



Don Horne

SOMETIMES UTILITIES HAVE TO BE MORE THAN JUST LEGALLY CORRECT

Let me be perfectly clear – Progress Energy Corporation did everything by the book.

Unfortunately for the residents of Dommerich Hills, going by the book meant decimating old oak trees so giant power poles could sprout up in their place.

Here is their story.

Residents of this Florida community were stunned when Progress Energy Corp. subcontractors came into their neighborhood and began putting up 50-foot power poles in their front yards. All without even a hint of what was to come.

Adding fuel to the fire, workers chopped away at many of the old growth oaks to clear space for the new lines.

Did I mention the new poles were in addition to poles already located in their backyards?

Fast forward through a year-and-a-half of fighting the utility and pleading with local and state officials to step in, the residents eventually learned a hard truth: The poles couldn't be removed legally.

In December the state agency that regulates utilities sided with Progress Energy, saying the company was well within its rights to do the work.

For the community, they remain resolute and have one goal in mind: to change the rules that (according to them) allow utilities to run roughshod over any community when it comes to installing or removing power lines.

“Progress Energy is abusing its power as a monopoly,” Danielle Dobbs was quoted as saying; the driving force behind the community's efforts.

The scene for this drama was set decades ago, when the development of power grids was encouraged and the lawmakers allowed power companies a lot of latitude. Utility easements and rights of way remain heavily weighted in favour

of the utility, with little or no input from residents allowed any real voice.

Normally, policies developed by Progress Energy and approved by state regulators avoid customer notification unless the utility's actions will affect service.

Indeed, at the December hearing, a

rating the exiting Progress Energy grid from a new one for Winter Park. Dommerich Hills, a decades-old community straddling Orange and Seminole counties, also was split by the move.

Now old power lines running through the backyards in the community serve Winter Park, and the new lines serve Dommerich Hills.

Requests by Dommerich Hills' residents to put the lines underground were met with an extra cost estimated to be \$43,000; a cost that Winter Park officials refused to foot.

More galling to Dommerich Hills' residents, Progress Energy elected to take the rights of way in Seminole County (never attempting to acquire rights of way in Winter Park), as it was the easier route to take.

Although perfectly legal, one PSC commissioner said local officials should have stepped up to solve the problem, taking responsibility to ensure residents didn't feel left out of the loop.

“If these municipalities and local governments are going to get into the utility business, they need to take the communities as they are situated so that we don't have people being cast aside,” says PSC Commissioner Matthew Carter.

Certainly it is a hard lesson for the residents of Dommerich Hills, and hopefully their continuing efforts will yield a change in how customers can provide input into where new transmission is placed in older neighbourhoods.

As for Progress Energy – and really for utilities throughout North America – it is an excellent lesson in that it takes more than city planners and engineers to lay down a grid; and that the power flowing outward from said grid can have a nasty feedback if the utility doesn't allow feedback from the customer.

Three such revisions were requested before the PSC panel:

- Under rules governing customer rights, the language be modified so that utilities would be required to have an informational hearing whenever a neighborhood's “character, safety or property values” would be affected by a utility reconfiguration;
- Under rules governing changes in service, a similar hearing requirement would be adopted.
- Thirdly, a proposal requiring power companies that are reconfiguring existing systems to pick up the costs of putting new lines underground if doing so would preserve the neighborhood's character, ensure safety and avoid depreciating property values.

Progress Energy representative pointed out that notifying customers sends the wrong message, making customers believe that they have a say when really they do not.

Actually, Dommerich Hills' difficulties began when nearby Winter Park residents voted in November 2003 to take over Progress Energy's power-distribution system within the city.

Part of the takeover required sepa-