

BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

Evelyn and John Keller,

Complainants,

v.

Ohio Power Company,

Respondent.

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Case No. 12-2177-EL-CSS

**DIRECT TESTIMONY OF JOHN KELLER**

**Date Submitted: August 6, 2013**

**Hearing Date: August 26, 2013**

Q1 State your name and address.

A1 John Keller, 1424 Jewett Road, Powell, Ohio.

Q2 How long have you lived at that address?

A2 Approximately 30 years.

Q3 Are you familiar with the prefiled direct testimony of your wife in this proceeding?

A3 Yes.

Q4 Was there anything in your wife's prefiled direct testimony with which you disagree?

A4 No.

Q5 When power first went out in late June 2012, did you know how long it would be out?

A5 No, but because our outage resulted from a tree falling across 315, I expected it would be repaired promptly.

Q6 Why did you believe the impact of 315 would be a factor?

A6 First, that section of 315 is a very busy state highway. It crosses our backyard and we see the virtually steady streams of traffic going in both directions. For about 12 years I was a member of the Zoning Commission for Liberty Township, Delaware County, which encompasses most of 315, and we constantly were told and dealt with the high and increasing traffic count on that road. The remainder of 315 in Delaware County was quickly reopened after the storm and this was the only blockage. As a result of this one blockage, thousands of drivers each day had to take a long detour, either to S.R. 23 to the east, or Liberty Road to the west. It seemed inconceivable that this condition would be allowed to continue for very long.

Second, very soon after the outage occurred, ODOT (Ohio Department of Transportation) put warning signs on 315 at both Jewett and Powell Roads, to warn traffic of the blockage. They also stationed two pickup trucks at the outage – 24/7. One was located just north of the fallen tree and one just south. Each truck had an ODOT employee in it 24/7. Beginning on Monday, I would walk down a couple times a day and ask the ODOT workers for a status report.

Q7 What did the ODOT employees report to you as to the status of repairs?

A7 They made it clear from the beginning that they could not remove the fallen tree until AEP came to repair the fallen power line. The fallen tree was not overly large; if I recall it was 10 to 15 inch diameter at the base. I remember telling one of the ODOT men that I have a chain saw and would be happy to cut it up and they replied that they had chainsaws with them and could easily and quickly remove the tree, but weren't allowed to do that until AEP had repaired the power line. I asked them if they knew when AEP would make repairs, and they

repeatedly told me that AEP had promised to be out there quickly to make the repairs.

I remember the first day I was told AEP would be out that afternoon. Then the next morning I was told AEP would be out that day. By mid-week, the ODOT employees would just shake their heads and say they couldn't understand why AEP had not come out yet. I remember that I began to get upset because as a taxpayer, I was paying for two men and vehicles to sit there for a week, when obviously they had better things to do.

Q8 Did you try to find out from AEP when repairs would be made?

A8 Our house phone was not operable, but I called on my cell and from my office. All I could get was a recording which provided no information.

Q9 Did AEP know of the blockage on 315?

A9 The ODOT people told me ODOT had been discussing this blockage with AEP. In addition, on at least two times which I personally observed, AEP trucks came north of 315, and turned onto Jewett. From that intersection, they could see not only the signs, but the actual blockage and wire. In addition, I can't believe that AEP had not had survey crews out to locate downed lines promptly after the storm. It is not credible to believe that AEP did not know promptly that they had a downed power line was laying across SR 315. Frankly, if AEP does not have procedures in place to quickly identify a situation like this one, they have more serious problems than we raise in this proceeding.

Q10 When was power to your house ultimately restored?

A10 Late on Thursday about dinner time. When we heard and saw the repair trucks, I walked down to 315 to watch. They had the downed line repaired very quickly – certainly in less than an hour. It took a few minutes to cut and remove the downed tree.

Q11 How long after that line on 315 was repaired did power come on at your house?

A11 Very quickly; my recollection is just a few minutes.

Q12 Did AEP do any other work along 315 that Thursday evening?

A12 Yes, I noticed they had a crew do trimming of trees between Jewett and Powell roads, before the road was re-opened.

Q13 Did it appear to you that the trimming was storm-related?

A13 No, there was no other real storm damage on that stretch of road. It appeared to me that this was just routine tree trimming, of the type we had seen in years past.

Q14 Mr. Keller, why did you and your wife file the complaint with the PUCO which brings us here?

A14 We were frustrated and just couldn't understand why it had taken six days to repair this one line which was closing 315. From a conversation with a PUCO staffer, we understood that the decisions as to prioritization of repairs was AEP's, not the PUCO's. It just didn't pass the smell test that AEP would allow a very busy state highway to remain closed for six days, with all the attendant cost and inconvenience.

My job is as a lawyer so I looked at AEP's tariff and saw that there is a provision which allows a consumer to seek recovery for lost food resulting from the electric company's negligence. My experience suggested to me that negligence was likely here, so we filed this complaint. Our goal was to obtain information about how this situation could have occurred and to see what could be done to make sure it does not re-occur.

While the loss of all our foodstuffs was an expense which we regretted, we are fortunate enough that this loss would not be a life-changing event to our family and we could

afford to replace the food. However, we know many people – and understand there are many more we don't know – to whom the loss of all their food would be a major financial hardship. Our complaint was for loss of food because under the tariff, it appeared this was the only basis upon which we could make a complaint. From the beginning, we advised AEP that we were not doing this for the money and that any recovery in excess of actual expenses would be donated to charity.

While my wife and I are not consumer advocates, we are aware that we have been very fortunate and that my experience as a lawyer – and my wife's determination - gives us the opportunity to pursue an issue such as this, which most other consumers could not.

Q15. Don't you realize that the storm which came through in late June 2012 was a major storm which took down a lot of trees?

A15 Of course. AEP need not spend time describing the storm, which we know was a major storm. If we lost power because a healthy tree blew down across our power line and AEP responded in a reasonable manner, we never would have complained. But that's not what happened with respect to this particular outage.

Q16 Your complaint is based upon negligence. What actions have you taken to investigate the presence of negligence?

A16 We have requested documents, submitted a number of interrogatories and taken depositions of several AEP employees.

Q17 Do you believe AEP was negligent in connection with your power outage.

A17 Yes.

Q18 Was that power outage the direct cause of the loss by your family of its food items?

A18 Yes, it was the sole cause.

Q19 In what way do you believe AEP was negligent?

A19 Based upon the result of our investigation and discovery in this action, I believe AEP was negligent in at least three acts or omissions:

The power line which serves our house and which fell across 315 is part of AEP's circuit No 3101. That circuit was scheduled for vegetation inspection and control in the spring of 2012. Consistent with its policies, AEP's contractor surveyed the vegetation along circuit 3101 in April and May of 2012, just a month or two before the storm. The first event of negligence is that AEP's inspector (who they call a "planner") failed to identify the tree which actually fell and caused this outage as a tree which needed to be removed, in spite of the fact that it clearly satisfied AEP's requirements as a "hazard" or "danger" tree pursuant to AEP's Forestry Goals, Procedures and Guidelines document, copy attached Ex 1. AEP's manager of regulatory affairs, Michele Jeunelot, told me that a clearly dead tree in proximity to one of its lines, would be removed. (Ex 2) If AEP had identified this tree as being clearly hazardous in April or May of 2012, it had ample time to remove the risk posed by this tree before the storm. But because it negligently failed to identify this tree as a danger, it did not react timely.

Q20 Do you feel the negligence of its contractor should be attributed to AEP?

A20 Yes, as a matter of law I believe it is. Also, AEP's manager of regulatory compliance, Michele Jeunelot, also agreed AEP is responsible for its contractor's negligence (Ex. 3 hereto).

Q21 Why do you feel the tree which fell should have been identified for removal?

A21 AEP has provided its written forestry guidelines for vegetation control, (Ex 1) . That defines a danger tree and a hazard tree as trees which because of their condition and their proximity to AEP power lines should be removed. The tree in question clearly satisfies these criteria. The tree in question was, I believe, a wild cherry tree. It is located is close proximity to the AEP main line along 315. The tree had three main trunks, which separate very close to the ground. (See Ex 8) A tree with this structure is inherently less stable than a regular tree with one main trunk. What fell and took down the power line was one of the three trunks. After this event, I walked down and inspected the remainder of the tree. It is clearly dead and has been dead for quite some time. Photographs I took of this tree in April, 2013 are attached as Ex 4. I broke off a section of the tree where the trunk fell (that piece of tree will be identified as an exhibit at the hearing; if the Hearing Examiner or AEP wish to inspect that piece of tree before the hearing, access will be provided). This piece of tree clearly demonstrates that this tree has been dead for a very long time. Having lived on that property for several decades, I have cut down many trees (including wild cherry trees) and cut up and split other trees taken down by tree companies. We burn a lot of firewood and we have almost always had firewood on hand which is several years old. I can tell the difference between wood which had been dead for one or two years versus wood which has been dead and rotten for many years. This particular tree had been dead for many years before June 2012. There is no question but that this tree should have been identified as a tree needing removal by AEP's contractor.

