

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

James L. Griffith,)		
)		
Complainant,)		
)		
v.)	Case No.	13-1956-EL-CSS
)		
Ohio Edison Company,)		
)		
Respondent.)		

**DIRECT TESTIMONY OF
ALAN M. GLOVER
ON BEHALF OF OHIO EDISON COMPANY**

1 **I. INTRODUCTION**

2 **Q1. Please introduce yourself.**

3 A1. My name is Alan Glover. I am employed by ACRT, Inc. (“ACRT”) as a Transmission
4 Vegetation Management (“TVM”) Forestry Specialist. ACRT provides vegetation
5 management services to FirstEnergy Service Company (“FirstEnergy”).

6 **Q2. Please describe your educational background and work experience.**

7 A2. I have ten years of experience in Vegetation Management. I am a Certified arborist
8 through the International Society of Arboriculture (“ISA”). I have held that certification
9 since 2011. In order to attain this distinction, I passed a Certified Arborist examination.
10 As an ISA Certified Arborist, I have been trained in all aspects of arboriculture, including
11 tree identification, tree biology, pruning standards, soil biology, tree nutrition and
12 fertilization, and best vegetation management safety practices. To maintain the
13 certification, I must complete 30 continuing education units every three years.

14 **Q3. Do you hold any certifications or licenses?**

15 A3. Yes. As set forth above, I am an ISA Certified Arborist. I also hold a Pesticide
16 Applicator license through the State of Ohio.

17 **Q4. Please summarize your responsibilities as a TVM Forestry Specialist.**

18 A4. In my current position, my responsibilities include ensuring that all of the transmission
19 lines Ohio Edison Company (“Ohio Edison”) and its transmission affiliate American
20 Transmission Systems Incorporated (“ATSI”) comply with the programs for inspection,
21 maintenance, repair, and replacement of transmission circuits and equipment as required
22 under Ohio Admin. Code 4901:1-10-27(E) (“the Plan”) and the FirstEnergy Transmission
23 Management Contractor Specifications dated January 1, 2012 (“the Specifications”). The
24 Plan and the Specifications make up FirstEnergy’s TVM Program. A true and accurate

1 copy of relevant portions of the Plan are attached to the written testimony of Katherine
2 Bloss as Attachment KB-1, and a true and accurate copy of relevant portions of the
3 Specifications are attached to the written testimony of Katherine Bloss as Attachment
4 KB-2.

5 I oversee the implementation of, and compliance with, the Specifications by contractors
6 and conduct field visits to supervise and inspect the work of contractors. I work with
7 property owners to resolve work refusals and claims related to the TVM Program.

8 **Q5. Are you familiar with FirstEnergy's policies and practices regarding vegetation**
9 **management?**

10 A5. Yes. I understand both current and historical TVM policies and practices at FirstEnergy.
11 In my capacity as a TVM Forestry Specialist, I work with the TVM Program on nearly a
12 daily basis and instruct contractors on the proper application of the TVM Program to
13 vegetation conditions in the field.

14 **Q6. Do you have experience identifying vegetation that must be pruned or removed in**
15 **accordance with the TVM Program?**

16 A6. Yes. In my current position, I am responsible for ensuring that vegetation in our
17 easements and corridors is properly maintained, either through removal or, where
18 appropriate, pruning. I have substantial on-site experience identifying incompatible
19 vegetation that may interfere with or threaten to interfere with our electric lines, and I
20 frequently have supervised the contractors who remove such vegetation.

21 **Q7. Do you have experience managing debris disposal from vegetation management**
22 **work in accordance with the Specifications?**

1 A7. Yes. I routinely review debris disposal practices following vegetation management to
2 ensure that debris is reasonably maintained in accordance with the requirements of the
3 Specifications. As a TVM Forestry Specialist, I evaluate debris disposal under the
4 Specifications and direct contractors on the appropriate debris management.

5 **Q8. Are you familiar with Complainant's property?**

6 A8. Yes. The right-of-way on Complainant's property includes both maintained and non-
7 maintained lawn areas. True and accurate copies of photographs of the right-of-way in as
8 it recently appeared on July 23, 2014 are attached to the written testimony of Katherine
9 Bloss as Attachment KB-3.

10 **Q9. What is the purpose of your testimony?**

11 A9. The purpose of my testimony is to describe debris disposal on Complainant's property
12 under the TVM Program's requirements and the additional efforts that FirstEnergy has
13 undertaken to address Complainant's concerns regarding debris from the vegetation
14 management activities.

