

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Charles Paquelet, M.D.,

Complainant,

v.

Ohio Edison Company,

Respondent.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 11-4177-EL-CSS

---

**DIRECT TESTIMONY OF  
JOE LISS  
ON BEHALF OF OHIO EDISON COMPANY**

---

1   **Q1.   Please state your name for the record.**

2   A1.   My name is Joseph Liss.

3   **Q2.   By whom are you employed and in what capacity?**

4   A2.   I am a Forestry Specialist for Nelson Tree Services (“Nelson”).

5   **Q3.   What is your title?**

6   A3.   I am a General Foreman.

7   **Q4.   What are your duties?**

8   A4.   I supervise approximately 6-8 crews on a regular basis who perform tree trimming tasks  
9       for Ohio Edison Company (“Ohio Edison”) in compliance with its Utility Vegetation  
10      Management (UVM) specifications. I have held the position of General Foreman for  
11      about 5 years. It is my responsibility to 1) schedule crews for tree trimming projects; 2)  
12      perform quality checks to ensure that tree trimming and removal is done in accordance  
13      with Ohio Edison’s UVM specifications and those in the American National Standards  
14      Institute Published in ANSI A300 (ANSI 300) that are incorporated by reference; 3)  
15      perform inspections to ensure that all vegetation has been cleared as planned according to  
16      the distances in the clearing zone set forth in Ohio Edison’s UVM specifications;  
17      4) supervise Nelson’s crews; and 5) coordinate unscheduled forestry work during storm  
18      restoration.

19   **Q5.   Please describe your work experience and training in this field.**

20   A5.   I began to work for Nelson in 1991. I became qualified as a Line Clearance Arborist  
21      under Nelson’s Line Clearance Tree Trimmer Certification Program (“LCTT”) that same  
22      year. I worked in various capacities as a trimmer, foreman and work planner until I was  
23      promoted to the General Foreman position about five years ago. Since 1991, I have been

1 applying the tree trimming and removal standards in Ohio Edison's UVM specifications  
2 for utility line clearance daily in the field.

3 **Q6. What was required to obtain the qualified line clearance arborist status?**

4 A6. Nelson's LCTT Certification Program is a comprehensive training process. The program  
5 provides detailed training on applicable skill sets for utility line clearance. It requires  
6 both textbook learning and demonstration or discussion of each proficiency. Progress is  
7 reviewed and documented by a qualified trainer and a final proficiency review is  
8 conducted by field management. I passed the required testing. The LCTT Certification  
9 meets the Qualified Line Clearance Arborist criteria referred to in the ANSI 300  
10 standards and in ANSI Z133.1 for Arboricultural Operations – Safety Requirements.

11 **Q7. What is the purpose of your testimony?**

12 A7. I will describe the work performed by Nelson and crews to trim the Complainant's Beech  
13 tree during 2010 and discuss the fact that the work conformed to the UVM specifications.  
14 I will further explain that the methods utilized by Nelson Tree Service to prune the tree  
15 conformed with UVM standard practices.

16 **Q8. Are you familiar with the Beech tree located on the Complainant's property at  
17 11849 Northcrest St. N.W. Massillon, Ohio 44647?**

18 A8. Yes.

19 **Q9. When did you first visit the property?**

20 A9. I first went to the property on or about January 21, 2010. Another Nelson employee had  
21 contacted the Complainant about a month earlier and learned that he did not want the  
22 Beech tree by the house trimmed. The aerial photograph attached to my testimony as  
23 Exhibit JL-1 depicts the Paquelet property. For orientation purposes, I have circled the

1 approximate area in which this Beech tree was located. The blue line depicts the  
2 approximate location of the Ohio Edison 7.2 kV distribution line on the property.

3 **Q10. Did the Complainant's refusal to allow trimming on the Beech tree near his home**  
4 **pose a problem in meeting the UVM specifications?**

5 A10. Yes, the Beech tree was clearly within the distribution clearing zone of 15 feet under the  
6 UVM specifications. This tree was planted directly under the distribution line and had  
7 grown to a point in which it violated the clearance requirements for this distribution  
8 voltage. The tree had made actual contact with the distribution conductor, causing a  
9 singing or burnout effect at the tree's highest point from the tree/line contact. As a result,  
10 the top of the tree was somewhat U-shaped such that some of the branches at what used  
11 to be its highest point had singed back due to this contact. My Exhibit JL-2 is a  
12 demonstrative diagram (not to scale) that depicts the shape of the tree as I observed it in  
13 relation to the distribution line before it was trimmed. There was no question that the tree  
14 was well within the 15 foot distribution clearing zone and that it either had to be removed  
15 or extensively trimmed to achieve the acceptable minimum clearance of 12 feet under the  
16 UVM specifications.