I obtained during discovery AEP's sheet (Ex 5) which indicates that which several trees and bushes along this section of 315 were identified as needing trimming, this sheet indicates no trees were identified as needing removal. Hence, we know that AEP's contractor

failed to identify this tree as being a danger or hazard tree during his inspection of this section of line along 315, which I believe constituted negligence.

The second act or omission which I believe constituted negligence relates to the delay by AEP in attending to tree trimming along 315 before the storm. As indicated above, the line which fell across 315 is part of AEP's circuit 3101. This entire circuit was surveyed for vegetation control work in April or May of 2012. AEP promptly sent forestry crews out to trim or remove trees all of circuit 3101 before the June 2012 storm, but did not start work on the section along 315 before the June 2012 storm. In discovery we have learned the reason for this. (See Ex 6) It was because another department of AEP had decided to change the main line along 315 from a 3-phase to a single phase, a process which I understand involves physically removing 2 of the 3 wires on the poles, to leave a single wire. (Ex 9) Because 315 is a busy road, the work to change the main line from 3-phase to a single phase would require AEP to provide traffic control along 315. The vegetation control along 315 would also require some traffic control. There is a cost to provide traffic control so AEP decided it would combine both the vegetation control and the change of phases into one project, to save money by only having one session of traffic control instead of two.

I believe this decision by AEP likely caused or contributed to our power outage. AEP's forester for this district, Steven LaJeunesse testified (Ex 7) that when they do the actual tree trimming, they look for additional trees which may need removal. Since the tree which actually fell is very obvious, it is quite possible that AEP's foresters would have noticed and removed this tree had they done the vegetation control timely, in the normal progression for circuit 3101.



I believe it made the decision to intentionally delay the vegetation control on 315 until they could combine that work with other, unrelated work to save the cost of a second traffic control crew should rise to the level of negligence. At a minimum, if this decision was made to save AEP some money, then the costs to consumers who suffered as a result of that decision by AEP should be reimbursed by AEP.

In preparing this pre-filed testimony, I recognize that this second aspect of negligence is dependent upon my belief that AEP's foresters would likely have identified and removed the subject tree when they actually did the tree trimming on that section of 315. However, I'm actually not sure they would have done so. It has now been more than a year since the storm, and more than a year since this complaint proceeding has been pending, and inexplicably AEP STILL has not removed the remaining two trunks of the subject tree. Those two clearly dead trunks still remain in close proximity of AEP's main line. One wonders whether AEP would dispute its negligence if that tree falls during the next storm and takes out consumers' power.

The third act or omission I believe constituted negligence was the failure by AEP to promptly repair the fallen line across 315, which was left for six days. Had this line been repaired promptly, my family would not have lost its food. It was not until I believe the fourth day without power that we determined the food was no longer safe and needed to be disposed of.

During discovery, we have established that AEP intentionally treated the repair of the main line which fell across 315 as an exception from their normal repair priorities. (See Ex 8) In response to an interrogatory, AEP admitted that repair of fallen lines which are blocking a main highway are a priority factor in scheduling repairs after a storm. (Ex 11) State Route 315 certainly qualified as a major road. However, the facts are that notwithstanding that the one

fallen line was blocking 315, to say nothing of extending the power outage to my family and our neighbors, AEP nevertheless decided that the repair of the fallen line across 315 would be combined with TWO other projects; the routine tree trimming along 315 between Jewett and Powell Roads, and the change of the main line on that section from 3-phase to single phase. An AEP employee, Paul Roahrig, testified in deposition that 2 days after the storm, he heard that 315 was blocked and called an AEP co-worker and suggested that the switch from 3 phase to one phase be done when the other work on 315 was done. (Ex 10) The sole reason for combining one urgent project – repair of the fallen line and reopening of S.R. 315, with two non-essential projects, routine tree trimming and changing the phase level of the line, was, again, to save the cost of having a second traffic control crew come back out after the storm repairs were completed. Thus, instead of needing one crew to go out and fix the fallen line, AEP had to wait until it could coordinate the various crews necessary to do all three projects at one time. This intentional decision undoubtedly delayed the restoration of power to my family's house and also delayed the re-opening of 315. If AEP had just repaired the fallen line, it would have taken about one hour, per AEP's line supervisor Frederick Mottice. (Ex 12) I believe this delay, under these circumstances, constitutes negligence.

I anticipate AEP will claim it did not learn that one of its main lines had fallen across 315 until the Governor's office called it on Thursday and asked it to get 315 open. Respectfully, this position is not credible. AEP claims to have no documents relating to the scheduling of the repairs of the line which fell across 315. First, AEP knew power to our house and our neighbors was out, and they knew which lines served our residences. Thus, it knew it had a line down. Second, AEP had crews out looking at its systems after the storm; the line fallen across 315 was evident and would have been easily seen. Third, AEP's trucks and crews

repeatedly came north on 315 and had to turn onto Jewett because 315 was closed. The fallen tree, ODOT trucks and fallen line were evident from that location. Fourth, ODOT told me that they had been calling AEP. While I cannot prove that is true, it would be illogical for ODOT NOT to call AEP when the sole reason a busy state highway like 315 was closed was because of that fallen line which prevented ODOT from removing the one fallen tree. Any claim by AEP that they never heard from ODOT is not credible. Finally, it is not credible that AEP does not have computers which locate fallen lines which are part of its system. What IS credible is that AEP knew that the line had fallen on 315, but someone made a poor decision to delay that repair until they could combine that work with the two other projects they had on their books for that location.

Q22 Do have any thoughts about the complaint procedure you have experienced in this proceeding?

A22 Yes; it is clear to me that few AEP consumers could successfully pursue a complaint of this nature against AEP. My family has the advantages of, first, having a lawyer in the family who is not charging fees for this proceeding, and second, having the financial ability to pay the costs. The court reporter costs to date are approximately \$2000. My wife and I believe the procedure should be reviewed for fundamental fairness.

Second, we note that while AEP is asking this Commission to allow it to recover 100% of the costs it incurred as a result of the storm, its customers have no ability to recover any portion of their actual losses. This seems unfair, especially since the effect of the storm upon individual families and businesses was largely random. If one assumes two identically situated consumers, AEP may elect to repair one line on day 2 of the outage – and thus one consumer does not lose any food, and the other line is not repaired until day 5 – so the other consumer

loses all their food. While we understand that this issue is technically beyond the scope of this proceeding, we believe it merits review.

Q23 Does this conclude your prepared direct testimony?

A23 Yes, but I reserve the right to supplement this testimony based on testimony submitted by AEP or with subsequently discovered information.

  
John Keller

#### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing document was served by electronic mail and regular U.S. mail on the following persons this 6th day of August 2013:

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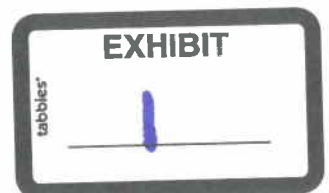
  
John K. Keller



## **AEP Forestry**

# **Goals, Procedures & Guidelines for Distribution and Transmission Line Clearance Operations**

**May 14, 2009**



AEP000007

Goals, Procedures & Guidelines for Distribution and Transmission Line Clearance

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# AEP System Forestry Guidelines

## Foreword

### A. Introduction

The purpose of these AEP Forestry Guidelines is to document and inform AEP employees and its contractors of important criteria, practices and procedures pertaining to initial vegetation clearing for construction projects and the maintenance of rights of way. AEP incorporates these guidelines into each tree service contract; a copy shall be kept in all vegetation management contractor's vehicles. These guidelines are for the sole and exclusive use of the contractor and are to be read consistently with other contract documents by and between AEP and the Contractor.

### B. Definitions

**Brush:** Woody stem vegetation less than four (4) inches DBH.

**Clearing:** The physical cutting and/or removal of woody stem vegetation within the right of way.

**DBH:** (Diameter at Breast Height). The diameter of a tree measured at the height of 4-1/2 feet above the ground on the uphill side.

**Danger Tree:** A tree considered a potential hazard to AEP's facilities positioned outside of the normally cleared right-of-way.

**Debris:** Non-vegetative material such as pop bottles, cans, wire, paper and old tires.

**Directional Pruning:** The reduction of a tree's crown in a manner that provides increased conductor clearance by pruning to direct growth of the upper crown away from the conductors.

