because this town really
14 doesn't matter that much, and they don't have a planning
15 commission, and in the absence of some organized
16 community center, it is a very typical thing. Unfortunately
17 typical.

18 They attempted to do in the visual effect
19 the best they could. My argument simply is that the
20 trade-off has not been adequately considered, because
21 these people in this town had a healthy, optimistic
22 future in light of the trends in energy costs and in
23 the concern about exploitation and over use of land, and
24 I think that this is a very small visual trade-off for the

important values of community and town, and I believe orderly planning processes as well.

If I were to analyze it as a policy choice, that is what I would do.

MR. HOOVER: I don't have any more questions over there right now.

COMMISSIONER SHANNON: All right. Come back and have a seat, Doctor Collins. Are you finished with your direct examination?

MR. HOOVER: No, not quite.

BY MR. HOOVER (Continuing)

Q Well, I believe that maybe is about all. Let me see. I think you touched on this, but I guess perhaps a final question. I would like to ask if there is any way to justify possibly greater cost of relocating the easement away from the town. You talk a little bit about the cost and benefits on this, but perhaps you could --

COMMISSIONER SHANNON: Would you repeat the first part of the question.

BY MR. HOOVER (Continuing)

Q Is there any way -- the Commission itself

1
2 asked about whether the town would be willing to bear the cost
3 of moving the towers away, and I would like for you to focus
4 on that question of sharing the cost and benefits just a bit.

5 A Well, I believe that it is possible to justify
6 increased dollar costs for Vepco on the basis of these other
7 costs, environmental, economic costs, to perhaps some of the
8 individuals who live in the town, and perhaps potential costs
9 to the town as a tax gathering body, to the County perhaps.

10
11 I think that the environmental movement may
12 have a lot of excesses in it, in that people have alleged, and
13 I certainly believe that we have come to consider the term 'cost'
14 much more fully. And knowing that in some sense the issue is
15 lets not hide the fact that the visual -- that a visual impact
16 such as a major tower next to your house is a cost, and that
17 if it -- if you can't assign a dollar value to it entirely,
18 nevertheless we should put it in the equation so we would have
19 a full balance.

20
21 The other issue I think is who will pay
22 the cost of this. Well, I don't know whether it is the bond-
23 holder or the utility users, but it seems to me if that cost
24 is counted, I am talking about the environmental affects and the

effects on this town --

COMMISSIONER SHANNON: It is the ratepayer --

WITNESS COLLINS: I think in that sense the

ratepayer -- assuming that this is so, that we have determined that the cost should better be borne in the dollars that we use electricity, then that fact, and this in my view, not only insults but possibly turns the table on a town that might do very well.

BY MR. HOOVER (Continuing)

Q Now, in connection with the cost issue, looking at that map that you just left over there, isn't it in fact true that it would appear substantially higher costs have been paid because of the natural barrier or the FAA regulation, so that really the consumer, as a whole, has paid more for that kind of barrier -- FAA happens to have regulations that you can't fly airplanes below.

So, that, I think, should be taken into account.

A It must be, yes.

Q You are saying here is another entity whose costs should also be taken into account.

A Absolutely. I am not alleging bad faith or anything of that sort at all. I believe -- as I see the

1
2 situation, that Vepco has a task -- you know, reliable, dependable,
3 electricity where it is needed, when it is needed.

4
5 Now, they were attempting to -- I think -- do the
6 best they could within those confines, but I think that they
7 reacted to the airport obviously, because that is a barrier. There
8 is nothing they could do about it. And then you find the next
9 best alternative. I believe that they undervalued and under-
10 considered, and underheard in my view, an important value, which
11 should have been considered.

12 COMMISSIONER SHANNON: This Commission has
13 been involved, as you probably know, in numerous
14 power line siting cases. Some of the largest in the
15 country, and this is a factor which always weighs: No
16 one wants that line; and any property it does go over
17 it does a certain amount of environmental damage.

18 WITNESS COLLINS: Absolutely.

19 COMMISSIONER SHANNON: And this is a real
20 difficult area to consider because as you say the
21 economic problems are borne by all of society, and
22 it is -- I just wanted you to know that we are mindful
23 of a lot of the things you are saying because they have
24 been brought out in 755 and 500 Kv cases.

1
2 WITNESS COLLINS: I understand that very
3 much, and I know that nobody wants a landfill or a
4 power line or a refinery, and I understand that
5 very well, and I understand that what we are trying
6 to do is find the best route.

7 COMMISSIONER SHANNON: It is largely a
8 matter of judgment.

9 WITNESS COLLINS: Absolutely. And it is
10 ultimately a question of judgment, informed judgment,
11 and if I could be free to say this, when he asked me
12 if I would do some research assistance, or try to help
13 him, I frankly said no, I just can't do it. And the
14 thing that led me to do it, and I am not being paid
15 for this, I said I didn't want any money, I would try
16 to help if I could -- and I felt there was a chance that
17 their idea had merit, because I don't need the windmills
18 to fight -- was that I felt upon review that the town
19 was, somehow, not properly treated. And that if it is
20 true as they told me, that those first two towers that
21 were built, they were right there in the town, I felt
22 that that was unfair and was an attempt to prejudice
23 the case that I felt had merit, and should be heard.
24 So, for whatever that is worth, that is why -- I understand

1
2 this trade-off. There is no perfect route.

3 MR. HOOVER: That is all.

4 COMMISSIONER SHANNON: Mr. Tripp?
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CROSS EXAMINATION

BY MR. TRIPP

Q Doctor Collins -- it is Doctor Collins, isn't it?

A Yes.

Q You said you testified previously in some siting cases? Did any of them involve transmission lines?

A None at all involved transmission lines. Two of them involved the integrity of towns, the town of Leesburg, so I should say my expertise is not in facility sitings, but in the small town and agricultural land issues, which I referred to, I think, in my opening remarks.

Q Since you haven't testified in cases dealing with transmission lines, my -- my next several questions may be superfluous -- but I am going to ask you them any way. In looking at the situation, did you consider the reliability of electric service in areas remote from the town?

A I thought of it, of course, but I did not have the benefit of your information on that, or the demand. I assume that that was given, that you had made the case that such a line should be built, and I assumed that that was so.

Q And consequently you gave no consideration

1 to the effect on reliability of service in other parts of the
2 Shenandoah Valley of delay of this line.
3

4 A I have, of course, been concerned about that.
5 If it were asked in my judgment do I have the full information
6 to make the choice myself, I would say no, I have not. I did
7 -- I do not have sufficient information.

8 Q You really haven't had time.

9 A And I am not sure that I am fully capable
10 of the kind of evaluation of energy demand. I have some problem
11 with the whole projection of demand that sometimes is made. Some
12 people say if you save energy it is as good as producing more
13 energy, and I feel conservation is an area that has been very
14 much neglected in demand forecasts.

15 Q You became involved in this case what, last
16 week, you said?

17 A About a week ago, yes.

18 Q If you had been around in 1971 or '76, this is
19 something you would have loved to look into in detail, and advise
20 and maybe consult with Vepco and the town and try to work out what
21 you consider the best arrangement, I gather.

22 A Oh, sure.

23 Q And that is sort of what you contemplate doing
24 in your activities at the University or otherwise?

1
2 A I am basically a teacher and administrator.

3 I do some research, but consulting is not my major business. But
4 I am very much concerned with the practices in implementing habits
5 in minds of planners that they know what to look for and what
6 to ask.

7 Q But it is perfectly clear, I think, that you
8 had no opportunity to consult with Rockingham County when they
9 decided not to ask for a hearing in this case back in 1976. You
10 had no contact with the County until a week, or perhaps a week
11 and a half ago.

12 A That is absolutely right.

13 Q All right. A little different point now. You
14 mentioned trade-offs, and your view is that there is great value
15 in the scenic, people living in the town, people who might visit
16 there. And you used the term, I believe, 'trade-off.' You have
17 not heard testimony, because there has been no testimony yet,
18 as to the dollar cost of this relocation, so let me suggest
19 hypothetically to you that if the testimony in this case were
20 to show that the additional cost to Vepco, the additional cost,
21 let's say, of this relocation would be three hundred and eighty-
22 three thousand, six hundred dollars, and that the population of
23 Mt. Crawford being approximately three hundred people, that the
24 additional costs would be about a thousand, two hundred and fifty

dollars per person in Mt. Crawford.

Do you think that would be a justifiable trade-off?

A That, in itself, would not be conclusive to me. I think it would be something -- I would want, first of all, to evaluate to make sure that I agree with the number.

Q Let's assume the numbers are correct.

A I would still -- I don't think I could make a judgment on that right now. I honestly don't, because I am -- I would say this -- I am willing to pay a larger share of dollar costs for electricity, because I believe that I ought to pay for it as a consumer rather than have the people of Mt. Crawford pay for it day after day after day.

Q I wish you had been in the courtroom several months ago when we had a hearing on the subject of rates and expressed that opinion, Doctor.

A Call me next time.

Q We might do that.

COMMISSIONER SHANNON: I am sure Mr. Hoover knows a little something about that, too.

BY MR. TRIPP (Continuing)

Q You mentioned the Kidd property that is southwest

1 of the town -- somewhat of historical interest?

2 A Yes.

3 Q You are aware, are you not, that Mr. Kidd sold
4 to Vepco an easement across his property giving us permission to
5 build the line across his property?
6

7 A Of course, I am aware of that. I tried to get
8 in contact with the Kidd's again to find out -- I just checked out
9 all your applications -- to see what books you read and so forth,
10 which is the logical thing to do, of course. But I did not reach
11 Mr. Kidd.

12 Q As to the landowners on the east side of the
13 town, along the alternative right of way that you recommend, have
14 you talked to any of those landowners?

15 A One, and he feels that it would be advantageous.

16 Q He would like to have the transmission line
17 on his property?
18

19 A He said it is closer to his property, and he
20 is willing to take it because he thinks it is better for the town.
21 That man is in this room. I don't know whether he would allow me
22 to quote him or not, but I asked him his opinion about this, and
23 I believe that -- I did not do a poll -- but that is one of the
24 things I think ought to be considered.

COMMISSIONER BRADSHAW: He didn't give you a price, did he?

WITNESS COLLINS: No, no; he didn't do that.

COMMISSIONER BRADSHAW: I think that is the bottom line question.

BY MR. TRIPP (Continuing)

Q Doctor, you made a comment that led me to believe, and perhaps you didn't understand that Vepco had already acquired this right of way, and would have to abandon that right of way and buy a new right of way if there was a relocation.

A I did ask that question before I drove over -- I said if they required all the right of way and there is a whole new process involved, it is probably not worth it because it is just too much of a hassle for them, and then Larry said he would do a little checking and he came back to me and said most of the land that would be acquired under the alternate route would be the same owners that are involved in the existing route. And that there would be some movement of the site, but pretty much the same owners and perhaps -- I don't know how the compensation works -- but I was suggesting that the land -- I am not an appraiser either -- but the land may not be as valuable as the land that you purchased, or that you could make a trade if that

1
2 is legal. I don't know about that.

3 Q You simply don't know about that, do you?

4 A I do know --

5 Q You haven't talked to the landowners to know
6 whether or not they would come to this commission to oppose the
7 relocation?

8 A No.

9 Q You don't know whether even if they know this
10 proposal has been made, do you?

11 A Well --

12 Q Let me ask it this way: Do all the landowners
13 whose property will be crossed by your relocation know that you
14 are here today making this proposal?

15 A No, sir; they do not.

16 Q Now, talking about our proposed right of way.
17 You mentioned uses that the town could make that would sort of
18 enhance the environment of the town. You are aware, are you not,
19 that parks and similar uses that do not involve large structures
20 are permissible under transmission line right of way. You certainly
21 in your planning activities have seen transmission line right of
22 ways in urban areas that are used for various purposes?

23 A Permissible, but not the most desirable.

24 Q Are you saying that it would be undesirable to

have a park under a transmission line?

A I would say it would be more desirable to have that park in that flood plain and adjacent to the development which they propose than to have the power line over it.

Q Than to have the power line along the interstate highway?

A Yes, that is exactly my view.

MR. TRIPP: That is all I have.

MR. ROGERS: No questions.

COMMISSIONER SHANNON: All right. You may stand down, and the Commission will take a short recess.

(3:00 p.m.)

WITNESS STANDS ASIDE.

3:10 p.m. The Commission
resumes it's session.

MR. HOOVER: I would like to call Mr. J. R. Copper, Jr.

J. R. COPPER, JR.,
a witness introduced on behalf of the Applicant, being first
duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. HOOVER

Q I would just like to state that he was not
named as a witness when we filed our list, but an issue has
come up and I am calling him for the purpose of identifying
and offering as an exhibit the town boundaries of Mt. Crawford.

COMMISSIONER SHANNON: Any objections?

MR. TRIPP: I want to hear what he says.

BY MR. HOOVER (Continuing)

Q Have you surveyed the town boundaries of Mt.
Crawford?

A Yes.

Q When did you complete your survey?

A The filed completion was late fall last year.

Q Is that a signed, certified copy of your
survey?

A Yes.

MR. HOOVER: I would like to introduce this
as Applicant's exhibit.

MR. ROGERS: Can we get the witnesses name
again?

COMMISSIONER SHANNON: Copper. I don't think
you qualified him, gave us his background.

BY MR. HOOVER (Continuing)

Q Will you state your name and professional
background and certifications?

A James R. Copper, Jr., I am a licensed surveyor
by the State of Virginia. Approximately seventeen years experience
in and with surveys, many, many different types. Military, school,
and so on.

MR. TRIPP: Mr. Chairman, to shortcut things,
we have no problem with this being introduced to show
what the town now alleges their boundaries to be, and
if that is all...

MR. HOOVER: That is the purpose of it.

MR. TRIPP: We won't challenge his credentials or how it was developed. That is our position. We understand that, and we dispute it, but that is fine.