17 **Q11. What did you note about the condition of the tree or the surrounding vegetation on**  
18 **the property before you trimmed?**

19 A11. I observed that about a quarter of the Beech tree consisted of dead branches. This  
20 indicated to me that the tree overall was not as healthy as it could be. I also observed that  
21 several other trees on the property that were not near the power line had been freshly  
22 trimmed by another contractor. In my estimation this trimming had occurred within the

1 past several months. I observed that the pruning by this contractor was not done  
2 according to the drop crotch pruning method.

3 **Q12. When did you next visit the property?**

4 A12. I was the General Foreman present when the Nelson crew removed incompatible  
5 vegetation on the property of Ohio Edison on February 23, 2010.

6 **Q13. Describe issues faced by the Nelson crew to achieve adequate clearance here.**

7 A13. As another witness, Ms. Weckerly, has already indicated, the distribution clearing zone  
8 under the UVM policy is 15 feet on either side of the pole line. Incompatible vegetation  
9 in this area is to be removed to achieve four years of clearance. If four years of clearance  
10 is not attainable, at least 12 feet of clearance must be achieved around the conductors.  
11 Because this large, 30 foot tree planted directly beneath the 7.2 kV primary line was  
12 actually touching the conductor near the top of its crown, our options were either to  
13 remove the tree entirely or to extensively trim it to meet these specifications.

14  
15 The UVM specifications contain several diagrams that can be used as a pruning guide for  
16 utility line clearance professionals. Figure 11 from the UVM specification depicts the  
17 drop crotch method and is attached to my testimony as Exhibit JL-3. We decided that the  
18 best method to achieve the required 12 feet of clearance over the four year cycle and still  
19 preserve the health and aesthetic beauty of this tree given its height was to perform crown  
20 reduction using drop crotch pruning cuts. Our situation was further complicated by the  
21 fact that the Beech tree was planted directly under and growing up into the power line  
22 and the utility space. Crown reduction is a regularly accepted tree pruning method. It

1 was the only option to obtain the required clearance and save the tree from complete  
2 removal.

3 **Q14. Explain how you pruned the Beech tree?**

4 A14. Using the crown reduction method, we removed approximately 10 – 15 feet off the top of  
5 the tree and reshaped it to a shorter version of its original contour to achieve the required,  
6 12 foot of clearance from the tallest point. We also removed approximately ¼ of the tree  
7 that consisted of dead branches to improve its overall health and look. A demonstrative  
8 diagram (not to scale) depicting the approximate shape of the tree and its relationship to  
9 the line after our trimming is attached to my testimony as Exhibit JL-4.

10 **Q15. Using the crown reduction pruning method, were you able to save the tree and still**  
11 **maintain the required 12 foot clearance under the UVM?**

12 A15. Yes.

13 **Q16. Did you utilize a pruning method known as topping or rounding over for trimming**  
14 **this tree?**

15 A16. No we did not.

16 **Q17. Do you have an opinion to a reasonable degree of certainty as to whether the work**  
17 **performed by Nelson to trim the Beech tree on the Complainant's property met the**  
18 **UVM specifications?**

19 A17. Yes, our work met the specifications of the UVM specifications in all respects. The  
20 UVM specifications state that all pruning shall be done in accordance with the ANSI 300  
21 Standards and Amendments. (The UVM Policy and ANSI 300 Standards are attached to  
22 Tara Weckerly's testimony at TW-1 and TW-3 respectively). ANSI 300 applies to  
23 pruning and tree removal of all types, and not just utility line clearance. Therefore, many

1 of the sections in ANSI 300 consist of recommendations to achieve maximum aesthetic  
2 beauty and health of the tree, without regard to an overriding need to obtain certain  
3 clearances near utility lines. Only one section of the ANSI 300, Section 9, is specifically  
4 devoted to the subject of Utility Line Clearance. Our work here fell under the utility  
5 pruning provisions set forth in this Section.

6  
7 Unlike general tree trimming, the primary purpose and objective of utility pruning under  
8 ANSI 300 Section 9 is to maintain the specified clearance from the power line while  
9 adhering to generally accepted tree care performance standards. (ANSI 300 Section 9.1).  
10 The type of crown reduction pruning we did here is specifically addressed and permitted  
11 in ANSI 300 Section 9.3.1. All of our pruning cuts were made in accordance with ANSI  
12 300 Section 9.3.1.1.1 – 9.3.1.1.6 to the extent possible.

13  
14 It is important to note that ANSI 300 Section 9.3.1.1 verifies that the guidelines “should”  
15 be followed. Annex B of the ANSI 300 Standard C-1 defines use of the word “should”  
16 within the ANSI standards as an “advisory recommendation” rather than something that  
17 is mandatory. We followed the advisory recommendations in Section 9 wherever  
18 possible, but our primary purpose was to achieve the required clearances under the UVM  
19 specifications.

