

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)
Daniel Birrell,)
)
Complainant,)
)
v.)
)
Ohio Power Company,)
)
Respondent.)

Case No: 16-2281-EL-CSS

PRE-FILED TESTIMONY OF WALTER A. SHERRY
ON BEHALF OF RESPONDENT

Filed June 14, 2017

1 **Q. WHAT IS YOUR NAME AND BUSINESS ADDRESS?**

2 A. My name is Walter A. Sherry, Jr. My business address is 1 Riverside Plaza, 12th floor,
3 Columbus, Ohio 43215.

4 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

5 A. I am employed by American Electric Power Service Corporation in the Distribution
6 Engineering Services Manager position.

7 **Q. WHAT WAS YOUR PREVIOUS POSITION AT AMERICAN ELECTRIC
8 POWER?**

9 A. My previous position was the Forestry Operations Manager.

10 **Q. WHAT WERE YOUR RESPONSIBILITIES AS A FORESTRY OPERATIONS
11 MANAGER?**

12 A. I provided oversight for the Forestry Operations of the American Electric Power System
13 (“AEP”) operating companies, including Ohio Power Company. I therefore plan and
14 ensure the execution of our vegetation management program for transmission and
15 distribution.

16 **Q. WHAT IS VEGETATION MANAGEMENT?**

17 A. Vegetation management protects transmission and distribution systems from hazardous
18 vegetation in order to promote safe and reliable electric service to our customers.

19 **Q. WHAT IS YOUR EDUCATIONAL AND PROFESSIONAL BACKGROUND?**

20 A. I am an Electrical Engineer, I have received a Masters of Engineering Management, and I
21 am a retired Lieutenant Colonel Army National Guard Engineer Officer. I earned my
22 Bachelor’s Degree in Electrical Engineering in 1987 from West Virginia University and
23 my Master’s Degree in Engineering from West Virginia College of Graduate Studies in

1 1994. I have 30 years of utility experience, focusing primarily on transmission and
2 distribution activities. In 1987, I joined Appalachian Power Company, a subsidiary of
3 AEP, as an Electrical Engineer in Charleston, West Virginia. In 1996, I transferred to
4 Columbus, Ohio to lead our activities in Ohio to provide traditional utility services past
5 the meter to our Commercial & Industrial customers. In 2004, I became the Joint Use
6 Manager for AEP Ohio and I was named to the forestry operations managers' position in
7 July 2009 and finally to my current position in January, 2017. As a National Guard
8 Engineer Officer I have been involved in numerous civil engineering design and
9 construction projects over my twenty year career.

10 **Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?**

11 A. To provide evidence and information about the facts involved in Mr. Birrell's claim
12 against AEP Ohio.

13 **Q. HAVE YOU READ MR. BIRRELL'S COMPLAINT?**

14 A. Yes.

15 **Q. WHAT DOES THE COMPLAINT ALLEGE?**

16 A. My understanding of Mr. Birrell's complaint is that he alleges that a tree was inside of
17 the 40 foot right-of-way on the Newcomerstown – East Coshocton transmission circuit.
18 Mr. Birrell alleges that a tree from inside the right of way grew into the lines and caused
19 the outage that occurred on September 17, 2016. Mr. Birrell alleges that a power
20 fluctuation occurred as a result of the outage and that his personal electronics were
21 damaged within his house.

22 **Q. ARE YOU FAMILIAR WITH MR. BIRRELL'S PROPERTY?**

1 A. Yes, as the Forestry Operations Manager, I am familiar with the Birrell property. Mr.
2 Birrell's property is located at 22000 Emerson Street, West Lafayette, OH 43845. I am
3 also familiar with the right-of-way where the green maple tree from outside the right-of-
4 way fell across Ohio Power Company's ("AEP Ohio") three circuits (two transmission
5 lines and one distribution line) that are identified as being located on the Newcomerstown
6 - East Coshocton right-of-way, which was not on Mr. Birrell's property. AEP Ohio
7 maintains the right-of-way in order to ensure a safe and reliable electric service. Please
8 also see WAS-3 for the applicable easement which covers the property related to where
9 the green maple tree was located outside the right-of-way. And please see WAS -2 for a
10 picture of where the green maple was generally located.

