



The Garden Club of New Haven

Promoting the preservation of natural resources is one of the primary missions of The Garden Club of New Haven (GCNH), and of the organizations with which is affiliated, the Federated Garden Club of Connecticut and the Garden Club of America. Since 2011, GCNH has actively participated in educating the public about issues involving trees and power and advocating for a balanced approach to preserving the benefits of trees and protecting public safety, including power reliability. GCNH therefore supported legislation that resulted in the current text of Section 16-234 of the Connecticut General Statutes.

December 28, 2019

Melissa Paslick Gillett, Chairman
John W. Betkoski III, Vice-Chairman
Michael Caron, Commissioner
Public Utilities Regulatory Authority
Ten Franklin Square
New Britain, CT 06051

Re: Docket No. 18-25-12 PURA Review of Electric Companies' and Electric Distribution Companies' Plans for Transmission and Distribution Overhead and Underground Lines

Dear Chairman Gillett, Vice-Chairman Betkowski and Commissioner Caron:

As Spokesperson on Trees and Power for the Garden Club of New Haven ("GCNH"), I write to urge you to issue a ruling in this docket to remove all doubt that the "Targeted Risk Management" ("TRM") program that United Illuminating ("UI") is using or proposing to use in at least some of the towns in its service area CANNOT be utilized to avoid the permit and notice requirements for conducting vegetation management in the Utility Protection Zone ("UPZ"). These requirements are intended to ensure involvement by municipal tree wardens and abutting property owners in utility tree pruning and removal decisions in order to protect their legitimate interests in the tree canopy. Comments submitted from town officials and residents in Docket No. 19-01-25 raise legitimate concerns that UI intends to use TRM to avoid permitting and notice requirements for normal vegetation management, relying on Subsection (e) of Section 16-234, and that it may substitute TRM for normal UPZ vegetation management in some towns.¹ Those concerns need to be addressed promptly by PURA.

¹ PURA's Final Decision in Docket No. 19-01-25, dated August 7, 2019, deferred consideration of the TRM program to the maintenance docket. The numerous comments and exceptions to the draft decision regarding TRM made in that docket should be incorporated into this maintenance docket in order for the record to be complete.

GCNH would not object to a program that would examine circuits to discover parts of trees that are directly touching energized wires and to determine what, if any, *immediate* pruning or removal is needed to prevent a fire or another safety hazard. Such a program would be consistent with the clear intent of Subsection (e) of Section 16-234 C.G.S. to deal with situations requiring immediate action, i.e. where there can be no delay for permit applications or notice to property owners without risking harm: “(e) No utility shall be required to obtain a permit pursuant to subsection (f) of section 23-65 or provide notice under subsection (c) of this section [to abutting property owners] to prune or remove a tree, as necessary, if any part of a tree is in direct contact with an energized electrical conductor or has visible signs of burning. Nothing in this subsection shall be construed to require a utility to prune or remove a tree.” [Emphasis added.]²

UI’s TRM program is not such a program. It was described to PURA in Docket No. 19-01-25 as follows:

(1) In a response to Interrogatory EN-14, asking about changes made to the Company’s vegetation management plans since June 2015 and the reason for each change, UI responded in part (David Goodson, witness):

“In January of 2019, the Company implemented a Targeted Risk Management program where it schedules entire circuits for the pruning and removal of trees that are in direct contact with the conductors or have visible signs of burning. This was done to mitigate the effects of an extended cycle on safety, visual and physical access to the lines, equipment damage and reliability.”

(2) In a PURA hearing on May 17, 2019, David Goodson, the witness for UI, described the TRM process as follows (page 36 of transcript)³:

“We inspect the entire circuit. We break our circuits up into single phase or three phase and schedule those for an inspection by a work planner and then identify those trees that are in contact and send a crew out to prune them to what we call a four-year clearance of 8 feet to the side, 10 feet below, 6 and 15 feet overhead.” [Emphasis added.] He also said: “Those trees that we’re pruning that way should be good for four years, on average . . .” [Emphasis added.]

² The underlined words are not ambiguous, are commonly understood and need not have been defined in the legislation. Merriam-Webster online (<https://www.merriam-webster.com>) defines “necessary” as “absolutely needed” or “required.” “Direct,” used as an adjective, is defined as “proceeding from one point to another in time or space without deviation or interruption.” “Contact” is defined as a “union or junction of surfaces,” and more particularly, as “the junction of two electrical conductors through which a current passes.” The wood in trees is an electrical conductor, even if a poor one. Moreover, in the context of all of the statutory provisions, there can be no doubt as to the legislative intent in providing the Subsection (e) exception to the normal permit and notice requirements.

³ Pages 34-38 of transcript refer to TRM, and can be read at: [http://www.dpuc.state.ct.us/DPUCTran.nsf/828fbd7bfa05e78585257134005bcb9e/6085e52d10a32276852584020053bb15/\\$FILE/190125-051719.pdf](http://www.dpuc.state.ct.us/DPUCTran.nsf/828fbd7bfa05e78585257134005bcb9e/6085e52d10a32276852584020053bb15/$FILE/190125-051719.pdf)

There was no statement made by Mr. Goodson that UI would obtain a permit from the tree warden or give prior notice to an abutting property owner before beginning to prune for the “four year clearance.”

It is clear that UI’s TRM program goes far beyond what is necessary to immediately eliminate the fire hazard or other safety risk from direct contact between a tree part and energized electrical conductors. The TRM program performs normal vegetation management of circuits within the UPZ according to a long-term plan, but only performs that normal vegetation management on trees where it can find some direct contact, regardless of whether or not that direct contact poses a risk that requires immediate action. The many trees in a circuit where there is no direct contact are left unpruned.

By not following the normal permit and notice procedures to do vegetation management within the UPZ, UI’s TRM program undermines Section 16-234 C.G.S.’s recognition of the legitimate interests of a municipality and its citizens in protecting the environmental, health, aesthetic and economic benefits provided by a healthy tree canopy, while also ensuring the provision of safe and reliable power. Moreover, if UI relies solely on TRM in any town, it will not properly prune the many trees that do not have direct contact with wires in a circuit in that town and will create risks to safety and reliability in the future.

It is imperative that UI’s TRM program not be allowed to proceed without a clear ruling from PURA that permit and notice procedures must be followed for any pruning or removal that goes beyond what is needed to eliminate an immediate risk of fire or threat to safety. Without such a ruling, irreparable harm will occur to the interests of towns and their residents in their tree canopy’s many benefits and its management for safe and reliable power.

Thank you for your consideration. I would welcome an opportunity to respond to any questions you might have. You may contact me at gcnhtreesandpower@gmail.com.

Respectfully submitted,
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