**Fallen Tree:** A tree lying on the ground not cut by the Contractor.

**Hanger:** A limb cut from a parent stem or bole of a tree as part of the line clearance pruning procedure left aloft caught and held by the other branches of the tree.

**Hazard Tree:** A tree considered a potential threat to the safety and reliability of AEP's facilities growing within the normally maintained right-of-way.

**Log:** The merchantable portion of a tree as designated by AEP.

**Lopping:** The cutting of limbs and slash so that they lie in contact with the ground or as otherwise designated by AEP.

**Mowing:** The mechanical cutting of woody stem vegetation within the right-of-way.

**Prescription:** The plan prepared for each circuit or unit of work. It designates the vegetation to be maintained, the method(s) of maintenance, and who will perform the work.

**Removal:** The complete cutting down of trees at or near the ground line. AEP shall specify the disposal method.

**Slash:** The un-merchantable portion of a tree as designated by AEP.

**Tree:** Woody stem vegetation greater than four (4) inches DBH.



## **I. Contractor Guidelines**

### **A. Safety**

1. Protecting the safety of the public is of utmost importance to AEP. Contractors shall regard safety as their first priority. Contractors and their employees will recognize and follow all laws, rules and regulations regarding public and worker safety. Any safety related incidents (e.g., personal injury, vehicle accident, outages, flashes, near miss, customer issues, etc.) that occur on the job must be reported to the appropriate AEP personnel as soon as possible.
2. All contact incidents outages or operations caused by contract crews shall be reported to the appropriate AEP Dispatch center and Forestry immediately.

### **B. Personnel**

1. If required by state or local laws and regulations the contractor shall have an ISA Certified Arborist available.
2. No private work may be solicited or worked by Contractor employees while on AEP time. Contractors shall not receive compensation from anyone except AEP for tree work that is a part of AEP's Forestry program. The consequences will be crew and/or contractor disciplinary action.

### **C. Equipment**

1. Contractors shall provide sufficient equipment in working order to operate their business.
2. The minimum number of chain saws on the job shall equal the number of personnel on the crew, or as per contract agreement. Chainsaws shall not be billed separately unless approved by AEP Forestry personnel.
3. Each climber shall be provided with a complete set of equipment including: rope, saddle, chainsaw, pruner and handsaw. Each tree crew shall be properly equipped so that, if necessary, a tree rescue can be performed.

The use of spurs/climbers/hooks should be avoided. Where their use is necessary (as in the removal of some trees or in climbing trees, which do not provide a notch in which to tie in) only qualified persons shall be permitted to use them.



#### **D. Overtime**

Overtime is billable for work performed outside the scope of the normal work schedule.

#### **E.. Work Procedures**

1. Contractor practices shall be compliance with applicable industry standards (e.g., ANSI, OSHA, NESC) whenever practical unless the use of such standards increases the risk of injury or property damage.
2. Changes in the workweek due to inclement weather, equipment breakdowns or other circumstances must have prior approval by AEP Forestry personnel.
3. The contractor will be responsible for the development of a plan to complete the assigned tasks. The assigned tasks must be performed in a systematic way that follows this plan. Some examples are: beginning work at substations, working between protection devices, or other methods to prevent inefficiency and/or skipped work. The plan must meet AEP approval before work begins.
4. It is the Contractor's responsibility to ensure that the plan is followed, including time estimates to complete the assigned tasks.
5. Contractor shall provide daily work locations to AEP, including changes to these locations throughout the workday.
6. Each crew shall have a planned worksheet at all times, except in the case of emergency work.
7. The Contractor's daily association with their crews and customers will allow planned outages and refusals to be worked on a progressive basis. A written list of such areas that have not been worked, including reasons, shall be supplied to AEP Forestry personnel. Undocumented skips may be worked at the Contractor's expense.
8. Contractor's work shall be inspected on an ongoing basis. When an assigned task is complete, the Contractor must notify AEP Forestry for final inspection.
9. The Contractor will notify AEP of any hazardous conditions found during the performance of work under this contract. This is to include danger trees, soil erosion, and any attachment to AEP's facilities,

deteriorated, damaged or broken facilities and any other abnormal conditions.

#### **F. Public Relations**

Public relations are important to AEP. Proper notification can eliminate most property owner issues before they arise. Advanced notification provides the property owner/resident with an opportunity to voice concerns.

1. Where required, an attempt will be made to contact property owners through personal notification, door hangers, news releases, letters, etc. AEP will attempt to contact an absentee landowner only if the landowner provides AEP with a method to contact the landowner.
2. During emergency work, Contractor will attempt to notify the property owner/resident of the crew's arrival. Discretion should be used during late night or early morning work. If no personal contact is made, a door card may be left to explain the emergency work performed.
3. Contractor will document all locations where door cards were left, including address and date. A monitored local or toll-free telephone number to reach the contractor should be on each card.

#### **G. Refusals**

1. A "refusal" is considered any property owner/resident refusing to allow or permit the contractor to manage vegetation as specified within the scope of, and according to, these guidelines and all applicable specifications, permits and easements.
2. The contractor shall fill out a refusal/complaint form with all pertinent information for all refusals.
3. If the contractor is unable to resolve the refusal within one week, the refusal shall be turned over to the appropriate AEP Forester.
4. Undocumented refusals or those left unaddressed for more than one week by the contractor may be worked at the Contractor's expense.

## **H. Damage Claims and Complaints**

1. The contractor shall be responsible for all damage claims and complaints due to its negligence. AEP shall be notified immediately of all claims and complaints.
2. An on-site investigation with the resident/ property owner shall be made as soon as possible. This meeting, or telephone arrangements for the investigation, shall be made within twenty-four (24) hours of receipt of the complaint. AEP's representative may accompany the Contractor during this initial investigation.
3. All valid claims resulting from the Contractor's negligence shall be settled within thirty (30) days by the Contractor, or the Contractor shall provide evidence he is trying to reach a reasonable settlement.
4. The Contractor shall keep AEP informed of the status of all complaints. When a settlement is reached, a written release for both AEP and the Contractor shall be obtained from the property owner/resident.
5. If a settlement cannot be reached, the Contractor shall confirm in writing to AEP the final settlement offer and briefly summarize events pertaining to the offer.
6. After thirty (30) days, if a Contractor fails to resolve a claim, does not continue attempts to resolve the claim or keep AEP fully informed, AEP may settle the claim and bill the Contractor.
7. Costs to restore outages or repair the Owner's facilities due to negligence may be billed to Contractor as determined by AEP Forestry.

## **II. Performance Guidelines**

### **A. Removals**

1. Stumps shall be flush cut (three (3) inch maximum height) and treated with an approved herbicide, unless designated otherwise by AEP Forestry.
2. Tree removal shall be completed in one operation. If this is not practical, hazardous conditions shall not be left while the work is not actively in progress. Trees shall be removed in a manner to protect yards, fences, houses, electric lines and other facilities.

3. Targets for removal are:

- All trees with the potential of growing into the conductors.
- Trees where adequate clearance cannot be obtained using proper pruning practices.
- Trees that will take less than three times the amount of time to remove as they would take to prune.
- Trees within five (5) feet of poles.
- Mature trees where more than 50% of the crown must be removed to obtain clearance.
- Young vigorously growing trees where more than 66% of the crown must be removed to obtain clearance.
- Palm species.

4. Trees that may be less suitable candidates for removal are:

- Those that would take more than three times longer to remove than to prune for proper clearance and at least 50% of the crown would be left intact.
- Species that will not reach a height that would affect the conductors.
- Slow-growing tree species.

5. Deciduous stumps shall be flush cut (three (3) in. maximum height) and shall be treated with an appropriate herbicide to prevent re-growth unless the situation prevents application according to label instructions, there is a documented customer refusal or an AEP forester directs otherwise.

6. At the request of the property owner/resident diseased, dying, or dead trees which could threaten AEP facilities will be "made safe", allowing for removal by the customer or private arborist. Generally, all brush and wood generated by this activity should be left on site, unless otherwise directed by AEP Forestry.

**B. Pruning**

1. Contractor practices should be compliance with all applicable industry standards (i.e., ANSI, OSHA, NESC) whenever practical unless the use of such standards increases the risk of injury or property damage.
2. Pruning shall be done in a manner that protects current tree health and with regard for future growth and development.
3. Pruning shall provide at least the minimum specified clearance from electrical conductors as set forth in Tables I and II.