15 **II. VEGETATION MANAGEMENT AND DEBRIS DISPOSAL ON**
16 **COMPLAINANT'S PROPERTY**

17 **Q10. Please explain the vegetation management work performed on Complainant's**
18 **property.**

19 A10. Complainant was notified of the planned 2013 maintenance work on and adjacent to the
20 right-of-way traversing his property on January 21, 2013. On March 14, 2013, Asplundh
21 Tree Experts Co. ("ATE") began work removing trees within the right-of-way according
22 to Ohio Edison's Easement (attached as Attachment KB-4 to the written testimony of
23 Katherine Bloss) and the Specifications using an aerial saw. I met with Complainant on
24 March 20, 2013 at the property to discuss the application of a United States

1 Environmental Protection Agency (“EPA”)-registered herbicide to control woody
2 vegetation within the right-of-way.

3 Debris within the right-of-way was mowed on April 3, 2013 with a Fecon head mower
4 prior to the application of herbicide due to the high density of woody vegetation as high
5 as 16’ tall within the transmission corridor. Because Complainant had expressed concern
6 about the herbicide, I met with him on this date to again discuss the fact that it was
7 necessary to apply herbicide within the right-of-way consistent with the requirements of
8 the Specifications.

9 On April 4, 2013, I provided Complainant with written notice that the woody vegetation
10 within the right-of-way would be treated with herbicide. A copy of this notice is attached
11 as Attachment AG-1. ATE applied such herbicide in May 2013, leaving a three (3) to
12 five (5) foot buffer between the maintained lawn area and non-maintained area within the
13 right-of-way as shown in the photographs attached to the written testimony of Katherine
14 Bloss as Attachment KB-3. Maintained Lawn Area and Non-Maintained Lawn Area are
15 defined on page 118 of Specifications. (Attachment. KB-2, p. 118).

16 **Q11. Did ATE later return to the property to perform additional work to address debris**
17 **disposal concerns raised by Complainant?**

18 A11. Yes. On July 26, 2013, I returned to the property with a representative from ATE to meet
19 with Complainant regarding his concerns about debris disposal within the right-of-way
20 following his informal complaint. At that meeting, I reviewed the condition of the right-
21 of-way and confirmed that debris from the vegetation management work was maintained
22 in a reasonable manner and in full compliance with the Specifications. Nonetheless, in an
23 effort to satisfy Complainant’s concerns, the Company agreed to stack and windrow

1 brush debris from the aerial saw. "Windrow" means that the brush debris is stacked
2 parallel to the woodline and diced down so that the debris lays at knee-height or lower.
3 This work is above and beyond, to the Complainant's benefit, what the Specifications
4 require for non-maintained lawn areas like the non-maintained area within the right-of-
5 way on Complainant's property.

6 At the July 26, 2013 meeting, Complainant expressed his concern about the use of
7 herbicide within the right-of-way. I explained that the herbicide had to be applied to
8 control the stumps of the woody vegetation that was removed as part of the vegetation
9 management work pursuant to the Specifications. I also showed Complainant specific
10 areas within the right-of-way where the grass was already re-sprouting to demonstrate
11 that the herbicide did not cause a complete brown-out as Complainant was worried about
12 but rather the herbicide was applied simply to target the woody stumps.

13 On July 29, 2013, ATE windrowed brush and diced debris below knee height. This
14 additional work that was not required under the Specifications for debris disposal took a
15 two-man crew five hours to complete, for a total 10 additional hours of labor. I was at
16 the property on this date to review this additional work. True and accurate copies of
17 photographs depicting the right-of-way after the additional maintenance work on July 29,
18 2013 are attached as Attachment AG-2.

19 Following Complainant's formal Complaint, I returned to the property on October 1,
20 2013 with a representative of ATE to once again meet with Complainant about his
21 concerns. At that meeting, Complainant expressed dissatisfaction with stubble within the
22 right-of-way. Although it was beyond the Company's requirements under the
23 Specifications, I made arrangements for ATE to re-mow the property. This second,

1 additional mowing that was done to accommodate the Complainant took another 10 hours
2 of labor to complete.

3 Following this second mowing, I inspected the property with Supervisor, Katherine Bloss
4 and confirmed that the debris disposal on the right-of-way exceeded, to the
5 Complainant's benefit, what was required under the Specifications. A photograph
6 depicting the right-of-way after the additional mowing was completed in October 2013 is
7 attached to the written testimony of Katherine Bloss as Attachment KB-5. I spoke with
8 Complainant on October 28, 2013 and he expressed to me that he was pleased with the
9 final work on the property.

