



*Building People Power for Climate & Energy Justice*

---

March 15, 2017

Dr. Richard Brodhead, President  
Duke University  
Durham, North Carolina

Subject: Locking out your neighbors' concerns about the University's proposed fracked-gas power plant

Dear President Brodhead,

We were surprised to learn only recently that you chose a closed-door, campus-only process for discussing the proposed Duke Energy gas-fired power plant after pledging in December to hold a "stakeholders" process to review that project and proposed alternatives. It is troubling that you feel the University can lock out the very neighbors who are most impacted by your decisions.

That decision amplifies the poor process that has plagued this project since its outset last May, instead of fostering the open debate that is to be expected from a leading university. I urge you to immediately open up the discussion to community voices. Surely none of us wants your last weeks at Duke University tainted by the scandal of a closed-door process over an unneeded fracked gas power plant that comes at a critical moment in the fight to avoid runaway global climate change.

As noted in my December 15 letter applauding your announcement to suspend the project and conduct a "stakeholders" review, NC WARN, as a community and statewide voice with extensive experience and keen interest in this issue, assumed and requested that we be included in that discussion along with other interested parties. We believed we would be included based on our having had multiple, collegial meetings with Vice-president Trask and his deputies last summer and fall.

But you didn't reply in December with any information about the stakeholder plan. Weeks passed as we wondered when the "stakeholder" process would be announced. We finally learned that you had started it in December with only campus representatives participating, but that the meetings were neither announced to the campus community nor even advertised on your website. We later learned that those in attendance –

apparently a select group chosen based on some unknown criteria – have been admonished not to discuss the group’s meetings or plans outside that room.

Please help me understand how you could deem that to be a respectful way to operate. Since your officials obviously felt justified in locking out the off-campus community along with other interested on-campus parties, how is it that you chose not to even attempt to share that justification broadly?

We are concerned that University officials might have decided, even prior to convening the “stakeholder” group, to recommend that the board of trustees go forward with the Duke Energy project, and that the narrow group of stakeholders is largely going through the motions without carefully considering the concerns and alternative approaches such as those NC WARN and others have articulated.

Our understanding is that there are few, if any, people at that table with the technical background needed to scrutinize many of the questionable claims made by Duke Energy and University officials since inception of the project, and to assess NC WARN’s reports to you.

Perhaps you were not aware of all the details. But given the lack of transparency of the “stakeholder” group, can you have any confidence that this is a fair review of this important project? How was the decision made to exclude voices from the community, and who made it?

Also, by what process will the group determine a recommendation for you and the board of trustees?

Reasonable people can disagree about the pros and cons of the project – and we have emphasized our interest in having open, constructive debate with your team – but your locking the door obviously prevents healthy exchange, and it invalidates your case for the plant if you cannot answer the concerns of knowledgeable critics.

## OUR CONCERNS REMAIN UNCHALLENGED

As noted above, NC WARN staff and technical expert Bill Powers – a leading utility and clean energy expert, and graduate of the Duke University engineering program – met with University officials multiple times, openly exchanging information and opinions about the proposed plant along with rapid changes in the fields of climate science and renewable energy. From the beginning, NC WARN was clear that, with what we learned, we intended to present to the University a comprehensive analysis of problems with the Duke Energy plant along with an alternate path for the University to consider.

It's odd that, after months of trading information, your officials cut off communication with us at the very time we submitted our report to you on October 24, even though we urged them and you to share feedback with us in person or in writing. Then, after we reviewed your team's report on the project (which was completed weeks earlier but not provided to us), on November 21 we asked you to address seven particular points where the University's report and public statements conflicted with our findings.

Were you aware that University officials, once again, chose not to respond?

On January 12, we sent another letter and engineer Powers' technical analysis showing that the equipment proposed by Duke Energy for the plant would allow 10 times as much nitrogen oxide to be emitted as best-available NOx control equipment used at other gas-fired plants. This was an expansion of one of our original points, and we noted our assumption that this pollution loophole – which carries important implications for the campus and its neighbors – was another area where Duke Energy had misled you about the project. Again, you provided no reply.

Did you realize that University officials have repeatedly chosen not to even attempt to defend the project against valid concerns and clean energy alternatives?

We have openly and comprehensively aired our concerns and proposed clean energy alternatives. They remain unchallenged, and we remain highly confident about our analyses. Your people obviously don't feel able to openly justify the plant or to debate either the negatives we raised or the alternative path we proposed.

#### HOW TO RECONCILE?

Duke University's neighbors have been tracking this saga and studying the information and interactions. As opposed to many University employees and students, community members often live in these neighborhoods for lifetimes, and thus are heavily impacted by your decisions.

For 29 years, NC WARN has worked in alliance with communities across the state who appreciate that we are genuinely concerned about, and advocate for, their wellbeing.

During your tenure, you've invested much effort in seeking better relations with the University's Durham neighbors. I urge you not to offset that commendable effort on behalf of Duke Energy executives' desire to begin building unneeded fracked-gas power plants on campuses across North Carolina and in many other states.

I'm sure you're not aware of all the machinations of University officials, which is even more reason for you personally to convene a meeting of all key stakeholders. I urge

you to immediately order full disclosure of the on-campus "stakeholder" process since December, and to release all documents relating to its operations, including: who is at the table and how they were chosen; the mission, goals and guidelines; minutes of its meetings; how decisions are made, and all other pertinent information.

NC WARN again calls on you to answer our seven questions in writing as spelled out in our November 21 letter to you. Each of them has great bearing on the validity of the Duke Energy project and the wellbeing of local and state residents.

NC WARN has been very fair in seeking to maintain a professional rapport with you – and I again thank you for requiring your officials to share information with us last summer and fall. But the University's own process for dealing with its critics smacks of a corporate PR approach, including the closed-door meetings. Big corporations often make the mistake of thinking they can bull and buy their way past open discourse with the public. It is surprising to see a major university resort to such tactics.

After your officials cut off communication with us last fall, NC WARN placed ads in area newspapers. Instead of attacking you, the ads summarized our concerns and asked others to join us in seeking your personal leadership at a critical time in the fight to avert runaway climate chaos. An upcoming round of ads will have the added dimension of calling on you for transparency.

For you to continue with this project would, then, seem to rely on another closed-door process – the one typically held by the NC Utilities Commission. As you might know, NC WARN has been openly critical of that commission's bias in favor of Duke Energy over the years, particularly its truncating of open review during evidentiary proceedings. And that NC WARN and allies – including Roy Cooper as attorney general – often use the courts to seek redress of the commission's proceedings.

I can virtually assure you that, if the University keeps siding with Duke Energy and secretive process – this fight will be decided in the court system and accompanied by months or years of on-campus controversy.

Finally, some University folks have been cautioned to avoid NC WARN due to vague references that we're "controversial." That's a years-long Duke Energy tactic intended to "divide and conquer" critics in order to weaken collective power. Obviously, however, it shouldn't be controversial for us to insist on open, fair review of a project with sweeping impacts extending far beyond the campus. Conversely, I believe most reasonable people will agree that it is indeed controversial for Duke University and Duke Energy to work together to avoid clear, transparent debate.

During this time of extreme division within our society, I sincerely hope that people like

you and I can inspire others by finding cooperative approaches to difficult challenges instead of acting in ways that enhance controversy.

Sincerely,

A handwritten signature in black ink that reads "Jim Warren". The signature is written in a cursive, flowing style.

Jim Warren  
Executive Director

cc: Board of Trustees