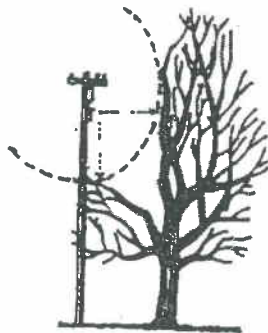
4. Reasonable care should be exercised to prevent the spreading of insects or diseases from one tree to another.
5. Portions of wild cherry, black walnut and other vegetation toxic to livestock (i.e., wilted leaf material) that has been pruned, cut or damaged by the contractor's activities, should be removed from active pasture areas accessible to livestock, unless agreed to by the property owner.

### C. Clearances - Distribution

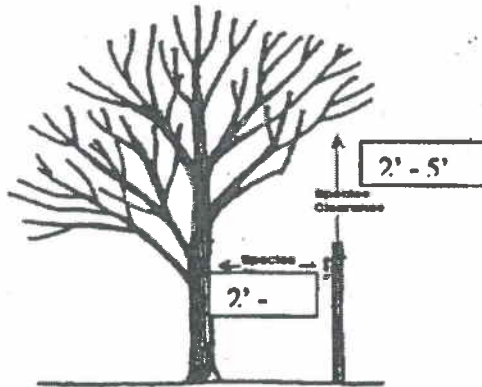
Variances to this recommendation may be necessary and applied due to specific operating company guidelines or specific restrictions in permits and/ or easements.

Minimum clearance for distribution system lines is that distance that will prevent re-growth into any AEP conductors for a minimum of three (3) years (see Table I in the appendix). The species, site, limb and conductor sag and sway during windy conditions and the effect of electrical load should all be considered when determining the clearance requirement.

1. **Primary Conductors-** Limbs should be pruned for a minimum of three (3) years clearance. Overhanging limbs should be removed. Top of tree should be directionally pruned unless prior arrangements have been made with the appropriate AEP Forestry representative.



2. **Open Wire Secondary Conductors-** Limbs should be pruned for two (2) to five (5) feet of clearance without removing overhanging branches unless otherwise specified by an AEP Forestry representative.



**3. Twisted, Cabled Secondary, Service Drops or Street Light Conductors -**

Trees near twisted or cabled secondary service drops and street light wires will not be pruned unless limbs are applying pressure to the line. Do not prune for street light illumination except under the specific direction of the appropriate AEP Forestry representative.

**4. Span Guy Wires -** Trees near span guys should only be pruned of heavy limbs applying pressure on the wires.

**5. Poles and down guys -** All poles and down guys will be cleared of all volunteer trees, brush, and slash to obtain a minimum of a five (5) foot radius of clearance around the pole or guy.

**6. Vines -** Should be cut, but not removed from AEP or other facilities, and treated with an herbicide to prevent re-growth. Pulling / removing vines may damage equipment and endanger the employee.

**D. Clearances - Transmission**

The ultimate goal of vegetation maintenance is to provide for the safe, reliable operation of the AEP transmission system. When performing maintenance, the objective for locations on spans with less than 100' vertical clearance at maximum sag from conductor to ground is removal of all woody-stemmed vegetation to the appropriate width, leaving the cleared area of the right of way populated with grasses and herbaceous growth. Under certain circumstances (unique topographic and/or environmentally sensitive conditions), AEP may allow compatible, low-growing species to remain in the right of way. In maintained areas (mowed yards, lawns and public areas), trees deemed compatible with safe operation of the line may remain, although AEP strongly discourages this practice. Compatible species will be limited to those that grow no



more than 15' tall or actively maintained trees that could be considered a crop such as in nurseries or orchards.

### Clearance Table Guidelines

Right of Way No Restrictions	Right of Way with Restrictions
<b>&lt; 100' Vertical Clearance between Conductors at Maximum Sag and Ground</b>	<b>&lt; 100' Vertical Clearance between Conductors at Maximum Sag and Ground</b>
1) Remove All Woody Stemmed Vegetation *	1) Trim or Remove Vegetation to Meet Column C *
2) Do Not Allow Vegetation Closer than Column E	2) Do Not Allow Vegetation Closer than Column E
3) Trigger Distance to Schedule Maintenance per Column D	3) Trigger Distance to Schedule Maintenance per Column D
<b>&gt; 100' Vertical Clearance between Conductors at Maximum Sag and Ground</b>	<b>&gt; 100' Vertical Clearance between Conductors at Maximum Sag and Ground</b>
1) Trim or Remove Vegetation to meet Column B *	1) Trim or Remove Vegetation to Meet Column C *
2) Do Not Allow Vegetation Closer than Column E	2) Do Not Allow Vegetation Closer than Column E
3) Trigger Distance to Schedule Maintenance per Column D	3) Trigger Distance to Schedule Maintenance per Column D

\* Upon Completion

**1. Restrictions -** When removal of all woody-stemmed vegetation is not achievable (i.e. there are restrictions), AEP will endeavor to cut or trim so that upon completion of the work no vegetation will be closer to conductors at maximum sag than the distances outlined in -Columns A and C. Distances are based on completed work meeting or exceeding the minimum approach distances to energized conductors for persons *other than qualified* line-clearance arborists and qualified line-clearance arborist trainees (Columns A and C).

**2. Minimum Approach -** Additional maintenance should be scheduled when vegetation will encroach within the minimum approach distances from energized conductors for *qualified* line-clearance arborists and qualified line-clearance arborist trainees (Columns A and D). In areas where easement or other legal agreements, or regulations restrict vegetation management practices, the maximum allowable amount of vegetation will be removed or otherwise controlled. AEP will annually monitor locations where these clearances cannot be achieved. The monitoring will determine whether maintenance that is more frequent may be required in order to assure the safe, reliable operation of the circuit.

#### E. Hangers and Clean Up

1. All hangers should be removed from the pruned tree before leaving the job site.

2. Work sites shall be left in a neat and orderly condition.
3. A minimum amount of clean up work should be performed, especially when a property owner requests a tree be removed. Unless otherwise designated by AEP Forestry, wood shall not be cut up or hauled away. Where designated by AEP Forestry, chipping the brush, cutting wood into lengths that can be handled and raking the site is the maximum clean up that should be performed.
4. All streams and/or drainage ditches shall be kept free of any limbs or woody debris cut by the contractor. Any cut debris that inadvertently falls into such an area, or any debris left in an area that may be prone to regular flooding, shall be moved/removed in an appropriate manner (chipped, stacked on top of ditch bank, etc.)

#### **F. Clearing and Re-clearing**

1. AEP Forestry will provide the width of the right-of-way.
2. All woody plants that have the potential to grow into the lines should be controlled, either by removal, herbicide treatment or a combination of both. On distribution lines and areas approved by Transmission Forestry on transmission lines those woody plants within the right-of-way that at mature size normally would not threaten lines or interfere with access to AEP's facilities, should be left undisturbed in the right-of-way whenever possible. Variances to this recommendation may be applied due to specific operating company guidelines.
3. During scheduled maintenance operations, prune or remove any vegetation within the rights-of-way of station entrances or exits that may affect the safe operation of AEP facilities, including station fences and equipment.
4. During scheduled maintenance operations, any vegetation adjacent to station facilities that may affect the safe operation of those facilities should be brought to the attention of the appropriate AEP personnel.
5. Trees, brush, and existing stumps within the right-of-way shall be cut as close to the ground as practicable, but not to exceed three (3) inches in height above the ground line. Where possible, the cut shall be parallel to the slope and promptly treated with an approved herbicide, unless otherwise directed by AEP Forestry.
6. Trees shall be felled to avoid damage to crops, fences and other facilities. Any trees felled into crops, ditches, streams, roads or



across fences shall be promptly removed. No trees shall be felled in such a manner as to endanger AEP's facilities or the property of third parties, or hinder access along the right-of-way.

7. Tree, brush and slash shall be lopped as designated by AEP Forestry.
8. Danger trees are identified and addressed / worked at the discretion of the individual operating companies or regions. Consideration for danger tree removal shall be made for those trees that are an imminent hazard or threat to AEP facilities. Danger trees may include, but are not limited to, trees that have severe lean or sweep, are dead, or have visible defect or damage. When cut, danger trees shall be cut as low as possible.
8. Stumps of trees growing in fences may be cut at fence post height, as approved by AEP Forestry.
9. Logs may be left in tree lengths or as designated by AEP Forestry. If so designated, the merchantable value of logs shall be preserved as much as practical.
10. In remote areas, brush and logs may be piled at the edge of the right-of-way for wildlife habitat.
11. Brush should not be left in managed agricultural areas or other maintained areas unless designated by AEP Forestry.

#### **G. Herbicide Applications**

1. All woody plants that have the potential of growing into the lines, should be controlled. Those woody plants within the right-of-way that at mature size normally would not threaten lines or interfere with access to AEP's facilities should be left untreated in the right-of-way whenever practical.
2. Contractors are required to maintain accurate and up to date records of all herbicide applications made and are required to abide by all Federal, State, and local laws concerning licensing, record keeping, and product handling.
3. Contractors shall attain 100% coverage and 95% control of treated vegetation.
4. AEP Forestry will make vegetation management prescriptions in consultation with contractors.

