

From: [Ron Hairston](#)
To: [Plainsandeastern](#)
Subject: Decision for Approval Grossly Premature
Date: Monday, July 13, 2015 5:15:05 PM

References:

Recent SCOTUS ruling against EPA (576 U.S. 14-46, 14-47, 14-49, June 29, 2015)
SCOTUS ruling US v. Commodities Trading Corp (339 U.S. 121, 123 (1950)
Article V, U.S. Constitution

In view of the fact that substantial costs to landowners (direct and adjacent) continues to be ignored, how can DOE make *"logical and rational"* decisions regarding the Plains & Eastern Clean Line application? *"Agency action is unlawful if it does not rest on a consideration of [all] of the relevant factors."* Justice Scalia continues, *"In addition, "cost" includes more than the expense of complying with regulations; any disadvantage could be termed a cost."* (such as far reaching effects on property value due to unprecedented propagation of corona noise and visual pollution).

The following questions are only a short list of many that continue to be ignored. They serve as an example of the many *"relevant factors"* that may bring *"disadvantages"*, or costs, creating negative impacts to property owners and their financial well being:

1. In as much as the operating voltage of the HVDC line is the major determinant of the level of corona noise generated by the transmission line, what does +/-600 KV mean and how does this undisclosed "+/-" range of deviation impact noise level? What is the the peak voltage and duration? Does the 55 dBA noise level at the line correspond to the average voltage or does it take into account periods when the operating voltage and associated noise will be at its peak?
2. Every pipeline carrying gas or oil has a maximum allowable operating pressure (MAOP) established. What is the maximum allowable operating voltage for the Plains & Eastern Clean Line project? Should the project be approved, will DOE set a maximum allowable operating voltage to protect nearby property owners from voltage and corresponding noise level creep over time? What is the noise level at the maximum allowable voltage?
3. We have read that the amount of power carried by the project will be 3,000 MW, then 3,500 MW, and now 4,000 MW. How does the applicant gain the additional 33% of capacity? Have the size of the conductors been increased, has the operating voltage been raised to 900 KV, or has there been some combination of these methods to increase capacity? Then the follow-on question becomes, what is the level of corona noise and the impact on property owners when the transmission line is operated at the maximum voltage it will see over its life?

As you can clearly see from the multitude of comments submitted to the DOE and those in response to the draft Environmental Impact Study, there remain many questions that need to be addressed in a forthright manner. While the current process allows the voice of individual stake holders, it does not create a forum where reasonable debate of the most damaging aspects of the project can be thoughtfully and logically ascertained. And, there has been no debate on the appropriate method of ensuring *"just compensation"*. What we are left with, in the words of Justice Black, is *"manifest injustice"* to property owners caught along the path of the PECL project. In the words of James Madison, this is a *"viola[ion] by arbitrary seizures of one class of citizens for the service of the rest."*

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