

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, <i>et al.</i> ,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

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**JOINT MOTION TO REVISE STAY BY AGREEMENT**

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Now comes Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company), together with the Citizens Against Clear Cutting (CACC), jointly moving the Public Utilities Commission of Ohio (Commission) for a modification of the Commission's stay of Duke Energy Ohio's vegetation management activities as related to the pruning of three trees on the properties of four Complainants who, along with sixty-four other Complainants, presently comprise CACC. Reasons are set forth in the attached memorandum in support.

Respectfully submitted,

/s/ Elizabeth H. Watts

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## **Memorandum in Support**

Duke Energy Ohio and CACC hereby jointly move the Commission to modify the Commission's stay of Duke Energy Ohio's vegetation management activities as related to the pruning of three trees on the properties of four complainants who are members of the CACC group of complainants as specified herein.

On November 16, 2017, the Commission issued an Entry directing that Duke Energy Ohio cease vegetation management on Complainants' properties during the pendency of the complaint proceeding. Since that time, the Company has ceased all vegetation management on the five transmission circuits that include properties of Complainants.

On March 22, 2018, during the process of mediation, it was agreed that the Company would perform an inspection of its transmission lines to determine if there were any imminent threats that should be immediately addressed. After performing this inspection, it has been determined by Duke Energy Ohio that there are three trees on Complainants' properties that may pose an immediate threat to public safety and electric service, safety and reliability.<sup>1</sup> These trees are on the properties of Complainants Melissa and Peter Broome, Dennis Baker, and Fred Vonderhaar/Gregory Hoeting, the latter being on the property line between these two Complainants.

Due to the potential risk that the three trees may impose to public safety, the parties agree that the Company should be allowed to prune these three trees. The parties further agree that Duke Energy Ohio should be allowed to prune 2-3 years of growth from each of the three trees, as opposed to the pruning of 6 years of growth that would have been the practice in the past.

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<sup>1</sup> The trees are described in greater detail on Revised Exhibit A, filed in this proceeding on April 2, 2018.

By filing this Joint Motion, the parties are not waiving their legal arguments as to what constitutes what is appropriate, reasonable, lawful, or the best practices regarding Duke Energy Ohio's vegetation management activities. Nonetheless, in the interest of public safety and utility reliability, the parties agree to modify the stay during the pendency of this proceeding as specified herein.

Wherefore, Duke Energy Ohio and CACC respectfully request that the Commission amend the stay of the Company's vegetation management activities to permit this temporary remedy and to allow pruning of the three trees that may pose an imminent threat to safety on the properties of Complainants Melissa and Peter Broome, Dennis Baker, and Fred Vonderhaar/Gregory Hoeting, provided that this amendment shall not be construed or used against Duke Energy Ohio or CACC in this proceeding.

Respectfully submitted,

/s/ Elizabeth H. Watts

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