COMMISSIONER SHANNON: That will be Exhibit JRC-6.

COMMISSIONER BRADSHAW: You got off light, Mr. Copper. I don't guess they have got any more questions.

MR. HOOVER: Yes, one more question.

BY MR. HOOVER (Continuing)

Q Would you identify this sheet here?

A That is a copy of the county tax maps from the Commissioner of Revenue's Office of Rockingham County.

Q Have you on these maps overlayed the proposed Vepco easement line, the one that has been approved by the Commission, the one that Vepco now is building the tower along?

A Yes.

Q And that is the green line there?

A Yes.

MR. HOOVER: I would like to introduce this as --

COMMISSIONER SHANNON: That will be JRC-7. That is the County tax map.

COMMISSIONER BRADSHAW: What is the date.

WITNESS COPPER: The tax map?

COMMISSIONER BRADSHAW: Yes.

WITNESS COPPER: Of course, they update them every year. I am not sure.

COMMISSIONER BRADSHAW: That is what I mean.

MR. HOOVER: It is the current tax map?

WITNESS COPPER: It is the current tax map,

COMMISSIONER BRADSHAW: Do you know if that was the tax map back when Vepco started their negotiations with Rockingham County?

WITNESS COPPER: I can't verify that one hundred percent. I would say yes from my experience with tax maps that it is the same one that has been carried through the years.

MR. HOOVER: No further questions.

MR. TRIPP: No questions.

MR. ROGERS: No questions.

COMMISSIONER SHANNON: Thank you very much, Mr. Copper, and you can stand down.

WITNESS STANDS ASIDE.

1
2 COMMISSIONER SHANNON: Anything further?

3 MR. HOOVER: No, that is all.

4 COMMISSIONER SHANNON: Mr. Tripp?

5 MR. TRIPP: We call Vepco's witness,
6 Mr. Rice.

7 COMMISSIONER SHANNON: How many witnesses
8 does Vepco have?

9 MR. TRIPP: Mr. Rice.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DONALD N. RICE,

a witness introduced on behalf of Virginia Electric and Power Company, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. TRIPP

Q Mr. Rice, will you state for the record please, your full name and your position with Virginia Electric and Power Company?

A My name is Donald N. Rice. I am Manager of TND Engineers. I am a registered professional engineer in the State of Virginia. I am a member of the IAAA and its Engineering Society and Secretary -- I mean Chairman of it's Transmission and Distribution Committee.

Q Thank you. Mr. Rice, do you recognize the aerial photo?

A I do. It is an aerial photograph that we purchased from the Department of Highway, the Virginia Department of Highways, on which we have indicated the route of our certificated lines on the State Corporation Commission.

1
2 Q Is that the line I am point to right
3 now?

4 A It is the line that is to the --

5 Q Left hand side?

6 A Left hand side of the aerial photograph.

7 COMMISSIONER SHANNON: That is the one
8 that has been previously identified as DNR-4, is
9 that right?

10 MR. TRIPP: Yes, sir.

11 COMMISSIONER SHANNON: Will you mark
12 that, Mr. Bailiff.

13 Bailiff: Yes, sir.

14
15 BY MR. TRIPP (Continuing)

16 Q Mr. Rice, does this other dotted line
17 here, the right side of the map, show your understanding
18 of the alternative routing proposed by the Town of Mt.
19 Crawford?

20 A Based on the verbal description of the
21 alternate route supplied in these proceedings, that is
22 a line that we made following the description.

23 Q All right, Mr. Rice. Maybe it would be
24 better if you came over to this exhibit. Mr. Rice, why

1 don't you get over there and don't block Judge Shannon's
2 view.
3

4 Would you just briefly describe the
5 characteristics of the development, or lack of development
6 along our line, and point out the spot where the
7 alternative would be near some development?

8 A The route of the certificated line is
9 on the eastern extremity of the town of Mt. Crawford.
10 It lies in the flood -- the very edge of the flood plain
11 of Cook's Creek. It lies behind an existing cemetery,
12 which is in this area, and is an area that has little
13 potential for residential development, as such. It does
14 have potential for recreational purposes. On the southern
15 end of that down the land is farm land, tillable land,
16 and generally across an open area of the general area
17 east of Mt. Crawford.

18 The alternative proposed by the town
19 committee, takes off at a point approximately twelve
20 hundred and fifty feet south of the North River, and
21 extends in an easterly direction toward Highway 81, for
22 a distance of approximately three thousand feet. We
23 had a little bit of a problem with that, in that the
24 actual distance between the point they mentioned and the

1 highway, is approximately four thousand feet. In that
2 area between a point twelve hundred and fifty feet south
3 of the North River and Highway 81, the proposed alignment,
4 even if adjusted, goes in the front of several residences
5 in this area (pointing), it comes up and parallels the
6 highway 81, and goes adjacent to a residential complex
7 about half way in the forty-five hundred foot parallel,
8 and then it takes a turn to the west near the interchange
9 at -- that appears on Highway 81, and comes back to the
10 original alignment.
11

12 Q Mr. Rice, in considering the routing
13 originally some years ago of this line that you have
14 taken into consideration the guidelines of the then Federal
15 Power Commission and this Commission in selecting your
16 route?

17 A We did take into consideration the
18 Federal Power Commission's guidelines, and endeavored
19 to come along this Cooks Creek area, as an area having
20 little potential for at least residential development
21 as compared to impacting the interstate highway.

22 Also there are residences in this area.
23 It seems to us that we had looked at the environmental
24 guidelines used -- using the constraints that were therein

1
2 to support our feelings about the thing. It was one of
3 our reasons for going back to Rockingham County Planning
4 Commission, to find out indeed, whether there were any
5 plans in this area that we should take into consideration
6 before we came to the State Corporation Commission for
7 our Application for certification.

8 Q And you filed in 1976 and obtained a
9 certificate for this line in February 1977, did you not?

10 A That is correct.

11 Q Now, if you were to now relocate the line
12 as suggested by the town, what would the cost of that
13 relocation be?

14 A Let me go over here. The total cost
15 for that relocation is three hundred and eighty-three
16 thousand, six hundred dollars.

17 Q And that would be an increase of about
18 how much over the present cost of that segment of the
19 line?

20 A The answer that I just gave you was what
21 the differential cost is between the existing route, and
22 the proposed route. The existing route is certificated
23 at an estimated cost of four hundred and seventy-nine
24 thousand, three hundred dollars. The relocated route has

1 an estimated cost of six hundred and fifty-three thousand,
2 nine hundred dollars. The difference between those two
3 routes was a hundred and seventy-four thousand, six
4 hundred dollars. To that must be added thirty-six thousand
5 dollars for investment in foundations on the existing
6 route, plus a hundred and seventy-three thousand dollar
7 cost for the right of way on the existing route, which
8 gives me a total of a three hundred and eighty-three
9 thousand dollar -- six hundred dollar penalty for the
10 relocation.
11

12 COMMISSIONER BRADSHAW: Does that include
13 the purchase of the new right of way?

14 WITNESS RICE: Yes, sir.

15
16 BY MR. TRIPP (Continuing)

17 Q How many more acres would the longer
18 alternative location concern?

19 A Approximately six acres.

20 Q All right. If you were to have to
21 relocate the line, you would now have to contact the
22 landowners along the alternative routing, negotiate with
23 them if necessary, and enter condemnation proceedings,
24 and generally spend a lot of time, wouldn't you?

1
2 A Yes. You would enter into condemnations
3 if you could not negotiate.

4 Q What would be the effect of delay of
5 let's say a year or two years, or three years, in the
6 completion of this line if you had to now relocate?

7 A The service to the valley area, Harrisonburg
8 area, on up to Edinburg, consists of two transmission
9 lines, that terminate at Harrisonburg substation. And
10 with one transmission line that extends from Harrisonburg
11 substation northward to Edinburg. The load growth in
12 the valley area is such that with the loss of one of these
13 existing 115 Kv transmission lines in 1980, the voltage
14 drop on the remaining line would be such that we would
15 probably have to curtail load in the Harrisonburg area,
16 Endless Caverns, Edinburg, and Woodstock areas.

17 That is one of the reasons why we believe
18 that it is necessary to provide a new source of power
19 for the valley area from our valley substation, which
20 is a proposed 500 to 230Kv substation, which would then
21 provide a strong, 230 Kv source from the valley substation,
22 and then would also allow us looking at a progressive
23 means of reinforcing this valley area to energize the
24 transmission line between Harrisonburg and Grottos as

1
2 a 230 Kv line.

3 That line has been rebuilt for 230 Kv
4 operation.

5 Also, included in the long range plans
6 are conversion of the Dunes substation from 500 to 230 Kv
7 station. The rebuilding of a transmission line from Dunes
8 to Staunton -- west of Staunton for 230 Kv operations
9 so that we would eventually end up with two five hundred
10 to two thirty Kv substations supplying the valley area;
11 one from Dunes substation which is near Waynesboro, and
12 the other from Valley substation, which is up the lines
13 from this proposed transmission facility.

14 Thereby, greatly improving the reliability
15 of service to the valley area. A delay in getting this
16 line in service is necessarily going to delay the orderly
17 conversion process in supplying the valley with adequate
18 power.

19 Q So a delay of a year or two of completing
20 this line would -- would it be fair to say it would
21 jeopardize the reliability of service in the Harrisonburg
22 area and the valley area north of Harrisonburg?

23 A That is correct.
24

3-B₂

COMMISSIONER SHANNON: Mr. Rice, if the alternative was chosen, would you have any existing towers that would have to be removed?

WITNESS RICE: Four towers would have to be -- could be reused.

COMMISSIONER SHANNON: They would have to be dismantled?

WITNESS RICE: Dismantled.

COMMISSIONER SHANNON: Did you figure in the net cost of the difference? Did you figure in the cost of that?

WITNESS RICE: It did not include the cost of dismantling the towers. It did include the cost of loss of foundation.

COMMISSIONER SHANNON: How much would that be, the dismantling. Would it be significant?

WITNESS RICE: Somewhere between eight and twelve thousand dollars.

COMMISSIONER SHANNON: Total?

WITNESS RICE: Yes, sir.

COMMISSIONER BRADSHAW: What is the status of this line between -- is it fifty percent

1
2 complete, seventy-five -- what is the target
3 date?

4 WITNESS RICE: The section of the
5 line from west of Staunton to Valley is a
6 wood H frame line. The structures are installed
7 on that, and I believe wire stringing is in
8 process. The section of the line from Valley
9 substation into Harrisonburg consists of a double
10 circuit steel tower line. All of the foundations
11 are in place, and thirteen out of approximately
12 sixty towers are installed, as of today.

13 COMMISSIONER BRADSHAW: And when are you
14 supposed to finish?

15 WITNESS RICE: The section from Valley
16 to Dayton, which is west of Harrisonburg, is
17 scheduled to be in service March 2nd. The reason
18 for that is --

19 COMMISSIONER BRADSHAW: Of this year?

20 WITNESS RICE: Yes, sir. So we can pick
21 up the Dayton Coop in our Dayton substation from
22 the west of Staunton area so we can utilize an
23 existing corridor between Dayton substation and
24 Harrisonburg substation. Take that transmission

1
2 line off there, and put up double circuit steel
3 towers in that area.

4 COMMISSIONER BRADSHAW: These towers
5 carry two 115 lines for a total of 230?

6 WITNESS RICE: The towers are designed
7 for 230 Kv operation; from Farley to Dayton they
8 will carry one circuit at the present time.
9 From Dayton into Harrisonburg --

10 COMMISSIONER BRADSHAW: You are getting
11 me confused now. This little strip we are talking
12 about right here --

13 WITNESS RICE: It is designed for two
14 circuits to operate at 230,000 volts.

15 COMMISSIONER BRADSHAW: Next question:
16 Is that possible to put underground?

17 WITNESS RICE: Yes, at about three
18 hundred dollars a circuit foot.

19 COMMISSIONER BRADSHAW: Three hundred
20 dollars a circuit foot. And how many feet is
21 it?

22 WITNESS RICE: The original route is
23 --

24 COMMISSIONER BRADSHAW: From where the

original route intersects the alternate.

Where it intersects the alternate.

WITNESS RICE: Nine thousand feet.

COMMISSIONER BRADSHAW: Nine thousand feet. Is that two hundred and seventy thousand? Two million -- I don't think three hundred people --

MR. HOOVER: We discussed that in some of our conferences.

COMMISSIONER BRADSHAW: So that has been ruled out.

MR. HOOVER: That cost was quoted to us, and we have not pursued that for that reason.

COMMISSIONER BRADSHAW: What is the longest 230 line, Mr. Rice, underground?

WITNESS RICE: I would say --

COMMISSIONER BRADSHAW: Is nine thousand feet engineering feasible?

WITNESS RICE: Oh, yes. It is feasible. We have a crossing in the Norfolk area, across the Elizabeth River, that is somewhere between six and seven thousand feet. We have another installation up in northern division area, between Glebe and Crystal substation, that is

1
2 somewhere in the order of a mile or a mile and
3 a half.

4 COMMISSIONER SHANNON: What is a
5 circuit foot?

6 WITNESS RICE: It is a -- it consists
7 of three conductors for a three-phase line. A
8 circuit foot -- when I talk about three hundred
9 dollars a circuit foot, I am talking about
10 installing three cables to make up a three-phase
11 circuit.

12 COMMISSIONER SHANNON: Go ahead.
13

14 BY MR. TRIPP (Continuing)

15 Q Mr. Rice, recognizing that nobody, perhaps
16 the one possible exception you heard today -- much likes
17 having a transmission line near them, and having heard
18 all the testimony that Mt. Crawford has put on, do you see
19 any reason to change the location of that line?

20 In other words, would you make the same
21 location decision today, having heard all these arguments,
22 that you made back in 1976 when you filed your Application?

23 A I think we would make the same decision
24 today.

Q And you would not put the line down
Interstate 81 for forty-five hundred feet?

