

From: ReesDF@aol.com
To: [Poon, DeAnna](#)
Subject: Proposed Rule, LSA Doc. #12-42 (Vegetation Management Standards)
Date: Thursday, June 14, 2012 2:33:46 PM
Attachments: [JURC-Poon letter.doc](#)

Dear Judge Poon:

Attached are my written comments concerning Proposed Rule, LSA Document #12-42 (Vegetation Management Standards for Electric Utilities).

Thank you for your consideration.

David Rees

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David F. Rees
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June 13, 2012

Re: Proposed Rule, LSA
Document #12-42 (Vegetation
Management Standards for
Electric Utilities)

Ladies and Gentlemen:

My comments concerning the referenced Proposed Rule 9 follow:

1. The definition of "In Person" as contained in proposed Section 2., item (7), seems insufficient. The door hanger, knocking on the door or ringing the door bell surely would not provide actual notice in many instances. There should be a means or process by which there can be more actual awareness and reasonable expectation, if not proof, that the notice was received by the property owner. Many residents work during daytime weekday hours. Also, the resident may be a tenant and less caring or concerned. Perhaps notice should be mailed, at least by regular first class mail, to the property owner of record.
2. Similarly, the definition of "Written notice" as contained in proposed Section 2., item (13), seems insufficient. Regrettably, ratepayers probably do not give sufficient attention to enclosures inside a utility bill. Also, the resident may be away for an extended time, perhaps leaving collection of their mail and perhaps even payment of their bills to a family member, friend or neighbor. Again, as noted above, the resident may be a tenant who is less interested and concerned or, indeed, uninterested and unconcerned. Notice needs to go to the owner, not just the "customer".
3. Section 3. (a) (5) in recognizing "implied consent", especially when it is the implied consent of not just the property owner but merely the "customer", is far too uncertain. I believe that implied consent, especially when it is not provided by the owner, should be removed.

4. Section 4. (a) (1) poses a serious risk in enabling vegetation management without notice when “(t)here is no residence on a particular property.” A remote or non residentially related woods or certainly an arboretum would be at risk.
5. Section 4. (c) mandates no inclusion about the depth or distance of vegetation management (cutting). Also, nonproperty owners being “strongly encouraged” to notify the property owner is far too weak in the context of the other proposed provisions. All reasonable and practical provision needs to be mandated and undertaken to provide timely actual notice to the property owner. Similarly, in Section 5. (c) the same language is used concerning nonproperty owners living or working on the property being “strongly encouraged to notify the property owner....” Can you not provide that written notice shall be sent to the property owner of record? Property ownership is easily determined from the records of County Assessors.
6. How can there be, seemingly unilaterally, “(c)hanges to the property owner’s easement or right of way as a result of line upgrades” as included in Section 5. (c) (8)?
7. Section 7. (c) (2) (A) states that the utility or its agent shall “(c)onsider removing the tree....” Query if, in addition to “considering” the matter, they may perform the removal.
8. I do not understand how “brush” can threaten service as contemplated by Section 7. (d). If we are speaking of the safety or protection of personnel working above, the presence of brush is likely to be as beneficial as detrimental.
9. Section 8. (a) presumes that the “customer” received the relevant notice irrespective of whether or not that notice was received by or communicated to the owner, who may not be the customer.
10. I commend the provisions of Section 9. (a).
11. The provisions of Section 10. seem appropriate, but they also seem weak in that one “may contact” the utility after the failures have occurred, and the subsequent remedial process seems insufficient.
12. Section 11. provides for an education plan to inform and educate customers. Would it not be equally if not more important to have an education plan to inform and educate the utilities and the owners, managers and workforces of the tree cutting entities?

13. In general, my observation is that more serious enforcement through remedies, penalties, fines and other means is appropriate. Also, if the rule is to or must apply only to investor owned electric utilities pursuant to Section 1. and Section 2. (11), perhaps legislation should be sought which would empower the Commission or some other authority to regulate with respect to municipal utilities or others which are not under or who have withdrawn from regulatory control with respect to issues and functions such as vegetation management even if rates are not subject to Commission jurisdiction.

Thank you for your consideration of my comments and the comments of others of the public.

Very truly yours,

David F. Rees