5. Where required, landowners should be notified before any herbicide treatments occur. There are several acceptable methods of notification such as personal contact, letter, or door hanger.
6. Managers of public rights-of-way involved in the treatment area shall be notified, where appropriate.
7. Contractor shall be responsible for training of herbicide applicators.
8. Unless specifically prohibited by property owners or AEP Forestry, stumps should be treated with an appropriate herbicide treatment.

#### **H. Tree Growth Regulator Application**

1. Trees designated for tree growth regulation shall be treated with an approved tree growth regulator (TGR) in accordance with label instructions.
2. All trees shall be inspected by the Contractor for health and vigor prior to treatment. Trees found in an excessive state of decline shall not be treated unless directed by AEP Forestry.
3. As designated by AEP Forestry, landowners should be notified before any TGR treatments occur. There are several acceptable methods of notification such as personal contact, letter, or door hanger.

## Goals, Procedures & Guidelines for Distribution and Transmission Line Clearance

### APPENDIX I

#### Distribution Line Clearance Guidelines

These growth rates and clearance distances are guidelines for the minimum clearances required. These distances are not static and should serve as **minimum clearance** requirements unless designated otherwise by AEP Forestry. Good soils and high moisture may cause many species to grow faster. These clearance guidelines are not meant as a requirement for all trees on AEP's rights-of-way. It is understood that during maintenance intervals, trees may encroach into these minimum clearance zones. The guidelines are meant to be used as a guide for trimming those trees currently being maintained.

#### **MINIMUM CLEARANCE FROM CONDUCTORS**

- ***Species with Fast Re-growth Rates:*** Prune for a *minimum* clearance of 20 feet from conductors

Cottonwood  
Poplar species  
Silver maple  
Sycamore

Willow  
Ailanthus  
Box Elder

- ***Species with Medium Re-growth Rates:*** Prune for a *minimum* clearance of 15 feet from conductors

Locust  
Red maple species  
Ornamental pear species  
Fruit trees (apple, pear, etc.)  
Elm species  
Pine, Spruce & Hemlock species  
Sweet gum  
Catalpa

Hackberry  
Hickory  
Crabapple  
Red oak  
Ash species  
Mulberry  
Bois d'arc (Osage orange, hedge tree)

- ***Species with Slow Re-growth Rates:*** Prune for a *minimum* clearance of 10 feet from conductors

Cedar  
Chinaberry  
Magnolia  
Any small variety species

Persimmon  
White oak (round lobes)  
(Redbud, dogwood, etc.)

- ***Possible Exceptions:***

- When the entire trunk of a tree falls within the minimum clearance specifications.
- When due to the branching structure of the tree less trimming would lend itself to an overall healthier tree, yet with acceptable clearance.
- Isolated instances approved by AEP Forestry representative.

## Goals, Procedures & Guidelines for Distribution and Transmission Line Clearance

### APPENDIX II

#### Transmission Line Clearance Guidelines<sup>(7)</sup>

Column A Nominal Voltage (kV phase to phase)	Column B <sup>(5)</sup> NERC Clearance 1 (no restrictions) Desired Clearance between Conductor <sup>(1)(2)</sup> and Vegetation	Column C <sup>(3)(5)</sup> NERC Clearance 1 (with restrictions) Desired Clearance between Conductor <sup>(1)</sup> and Vegetation	Column D <sup>(3)</sup> ANSI Clearance between Conductor <sup>(1)</sup> and Vegetation	Column E <sup>(4)</sup> NERC Clearance 2 between Conductor <sup>(1)</sup> and Vegetation
765 kV	45'	35' 00"	27' 04"	14' 0"
500 kV	45'	26' 08"	19' 00"	10' 0"
345 kV	30'	20' 05"	13' 02"	7' 6"
230 kV	30'	16' 05"	7' 11"	5' 2"
161 kV	25'	14' 00"	6' 00"	3' 5"
138 kV	25'	13' 02"	5' 02"	2' 11"
88 kV & 115kV	25'	12' 04"	4' 06"	2' 6"
69 kV	25'	10' 09"	3' 09"	2' 6"
46kV, 40kV, 34.5 kV & 23 kV	20'	10' 00"	2' 09"	2' 6"

<sup>(1)</sup> Conductor at maximum sag condition<sup>(6)</sup>

<sup>(2)</sup> Desired clearance to maintain reasonable clearing cycles

<sup>(3)</sup> ANSI Z133.1 rev. 10/2000

<sup>(4)</sup> IEEE Standard 516-2003, Section 4.2.2.3, Tables 5 and 7, calculated clearances  
(Clearance 2)

<sup>(5)</sup> Application of herbicides will be considered as meeting these guidelines, as long as all treated vegetation meets or exceeds the desired clearance from maximum sag (Table AEP1.2, Columns A and C).

<sup>(6)</sup> AEP Guideline for Determining Maximum Conductor Sag and Blowout for Vegetation Management is to be used to adjust the conductor's found field condition to the maximum sag condition taking into account the conductor size, span length, elevation, and current temperature.

<sup>(7)</sup> (Columns A, B, C, and D) distances exceed clearances for NERC operationally significant circuits noted in NERC Standard FAC-003-1, which gives clearances (Columns A and E) to be maintained between vegetation and conductors under all rated electrical operating conditions, per IEEE Standard 516-2003 (Guide for Maintenance Methods on Energized Power Lines) and as specified in its Section 4.2.2.3, Minimum Air Insulation Distances without Tools in the Air Gap.

# AEP OHIO DISTRIBUTION LINE CLEARANCE GUIDELINES

revised January 2007

	R/W width	TRIMS *			REMOVALS **	BRUSH CUT	HERBICIDE TREATMENT	Tree Growth Regulators
		side trim	under trim	overhang				
multi phase facilities	30 feet***	In maintained locations such as yards etc. 10 feet minimum from primary conductors	Minimum 10 foot clearance from primary conductor	All overhanging limbs cut back	Aggressively sought	All woody species are cut and/or mowed. All pole bases cleared for a 5 foot radius of vegetation and area treated with a herbicide.	Aggressively sought and used extensively. All stumps treated. No brush height or application restrictions, may be used as a reclearing tool. Re-growth is treated.	Used Moderately
All other primary facilities	30 feet or to the existing tree line	Minimum 10 foot clearance from primary conductor	Minimum 10 foot clearance from primary conductor	Overhang removed to a height above the primary for a clear hinge or swing point providing 10 feet of hinge or swing clearance above the conductor	Highly desired	All woody species are cut and/or mowed. All pole bases cleared for a 5 foot radius of vegetation and area treated with a herbicide	Aggressively sought and used extensively. All stumps treated. No brush height or application restrictions, may be used as a reclearing tool. Re-growth is treated.	Limited Use

\* trim clearance is influenced by species regrowth, position to the conductors etc.

\*\* removals must also meet species, position to conductors, vigor and completion time & expense considerations

\*\*\* variances in width may be necessary pending easement restrictions

AEP000024

1 absolutely dead, we cleared everything else except  
2 that one tree, you know, I'd have to really look at  
3 each situation to say whether it was or potentially  
4 could be.

5 Q. If there's a clearly dead tree and  
6 there's no problem accessing it, no landowners  
7 refused you access, then that tree should have been  
8 set up to be removed, correct?

9 A. Yeah. We would remove a tree like that,  
10 yes.

11 Q. Do you have any personal knowledge as  
12 this situation, about the tree or its location or any  
13 efforts?

14 A. Again, just from helping prepare an  
15 answer to the first complaint when it came in, I  
16 haven't been to the location, I haven't --

17 Q. What information did you obtain or did  
18 you hear when you were preparing the answer?

19 A. So we talked to Forestry who was going to  
20 go out there and look. Again, I think at first the  
21 claim was it was a marked tree, I think Forestry said  
22 it wasn't marked and there was a -- it wasn't even a  
23 whole tree, possibly a branch that fell off the tree  
24 or a side sprout that fell off the tree, I'm not sure



1 and was, therefore, responsible for damage incurred  
2 by a customer?

3 A. Yes.

4 Q. And on how many occasions?

5 A. About a handful.

6 Q. And what were the types of negligence  
7 involved in those cases?

8 A. It would deal with a lot of, mostly if we  
9 were doing work in a customer's yard, if we put ruts  
10 in their yard, if we, say, left some debris in their  
11 yard from tree trimming. A lot of it is with our  
12 contractors or crews doing work at a customer's  
13 location which may have damaged customer property.