20 **Q18. Is there a specific section in the ANSI 300 utility section that relates to this tree**  
21 **planted directly under the line?**

22 A18. Yes, ANSI 300 Section 9.3.1.3 provides that trees that are directly under and growing  
23 into utility spaces should be removed or pruned. “Utility space” is defined in ANSI 300

1 Section 4.57 as the physical area occupied by utility facilities and the additional space  
2 required for its operation. In this case, the “utility space” was 15 feet around these lines  
3 because this was the distribution clearing zone called for under the UVM specifications.  
4 This Beech tree fell under ANSI 300 Section 9.3.13 because it was planted and growing  
5 directly under the distribution line within the utility space. In fact, the tree was literally  
6 touching the line. Thus, we had the clear option to either remove or prune the tree.

7 **Q19. Why did you decide not to remove the tree entirely?**

8 A19. We determined that adequate clearances could be met to meet the UVM specifications  
9 through extensive pruning and therefore chose to prune the tree to minimize the impact to  
10 the customer and still meet our required objectives. By pruning, we were able to achieve  
11 the required minimum clearance of 12 feet.

12 **Q20. Was it acceptable under the UVM specifications to achieve crown reduction by  
13 using drop crotch pruning here?**

14 A20. Certainly. Ohio Edison’s UVM policy incorporates the ANSI 300 standards which  
15 permit crown reduction pruning. The preferred method of drop crotch (otherwise known  
16 as directional pruning) is identified on page 16 of the UVM specification. The UVM  
17 specification also expressly allows for exceptions to be made if deemed to be acceptable  
18 by Ohio Edison representatives. Tara Weckerly, the onsite Ohio Edison representative,  
19 agreed with our recommendations and approved the use of the crown reduction method  
20 under these circumstances to achieve the clearance we required.

21 **Q21. Did you have an opportunity to read and review the direct testimony offered by  
22 Douglas Yates?**

23 A21. Yes, I reviewed the testimony

24 **Q22. Please discuss how his qualifications compare to yours.**



1 A22. I possess a certification as a qualified line clearance arborist. ANSI 300 Section 9.2 and  
2 ANSI Z 133.1 Section 4.2.3 provides that pruning near electrical hazards may only be  
3 conducted by a qualified line-clearance arborist or trainee. Relevant sections of ANSI Z  
4 133.1 are attached to my testimony as Exhibit JL-5. The term “qualified line clearance  
5 arborist” is defined in Annex A of ANSI Z 133.1 as “an individual who, through related  
6 training and on-the-job experience, is familiar with the equipment and hazards in line  
7 clearance and has demonstrated the ability to perform the special techniques involved.  
8 This individual may or may not currently be employed by a line-clearance contractor.”  
9 (Exhibit JL-5, p. 34). Mr. Yates does not state that he possesses this qualification and  
10 therefore he cannot adequately assess the methods we used to achieve the proper  
11 clearances pursuant to the UVM specifications.

12 **Q23. Are there any areas in which you disagree with the opinions of Mr. Yates?**

13 A23. Yes, I disagree with each of his findings. Mr. Yates was incorrect in stating that there  
14 should be no more than four feet of clearance between the tree and the primary  
15 conductors. The UVM specifications require a minimum of 12 feet during the entire four  
16 year cycle. He was also incorrect in the assumption that the Nelson crews I supervised  
17 took into account the distance from the neutral or ground line when calculating the  
18 required distances. The tree had actually come into contact with the primary conductor  
19 here. All of the cuts by Nelson were necessary to achieve minimum acceptable  
20 clearances with the distribution line. No amount of excess foliage was removed to  
21 accomplish this objective.

22 The Nelson crew that I supervised did not use the rounding over or topping pruning  
23 method described in Mr. Yates’ testimony. We used the preferred method of drop crotch

1 pruning to achieve crown reduction. Ohio Edison's on site representative, Ms. Weckerly,  
2 authorized this type of pruning to achieve the necessary clearance of 12 feet from the  
3 distribution line.

4 In summary, it is my opinion as a utility line-clearance arborist that the Nelson crews  
5 followed sound utility line clearance practices and the UVM specifications for  
6 maintaining the line.

7 **Q24. Does this conclude your testimony?**

8 A24. Yes.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Direct Testimony of Joe Liss on Before of Ohio Edison Company was sent via Federal Express, this 7<sup>th</sup> day of June, 2012, to the following:

Charles Paquelet, M.D.  
11849 Northcrest Street  
Massillon, OH 44647  
*Complainant*

Respectfully submitted,

/s/ Denise M. Hasbrook  
Denise M. Hasbrook (0004798)  
*Counsel for Respondent,*  
*Ohio Edison Company*

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**6/7/2012 4:28:03 PM**

**in**

**Case No(s). 11-4177-EL-CSS**

Summary: Testimony of Joe Liss on Behalf of Ohio Edison Company electronically filed by Mrs. Denise M. Hasbrook on behalf of Ohio Edison Company