10 **Q12. Do you have an opinion to a reasonable degree of certainty on whether the**
11 **application of herbicide met the Specifications?**

12 A12. Yes. It is my opinion to a reasonable degree of certainty that the application of
13 herbicides within the transmission corridor on Complainant's property was appropriate
14 and necessary under the Specifications. The Specifications require control of
15 incompatible woody vegetation through the use of herbicides or mechanically along with
16 an herbicide. Here, herbicides had to be applied to incompatible woody vegetation
17 within the right-of-way in accordance with the Specifications. It is unacceptable under
18 the Specifications to cut or mow such woody brush without the use of herbicides because
19 cutting brush increases stem densities and allows for rapid growth.

20 **Q13. Do you have an opinion to a reasonable degree of certainty as to whether the debris**
21 **disposal work performed by ATE on the Complainant's property met the**
22 **Specifications?**

1 A13. Yes, the debris disposal work not only met but exceeded the requirements set forth in the
2 Specifications. Prior to the vegetation management work, the right-of-way consisted of a
3 non-maintained lawn area that was filled with dense, woody vegetation as high as 16'
4 tall. Following the vegetation management work in March and April 2013, debris was
5 reasonably maintained in accordance with the Specifications by being mowed as low as
6 possible with a Fecon head mower.

7 At Complainant's request, brush debris from the vegetation management work was
8 further windrowed and diced below knee-height even though such work was not required
9 under the Specifications. Additionally, ATE returned to the property twice to mow the
10 right-of-way area in a further effort to remove stubble within the right-of-way even
11 though such work was not required under the Specifications. FirstEnergy complied with
12 its Specifications initially and then returned to reasonably accommodate the Complainant
13 with respect to debris disposal on the property.

14 **Q14. Does this conclude your testimony?**

15 A14. Yes.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent via Federal Express, this 8th day of October, 2014, to the following:

James L. Griffith
23541 Route 30
Minerva, OH 44657
Complainant

Respectfully submitted,

/s/ Emily Ciecka Wilcheck
Emily Ciecka Wilcheck (0077895)
Denise M. Hasbrook (0004798)
Carrie M. Dunn (0076952)
Counsel for Respondent,
Ohio Edison Company

ATTACHMENT AG-1



1441 South Ellsworth
Salem, Ohio 44460

April 4, 2013

Jim Griffith
23541 State Route 30
Minerva, Ohio
44657

Dear Jim Griffith,

Based on a site inspection of Ohio Edison transmission line on your property at 6651 Mill Rock FirstEnergy Service Company on behalf of Ohio Edison has prescribed for the woody vegetation on the right of way to be treated using an EPA registered herbicide. To cut or mow the brush without the use of herbicide is an unacceptable solution. Cutting brush increases stem densities and allows for rapid growth that hinders safety, accessibility, and reliability.

This work is located in and along Ohio Edison's Columbiana-Stateline transmission corridor, and the described work is necessary in order to ensure its safe and reliable operation, and is consistent with FirstEnergy Service Company's transmission vegetation management program. As part of our Transmission Vegetation Management Program, FirstEnergy Service Company has instructed Asplundh Tree Co., to treat such vegetation on or after 4/15/2013 according our general work practices and outlined on the attached work plan and enclosed brochure.

The prepared work plan is specific to your property and has been reviewed by a FirstEnergy Forestry Specialist on behalf of Ohio Edison to ensure that it will meet our clearance needs and is in accordance with the easement rights signed for your property **Roger and Elizabeth Stafford, Columbiana County Deed Records, 7/19/1958, Volume 1020 and Page Number 213**. Within this agreement you will note the Ohio Edison Company has been granted the rights to **trim, cut, remove or otherwise control at any and all times such trees, limbs, underbrush or other obstructions within or adjacent to said right-of-way**. Therefore, by virtue of the rights granted, Ohio Edison feels it is necessary to exercise our rights and will control undesirable vegetation on our right of way through the use of EPA registered herbicides.

Even though our easement rights provide sufficient rights for the work that is planned, we want to be certain that you are aware of this work and acknowledge reviewing the work plan. Therefore, we are requesting that you sign the work plan and return it to our office by 4/15/13. This will help us ensure that we have communicated the work plan to you. We will use the work plan to instruct our contractors, further ensuring your expectations and our expectations will be met. FirstEnergy Service Company would prefer to have your signed acknowledgement prior to starting the work. Should you decide not to sign the work plan; FirstEnergy Service Company will still proceed with the work according to our easement rights noted above.

This letter or its contents and the work performed shall not in anyway limit or change the property rights or privileges granted to Ohio Edison its affiliates, or its successors.