14 Q. And to your understanding if one of your  
15 contractors is negligent, then AEP is responsible for  
16 that.

17 A. Yes.

18 MR. ALAMI: Again, objection to the  
19 extent that calls for a legal conclusion. But just  
20 generally, your understanding generally.

21 A. My understanding, again, yes, if we were  
22 negligent in causing harm to customer's property,  
23 then yes, we would be responsible.

24 Q. And to your knowledge the same if your

**EXHIBIT****3**





tabbles

4

EXHIBIT









Circuit 3101

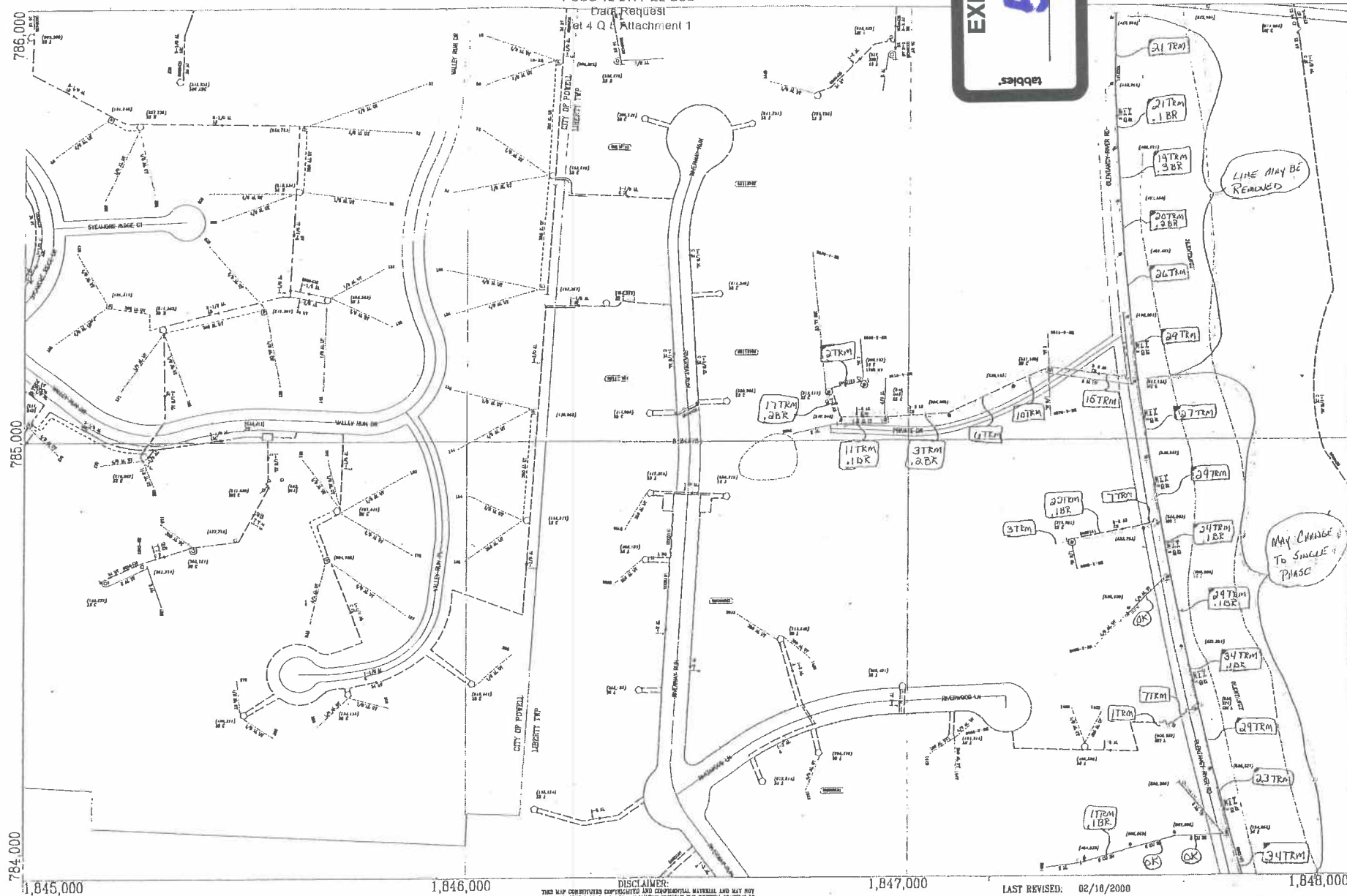
MAP 15

MAP 14 ↓

Track Request  
4 Q 3 Attachment 1

4

ables.



REGION: AEP OHIO DISTRICT: NW

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LAST PLOTTED: 09/23/2011

SCALE: 1" = 100'

CPR MAP NAME: S1845784



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1 Q. Sure.  
2 A. I was not there when that tree was  
3 removed off the roadway. That's why I showed  
4 some uncertainty in that response. I'm assuming  
5 my crews did it, but I might be wrong in  
6 assuming that.  
7 The order of events that day was pretty  
8 much simultaneous. Everything was happening  
9 together. The line was being repaired as I  
10 approached there, we were trimming trees, and  
11 they were removing phases.  
12 Q. Do you recall ODOT doing any work out  
13 there at the same time?  
14 A. ODOT was present to block the road, I  
15 believe, but I'm not aware of them doing any  
16 extra work out there that day.  
17 Q. And do you recall how long it took to  
18 repair the line once the crews arrived?  
19 A. Don't recall.  
20 Q. Are there records of something like that  
21 somewhere that you know of?  
22 A. The actual repair of that line, I don't  
23 know if those records exist or not.  
24 Q. Do you recall how long your crews were

1 A. I don't recall the exact number, no.  
2 Q. More than one, if you recall?  
3 A. Yes, there was more than one.  
4 Q. What I'm trying to get at, was the tree  
5 trimming work done in the same way it would have  
6 been done, but for the storm?  
7 A. I would say yes to that, the tree work  
8 was done the same as it would have been, except  
9 for the storm.  
10 Q. By the same number of crews and  
11 everything, or --  
12 A. We had more crews on-site during that  
13 storm --  
14 Q. But --  
15 A. -- than we would have had on a normal  
16 trimming.  
17 Q. That particular afternoon, you had more  
18 crews on-site, is that what you're saying, or  
19 just generally in the area, you had more crews?  
20 A. That's a two-part question. Certainly  
21 we have more crews in the area because we were  
22 in major storm restoration mode. We also had  
23 more crews on 315 that day than we would have  
24 sent down to do on a normal cycle trim, and we

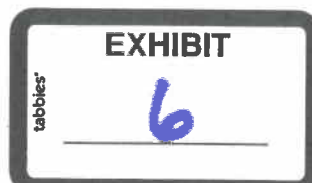
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1 out there on 315 on that day, that section of  
2 315?  
3 A. I really don't recall how long we were  
4 there.  
5 Q. And did they complete the trimming work  
6 that was -- that needed to be done?  
7 A. They completed the work to -- yes, that  
8 was -- that needed to be done at that point in  
9 time.  
10 Q. Was it work that needed to be done with  
11 the exception of the removing the tree that had  
12 fallen, or the portion of the tree that had  
13 fallen, was that the same work that had been  
14 planned by Mr. Carpenter previously?  
15 A. I didn't compare the work we were doing  
16 to the map that Mr. Carpenter had planned.  
17 Being on-site, I had them trim the trees to our  
18 specifications, in general. We didn't want to  
19 spend any more time out there than was  
20 necessary, but we wanted to clear the line as  
21 best we could at that point in time.  
22 Q. And do you recall how many crews -- how  
23 many tree crews were doing the work out there  
24 that day?

1 trimmed it much more quickly than we would have  
2 in a normal situation, saying that the storm had  
3 not occurred. We were trying to get it done  
4 quickly, get it cleaned up and get off the road,  
5 so we threw more resources at it.  
6 Q. Do you know why that work on 315 was not  
7 done before it was done?  
8 A. Yes. We're in the process of  
9 coordinating a joint-line department forestry  
10 approach to addressing that section of road,  
11 completing the tree trimming, as well as  
12 completing the line project that we worked on  
13 during that storm.  
14 Q. Changing the three line out --  
15 A. Yes, sir.  
16 Q. -- for the one phase?  
17 A. Yes.  
18 Q. Who was involved in that coordination  
19 process?  
20 A. Myself, Paul Roahrig was one of the  
21 engineers working on that, several of the folks  
22 in the line department in the northwest I had  
23 discussions with on that.  
24 Q. Mr. Roahrig is -- what's his job?