A No.

MR. TRIPP: That is all I have.

COMMISSIONER SHANNON: Who has the final
say? I realize we do, but who has the final say
on the route of the transmission line. Is that
your final judgment, Mr. Rice?

WITNESS RICE: No. If we think we are
in an area of controversy, I will discuss it
with those above me. Generally speaking, it would
be in my area. I would review it.

COMMISSIONER SHANNON: You would make
the recommendation, wouldn't you?

WITNESS RICE: That is right.

COMMISSIONER SHANNON: The recommendation,
if there is no controversy, then in all practical
effect you make the decision.

WITNESS RICE: That is correct.

COMMISSIONER SHANNON: Mr. Hoover?

CROSS EXAMINATION

BY MR. HOOVER

Q Yes. Let's go back over these cost figures, Mr. Rice. When you broke down the three hundred and eighty-three thousand, six eighty figure, you testified that the additional cost of construction of the proposed alternative route was one hundred and seventy-four thousand, six hundred?

A That is as of against the cost of the present line, yes, sir.

Q In other words, was that basically for the additional towers and wire, or could you break down that cost?

A Yes, sir, I could break it down for you. On the original route, the nine thousand feet, there is a hundred and seventy-three thousand dollars for right of way in land acquisition; four thousand two hundred dollars for right of way clearing; there is a hundred and twenty thousand dollars for eleven towers and foundation material.

Q This is the original?

A This is the original route. The overhead

conductors, the insulators, clamps, miscellaneous material and things of that sort, forty-eight thousand, eight hundred dollars.

Q Excuse me. My question was asking for a breakdown of the additional amount that you testified -- a hundred and seventy-four thousand, six hundred.

A That was the difference in cost between the nine thousand foot certificated route, and the estimated cost of the eleven thousand two hundred foot alternate route, which you all propose.

Q And I am asking you if you will break down that figure, that hundred and seventy-four thousand, six hundred. Is that mostly towers? Is it acquisition cost?

A The only way I can break it down is to sit down and go through all of these related items that I have looked at.

Now, probably -- now part of it is an estimated two hundred and eight thousand dollar cost for new right of way, and when I came up with that three hundred and eighty-three thousand, six hundred dollar cost, I also included the loss of the expenditure that we have already paid for right of way of a hundred and

1
2 seventy-three thousand dollars.

3 Q So that if there would be any trade-offs
4 with the same landowners, that would be deducted from
5 that cost that has already been outlayed for acquisition
6 of right of way?

7 A That is right; but that is a big,
8 qualified 'if.' Our experience in that area has been
9 that property owners take the position: You paid me
10 for this once, if you want something else, you can pay
11 for that, too.

12 Q In fact, you paid a hundred and seventy-
13 three thousand dollars in that immediate area to five
14 property owners, I believe, didn't you?

15 A I couldn't tell you how many property
16 owners it was, specifically. That included acquisition
17 cost.

18 That included the cost of our right of way
19 agents, property title searches, and things of that sort.

20 COMMISSIONER SHANNON: You are just
21 acquiring easement, aren't you?

22 WITNESS RICE: That is right. We just
23 acquired an easement.
24

1
2 BY MR. HOOVER (Continuing)

3 Q How wide is that easement?

4 A A hundred and twenty-five feet.

5 Q But you did break out the cost of two
6 hundred and eighty-five thousand dollars, which is an
7 additional right of way cost in your estimate of how
8 much more it would cost to construct the proposed
9 alternative by the town?

10 A That is right.

11 Q So that that cost, is that based basically
12 on the land value that you used for the right of way you
13 have already acquired in that area?

14 A I am sure it is. I will ask our real
15 estate department to make an estimated cost of what that
16 right of way would probably cost us. I'm sure in the
17 area of the North River, land values were certainly less
18 than those that would be parallel to Route 81, but I
19 did not ask those specific questions, to say: What value
20 did you give this, and what value did you give this other
21 parcel.

22 Q Well, actually going back to your testimony,
23 you are an engineer basically?

24 A That is correct.

1
2 Q You are not a planner, you haven't -- you
3 don't purport to be testifying as a planner.

4 A No. This is why I indicated to you that
5 in the exercising of our judgment in transmission line
6 route selections, we have made it a policy to go to the
7 County and City, municipal planning groups, to get their
8 input in the event that we have overlooked something
9 that is of major importance.

10 Q And when you talk about going back to the
11 planning commission, you are referring to the letters that
12 were introduced as evidence in 1971, of having gone back
13 to the planning commission?

14 A That is right.

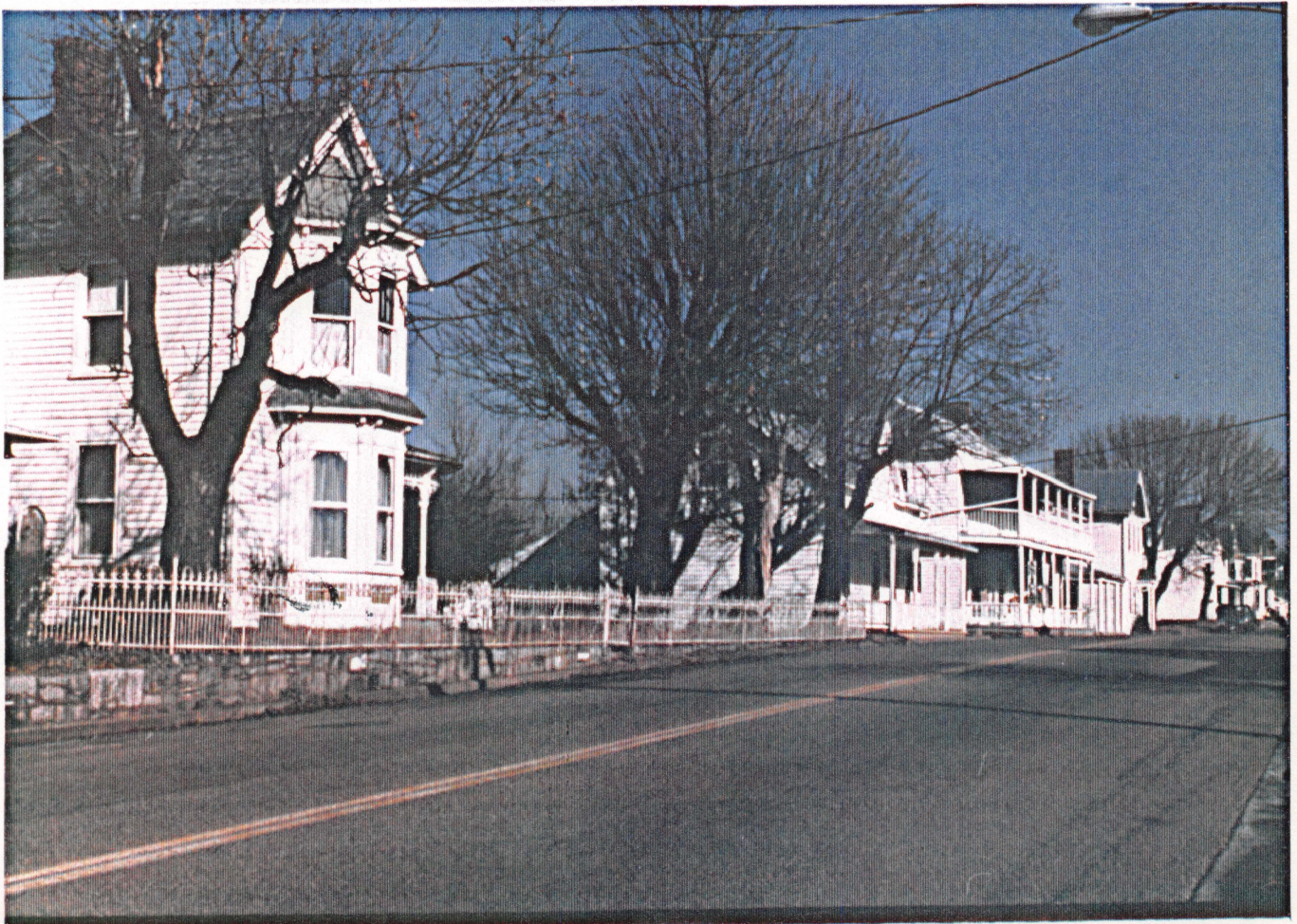
15 Q You mentioned the FPC guidelines. Did
16 you say that you had studied these in connection with
17 this site selection?

18 A These Federal Power Commission guidelines
19 have been a manual for us for -- prior to the time that
20 they were published I participated as a representative
21 of the power company in the public hearings that the
22 Federal Power Commission had, prior to the adoption of
23 these guidelines.