11 **Q. ARE YOU FAMILIAR WITH THE OUTAGE THAT OCCURRED FOR THE**
12 **NEWCOMERSTOWN – EAST COSHOCTON CIRCUIT ON SEPTEMBER 17,**
13 **2016?**

14 A. Yes.

15 **Q. DO YOU KNOW WHAT CAUSED THE OUTAGE ON SEPTEMBER 17, 2016?**

16 A. Yes, a 70 to 80 foot green maple tree approximately 46 feet from the transmission right-
17 of-way centerline fell on the morning of September 17th, 2016. Please see WAS – 1
18 which outlines what was reported by the crews responding to this outage on September
19 17th, 2016.

20 **Q. DO YOU KNOW WHAT CAUSED THE POWER FLUCTUATION TO MR.**
21 **BIRRELL'S PROPERTY?**

22 A. No, without further investigation AEP Ohio cannot determine exactly what caused the
23 power fluctuation to Mr. Birrell's property.

1 **Q. EXPLAIN THE TERMS OF THE APPLICABLE EASEMENT.**

2 A. The applicable easement gives AEP Ohio the right to construct and operate transmission
3 and distribution facilities on the properties in question. The easement is a blanket
4 easement that grants AEP Ohio the right to remove any tree that may interfere with the
5 safety of or endanger the operation or maintenance of the transmission or distribution
6 facilities. It should be noted that since it is a blanket easement with no prescribed
7 boundaries AEP Ohio maintains the right-of-way to the initial width of when the line was
8 constructed or to an acceptable width to ensure a safe and reliable service. In this case,
9 the right-of-way's historical width was determined to be 20 feet from the centerline
10 which is considered a safe and reliable width for the voltage levels in use.

11 **Q. WAS THE GREEN MAPLE INSIDE OR OUTSIDE OF THE RIGHT OF WAY?**

12 A. The green maple tree was approximately 46 feet from the centerline or approximately 26
13 feet outside the applicable right-of-way.

14 **Q. WHY IS IT UNLIKELY THAT THE GREEN MAPLE GREW INTO THE LINES**
15 **AND CAUSED THE OUTAGE?**

16 A. Please see WAS-1 which outlines the outage report related to this event. The crew
17 reported the tree fell from outside the right-of-way, initially came to rest on the
18 transmission line, then broke through all three phases of the 34.5 kV transmission circuit
19 and then came down on to the 12 kV distribution underbuilt circuit below damaging all
20 three phases and bringing down the neutral. Also, see WAS-2, which shows the property
21 where the green maple tree was generally located. WAS-2 was taken by Mr. Birrell
22 shortly after the outage and the picture shows no trees close enough to cause a typical

1 grow-in outage. Lastly, it is highly unlikely a grow-in would cause the damage found on
2 the distribution circuit and at the same time affect and damage the transmission circuits.

3 **Q. PLEASE EXPLAIN THE CURRENT TRANSMISSION AND DISTRIBUTION**
4 **VEGETATION MANAGEMENT PROCEDURES FOR THE**
5 **NEWCOMERSTOWN – EAST COSHOCTON CIRCUIT.**

6 A. The distribution 12 kV underbuilt circuit is maintained under the distribution vegetation
7 management rider which allows for the distribution circuit to be cleared end-to-end every
8 four years. Our records indicate the underbuilt distribution circuit was cleared
9 completely in May 2014 and is scheduled to be addressed again in 2018 and again 2022.
10 The total distribution clearing cost was over \$235,000 in 2014. Please see WAS -2,
11 which shows the distribution circuit (underbuilt – lowest conductors)maintenance. Please
12 also see WAS – 5, which indicates that distribution trimming occurred in May 2014.
13 The transmission lines are maintained based on performance. The Newcomerstown –
14 East Coshocton transmission circuit was cleared end-to-end in 2005, which is reflected
15 on WAS – 4. Prior to the September 17, 2016 outage, this transmission circuit has had no
16 recorded vegetation management outages since 2005. Unlike distribution circuits, this
17 transmission circuit is patrolled annually. During the patrol, any issue that may need
18 maintenance in the next 12 months is evaluated. Our records indicate since 2005 we have
19 spent over \$32,000 conducting vegetation management maintenance on this transmission
20 circuit, which is set forth in the table on WAS – 4. Please note, the green maple tree in
21 question was 26 feet outside the applicable right-of-way and was not identified as a
22 hazard tree by either transmission personnel on an annual basis or during the end-to-end

1 clearing conducted in 2014 by distribution vegetation management personnel. There was
2 no reason to believe the green maple was a hazard.