16 (Pages 58 to 61)



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1     **A. I believe he's an engineer.**  
2     Q. Do you know what department at AEP he  
3 works in?  
4     **A. No, sir, I don't.**  
5     Q. But was he involved because of the  
6 changing the three phase to the one phase?  
7     **A. Yes.**  
8     Q. When did the discussion occur or begin  
9 about planning the work on 315?  
10    MR. ALAMI: Sorry to interrupt, but just  
11 for clarification, when you say planning the  
12 work, are you referring to the line work, or are  
13 you referring to the tree trimming work?  
14    MR. KELLER: I'm talking about what he  
15 said, that there was a planning to do all of the  
16 work they wanted to do on 315. So that's what  
17 I'm referring to.  
18    **A. Sometime in early April, I believe, was**  
19 **the first coordinated discussion on that, or**  
20 **initial discussions on that.**  
21    Q. Okay. Who was in charge of that  
22 coordination?  
23    **A. There were discussions between Paul and**  
24 **myself, or at least communications that he had a**

1 thought I was taking care of it, and then I  
2 thought he was taking care of contacting ODOT.  
3 Our crews were not to that location yet anyways.  
4 We got towards the end of Jewett Road around the  
5 end of June, as it were.  
6     I can't speak for the line department,  
7 whether they were ready to do that job yet or  
8 not. I'm working several circuits at the same  
9 time, and the line department's working multiple  
10 jobs at the same time, as well. So it's -- we  
11 had -- there was a lot of things going on.  
12    Q. The tree or portion of tree that took  
13 the line out on 315, was that marked for removal  
14 by Mr. Carpenter?  
15    **A. My inspection of that tree following**  
16 **this storm and the filing of this case, I found**  
17 **no marks on that tree.**  
18    Q. But of all the trees along 315, that was  
19 the only one that really fell, right, during  
20 that storm?  
21    **A. Of all of the trees along 315 from**  
22 **Jewett Road to Powell Road --**  
23    Q. Yes.  
24    **A. -- that was the only tree that fell**

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1 line project and I had a forestry project.  
2 **There was no one in charge of the discussions.**  
3    Q. Was that done by e-mail or by phone,  
4 or --  
5    **A. Some e-mail and some phone.**  
6    Q. Okay. So do you know why that work was  
7 not done before the storm hit?  
8    **A. Again, we were trying to coordinate a --**  
9 **make a coordinated effort to get out there and**  
10 **do that work to eliminate either multiple-road**  
11 **closures or interaction with the public on that**  
12 **as far as -- I can't think of the word, but**  
13 **trying to eliminate our effects to traffic and**  
14 **so forth on that road. It made sense to try to**  
15 **do it in one combined effort than to do it**  
16 **multiple times.**  
17    Q. Because it's a busy, heavily traveled  
18 road?  
19    **A. Yes. Yes, sir.**  
20    Q. Okay. But what was -- if you started in  
21 early April, what was the problem in getting  
22 that done before the end of June?  
23    **A. I don't think there was a problem. It**  
24 **was in the process. I think for a while, he**

1 during that storm that I'm aware of.  
2    Q. Do you know why that particular tree  
3 fell and the other trees didn't?  
4    **A. No, sir.**  
5    Q. Is it possible that that tree was  
6 diseased or had some other problem and should  
7 have been marked for removal?  
8    **A. The tree most likely was in decline, the**  
9 **portion that fell, of what I witnessed. The**  
10 **fact that the tree was not marked didn't bother**  
11 **me. In an ideal situation, walking through**  
12 **someone's back yard, easy access and so forth, I**  
13 **think it would have been an easy try to identify**  
14 **and mark. In that situation, and the way that**  
15 **our program operates, I don't feel that the**  
16 **issue that the tree was not marked was a -- was**  
17 **of any concern.**  
18    The planning process is only one step in  
19 the program. Once the tree crews arrive on  
20 scene on any planned work, anywhere that we  
21 work, they often will remove trees or trim trees  
22 that have not been marked by the planner. They  
23 also may not trim trees or remove trees that  
24 have been marked by the planner. So the tree

17 (Pages 62 to 65)



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1 crews are the second step in our process. Our  
2 work is also audited, both by myself, by an  
3 outside auditing company, and by the Public  
4 Utilities Commission, following our -- you know,  
5 following our completed work.

6 So the fact that that tree wasn't  
7 marked, in my opinion, is not of concern to me.

8 Q. So you're saying your tree crews might  
9 have removed that section of tree when they got  
10 out there, even though it wasn't marked?

11 A. That is correct.

12 Q. And are you positive that it was not  
13 marked?

14 A. In my inspection, I saw no marks on that  
15 tree.

16 Q. Had the tree been cut up by the time you  
17 got out there?

18 A. It was off to the side of the road  
19 because trucks were moving through there. I did  
20 not inspect it.

21 Q. Did you turn it over or anything?

22 A. I did not inspect that.

23 Q. You did not inspect the tree?

24 A. No.

1 Q. I'm just -- well, humor me.

2 A. A tree in decline that has the potential  
3 to take down our lines should be either marked  
4 for removal or picked up by the line crews, or  
5 picked up in an audit situation following our  
6 work.

7 Q. Okay. The audit reports, you said those  
8 are done by AEP, and also by the PUCO, and there  
9 was a third auditing group?

10 A. We have an outside company called ACRT  
11 that audits -- spot audits our work.

12 Q. How often does the outside group audit,  
13 like, your geographic area?

14 A. Once or twice a quarter.

15 Q. Calendar quarter?

16 A. Yes, sir.

17 Q. And do they submit written reports --  
18 written audit reports?

19 A. Yes.

20 Q. Are those in your possession?

21 A. Most of those are, yes.

22 Q. For the last couple of years?

23 A. Yes.

24 Q. The internal reports by AEP, who does

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1 Q. So it could have been marked and you  
2 just didn't see the mark?

3 A. I can't answer that. I don't know the  
4 answer to that.

5 Q. What I understand you're saying is you  
6 did not see a mark, but do you recall  
7 specifically looking for a mark on that tree?

8 A. I'm not sure I understand your question.  
9 I did not look for a mark on the branch that was  
10 on the ground across 315.

11 Q. That was my question.

12 A. I did not look for a mark on that  
13 branch.

14 Q. So it may have been marked, may not have  
15 been marked?

16 A. I don't know.

17 Q. Okay. And if the tree was likely in a  
18 state of decline, it's at least possible that it  
19 should have been marked for removal by  
20 Mr. Carpenter; is that correct?

21 MR. ALAMI: Objection; assumes facts not  
22 in evidence.

23 You can answer.

24 A. I think I already answered that earlier.

1 that work?

2 A. I do that work.

3 Q. And do you submit a written audit report  
4 to someone?

5 A. No. When I -- my audits are  
6 self-driven. They're not in any format.

7 Q. Do you keep notes?

8 A. No.

9 Q. Do you find that it's more common that  
10 the planners mark too many trees, or too few  
11 trees?

12 A. I would say neither is more common.

13 Q. Some of each?

14 A. That would be a true statement.

15 Q. And what about the outside company,  
16 what -- would you say that they more often  
17 indicate that too many trees were marked for  
18 trimming and removal, or not enough?

19 A. They're judging us to our line clearance  
20 efforts. They're not going to say that too many  
21 have been trimmed. In other words, they're not  
22 going to tell us we have too great of clearance  
23 from our facilities. They're going to tell us  
24 we didn't get adequate clearance. What they're



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1 resources that we were putting towards that  
2 operation, I felt, mandated my presence on that  
3 scene.

4 Q. And what work was done that day when you  
5 were out there?

6 A. The outage was restored, the limb was  
7 removed, lines were put back up. We also  
8 stripped out two phases of line from Jewett Road  
9 to just south of Powell Road. And we trimmed  
10 that whole section, as well.

11 Q. Okay. You sort of lost me on some of  
12 those things. Let's go through that list again  
13 of what all was done that day.

14 A. So the downed power line was repaired.

15 Q. And that was done by an AEP line crew,  
16 is that what you would --

17 A. I don't recall who actually -- what  
18 company actually repaired that line.

19 Q. But a line crew, not --

20 A. Yes.

21 Q. -- a forestry crew?

22 A. Yes.

23 Q. Okay. And what else was done?

24 A. Prior to us being on that road that day,

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1 A. Yes. That was in the process of being  
2 planned. That was a job that was pending.

3 Q. What else was done that day?

4 A. Trees were trimmed the whole section of  
5 road there from Jewett Road, just south of  
6 Powell Road.

7 Q. Per Mr. Carpenter's planning  
8 recommendations?

9 A. More or less, yes.

10 Q. Were there any other trees that had  
11 fallen across 315 in that section between Jewett  
12 and Powell Road at that time?