24 Q You are familiar with Guideline No. 27, and

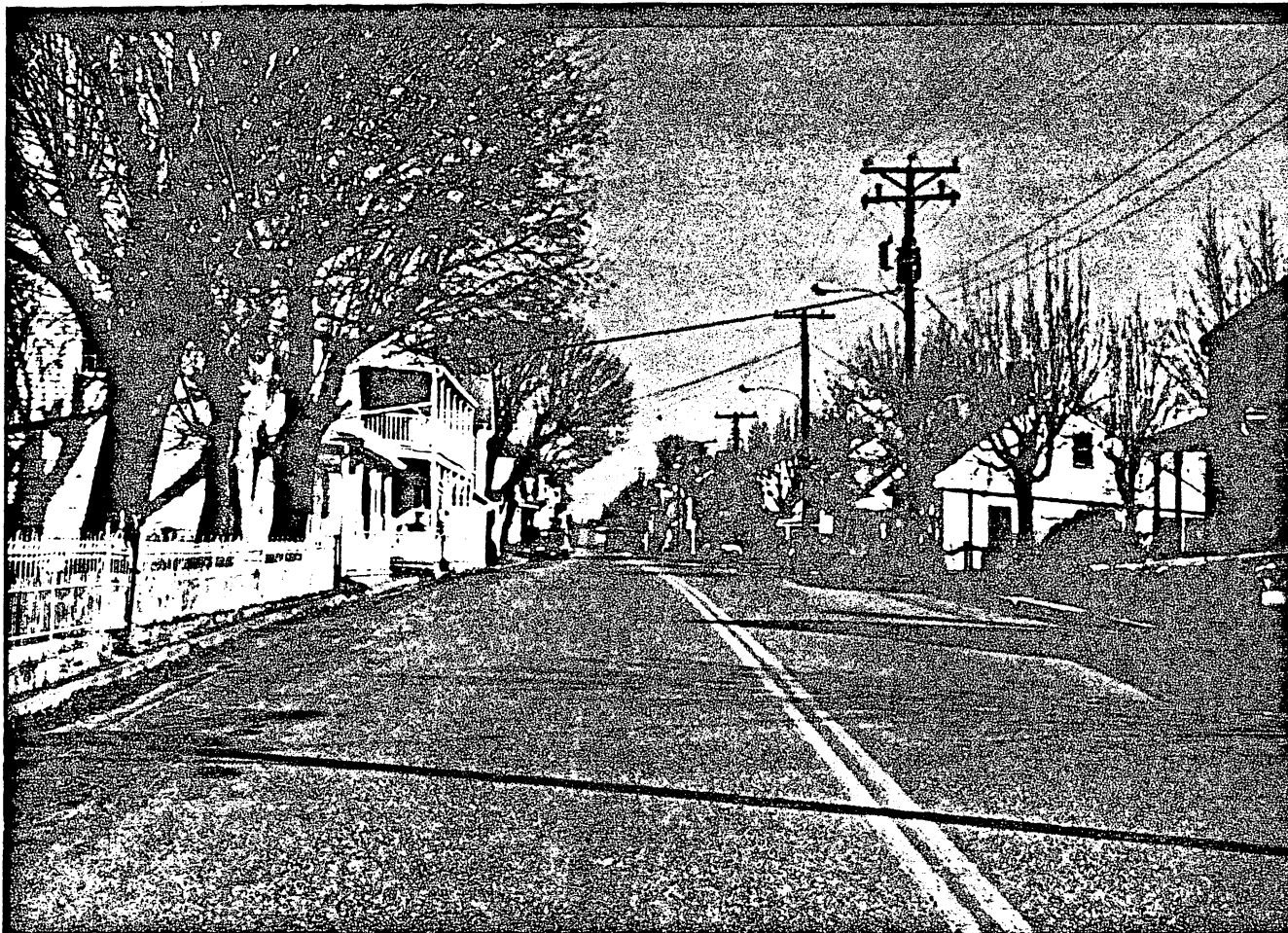


17



224

32

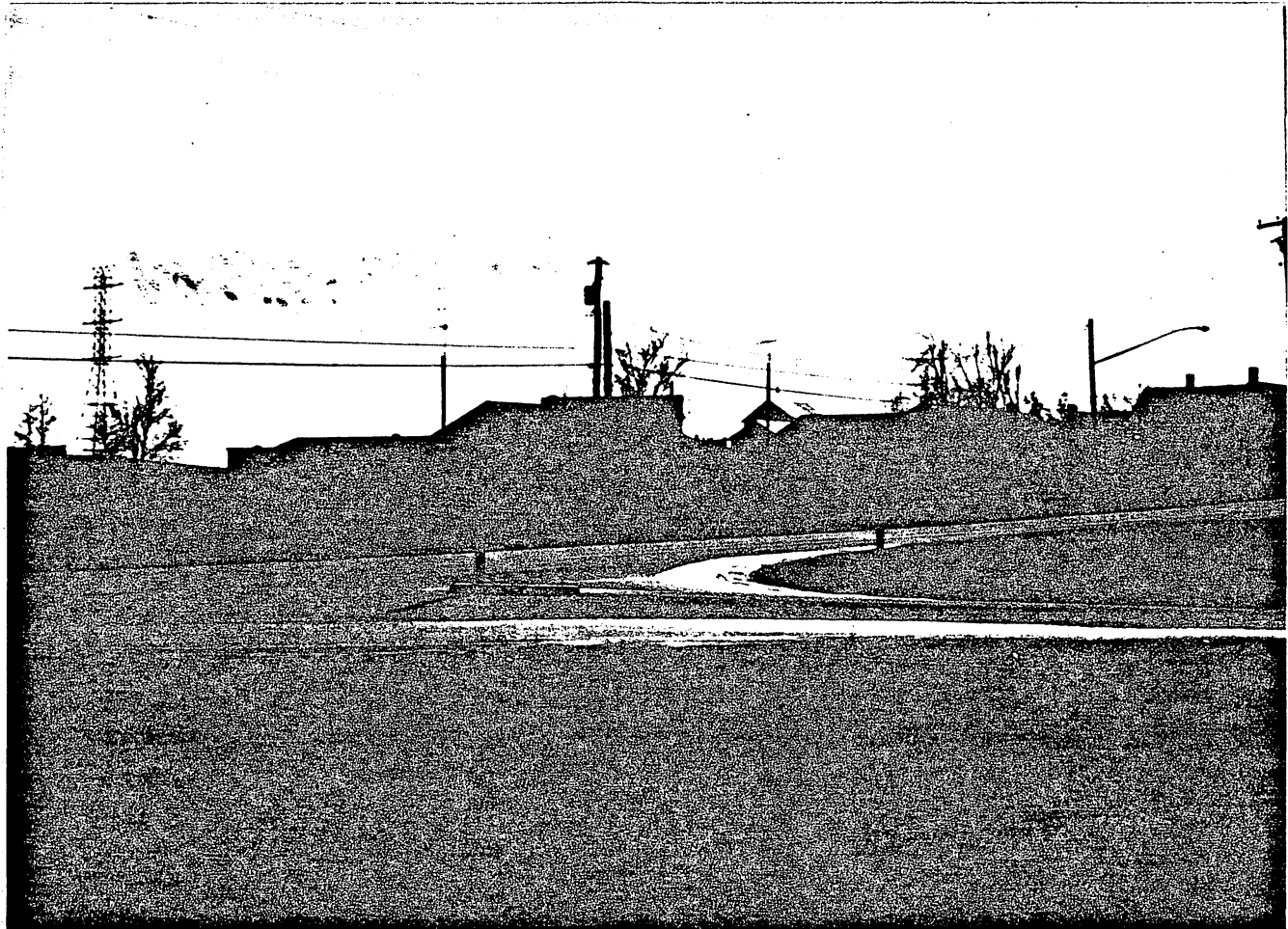


33

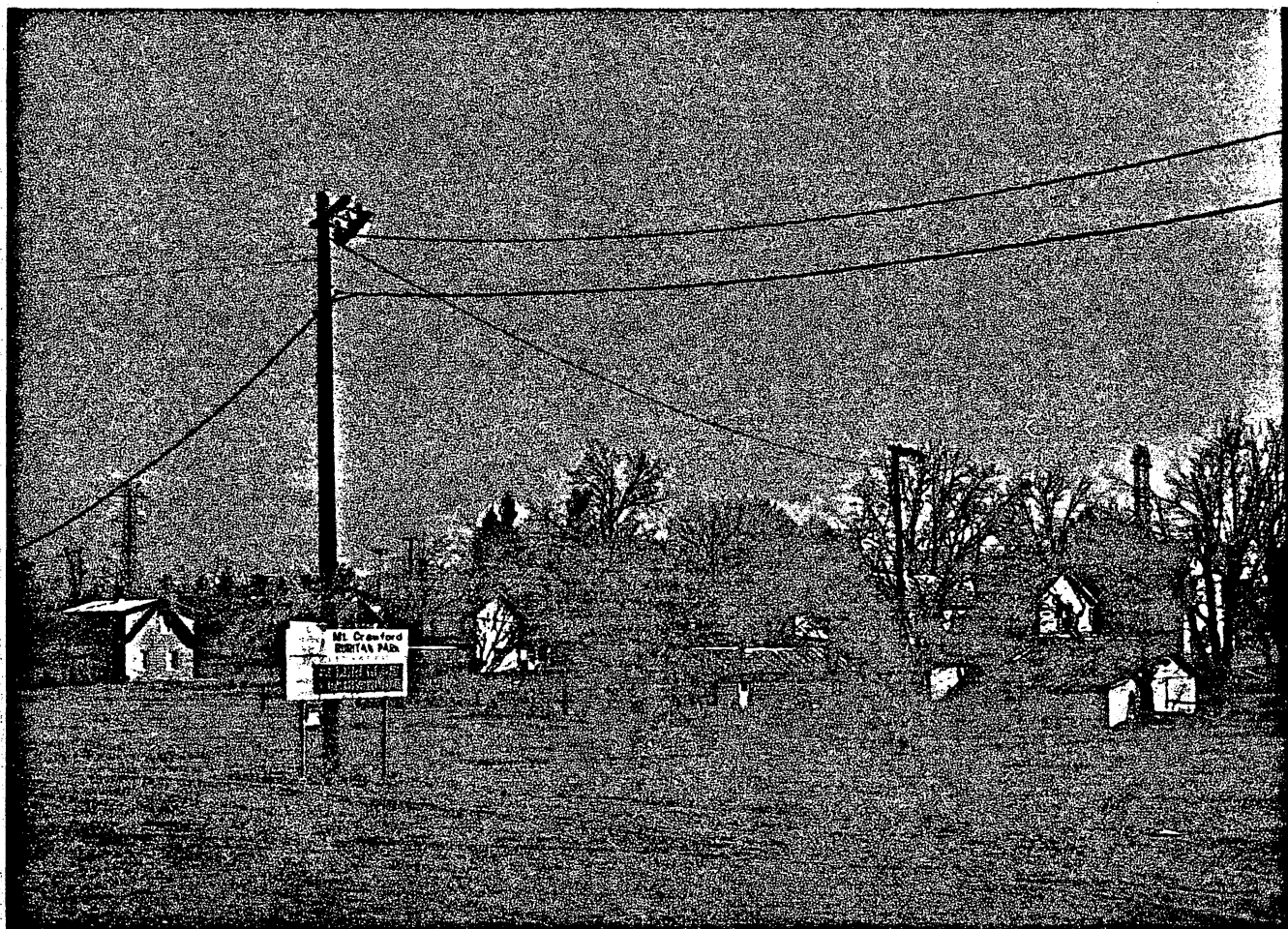


225

1



19

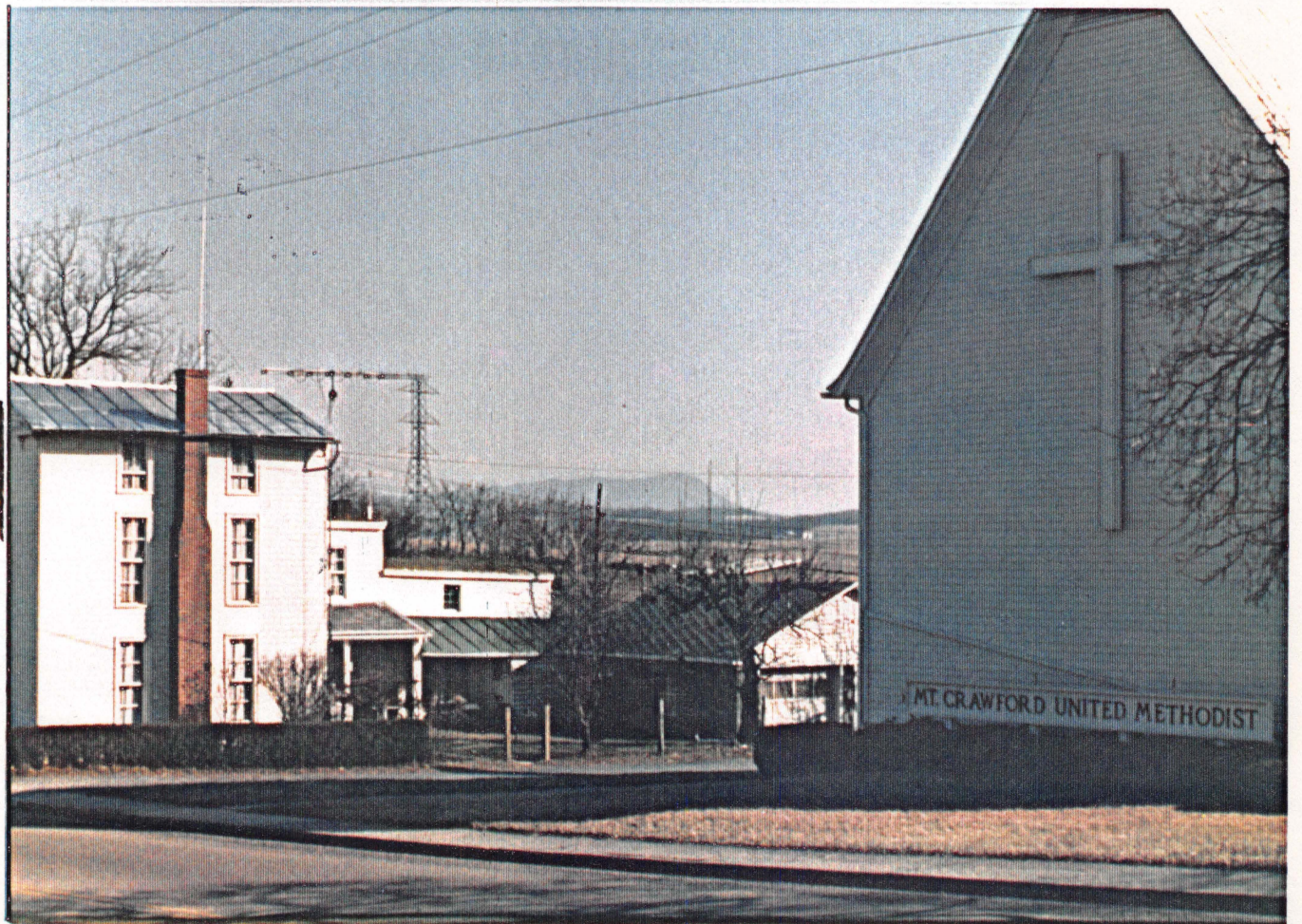


226

12



#13



227

#14



#10

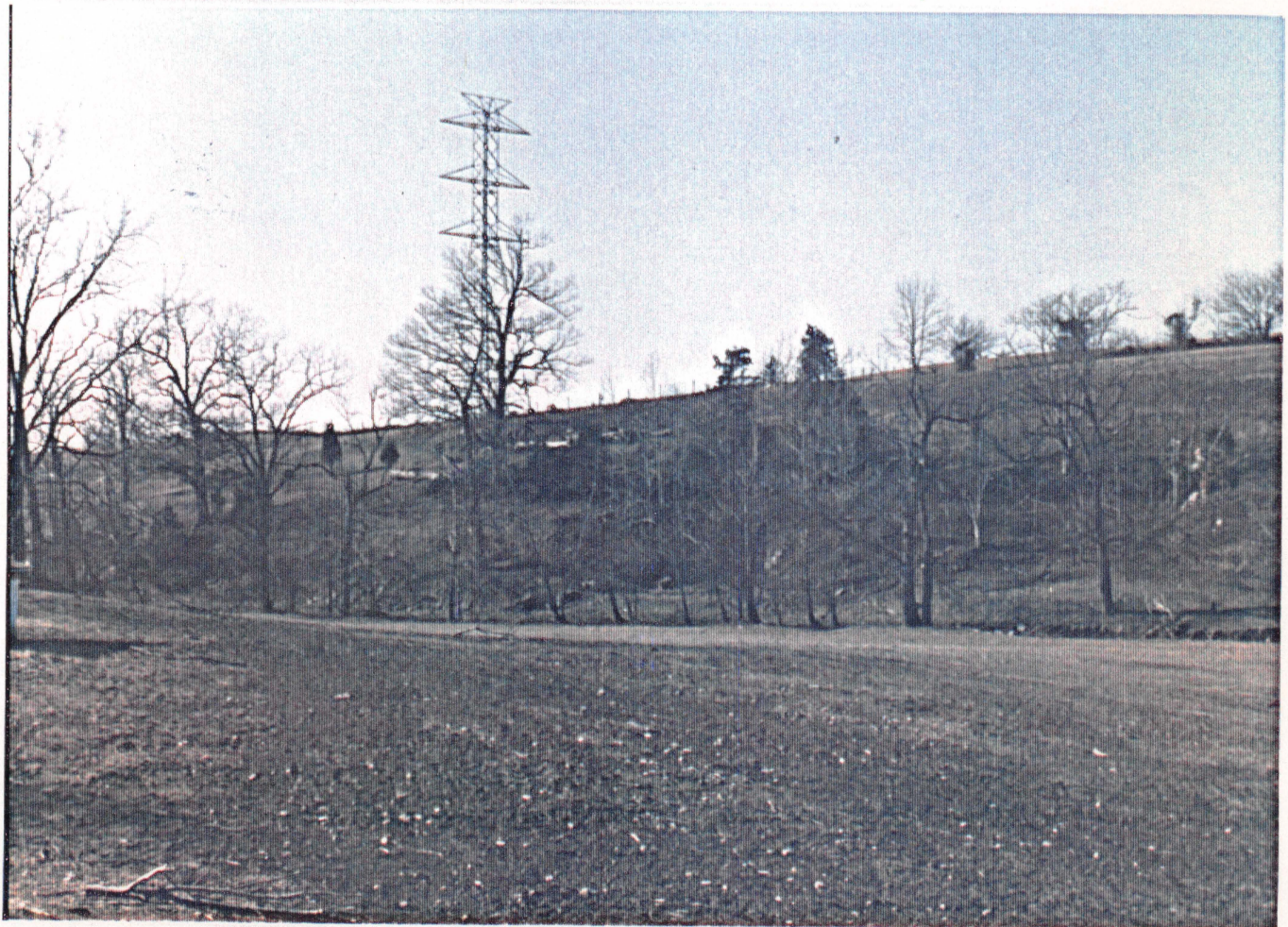


228

#6

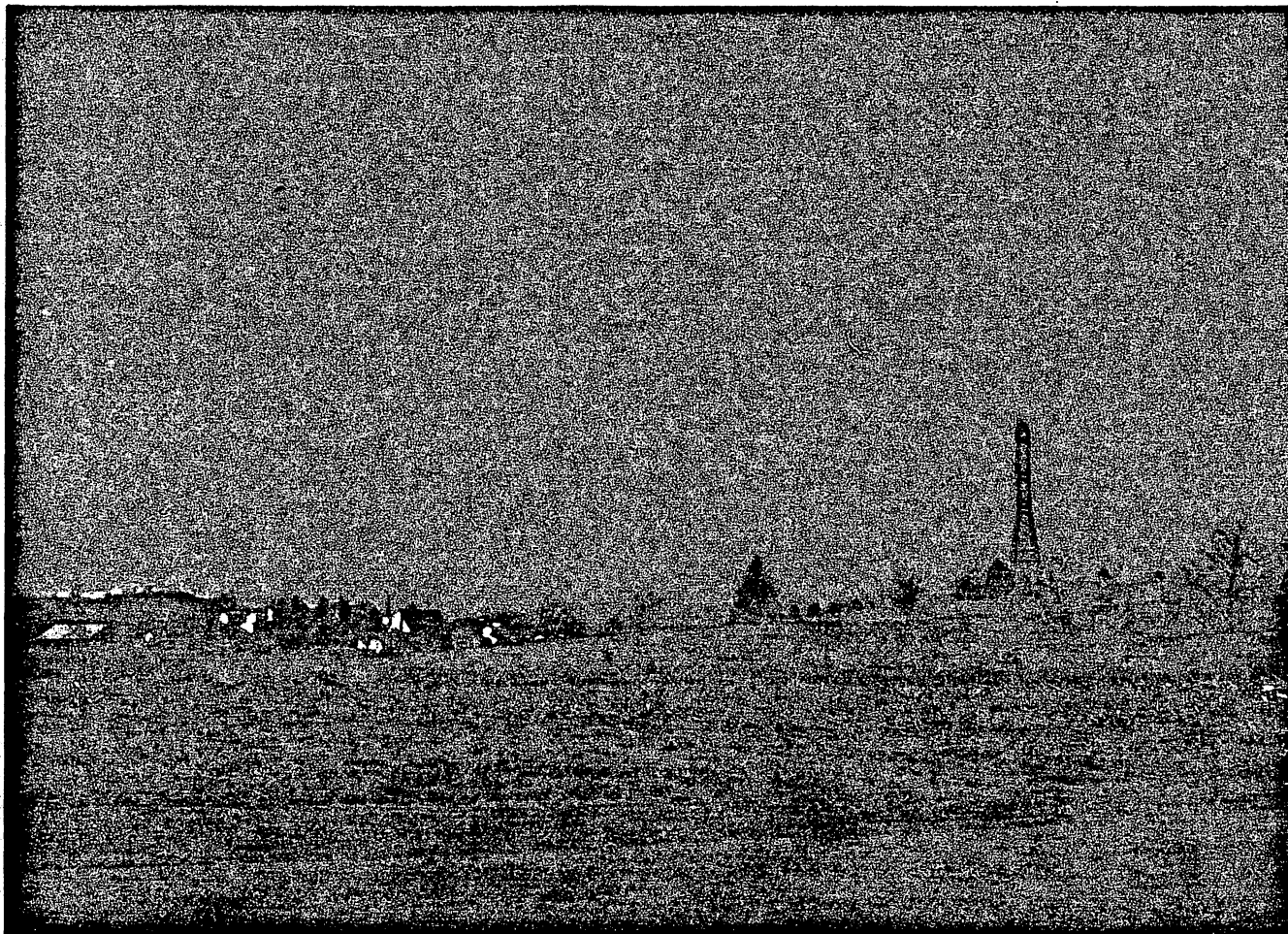


28

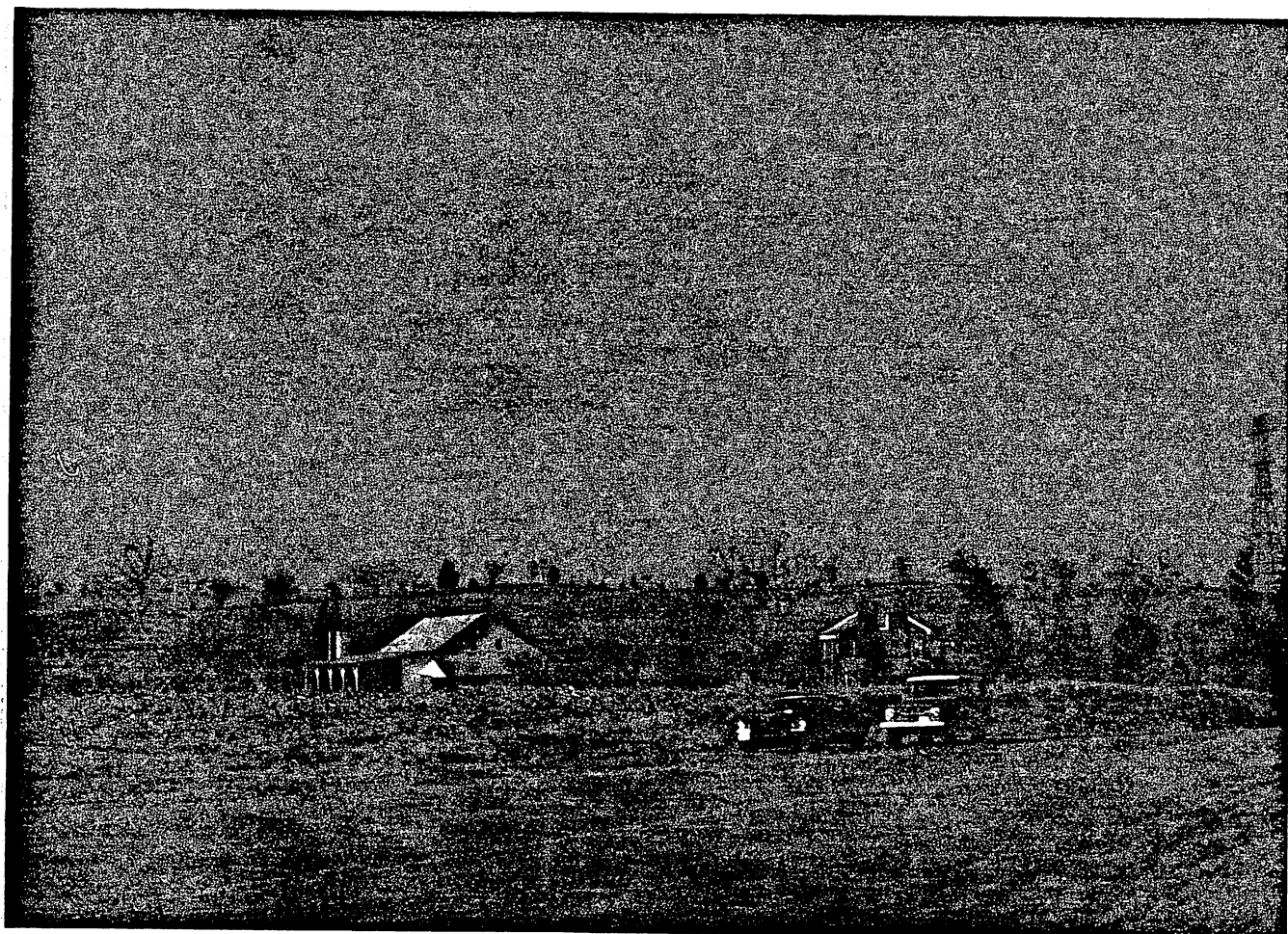


229

2, 3

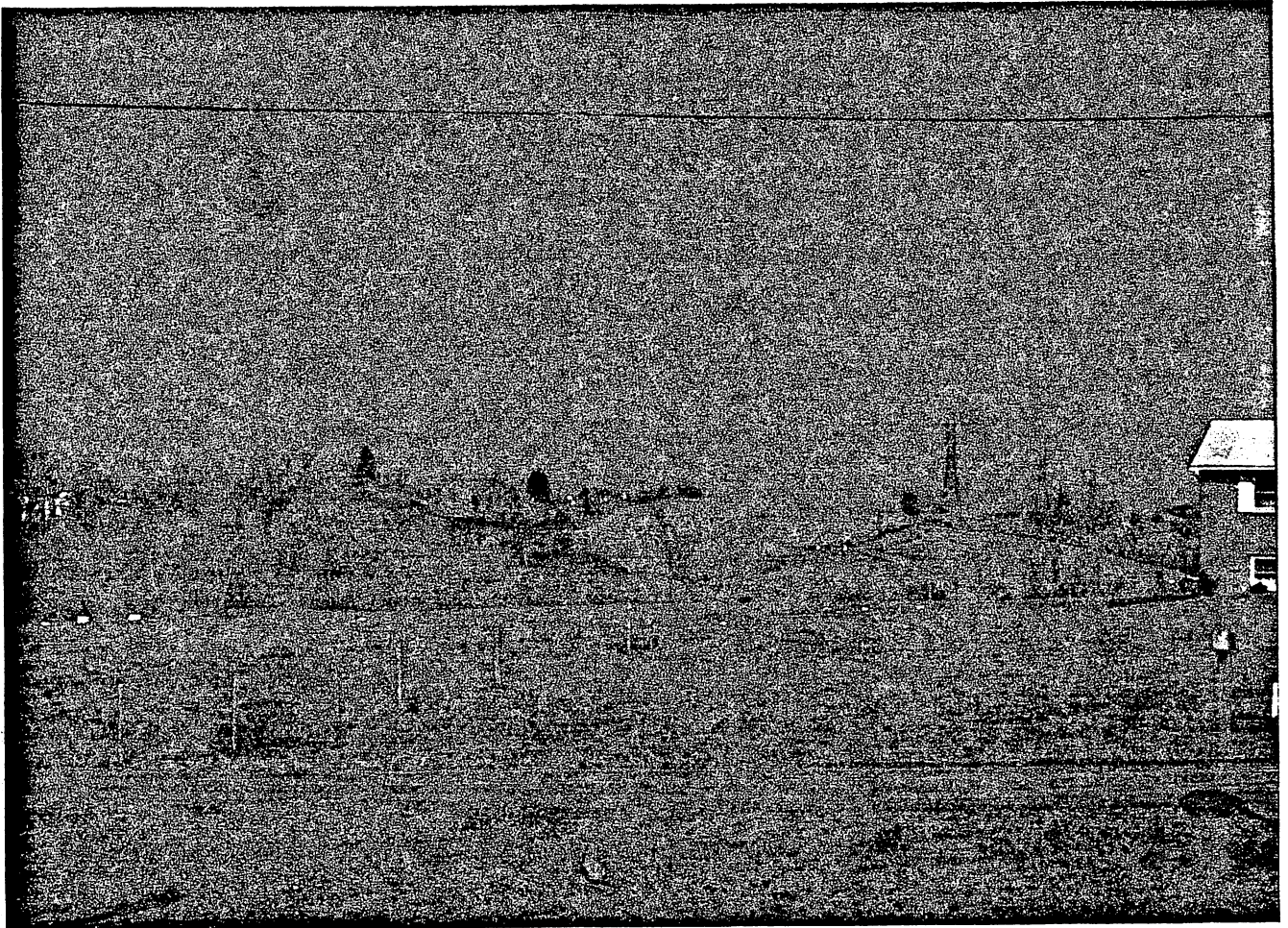


#30

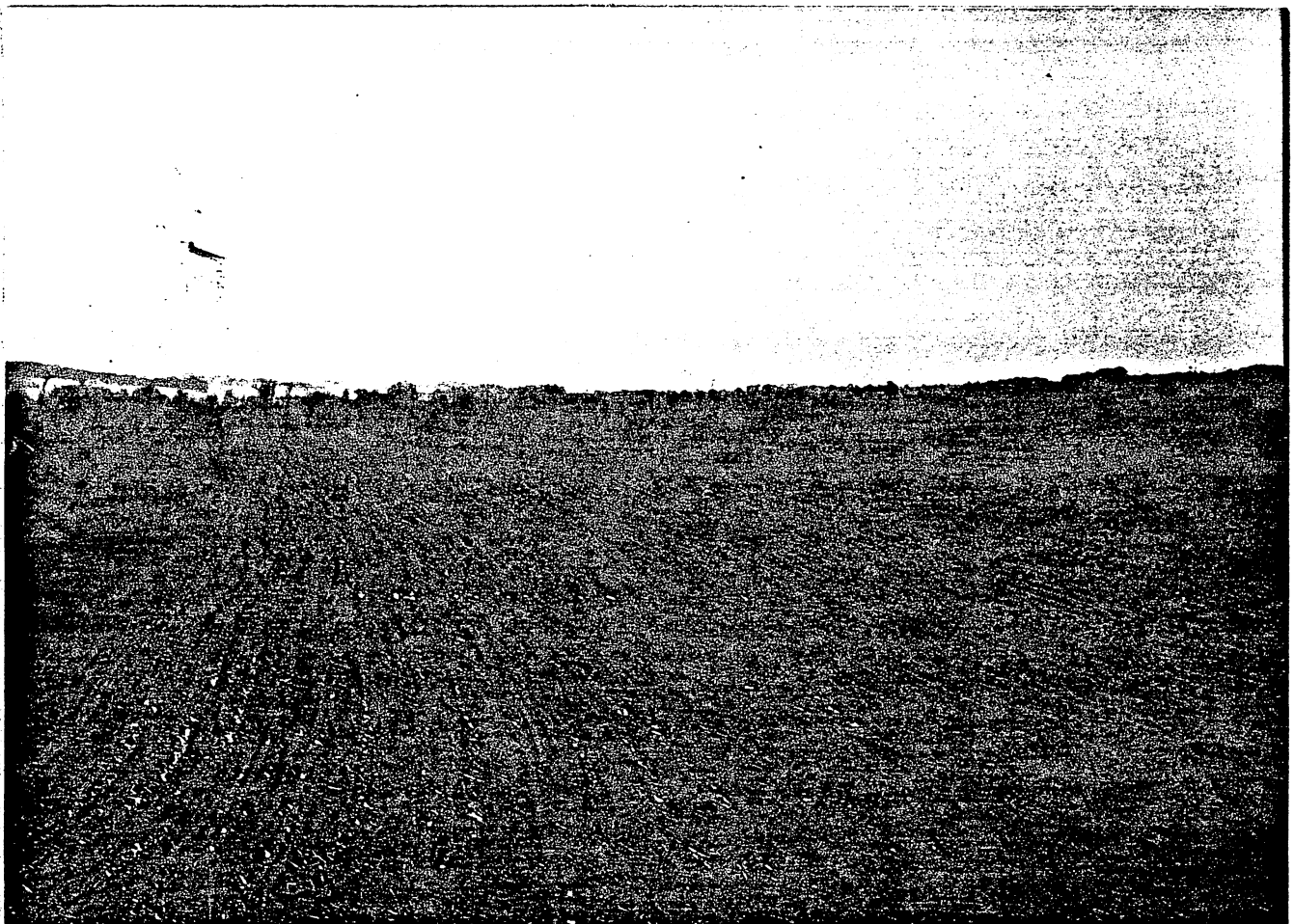


230

#24



#26



231

#7



21



232

31

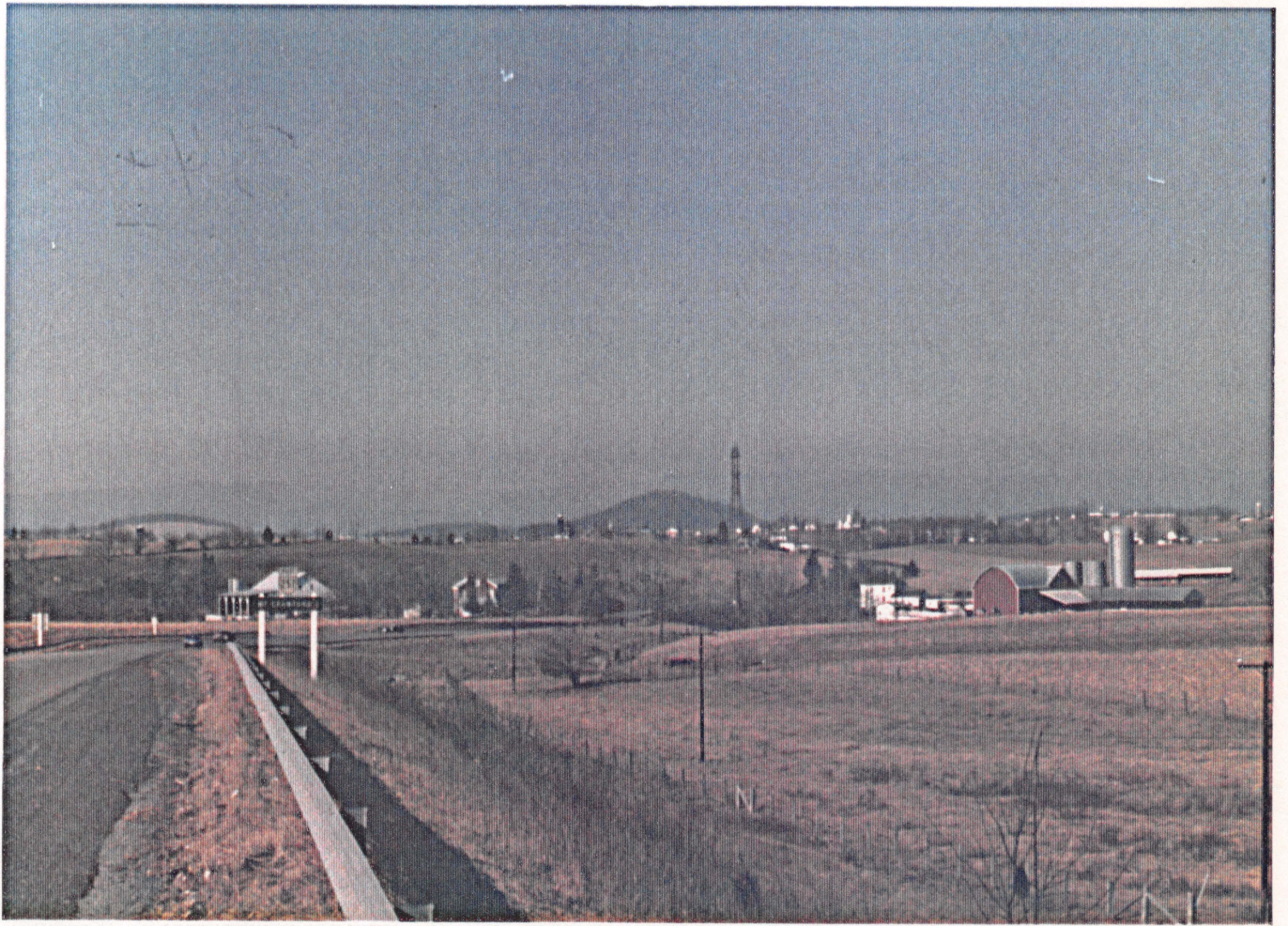


#35



233

#18



#20

NOTED OCT 10 1971 F.A.B.
NOTED OCT 11 1971 F.A.B.

NOTED OCT 18 1971 E.H.S. JR

Harrisonburg, Virginia 22801
October 5, 1971

Mr. James W. Moyers, Sr., Executive Secretary
Rockingham County Board of Supervisors
Court House
Harrisonburg, Virginia 22801

CASE NO. <i>Vec 84</i>
EXHIBIT NO. <i>Vec 84 # 3</i>
FILED JAN 23 1979
<i>Edward L. Jennings</i>
<i>W. Harrison</i>

Dear Mr. Moyers:

Thank you for the opportunity of meeting with you on September 24, 1971, to discuss our plans to construct a 230 KV transmission line on new right of way between Dayton and West Staunton Substations, and to convert the present transmission line between Dayton and Harrisonburg Substations. During this visit we reviewed route plans and a statement of necessity covering this project. At the time, you commented you were not aware of any objections to our proposal and suggested this matter be reviewed with Mr. George Price, Zoning Administrator, Rockingham County.