If you have specific questions about the work plan please contact me at 724-513-6444.

Thank you,

Alan Glover
ACRT INC.
Forestry Specialist
FirstEnergy Service Company acting of behalf of Ohio Edison

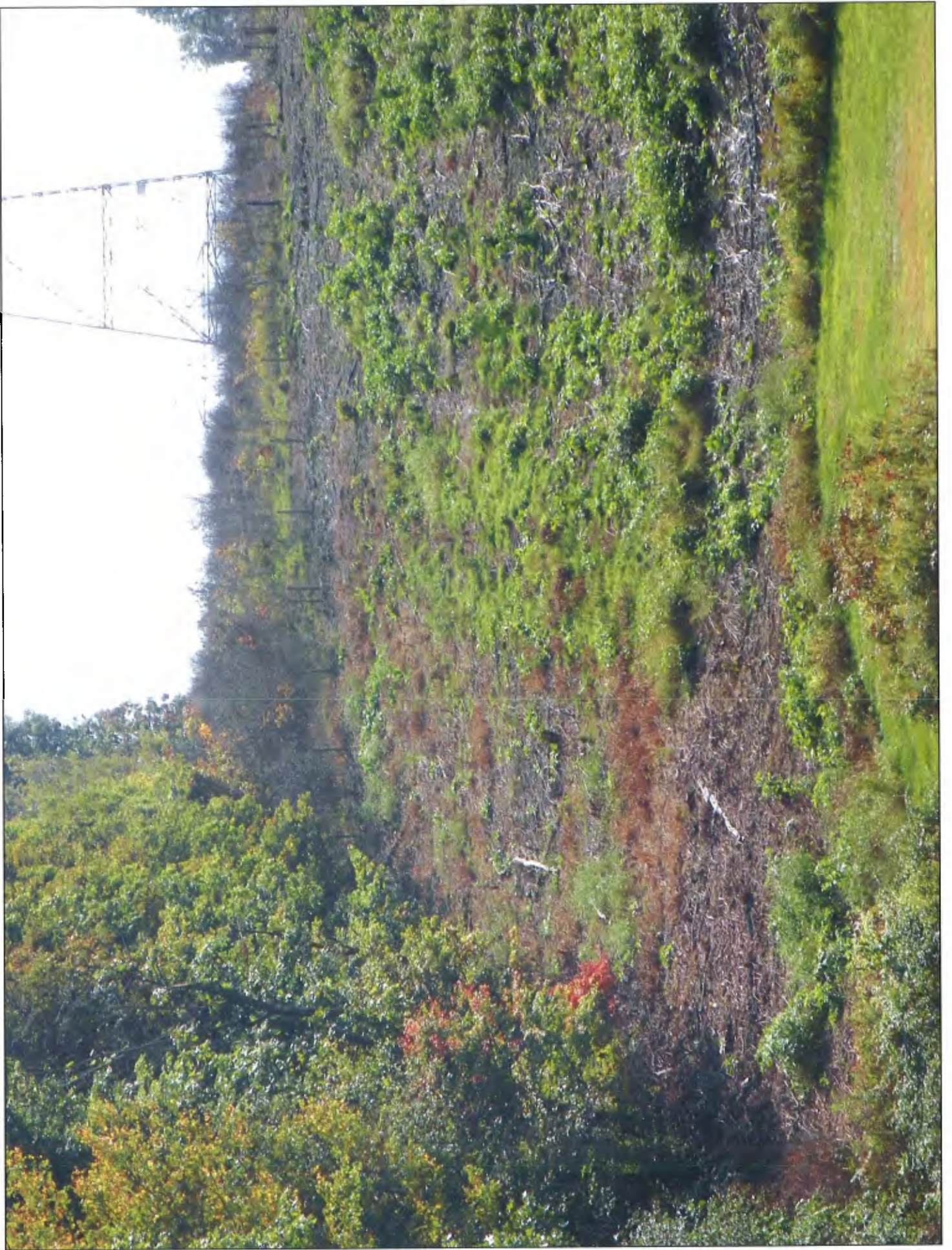
cc: Katherine Bloss Operations Supervisor
Corridor Name: Sammis-Star
Span: 41189 to 41190
Enclosures: Work Plan and Transmission Brochure

ATTACHMENT AG-2

Griffith Property

7/29/13 after maintenance









This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

10/8/2014 10:09:59 AM

in

Case No(s). 13-1956-EL-CSS

Summary: Testimony Direct Testimony of Alan M. Glover on Behalf of Ohio Edison Company
electronically filed by Mrs. Emily C. Wilcheck on behalf of Ohio Edison Company