13 A. Not that I'm aware.

14 Q. And what else -- I think you said there  
15 was a fourth thing that was done that day. You  
16 removed the tree that had fallen.

17 A. Cleaned up the debris on the road. I'm  
18 not sure -- I think we just ended up pushing it  
19 off -- cleared the road for traffic, for our  
20 trucks.

21 Q. But you had to remove the tree that had  
22 actually fallen across the line, correct?

23 A. The part of the tree that fell across  
24 the line we removed off the roadway.

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1 that was a three-phase line running up that  
2 road, meaning there was three primary conductors  
3 on those poles from Jewett Road, just south of  
4 Powell Road. And while that road was shut down,  
5 we went ahead and removed two of those phases,  
6 leaving one phase going down 315. That's an  
7 effort to improve reliability in that area,  
8 improve treeline contact situations, improve  
9 safety and reliability.

10 Q. Okay. So there was a three-phase line,  
11 and you didn't need a three-phase line, so you  
12 replaced it with a one-phase line?

13 A. We removed two phases and left one  
14 remaining.

15 Q. Does that involve actually physically  
16 changing one wire for another wire, or do you  
17 physically leave one in place and remove  
18 something else?

19 A. You remove and leave one in place.

20 Q. Okay. And, again, was that done by the  
21 line crew?

22 A. Yes.

23 Q. Was that something that had been planned  
24 previous to this storm?

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1 Q. And that was a tree, wasn't it?

2 A. That was a tree.

3 Q. What do you mean by a portion of a tree?

4 A. The tree in question has three leads  
5 coming off -- out of the trunk. That was one of  
6 those leads.

7 Q. And that -- there are three that  
8 essentially came out of the ground? I mean, or  
9 did it split into three 30 feet up in the air,  
10 or -- I don't understand what you're saying.

11 A. It's more or less a single trunk at  
12 ground level to a certain distance off the  
13 ground, and then it splits off into three  
14 separate leads.

15 Q. Okay. And how big around was it, do you  
16 recall it?

17 A. I don't recall.

18 Q. Do you recall how long it -- strike  
19 that.

20 What was the order of the work that was  
21 done out there that day? What happened first,  
22 what happened second, what happened third?

23 A. Let me correct something I said  
24 previously.

15 (Pages 54 to 57)





1 they generally will put one per station depending on  
2 the severity of the storm and the restoration needed.

3 Q. And that person is just referred to as a  
4 circuit general?

5 A. Circuit general. We report, as  
6 assessors, we will report to him and then he will  
7 direct crews, and this runs differently on different  
8 storms.

9 Q. What knowledge do you have personally  
10 with respect to the outage that affected my property  
11 in the summer of 2012?

12 A. I just heard on the news that Route 315  
13 was closed south of Powell Road due to trees and  
14 wires down.

15 Q. Do you recall when you heard that?

16 A. Second or third day of the storm.

17 Q. And the storm hit Friday, didn't it?

18 A. Yes.

19 Q. So that would have been over the weekend.

20 A. It would have been Sunday or Monday when  
21 I heard it.

22 Q. And did you do anything after hearing  
23 that?

24 A. I called a gentleman up at Northwest

EXHIBIT

10

1 garage and mentioned to him that he had the work  
2 packet to remove some facilities up there and to go  
3 ahead and see if he could do it under storm  
4 restoration instead of putting everything back up and  
5 then having to try to get the road closed again to  
6 try to do that work, to go ahead and just put up what  
7 they needed to put up and refer to the work packet to  
8 do that.

9 Q. And who was that individual?

10 A. Jimmy Castle.

11 Q. Did you contact him shortly after you  
12 heard that the road was closed?

13 A. Yes.

14 Q. Okay. Tell me about the work packet that  
15 you referred to.

16 A. It's a general work packet. I go through  
17 and I decide what work I think needs to be done. We  
18 have design software that we can go in and put in  
19 material units to be removed, material units to be  
20 installed and that type of thing, and there are labor  
21 units associated with that, and the whole work packet  
22 comes up with a material list and labor, and the crew  
23 gets -- and then they have -- they charge their time  
24 off to that work order number.

PUBLIC UTILITIES COMMISSION OF OHIO

Evelyn and John Keller,

Complainants,

v.

Ohio Power Company,

Respondent.

Case No. 12-2177-EL-CSS

**RESPONDENT AEP'S ANSWERS TO COMPLAINANTS**  
**SECOND DISCOVERY REQUESTS**

Respondent Ohio Power Company (hereinafter "AEP") hereby responds to Complainant's Second Discovery Requests.

**GENERAL OBJECTIONS**

1. All of the responses set forth below are based solely upon the information and documents presently available to AEP. Discovery will continue as long as permitted and the investigation by AEP, AEP's attorneys, and AEP's agents will continue throughout this proceeding. As the investigation and discovery proceed, witnesses, facts, documents, and evidence may be discovered that are not set forth herein but that may be responsive to these Discovery Requests. The following responses are given without prejudice to AEP's right to alter or amend these responses as the result of subsequently discovered evidence and to present such evidence in any proceeding, including, but not limited to, expert testimony, discovered or obtained after the date of these responses.

2. Nothing herein shall be construed as an admission by AEP with respect to the admissibility or relevance of any documents produced. Further, AEP's responses are made without in any way waiving:



12. Has AEP paid compensation of any type to any consumers for damages resulting from the June 2012 storm?

**Response:** AEP objects to this request to the extent it requests information that is confidential. Subject to and without waiving this objection, AEP has not paid any compensation of any type to any customer for damages resulting from the June 2012 storm.

13. Identify all complaints against AEP alleging negligence commenced since January 1, 2000 and describe how each of these complaints were resolved.

**Response:** AEP objects to this request to the extent that it is overly broad and burdensome. Subject to and without waiving these objections, all complaints against AEP alleging negligence commenced since January 1, 2000 are available and searchable as public records on the Public Utilities Commission of Ohio's Docketing Information System.

14. Produce all communications between AEP and ODOT from March 1, 2012 to the present.

**Response:** AEP objects to this request to the extent that is overly broad and burdensome, requests information that is irrelevant to this matter, and is redundant of prior requests and therefore has been asked and answered. Subject to and without waiving this objection, there are no communications between AEP and ODOT from March 1, 2012 to the present with regard to the storm and the area of S.R. 315 between Powell Road and Jewett Road other than the communication produced in response to Request No. 1 from the Complainants' First Discovery Requests.

15. Is a road closure a factor in the determination of the order of repairs following a weather event?

**Response:** A road closure is a factor in the order of repairs following a weather



event only to the extent it affects the implementation of the restoration process set out in the documents in AEP's response to Request No. 7.

16. When did AEP learn of the outage of the line in the Subject Area?

**Response:** AEP objects to this request to the extent that it is vague. Subject to and without waiving this objection, AEP learned of an outage on Circuit 3101 in the Subject Area on or around June 29, 2012.

17. Identify the person or persons who were involved in the repairs to the electric lines in the Subject Area following the June 2012 storm.

**Response:** AEP objects to this request to the extent it is overly burdensome. Subject to and without waiving this objection, there were many people involved in the repairs to the electric lines in the Subject Area following the June 2012 storm, including employees from Michigan as well as Cliff Moritz, Tim Flaherty, Tony DiCenzo, Grady West, and their respective crews.

18. Identify the person or persons who were involved in dealing with vegetation in the Subject Area following the June 2012 storm.

**Response:** AEP objects to this request to the extent it is overly burdensome. Subject to and without waiving this objection, there were many people involved in dealing with vegetation in the Subject Area following the June 2012 storm, including Asplundh employees from Michigan as well as several local crews.

1 two poles?

2 A. Just physically put the wire up, but  
3 there's a lot of different scenarios that can enter  
4 into it, depending. If the tree's still up close to  
5 the wire, we can't put the wire up, but if it's just  
6 connecting the two wires and -- probably about an  
7 hour.

8 Q. Okay.

9 A. Because it's a little more than just  
10 connecting the two wires because you got to ground on  
11 both sides of where you're working and make sure the  
12 line's de-energized. Well, actually we make sure the  
13 line is de-energized and then we test it and then we  
14 put grounds on it and then they make the repair and  
15 they have to take the ground and everything off.

16 Q. Following the restoration of this  
17 particular area was there any sort of report sent  
18 back to anyone else at AEP showing that that work had  
19 been performed?

20 A. Because we completed the work order we  
21 would have sent the work order in that we completed.

22 Q. When you say sent it in, physically what  
23 happens?

24 A. When we complete a work order, we sign

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12

tabbles



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

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Summary: Testimony Direct Testimony of John Keller electronically filed by Mr. John K. Keller  
on behalf of Keller, John