On September 27, 1971, I again visited your office to deliver a complete set of route maps and a statement of necessity covering this proposed project. It is my understanding these same papers were informally presented to the Board of Supervisors at the regular Board meeting on September 27, 1971, at which time no objections were expressed.

In response to your suggestion, I have also reviewed this matter with Mr. George Price, Zoning Administrator, and provided his office with a second set of maps and Company statement. Mr. Price assured me this matter would be reviewed with the Planning Commission, and that at present there appears to be no objection, since the proposed right of way is in an area currently zoned A-1 (Agricultural), which permits construction of electric transmission lines and substations.

Again, thank you very much for your fine cooperation in this matter, and please call if I may be of service to you.

Sincerely,

NOTED OCT 5 1971 F.J.S.

F. J. Soucek
Manager

FJS:acw

BC: Mr. C. A. Smith
 Mr. R. D. McIver

NOTED OCT 11 1971 E.A.S.
NOTED OCT 18 1971 E.H.S.J.P.

OCT 10 1971
Harrisonburg, Virginia 22801
October 7, 1971

Mr. George R. Price
Planning Commission Zoning Administrator
Court House
Harrisonburg, Virginia 22801

1/2 Office 76477

Dear Mr. Price:

Thank you for the opportunity of meeting with you on September 24, 1971, to discuss our plans to construct a 230 KV transmission line on new right of way between Dayton and West Staunton Substations, and to convert the present transmission line between Dayton and Harrisonburg Substations from 115 to 230 KV. During this visit I reviewed with you a complete set of maps and a statement of necessity covering this proposed project. Copies of the statement and maps were provided your office for further review and reference.

In discussing this project, you commented that it appears the proposed right of way is in an area zoned A-1 (Agricultural), which permits construction of electric transmission lines and substations. Accordingly, no zoning variance would be required, and at the time of my visit, you were not aware of any objections.

In reference to our phone conversation, this date, I understand you reviewed our transmission line route maps and statement of necessity with the Board of Supervisors on September 27, 1971, and with the Planning Commission on October 5, 1971, and further, that no objections were expressed. Should you later become aware of any objections to our proposal, I would certainly appreciate an early call from you to allow us time for investigation.

Again, thank you very much for your prompt attention to this matter. You have been most cooperative, and I shall expect a call from you if I may be of service.

Sincerely,

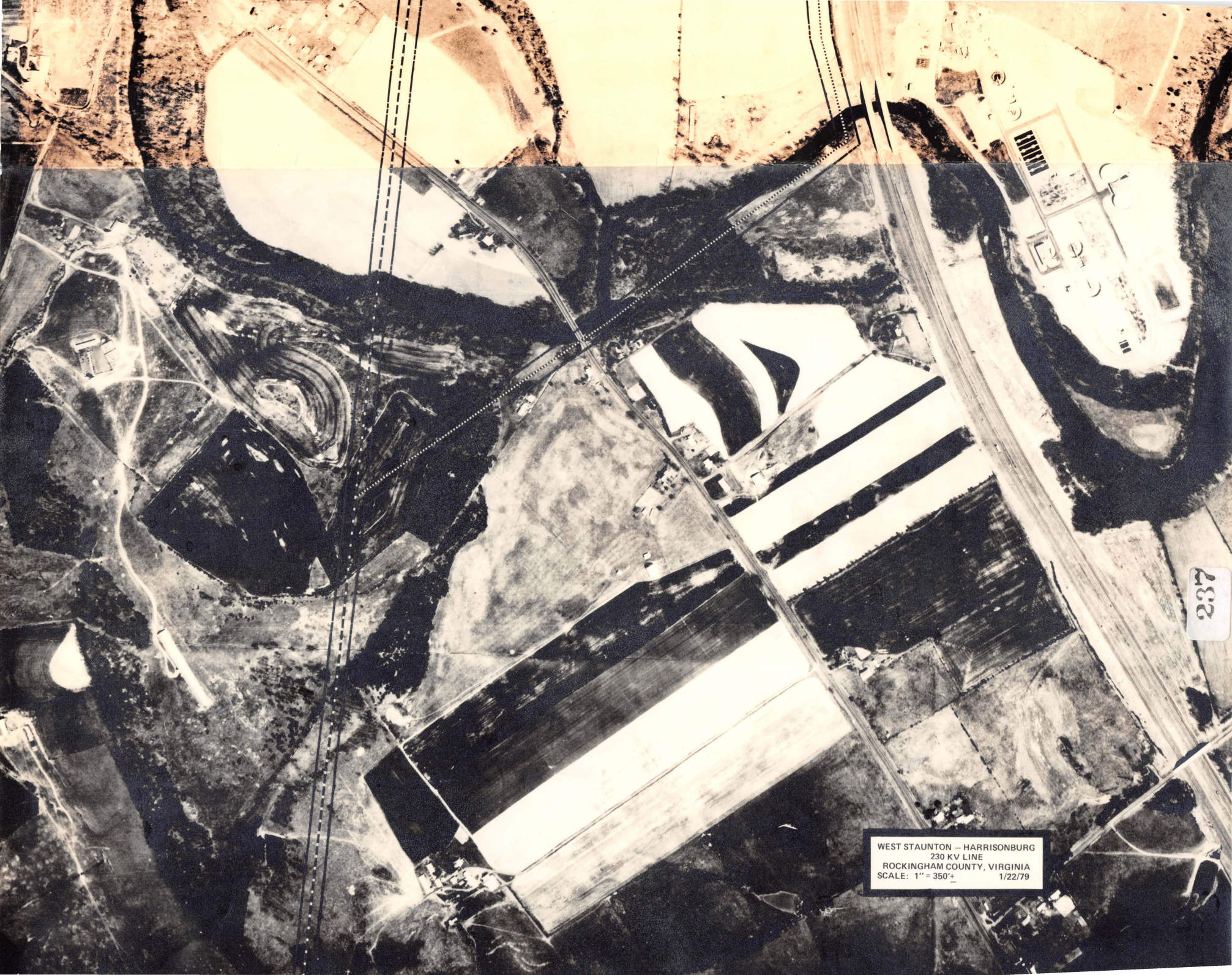
NOTED OCT 7 1971 E.H.S.