3 **Q. PLEASE SUMMARIZE YOUR TESTIMONY.**

4 A. On September 17th, 2016, in the vicinity of 22000 Emerson Street, West Lafayette, OH
5 43845, a green maple tree approximately 26 feet from outside the applicable right-of-way
6 fell across our Newcomerstown – East Coshocton transmission circuit then came in
7 contact with the 12 kV distribution circuit below damaging all three phases and bringing
8 the neutral down. There was no reasonable way to detect this green maple tree as a
9 hazard during our annual patrol of the transmission line and distribution personnel did not
10 detect the maple tree as a hazard during their clearing of the right-of-way in 2014.

11 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

12 A. Yes.

WAS - 1

7. Location	5TH ST, WEST LAFAYETTE, OH	Extent	Recloser
Outage Date	Saturday, September 17,2016 05:43	Outage No	3960291
Est.Date		Restore Date	Saturday, September 17,2016 12:07
Stat/Circ	7104802 WEST LAFAYET SCHOOL	Crew	GREEN, JONAH
Max Cust Out	540	Supv	R,Burkholder, David K.
Customer Mins	180474	Duration mins	384
Major Cause Category	Distribution Line	Iso.Pole #	40820259B20262
Cause	TREE OUT OF ROW	Fault Pole	40820283C30027
Device	OCRs RECLOSERS	Materials	NONE
Dispatched			
Remarks	ALAF1048-02// /OUT @ 0543, RECLOSERS DIDNT HOLD @ 0750, PATROLLING// CC 540// 203 CC REC IN AT 0955// ? 10 CC IN AT 1158// 283C3/45 327 CC IN AT?1207//TREE ON LINE AT POLE 40820283C30027// TREE BROKE ALL THREE PHASES AND NEUTRAL DOWN. REPAIRS MADE.//VER/OSU		
Step Date	Customers Duration		
1 9/17/2016 9:55:00 AM	203	252	
2 9/17/2016 11:58:00 AM	10	375	
3 9/17/2016 12:07:00 PM	327	384	

WAS-2

DBIR091916E7 photos page 3



This photo was taken in the area of the Maple that grew into the line causing the damage. Note how close the trees are on the uphill or left side of the lines. Camera pointed west.

WAS-3

AEP AMERICAN ELECTRIC POWER
AEP, America's Energy Partner

VOL 0218 PAGE 865

Easement & Right of Way

Ex. CH014610

Instrument
200100003408

9

David A. Tatco, single "Grantor(s)" in
consideration of \$1.00, the easement terms, and other good and valuable consideration from Ohio
Power Company, an Ohio corporation, 700 Morrison Road, Galena, OH 43230-6642, "Grantee", the receipt and sufficiency of
which is acknowledged, grants and conveys with general warranty covenants to Grantee, a right of way and easement
"Easement", for electric, other energy or communication purposes for current/future uses, overhead and underground, in, on, over,
through and across the following described lands situated in Catawba Township, Catawba
County, Ohio, and being part of Section No(s) 137 Q1 Township No(s) 3A and Range No(s) 3C
Survey 214 in Deed/Official Record Volume(s) 214
Page(s) 76 of the Catawba County Recorder's Office
County Parcel # 3010003408
Drawing attached hereto and made a part of.

Filed for Record in
COSHOCTON COUNTY, OHIO
SANDRA CORDER RECORDER
06-11-2001 08:29 am.
ERSE 18.00
DR Book 218 Page 865 - 867

