

STATE OF CONNECTICUT

PUBLIC UTILITIES REGULATORY AUTHORITY

RE: PURA INVESTIGATION : DOCKET NO. 12-01-10
INTO THE TREE :
TRIMMING PRACTICES OF :
CONNECTICUT’S UTILITY :
COMPANIES : DECEMBER 13, 2013

**WRITTEN EXCEPTIONS OF ERIC HAMMERLING
CHAIR, STATE VEGETATION MANAGEMENT TASK FORCE
EXECUTIVE DIRECTOR, CT FOREST & PARK ASSOCIATION**

Eric Hammerling, chair of State Vegetation Management Task Force (“SVMTF” or “Task Force”) and executive director of the Connecticut Forest & Park Association, respectfully requests that the Public Utilities Regulatory Authority (“PURA”) revise its draft decision issued in the above-captioned proceeding on November 19, 2013 (“Draft Decision”), as described herein. Mr. Hammerling requests oral argument in this case.

I. INTRODUCTION

The SVMTF was created by the Connecticut Department of Energy and Environmental Protection (DEEP), in response to recommendation #23 in the Two Storm Panel Report, in order “[T]o develop standards for road side tree care in Connecticut, vegetation management practices and schedules for utility rights of way, right tree/right place standards, standards for tree wardens, municipal tree inventories and pruning schedules.” The Task Force submitted its Final Report to DEEP on August 28, 2012. Pursuant to Public Act 12-148 (signed by Governor Malloy on June 15, 2012), the Public

Utilities Regulatory Authority (PURA) was required to open a docket (No. 12-06-09) that would consider, among other things, “the standards appropriate for road-side tree care in the state, vegetation management practices in utility rights-of-way, right tree-right place standards, and any other tree maintenance standard recommended by the State Vegetation Management Task Force established by the Department of Energy and Environmental Protection.” [Emphasis added.] The deadline for PURA to reach a decision in 12-06-09 was November 1, 2012, but PURA did not resolve the vegetation management issues in that docket and incorporated the issues into this docket, No. 12-01-10.

In its Draft Decision in this docket, PURA has adopted the proposals of the electric distribution companies (“EDCs”) for vegetation management and line clearance requirements verbatim without recognizing that the EDC proposals were not recommendations of the Task Force but were merely included in the Task Force Report “as submitted jointly by CL&P and UI.” The following Exceptions set forth pertinent recommendations by the Task Force and suggest limited revisions to PURA’s Draft Decision that are compatible with the Task Force recommendations.

II. EXCEPTIONS

A. The Task Force Did Not Recommend the CL&P and UI Line Clearance Proposals

The EDC line clearance standards are clearly labeled, on page 46 of the Report, as “Utility Line Clearance Standards (proposed by CL&P and UI).” [Emphasis added.]

As noted on page 3 of the Draft Decision, there wasn’t “enough time or data available [for the Task Force] to fully evaluate or make a consensus recommendation on the potential effectiveness of ETT.” This was also made clear in a supplemental letter to

PURA, dated September 7, 2012, when the report was submitted to PURA in Docket No. 12-06-09.

Thus, the Report included the electric distribution companies' (EDCs') proposals (as well as those of AT&T) as proposals, not as recommendations of the full Task Force, whose membership included, in addition to electrical and telecommunications utilities, state, municipal, and private tree managers, non-profit environmental representatives and other experts. Report at p. 4.

Nonetheless, as set forth in C below, the proposed CL&P and UI line clearance standards can be modified to be more compatible with the Task Force Recommendations and the subsequent passage of Public Act 13-298 (section 60).

B. Relevant Task Force Recommendations

The Task Force recommendations with regard to tree pruning and removal of roadside trees emphasize the need for flexibility due to the differences among roadside landscapes in urban, suburban and rural areas, and variation in risk from different tree species. They also recognize the benefits of trees, especially large trees, and the desirability of retaining healthy roadside trees that are may not be right tree/right place, until such time as the existing trees decline and must be removed and replaced with right tree/right place trees.

On page 5, the SVMTF Report ("Report") includes the following statement in its Executive Summary of Task Force Recommendations:

The Task Force understands that there is no "one size fits all" solution to achieve a better maintained, healthier roadside forest. This makes sense given the large differences between urban, suburban, and rural areas, various tree species, and diverse aesthetic visions from town to town. The Task Force also acknowledges that the many benefits provided by trees are maximized when those trees are healthy and well-maintained.

The Executive Summary of the Report, at p.6, includes the following pertinent Statewide Recommendations:

- The Right Tree, Right Place guidelines must be used for planting trees and shrubs in roadside forest areas where trees have either failed or have to be removed. It is important to note that large trees have an important place in the current and future roadside forest. [Emphasis added.]
- Roadside Forests must be managed to become more storm resistant over time (decades) through a combination of tree pruning, removals and Right Tree, Right Place planting. [Emphasis added.]
- Standards are essential to ensure tree removals are done based upon science-based professional training, shared methods of hazard assessment, and planning for tree replacement. [Emphasis added.]

