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Duke Power
2700 Homestead Road
Chapel Hill, NC 27516

Mayor Rosemary Waldorf
Town of Chapel Hill
306 North Columbia St.
Chapel Hill, NC 27516

October 10, 2001

Dear Mayor Waldorf,

We have reviewed Section 5.12.2 – “Other Utilities” of the second draft of the Town’s proposed development ordinance. Of particular concern to us is:

- (c) No Certificate of Occupancy for a structure shall be issued until the following documents have been submitted to the Town Manager:
- (1) Certification or certifications from the appropriate utilities that all facilities necessary to provide electric, gas, telephone, and/or CATV service to such structure have been completed to the standards of the appropriate utilities; and
 - (2) As-built construction drawings of those completed electric, gas, telephone, and CATV facilities located within a public right-of-way or easement.

With regard to **subsection (c)(1)**, we do not understand the necessity of this clause. Duke will not provide permanent service to any customer unless all facilities necessary to provide electric service to such structure have been completed to Duke standards. Therefore, we see this requirement as an added cost and time waster, with no value added to the permitting process.

If there is some question on the part of the Town that certain requirements of a special use permit may not be completed as required at the time any CO’s are requested, we recommend the town, before issuing a CO, require a security bond or other type of security from the builder/developer until such time as the requirement(s) in question are met.

Regarding **subsection (c)(2)**, we again do not understand the necessity of this clause. In order for Duke to provide as-built drawings to someone outside of Duke, it would likely require that:

- the drawings would have to comply with NC General Statute 89-C (this governs and defines the activity of engineers and land surveyors in NC). Utilities are exempt from 89-C for work the utility completes for its own use. Consequently, our new computer design tool does not allow for the provision of “as built” drawings and Duke is not staffed to provide such and we believe the requirement to provide such unnecessary drawings would add time and cost, providing little to no value to the permitting process for a potentially significant cost;
 - the information contained in the drawing provided could possibly be deemed confidential and proprietary and could require someone who receives and/or uses this information to sign an agreement with Duke.
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(76)

Additionally, the imposition of such an ordinance may induce utilities, particularly Duke Power, to insist upon obtaining additional private right-of-way in order to extend facilities. Such additional right-of-way needs will most likely require greater building setback requirements, greater tree clearance needs, and greater project time spans due to the need to obtain such rights-of-way.

We believe these items to be unintended consequences of such a provision.

With these thoughts in mind, we respectfully request that subsection (c) be stricken from Section 5.12.2. Your consideration of this request is much appreciated. If you would like to discuss this matter further, please feel free to contact me at 968-2316.

Sincerely,



Scott T. Gardner
District Manager

Copy: Town Council
Cal Horton