F. J. Soucek
Manager

FJS:acw

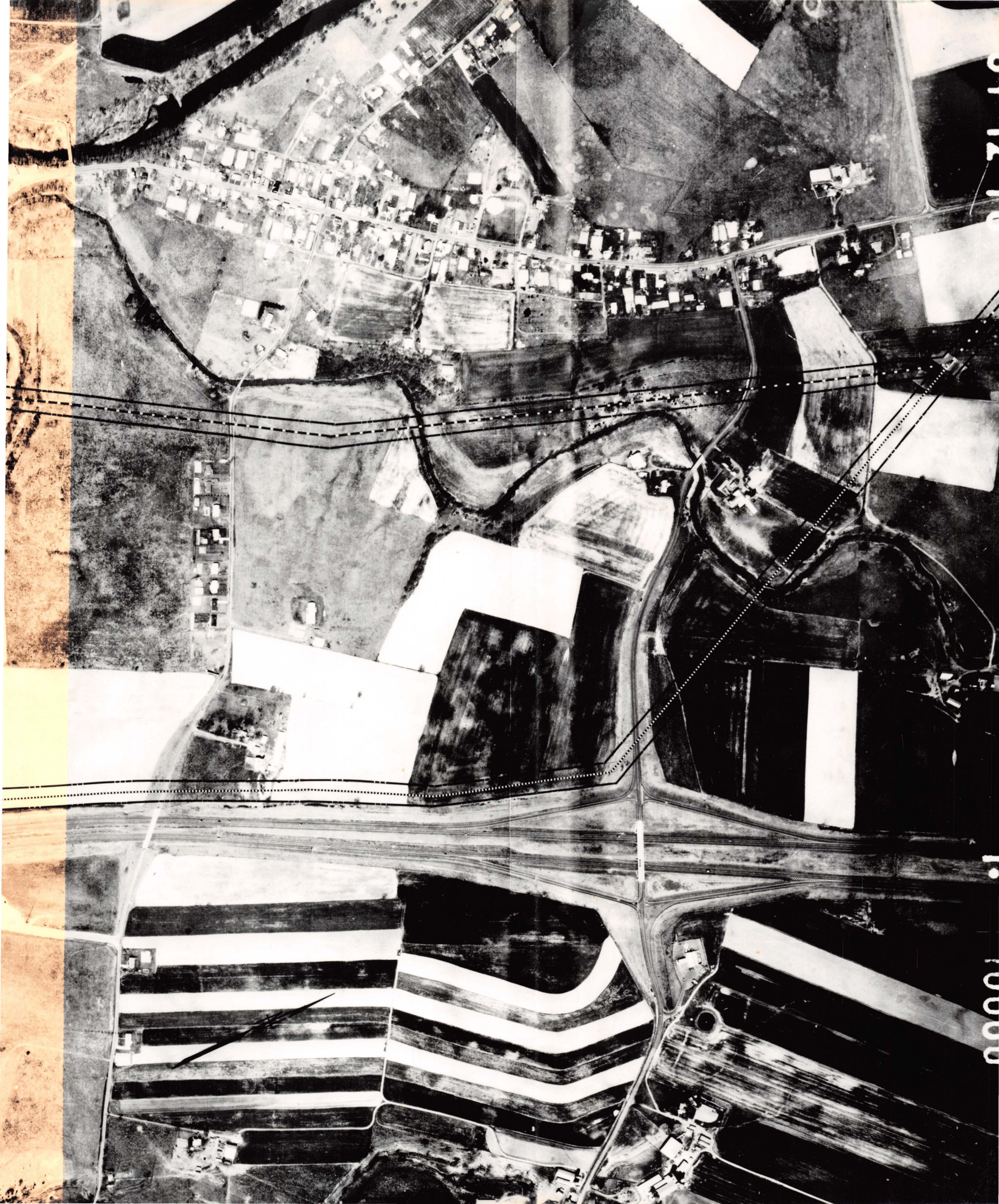
CC: Mr. C. A. Smith
Mr. R. D. McIver ✓

MAP – PAGE 237 – 3 PARTS LEFT TO RIGHT



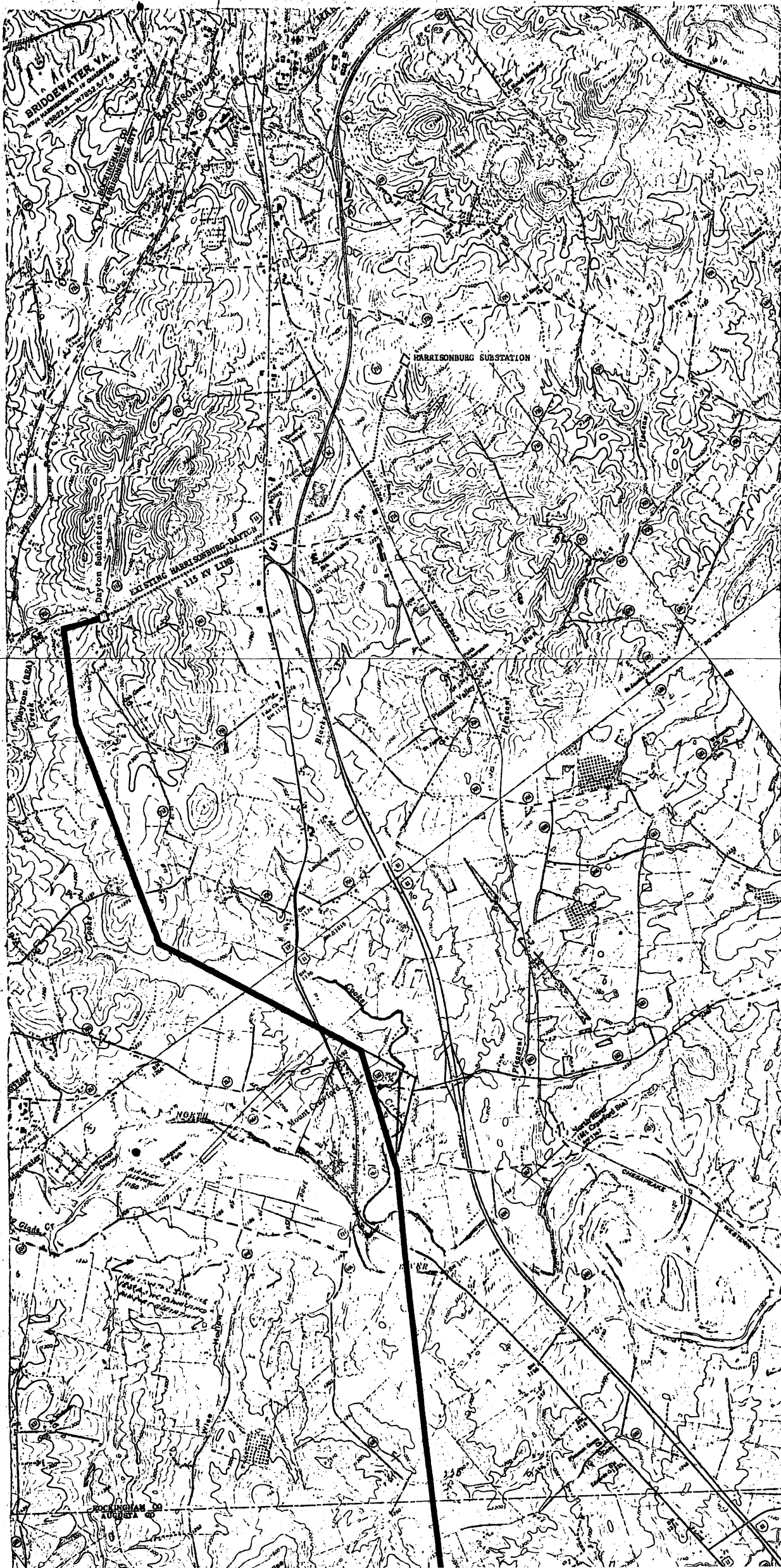
237

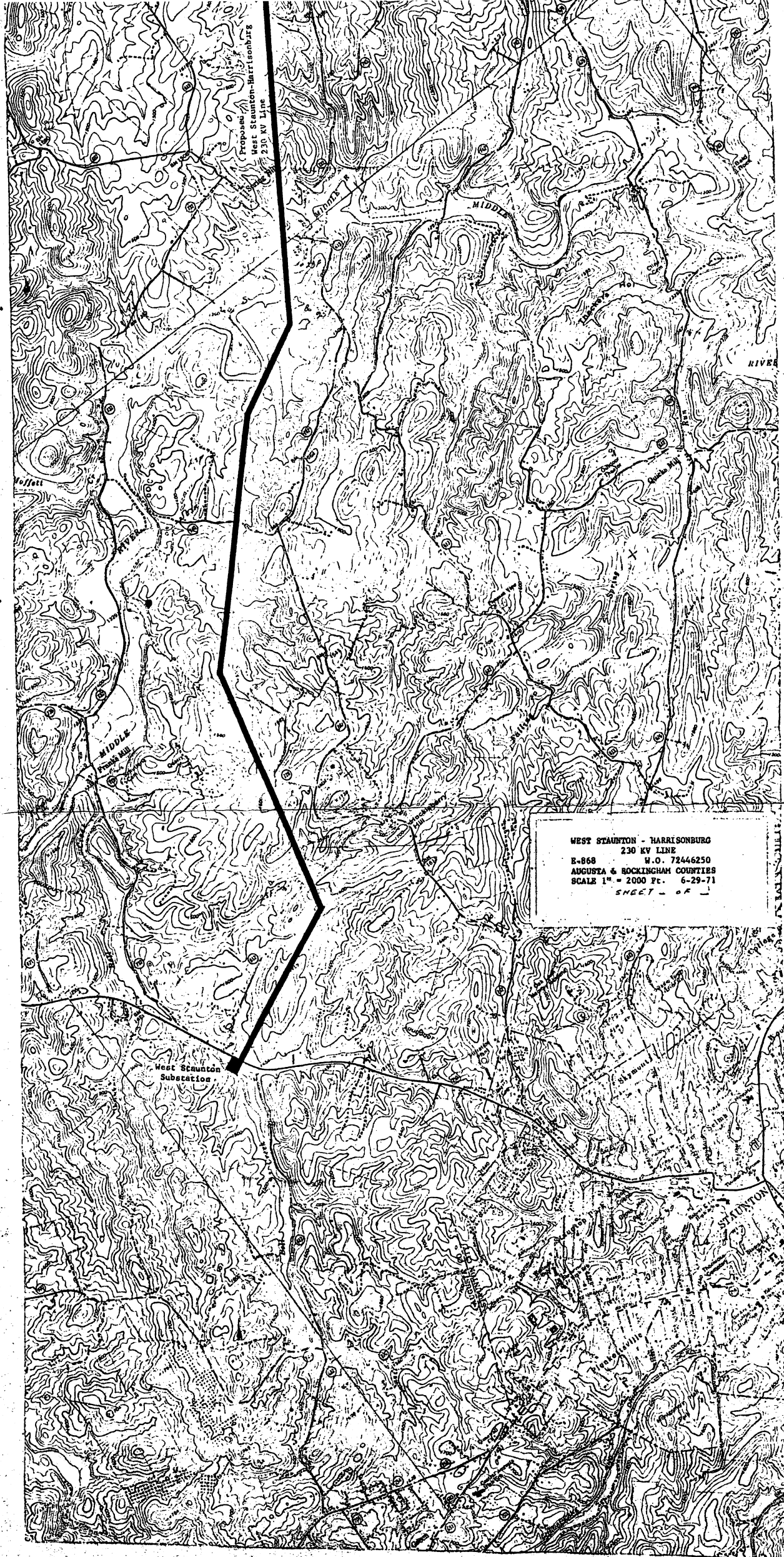
WEST STAUNTON - HARRISONBURG
230 KV LINE
ROCKINGHAM COUNTY, VIRGINIA
SCALE: 1" = 350'± 1/22/79



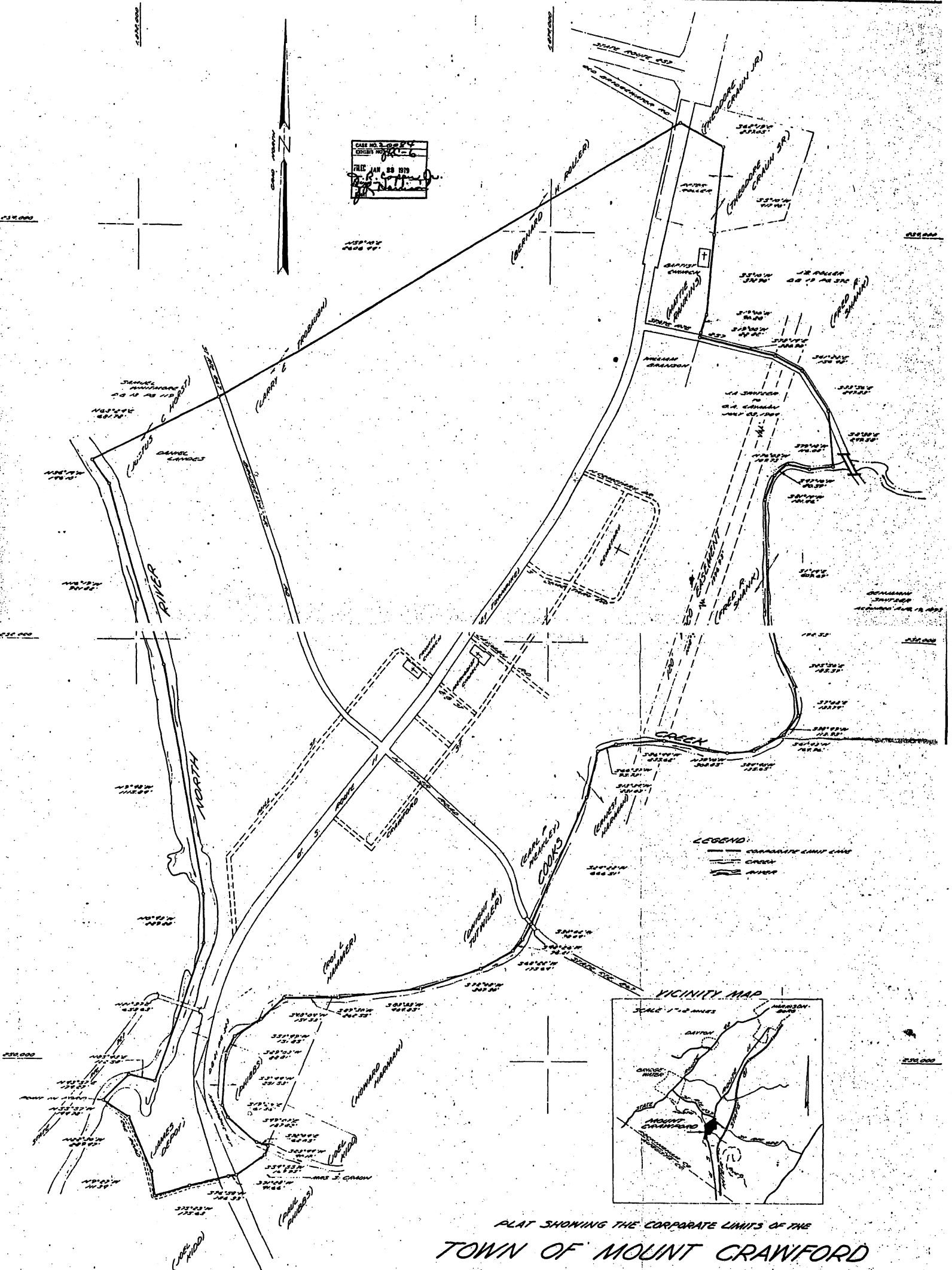
238

CASE NO. 10000
EX. 121 NO. 10000
JAN 23 1979
R. J. Green
DK/Chen





WEST STAUNTON - HARRISONBURG
230 KV LINE
E-868 W.O. 72446250
AUGUSTA & ROCKINGHAM COUNTIES
SCALE 1" = 2000 Ft. 6-29-71
SHEET - OF -



