

Amy Rees
1808 Liberty Ave.,
Richmond, IN 47374

June 12, 2012

Judge DeAnna L. Poon
Assistant General Counsel
Indiana Utility Regulatory Commission
101 W Washington Street, #1500E
Indianapolis, IN 46204

Dear Judge Poon,

I have written to you previously, and I believe you have some awareness of the damage to my property done by Richmond Power & Light and their contractors in August of 2011. If not for that damage, I would never have been involved in this process. I would not have believed the extent of that damage was even possible; it would have seemed preposterous.

As was recommended, I am writing to share my concerns with you regarding the Proposed Rules in Cause Number 43663 addressing tree trimming and vegetation management in Indiana.

I agree with the vast majority of the points raised by the other witnesses in the meeting on May 24th, and I want to be clear that, while we did not wish to waste the time of all those present, we might each have raised the same issues and concerns. I support the statements made by the majority of the group.

Terminology throughout the document referring to the customer should instead refer to the property owner. Utilities should be required to notify the correct owner of the property, and determine whether or not there are pertinent easements, covenants, or other requirements.

Applicability, as stated in 170 IAC 4-9-1, Section 1 (a): I believe that the rules should apply equally to Utilities and customers alike, across the entire state, and whether or not the Utilities are owned by investors or a governed by a particular type of board is irrelevant. To exclude any utility from these requirements is to effectively give them permission to behave badly, and to continue to do damage the way they did at my house. This is unreasonable and unacceptable. My electric utility, Richmond Power & Light, has been allowed to "opt out". I do not understand why they would be allowed to work in ways that are other than best practice. If there is an explanation for it, I would appreciate it being made clear to me, and more importantly, to the general public.

I am extremely concerned that there is no enforcement of the proposed rules as proposed in 170 IAC 4-9-10. There is no apparent accountability, no oversight and no repercussions for failure to comply with the rules. And thus, there is no incentive to comply, either. There is no arbitration process when these rules are broken. We heard several examples of mistakes made, and of incompetence by the Utilities.

There should be enough “teeth” in this Rule to compel Utilities to resolve mistakes quickly and fairly. There should also be a neutral party providing oversight, and it should not have to involve litigation in the courts, and the length of time inherent in that process.

Richmond Power & Light and their contractors stole my trees and vandalized nearly an acre of my property. If an abstract “someone” does similar damage to my property, typically there is recourse through police reports of theft or vandalism, and prosecution. In the case of work/damage done by the Utilities, the only options are to work with the perpetrators themselves (if the perpetrators are cooperative) or to take them to court. The Utilities are far more able to afford the time and the expense of litigation than the property owner. While the utilities typically have experienced legal counsel on staff, and there are many lawyers who represent utilities, there are very few lawyers who have experience on the other side of the issue. All this amounts to the fact that the property owner is not likely to have a fair resolution.

170 IAC 4-9-3 addresses easements, but does not make any mention of or differentiation from prescriptive easements, which utilities seem to refer to almost interchangeably with easements. I am concerned that where the Utility has no recorded easement, they claim a “prescriptive easement”, based upon their use of a portion of that land over a period of years. A recorded easement will be a defined, agreed upon area. A prescriptive easement, in my experience, appears to be whatever they want it to be. It might be two feet, or twenty feet, or all the way across my narrow strip of land. This also amounts to theft. I believe this issue should also be addressed.

Please provide uniform statewide requirements for communication with the property owner and the general public, for quality work, and dispute resolution in dealing with all utilities.

Sincerely,



Amy Rees

From: [Amy Rees](#)
To: [Poon, DeAnna](#)
Cc: [Charlie Goodman](#); [David Rees](#); [Reynold](#)
Subject: tree trimming comments
Date: Wednesday, June 13, 2012 9:53:10 PM
Attachments: [IURC letter 6-12-12.pdf](#)

Dear Judge Poon,

Please find the attached letter with comments regarding tree trimming and the proposed rules in Cause #43663.

Thank you very much,

Amy Rees