Among the Task Force Findings and Assumptions, on pp. 11-12 of the Report, are the following:

- There were three overarching findings: 1) the roadside forest is aging; 2) the roadside forest is populated with trees that are likely to become “hazard trees” over time; and 3) any policies developed to reduce risks of failing trees in the roadside forest will impact a large area, be expensive, and take time to implement in a way that tree maintenance, professional tree care standards, and community values and aesthetics are appropriately balanced. {Emphasis added.} . . .
- There is no “cookie cutter solution” for managing the roadside forest. Each storm is unique as is each species of tree as well as each landowner or municipality. Management plans must be both comprehensive and flexible to accommodate many differences across the state. [Emphasis added.]

The Findings include a long list of the benefits of trees, especially large trees. These benefits, extensively detailed in the Report on pp. 13-18, support a gradual approach that leaves healthy large trees in place. As stated on p. 16 of the Report:

T[t]he discussion regarding the use of large trees along roadsides should not turn

solely on considerations of the potential for damage from large trees when they eventually fail or must be removed before failing. Other important aspects of the discussion ought to be the relative health and stability of the tree, how well it has been maintained and will be maintained in the future, and the contributions that a tree makes to the well-being of those who live in the vicinity of that tree, who travel the nearby streets, and who have benefitted from what that tree has provided over the decades of its life.

The Task Force thus envisioned a gradual transition along each roadside to a “right tree/right place” standard, at the same time recognizing that: “Any tree that appears to be in a condition where it is likely to fall in the near term should be immediately removed or the problem should be remediated.” Report at pp. 17-18. In the General Recommendations, at p. 21, the Report states:

- *Transition from Reactive to Proactive Roadside Forest Management:* The state needs to step-up tree removals, as we transition from a reactive to proactive approach to roadside forest management. The public needs to be educated as to why there is a need for these tree removals at the same time every effort is made to keep this process of tree removal at a level that is appropriate to the problem, is intelligent in approach, and is effective over the long term. [Emphasis added.]

In the Technical Standards Recommendations part of the Report , at p. 29, the SVMTF introduced the graphic depictions of the future roadside forest on pp. 30-31 as follows:

The following are two graphic depictions of the rural roadside forest where there is a gradual conversion to a “storm resistant” forest of large trees that are wider rather than tall, interspersed with small statured native trees and shrubs. These figures are meant to be examples rather than prescriptive. Visions like this one should be developed at the community-level and will vary widely based upon local preferences, history, specific site characteristics, and community goals. [Emphasis added.]

In its discussion of Right Tree, Right Place Standards, at p. 37, the Technical Standards Recommendations part of the Report states:

Over the next several decades, many of the larger trees in our maturing roadside

forests will decline and will need to be replaced. This will provide an opportunity to replace tall trees that can damage critical infrastructure (utilities and roads) with shorter species that can maintain the forested aesthetic, e.g., replacing roadside Norway maples with paperbark maples or saucer magnolias.

At p. 39 of the Report, it continues: “We are not advocating the wholesale removal of existing trees and replanting with only species on this [compatible trees and shrubs] list.”

Finally, under Tree Removal Standards, at p. 50, the Report states:

A stepped-up effort towards removal of trees that are a significant risk because of structural defects or being in poor health with numerous dead limbs, for example, is essential for the safety and well-being of the people of the state. For this to be acceptable to the public, there must be a generally agreed-upon understanding of the benefits and values of trees as well as their inherent risks. The standards for determining when a tree should be removed must be guided by the insights and knowledge of qualified professionals, including certified tree wardens¹ and licensed arborists, and implemented by municipalities, private property owners, the State of Connecticut and the public utilities in a manner that also includes a commitment to the stewardship of our roadside forest. [Emphasis added.]

C. Suggested Revisions to the Draft Decision

In light of the above-referenced Task Force recommendations and the passage of 13-298 (section 60), we respectfully request that the Findings of Fact (specifically Finding #5) be revised in accordance with the above. Further, we respectfully request that the following changes be made in the Draft Decision to permit the flexibility needed to align the EDC proposed line clearance standards with the SVMTF recommendations. It should be noted that the proposed addition of subsection c (see below) does not impose a mandatory requirement, but instead permits the EDCs to reach agreements with tree wardens, municipal and state officials and property owners that appropriately balance the

¹ Public Act 13-201, Sections 9 and 10 now require tree wardens or deputy tree wardens to be certified within one year of appointment or be licensed arborists. This Act fulfilled one of the recommendations of the Task Force .

reliability of the utility distribution system with the numerous benefits of trees in diverse rural, suburban and urban settings.

1. As a technical matter, the third and fourth sentences in the first paragraph of II.C in the Draft Decision should be combined and changed to read:

The Act established a utility protection zone that extends horizontally a distance of 8 feet from any outer most conductor or installed from pole to pole and vertically from ground to sky.

Explanation: Section 60 of Public Act No 13-298 does not include any reference to clearance which the Synopsis of the Act (II. C 1. of the Draft Decision) recognizes. It only establishes a zone within which utility pruning and removal may take place.