PLAT SHOWING THE CORPORATE LIMITS OF THE
TOWN OF MOUNT CRAWFORD
 ROCKINGHAM COUNTY, VIRGINIA

OCTOBER 16, 1978

SCALE 1" = 200'

NOTES:
 1. CURRENT ADJACENT OWNERS INDICATED IN PARENTHESES
 2. ALL TOPOGRAPHIC FEATURES SHOWN HEREON WERE REPRODUCED FROM AERIAL PHOTOGRAPHS DATED 1968-1970
 3. TOTAL ACRES 247.37

J.R. COOPER JR. & SONS INC.
 LAND SURVEYORS AND PLANNERS
 HARRISONBURG, VIRGINIA



257

11

257

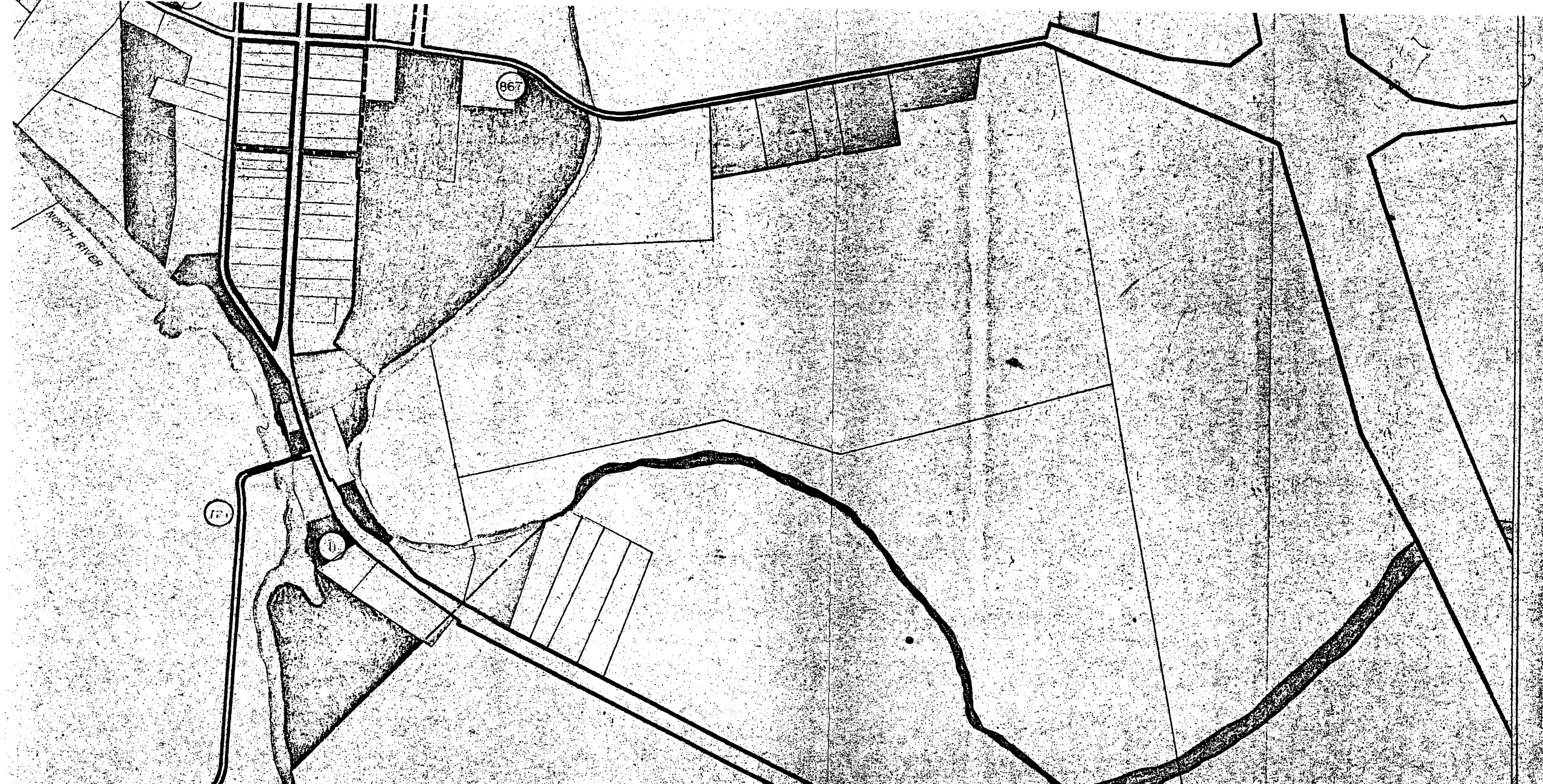
N. CEMETERY DR

COOK'S CREEK

WYMAN DR

F. G. ST

DATE	NO.	BY
JAN 28 1957	257	Edwards



240

MT. CRAWFORD



121

11

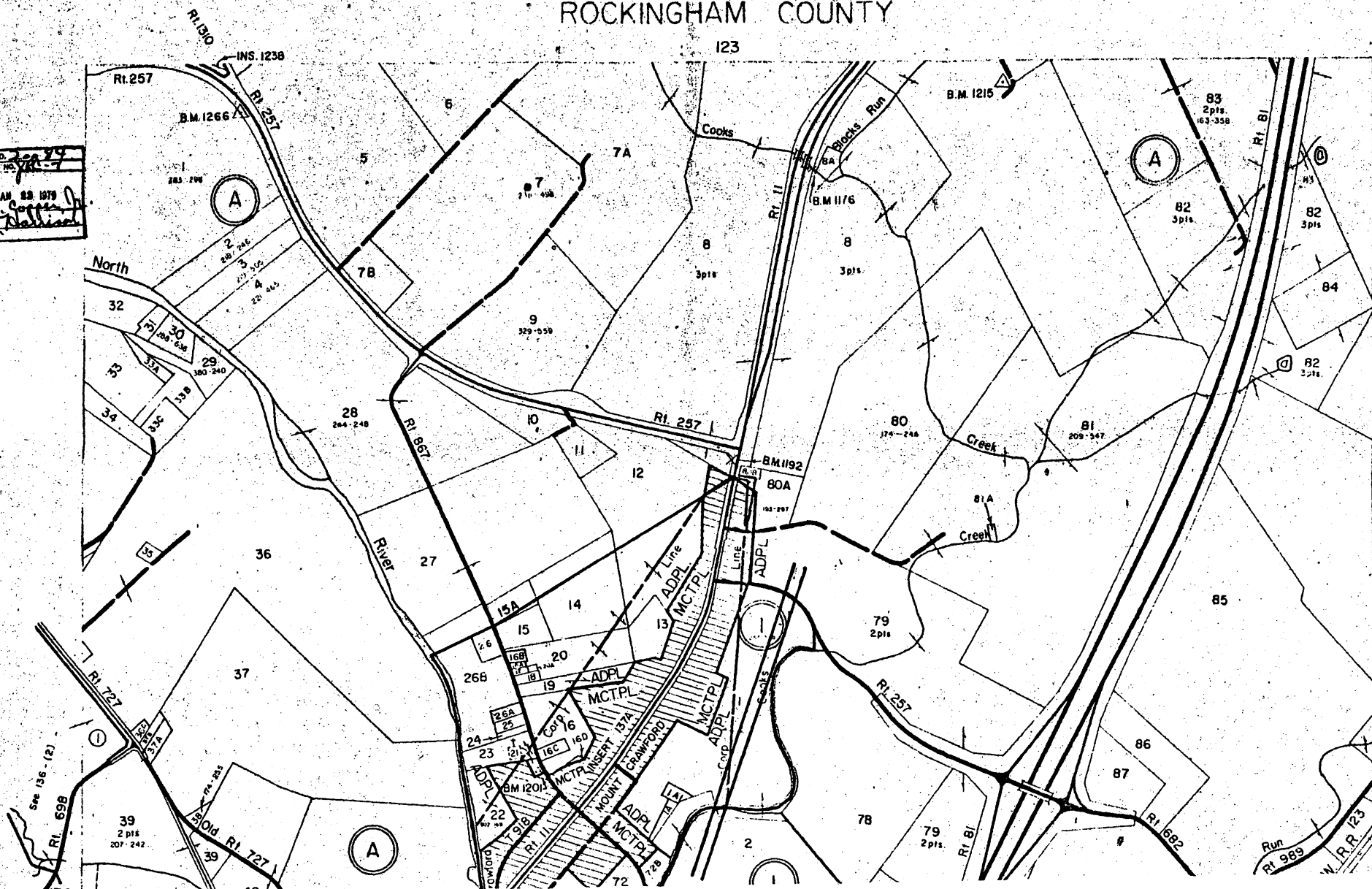
MT. CRAWFORD

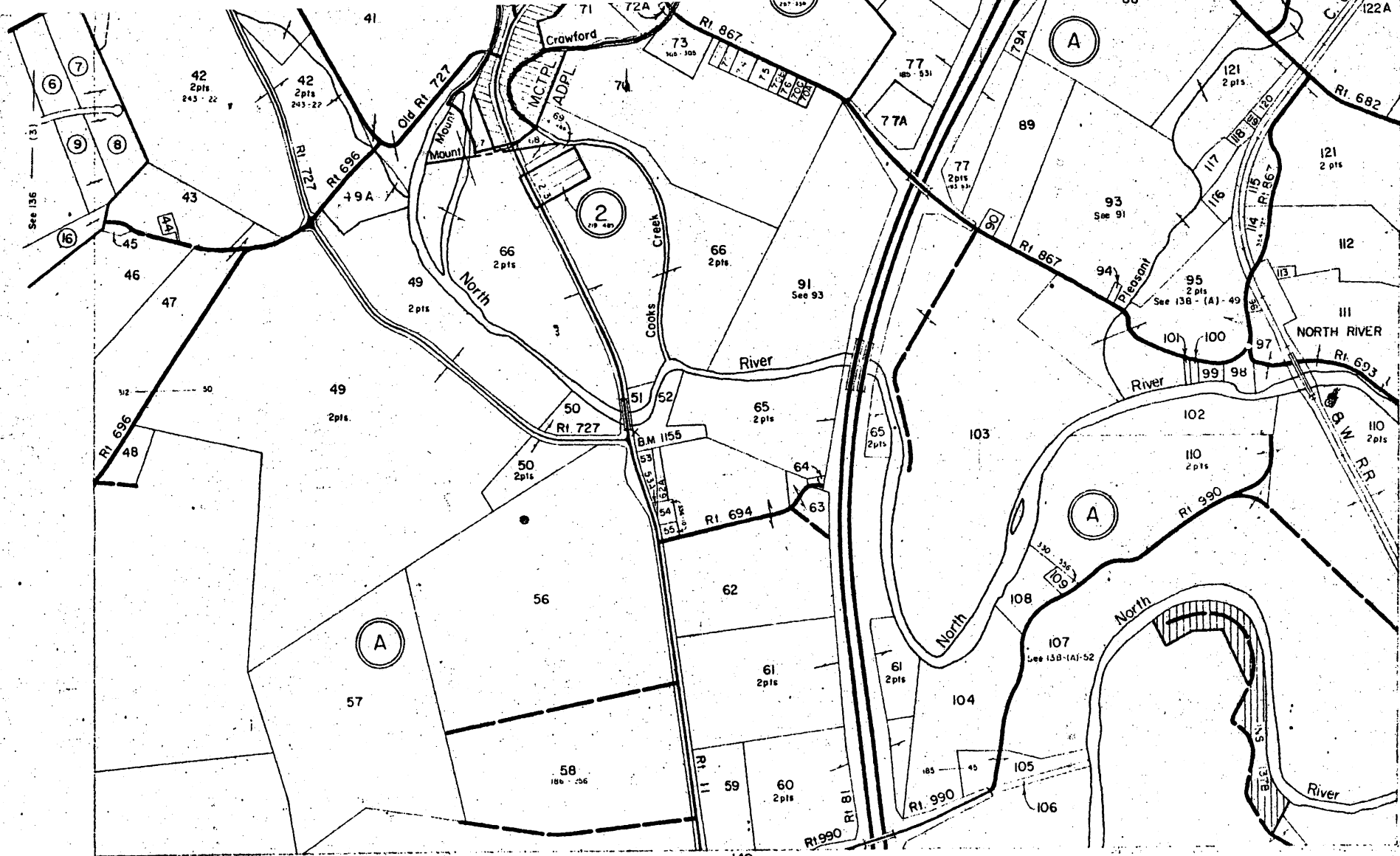
241

ROCKINGHAM COUNTY

123

CASE NO. 123-123
 JAN 23 1979
 [Signature]





242

ASHBY

DISTRICT

SECTION
ENLARGEMENT

137