

February 7, 2013

Public Utility Regulatory Authority  
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Via e-mail to [kimberley.santopietro@po.state.ct.us](mailto:kimberley.santopietro@po.state.ct.us)

Re: PURA Docket No. 12-01-10, Tree Trimming  
Comments on responses of electric distribution utilities to PURA Interrogatories

On behalf of the Garden Club of New Haven (GCNH) and the New Haven Urban Resources Initiative (URI), we have the following comments on the responses made by the Connecticut Light and Power Company (CL&P) and United Illuminating (UI) to the Interrogatories from PURA. This letter supplements our comments of December 14, 2012 and a prior submission on March 20, 2012.

Should PURA determine that ETT is appropriate, we strongly urge it to require CL&P to adopt the protocol for ETT set forth in UI's answer to EN-001, which protects trees (and presumably shrubs) that are within the clearance zone, but do not pose a risk of "damage to the distribution system during major storm events." UI specifically states that it would not remove "low height or ornamental trees . . . already within the right of way or those that are planted under a right tree-right place program." CL&P instead states in its response to EN-001 that it will remove "[t]all brush and small trees within the clearance zone," without making the exception set forth by UI. All trees and shrubs that pose no risk of causing power outages should be retained for the many environmental, economic (including reduction of energy costs), aesthetic and other benefits detailed in the State Vegetation Management Task Force (SVMTF) Report.

We remain unconvinced, however, that ETT, which aggressively prunes healthy trees within a rigid clearance zone, is the best and most cost-effective approach to preventing significant power outages from major storms.

Although CL&P states in reply to EN-002 that the SVMTF "agreed with" the CL&P standards for roadside vegetation management, the standards were included as proposed by the utilities and not independently evaluated by the Task Force as a whole. In his letter to PURA accompanying the transmittal of the Task Force report to this docket on September 10, 2012 [labeled online as Written Comments- CT Forest and Park Association Inc.], Eric Hammerling, the chair of the Task Force explicitly stated: " 1) The Task Force was unable to analyze any hard data on the effectiveness of enhanced clearance or enhanced tree trimming where it may have been already tried elsewhere such as in Westchester County; 2) The Task Force was also unable to analyze any hard data to understand whether trees that failed in the 2011 storms were also trees that had been previously pruned; 3) The Task Force was unable to analyze whether the Utility Line Clearance Standards (p. 46, Task Force Report) which were put forward by CL&P and United Illuminating as a unified recommendation (contingent, of course, upon funding and regulatory support by PURA)

would result in a change in the practices of UI that would result in better roadside tree care. The jointly proposed clearance standards are similar to current practices employed by CL&P.”

As noted in our December 14 comments, the SVMTF Report included concerns about the negative impact on tree health of the aggressive pruning conducted during ETT. We also noted that CL&P’s data on the effectiveness of ETT does not separately analyze removal of hazard trees and branches alone as compared with ground to sky clearance of all vegetation within the clearance zone.

In considering whether ETT is cost-effective, given its high cost (*see* UI’s and CL&P’s answers to EN-004), it is important to remain focused on prevention of extensive long-term outages from major storms. Many of the storm-related outages were due to trees or branches falling from outside the public right-of-way on which the utilities have their distribution system, i.e. from trees on the public right-of-way on the opposite side of the road, or from land outside of either right-of-way. If the goal is to prevent extensive power outages, it would seem to be more cost-effective to target resources to removal of hazard trees and branches both within and outside of the public right-of-ways that are likely to fall on electric distribution facilities during a major storm. In other words, the money allocated toward ETT would be better focused on removal of defective or diseased trees and branches that are likely to lead to power outages, and should be used to help municipalities and property owners remove these hazard trees and branches. Since hazard trees and branches are removed for the benefit of the electrical distribution system as a whole, it is not at all clear that individual property owners should bear the full cost of removal, as suggested in legislative proposals by the utilities, and some owners might not have the means to bear any of it.

We support some of the legislative proposals submitted by UI and CL&P, but others raise significant concerns. Rather than examine each of the numerous proposals in depth, we make the following general comments:

It is important to maintain a meaningful notice procedure for adjacent property owners before utility tree removal and pruning take place. Especially for homeowners, their trees within the public right-of-way are important parts of their landscape, and roadside trees are important to a community’s character, protected by tree warden “care and control” pursuant to Section 23-59 of the CT General Statutes. Property owners should be informed and be able to discuss and monitor the work. (Unfortunately, work crews do not always comply with the arborist’s directions.) In an earlier era, notice in a newspaper, as suggested by CL&P, might have been meaningful, but it would certainly not be adequate today. Both CL&P and UI report that the notice procedures they use are working well, and it appears that they are very rarely prevented from doing the work that they consider necessary. (Answers to EN-17 through 19 and EN-28)

As an alternative to the current utility notice process, consideration should be given to posting on trees to be removed and posting to delineate areas of pruning in coordination with municipal tree wardens, with objection going directly to tree wardens within the

current 10 day period for non-utility tree removal and pruning provided by Section 23-59 of the CT General Statutes. A hearing before PURA would be provided only if the tree warden does not resolve the issue in a manner satisfactory to the utility in question. To require a process in which objection to tree removal or pruning requires travel to PURA is unnecessarily costly and burdensome to adjacent landowners when it is highly probable that any issues can be easily resolved at the local level. This is especially true if tree wardens are required to be certified as recommended by the SVMTF report, a proposal supported by both UI and CL&P.

Elimination of the need for a tree warden permit is inadvisable. It is the requirement of a permit that gives the tree warden the opportunity to work with utilities and insure that the community's interests in its roadside trees are protected when the utility work is done. If there is no requirement of a permit, there would be no incentive for the utilities to work with the tree wardens.

We do support the following proposal by UI: "Exempt the EDC from providing notice if the tree or vegetation is in direct contact with an energized electrical conductor, has visible signs of burning or if a customer requests the utility to trim on their property any tree or vegetation which poses a threat to the transmission or distributions conductors in order to protect public safety, and ensure reliability." This is similar to the Section 23-59 exemption from notice requirements for non-utility tree removal or pruning when the condition of the tree is an "immediate public hazard."

We oppose repeal of Section 13a-140. It was enacted in response to unnecessary destruction of large trees. Again, the notification requirement encourages good judgment in determining whether a tree should be removed or not. That it is rarely utilized to block removal actually means that it is working, and it should be retained.

Thank you once again for your consideration of our comments.

Respectfully submitted,

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