2. Under the heading, The State Vegetation Management Taskforce (Section II. C 2. of the Draft Decision), the first sentence in the second paragraph should be changed to read as follows:

In accordance with the SVMTF recommendations, the following vegetation management plan and line clearance standards shall be the minimum requirements for each EDC.

3. Under the heading, Vegetation Management Plan (section II. C 2a of the Draft Decision), the first two lines of the first paragraph should be changed to read as follows:

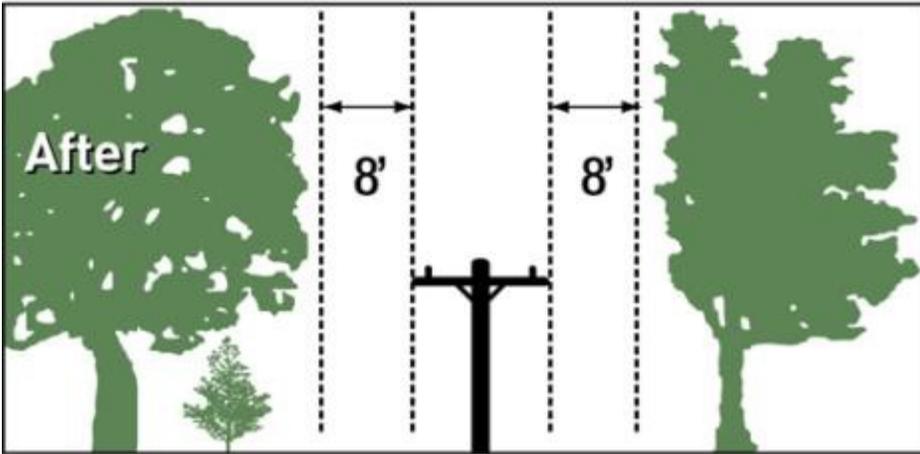
In accordance with the SVMTF recommendations, the EDCs shall file an annual vegetation management plan with the Authority that includes the following but not limited to:

4. Under the heading, Line Clearance Requirements (section II. C 2. b of the Draft Decision), the text should be changed to read as follows (additions underlined; [deletions bracketed]):

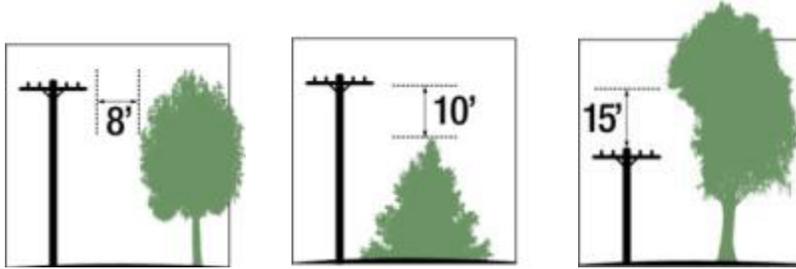
b. Line Clearance Requirements

Regarding line clearance requirements [the SVMTF recommended]:

1. Routine maintenance tree and brush work (tree pruning) shall be performed on a 4-year cycle. All roadside and off-road primary voltage lines shall be cleared at least once every 4 years.
2. The utility [clearance] protection zone shall be the area 8 feet to the side of all primary conductors from the ground to the sky.
 - a. Enhanced clearance shall be performed, subject to c below, to achieve the following clearances on all circuit backbone and lateral conductors selected for enhanced tree work: i) remove all tall growing tree species below within the clearance zone; and ii) remove all overhanging limbs within the clearance zone.



- b. Scheduled maintenance clearance be performed, subject to c below, to achieve the following clearance around all primary voltage conductors not selected for enhanced tree work: i) 10 feet below within the clearance zone, and ii) 15 feet overhead within the clearance zone.



c. In order to avoid negative aesthetic, societal, economic or environmental impacts, any non-hazardous tree located in whole or in part within the protection zone may be retained, provided that its species, condition and growth rate indicate that pruning without removal will reduce the risk of harm to the utility infrastructure.

4. In the paragraph following the Line Clearing Requirements (at the end of Section II.C.2b), substitute the following for the first sentence:

These line clearance standards incorporate proposals made by the EDCs to the SVMTF. Id., p. 46.

III. CONCLUSION

The revisions proposed above will integrate the recommendations of the SVMTF Report with the proposals made by the electric distribution companies, ensuring that electric power reliability is protected while permitting the flexibility needed to accommodate diversity in the rural, urban and suburban roadside forest, including diverse species, and to protect against unnecessary loss of the benefits of healthy trees.

Respectfully submitted,

ERIC HAMMERLING
Chair, State Vegetation Management Task Force
Executive Director, CT Forest & Park Association
16 Meriden Road
Rockfall, CT 06481
ehammerling@ctwoodlands.org

I hereby certify that a copy
of the foregoing has been mailed,
electronically filed, and/or
hand-delivered to the service list
this 13th day of December, 2013

Eric Hammerling