

riceres/steve

From: Kate Brennan [kbandgc@gmail.com]
Sent: Tuesday, 23 June 2009 10:23 p.m.
To: tpcallin@riceres.co.nz
Subject: Comments on the Draft Report & Decision
Attachments: Comments on the Board of Inquiry.doc

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Hi Steve

Being the gluttons for punishment that we are, we submit comments for the Board to treat with the distain they showed to all our other evidence and submissions. Can you confirm that you've received the file please.

The fight goes on!
Kate & Geoff

Comments on the Board of Inquiry's Draft Report and Decision on Transpower's Upper North Island Grid Upgrade Proposal

Kate Brennan & Geoff Copstick, Te Miro

1. We comment on the Board of Inquiry's Draft Report and Decision aware that our evidence and submissions to the Board were not accepted as either correct or relevant. We still firmly believe in the views we expressed, backed as they were by the evidence we submitted.
2. Transpower did not adequately consider environmental effects of alternatives and presented no evidence that it did so.
3. Paragraph 536 in the Draft Report says:
Cross-examination of those Transpower witnesses did not reveal manipulation of putative costs of upgrading existing lines, or other facts from which the bias alleged by Mr Copstick could be inferred. Therefore, the Board finds no basis for Mr Copstick's assertions to the effect that consideration of alternatives had been biased in favour of the 400-kV-capable transmission line.
4. Our evidence in matters relating to financial modeling of alternatives by Transpower including the skewed exchange rate factors was not challenged by Transpower. We were not cross examined on these aspects of our evidence. The board did not request any further elaboration of our evidence. The draft report repeatedly accepts Transpower evidence as it 'was not challenged by cross-examination' while dismissing unchallenged expert evidence in opposition to the proposal.
5. The Board has not addressed the need for future Electricity Commission approval in relation to operating the line at 400Kv.
6. Paragraph 700 of the Draft Report and Decision stated:
The Board was given evidence about the 400-kV-capable upgrade being subject to the Electricity Commission's GIT and that this had involved a comparison with other options. The Board accepts that the Electricity Commission's approval of the 400-kV-capable upgrade indicates that the capacity of the line is not unreasonably greater than it needs to be to meet the objectives of the work.

7. We remind the Board that the line has not been approved by the Electricity Commission to run at 400kV. Transpower have submitted a staged proposal to the EC and EC approval relates only to the line running at 220kV.
8. As we submitted, much of the environmental harm results from the scale of the pylons not the voltage of the lines the pylons carry.
9. Many of the positive environmental effects and compliance with national policies used as justification by the Board to approve the proposal require that the line carry 400KV.
10. The Board heard unchallenged submissions and evidence on this point including evidence that EC staff did not believe approval would be forthcoming as the line running at 400kV would not meet good electricity industry practice and make the grid vulnerable to a low probability high impact event as referred to in clause 71(b) of the GPS on Electricity Governance.
11. Under cross examination Transpower staff admitted that if the EC did not approve the upgrade to 400kV then an additional line would be needed. Documents introduced in cross examining Transpower showed that Transpower themselves regard upgrading the line to 400kV as only one option for the future. Other options include another line, rendering the 'minimising the number of lines' argument put forward by Transpower and accepted without question by the Board speculative at best.
12. We also note that the EC did not approve the line to run at 400kV therefore the inference drawn in paragraph 700 is specious.
13. The Board acknowledges Transpower's responsibilities under the SOE act but despite hearing many instances of lack of sensitivity by Transpower staff, have chosen to rely on Transpower staff behaving sensitively to mitigate many effects.
14. Paragraph 849 of the Draft Report & Decision states:
During the hearing, it was also evident to the Board that a number of submitters were experiencing varying degrees of stress as a direct consequence of the proposal. For some, this related to their outright opposition to the proposal; while for others, to significant uncertainty surrounding the potential impact on current land-use activities, particularly during the construction phase, and easement agreements; to changes made over time to aspects such as tower location and height, tree removal and building relocation; the perception of health risks from exposure to ELF EMF; the possibility of stigma effects resulting from the line; and communication difficulties with Transpower.
15. The Board has ignored the major cause of stress to local communities: a sense of injustice. To know that the facts do not support Transpower's proposal, but to lack the

financial resources and expertise to prove it to a Board such as this adds immensely to the stress levels suffered by those communities.

16. Paragraph 1300 of the Draft Report & Decision states:

Aspirations about sensitivity, understanding, respectful attitudes and competence by contractors are too judgement-laden to sensibly be the subject of conditions of designations or resource consents. So it is fortunate that in the present case the requiring authority is a State-owned enterprise that has a statutory responsibility to exhibit a sense of social responsibility by having regard to the interests of the communities in which it operates; and by endeavouring to accommodate and encourage these when able to do so. The communities, and the people of them, are entitled to more than lip service. They are entitled to a corporate culture that is determined and effective in willingly giving full effect to discharging that social responsibility.

17. To hear day after day, as the Board did, that Transpower had trampled over the aspirations listed in paragraph 1300 and yet still include this comment is unhelpful at best and insulting at worst. Paying lip service to local communities is no more acceptable when it is a Board of Inquiry that does it.

18. The Board restricted its own function to that of passive adjudicator in a very unbalanced hearing. Transpower could afford slick lawyers, experienced presenters and a stream of paid experts to present their case. Opponents had very limited resources. The Board's decision to equate quality of evidence with presentation instead of substance is a betrayal of the spirit of the RMA.

19. The Board, in our view, has failed in its duty to fairly judge the merits of submissions made to it. We note that farmers who have managed the top dressing of affected paddocks on their farms for years submitted that the process would be severely impeded by taller pylons. Transpower had a top dressing expert stand up and say the proposal would make little or no difference to the operation. We ask why the Board chose to believe Transpower's witness and disregarded the submissions. In retrospect, perhaps if the farmers had chosen to pay each other to appear as experts their voices would have been heard by the Board.

20. We looked to the Board, especially the lay members, to see beyond the legal niceties of what was presented to the substantive issues but were disappointed.