The Easement conveys all necessary and convenient rights for the Easement's use, including, without limitation, the rights to:
construct, operate, maintain, inspect, protect, replace, enlarge, upgrade, relocate within the Easement, extend or remove utility
facilities, with poles, anchors, guys, supporting structures, conductors, conduits, service pedestals, grounding systems,
foundations, manholes, devices and associated equipment as it may deem appropriate, adding thereto from time to time; perform
grading or filling for such facilities; cut, trim, remove and/or otherwise control, at Grantee's option, without any liability to
Grantor, any trees, overhanging limbs or branches, brush, shrubs, undergrowth, of whatever size, (including those that are dead,
diseased, weak or leaning), buildings, structures, or other obstructions that in Grantee's reasonable judgment endangers or will
endanger the safety of, interfere with or encroach upon the use of its facilities, both within and adjoining the Easement. Within
the Easement, Grantor shall not: place any buildings, structures, pile or debris, interfere with lateral support, construct any
swimming pool, change the level of the ground by excavation or mounding without Grantee's written consent, allow any
construction that would be inconsistent with the National Electric Safety Code or Grantee's design standards, and, for
underground lines, permit or cause any excavation deeper than eighteen (18) inches, except for other utilities, provided such
utilities rights do not conflict with this Easement. This Easement also conveys the right of ingress and egress in and over any
reasonable routes at all times. If any governmental authority requires Grantee to relocate the facilities contemplated by this grant,
this Easement conveys the right to relocate such facilities to a comparable location.

Grantor may use its property for all purposes not inconsistent with the full enjoyment of the Easement, but Grantor acknowledges
high voltage electric lines will be constructed within the Easement and Grantor shall conduct construction/maintenance activities
on its property consistent with all applicable safety rules and regulations for working near electric lines. Safety/required clearance
issues may be referred to Grantee's Engineering Group and if Grantor initiates any construction or building activities on its
property, always call the applicable utility protection service before the activity begins. Grantee shall restore the premises or pay
reasonable damages done to fences, drains, seeded lawns (not landscaping), gates, ditches and crops caused by Grantee's use of
the Easement. Grantor has authority to grant this Easement. No delay or omission by Grantee in exercising any right hereunder
shall operate as a waiver or forfeiture of such right. This Easement grant is effective and binding upon the parties, their
respective successors, assigns, licensees, heirs and legal representatives, and if any term hereunder is held invalid, the
remainder shall not be affected thereby. Easement attachments, if any, are incorporated herein by this reference.

WITNESS, Grantor(s) signed this Easement on the 7th day of May, 2001.

Signed and Acknowledged in the Presence of:
WITNESSES:

D. Sharilyn Smith
Print Name: D. Sharilyn Smith
Carolyn S. Adkins
Print Name: Carolyn S. Adkins

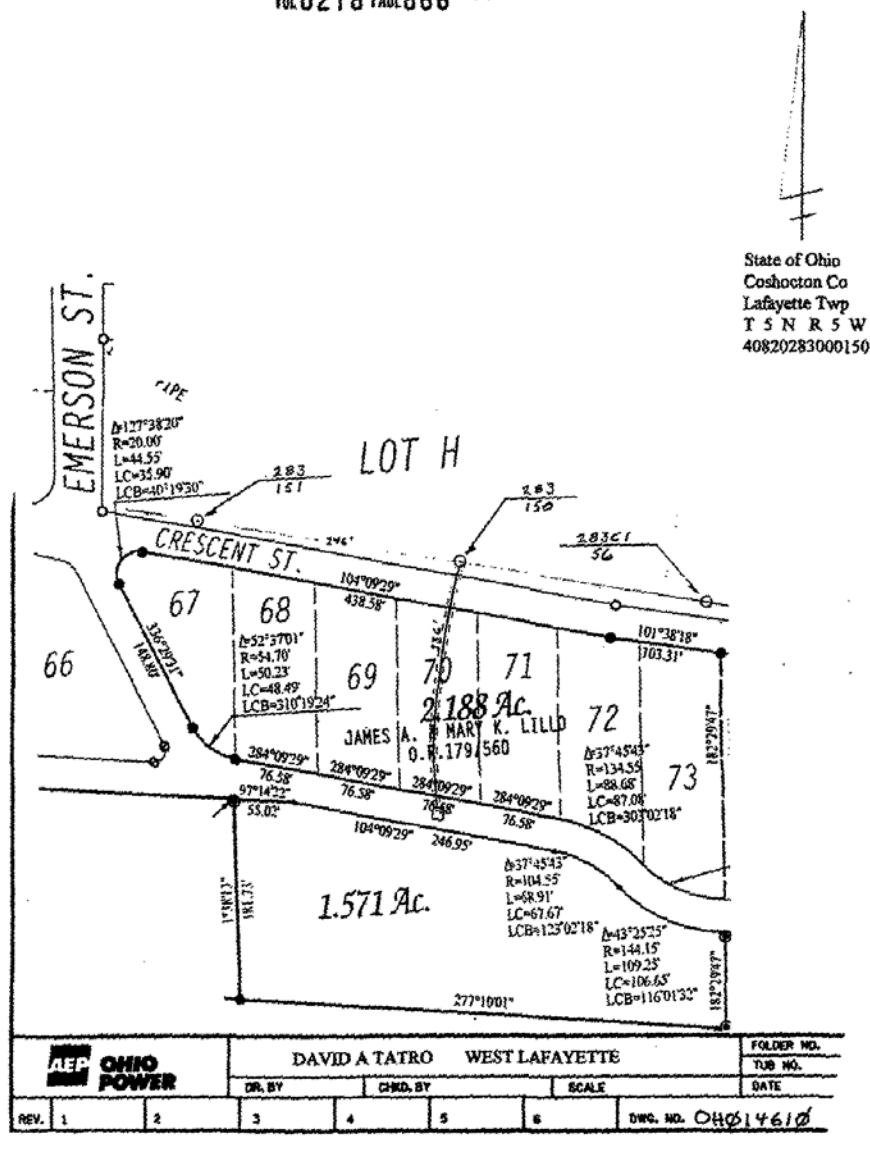
David A. Tatco
Print Name: DAVID A. TATCO

Print Name: _____

Print Name: _____

Mail Easement to
American Electric Power
Envelope Enclosed

VOL 0218 PAGE 866



WAS-4

Circuit ID	Circuit Description	OPCo/State	Work Area	Org Department	Facility Category	Entered/Updated By	Entered/Updated On	Date Miles Recorded	Miles Complete	Circuit Complete	Miles Reset
4137	Newcomerstown-E. Coshocton 34.5 Kv. Line	OP-TRN/OH	12632C	T-Forestry - OH	0	Robert Morgan	09/29/2015	11/20/2004	5.0	No	N
4137	Newcomerstown-E. Coshocton 34.5 Kv. Line	OP-TRN/OH	12632C	T-Forestry - OH	0	Robert Morgan	09/29/2015	11/27/2004	3.0	No	N
4137	Newcomerstown-E. Coshocton 34.5 Kv. Line	OP-TRN/OH	12632C	T-Forestry - OH	0	Robert Morgan	09/29/2015	12/25/2004	2.0	No	N
4137	Newcomerstown-E. Coshocton 34.5 Kv. Line	OP-TRN/OH	12632C	T-Forestry - OH	0	Robert Morgan	09/29/2015	01/08/2005	2.9	Yes	Y
4137	Newcomerstown-E. Coshocton 34.5 Kv. Line	OP-TRN/OH	12632C	T-Forestry - OH	0	Robert Morgan	09/29/2015	12/17/2005	10.0	Yes	Y

Circuit Number	Week End Date	Work Type	Total Cost
4137	06/21/2008	TH S	395.50
4137	10/04/2008	T A S	29,655.08
4137	11/17/2012	T M C	1,266.24
4137	06/22/2013	TH S	208.38

WAS-5

Year	Month	Work Order	Circuit Desc	Circuit Number
2014	May	G0000250	West Lafayette School	7104802
2014	May	W002507601	West Lafayette School	7104802

Respectfully submitted on behalf of

OHIO POWER COMPANY

/s/ Ryan F.M. Aguiar

Ryan F.M. Aguiar (0095615)

Steven T. Nourse

American Electric Power Service Corp.

1 Riverside Plaza, 29th Floor

Columbus, Ohio 43215

Telephone: (614) 716-2931

E-mail: raguiar@aep.com

snourse@aep.com

Attorney for Respondent Ohio Power Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the individual listed below via regular mail and electronic mail, this 14th day of June, 2017.

Daniel R. Birrell
22000 Emerson Street
West Lafayette, Ohio 43845
dbirrell@gwrr.com

/s/ Ryan F.M. Aguiar

Ryan F.M. Aguiar

This foregoing document was electronically filed with the Public Utilities

Commission of Ohio Docketing Information System on

6/14/2017 11:33:39 AM

in

Case No(s). 16-2281-EL-CSS

Summary: Testimony electronically filed by Mr. Ryan F.M. Aguiar on behalf of Ohio Power Company