

BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO

Terri Bean,)
)
)
Complainant,)
v.)
)
Duke Energy Ohio, Inc.,)
)
)
Respondent.)
)
)

**RESPONDENT DUKE ENERGY OHIO, INC.'S
EMERGENCY MOTION TO REVISE STAY OF VEGETATION MANAGEMENT
AND, IN THE ALTERNATIVE,
REQUEST FOR EXPEDITED RULING**

Pursuant to Rule 4901-1-12(C) of the Ohio Administrative Code (O.A.C.), Duke Energy Ohio, Inc. (Duke Energy Ohio or the Company) respectfully moves the Public Utilities Commission of Ohio (Commission) for an emergency order modifying the Commission's stay of Duke Energy Ohio's vegetation management activities in this case. Duke Energy Ohio further requests immediate relief because the Company has submitted an emergency request to PJM on June 20, 2018, to de-energize Transmission Circuits 3881, 5483 and 5487 for the week of June 25-29, 2018, for purposes of conducting vegetation management that is imperative to protect the security of the electric grid and public safety. The Commission has authority to grant the requested relief on an emergency basis and without briefing by the parties. Duke Energy Ohio cannot certify that Complainant does not object to an expedited ruling.

Respectfully submitted,

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Memorandum in Support

I. INTRODUCTION

Duke Energy Ohio must conduct vegetation management on certain Complainant's property (and properties owned by complainants in other cases) on which trees have grown so much that they pose an imminent threat to the electric grid and public safety. The Commission has prevented the Company from conducting vegetation management on Complainants' properties during the pendency of the complaint proceedings. Since November 2017, but for some preventative pruning performed in the spring of 2018, the Company has ceased all vegetation management on the five transmission circuits that include Complainant's properties. Duke Energy Ohio cannot wait any longer to conduct vegetation management on these transmission circuits. Nor can the Company wait to brief this matter under the normal rules governing motions because the warmer summer temperatures, increased demand for electric and corresponding sagging along the transmission lines pose critical threats that must be addressed without further delay.

To be clear, the emergency vegetation management requested by the Company at this time is only a temporary measure designed to protect the security of the grid while this case remains pending. Duke Energy Ohio does not waive any rights or claims in this case with respect to its existing right to implement its vegetation management program, which the Commission already approved by Rule, to the fullest extent of the law.

II. STAY OF VEGETATION MANAGEMENT

On December 7, 2017, the Commission issued an Entry directing Duke Energy Ohio to cease vegetation management on Complainant's property during the pendency of the complaint proceeding.

III. IMMINENT THREATS TO TRANSMISSION LINES

Duke Energy Ohio has continued to monitor these transmission lines in an effort to identify trees that present imminent threats and hazards to the Company's transmission lines and, therefore, require the Company's attention so as to ensure its ability to provide safe, reliable and secure electric service to its customers (including Complainant) and to comply with all applicable state and federal regulations. Duke Energy Ohio considers any tree within six (6) feet of a conductor to be a Priority 1 (P1) because that proximity is approaching the minimal approach distance for crew safety. Any tree that is within a proximity of six (6) to fifteen (15) feet is considered to be a Priority 2 (P2).

Duke Energy Ohio completed a ground patrol on May 23, 2018, covering all 40 of the spans along the subject transmission lines. During that ground patrol the Company identified a total of eighteen (18) P1 trees that present imminent threats or hazards—meaning, must be addressed immediately. The Company also identified approximately one hundred (100) P2 trees that also must be pruned to avoid problems in the near future.

A spreadsheet documenting the Company's findings is attached and marked as Exhibit A. The P1 trees are highlighted in yellow. Ms. Bean's property has two P2 trees located on it, as identified in purple.

Given the fact that more time has passed since the May 23, 2018, ground patrol was completed, and higher summer temperatures have begun—which also lead to increased demand and sagging on transmission lines—the Company revisited some of the P1 trees on June 15, 2018. During that ground patrol Duke Energy Ohio learned that one of the trees was only 18 inches from the conductor, while three other trees were only 1.9, 2.1 and 2.9 feet from the conductor. Those proximities are well within minimum approach distance, meaning they pose direct threats to the transmission line, the electric grid and public safety.

Accordingly, after careful consideration by appropriate engineers and personnel in Transmission Operations, Duke Energy Ohio decided to sectionalize Line 3881, meaning a section of that transmission line where those P1s were closest was de-energized to avoid an unexpected outage. The Company had to submit an emergency request to PJM for authorization to sectionalize that transmission line and worked with PJM over the weekend of June 16th to accomplish that task. Representatives from PJM questioned the need to de-energize that transmission line and why Duke Energy Ohio did not simply conduct the necessary and proper vegetation management to alleviate the imminent risks to the transmission line. Duke Energy Ohio explained to PJM that stays imposed in this and other cases prevent the Company from doing the necessary pruning and vegetation management to protect the security of the electric grid and public safety.

No customers' power was disconnected; in essence the electric was re-routed elsewhere on the grid so as to avoid what could be an outage along Line 3881 should the necessary vegetation management not be done as soon as possible. And, given the unseasonably warm temperatures in the area since June 16, the Company's engineers have concluded that an unexpected outage likely was avoided because the heavy demand on the transmission line has caused additional sagging that very well may have closed the gap between Line 3881 and the tree that was only 18 inches away as of June 15.

While Circuit 3881 remains sectionalized for now, the Company cannot keep this short-term solution in place. Accordingly, the Company's engineers determined that vegetation management must be conducted without further delay during the week of June 25, 2018. On June 20, 2018, the Company submitted an emergency request to PJM to de-energize Circuits 3881, 5483 and 5487 for the week of June 25. The Company will give as much notice as

possible to the affected property owners. The Company is serving this motion upon Ms. Bean by overnight delivery and also will deliver a door hangar to her property in advance of the vegetation management. All said, Duke Energy Ohio anticipates that the entire process to de-energize these transmission circuits and to conduct the necessary vegetation management on all properties will cost the Company approximately \$100,000.

The Company must get this work done during the week of June 25. The more time that passes without doing this vegetation management only increases the threat to the electric grid and public safety. That is especially true as hotter temperatures continue into late June, July and August, increased demand for electric occurs, and sagging takes place on the transmission circuits. And, given the considerable costs involved with the huge undertaking necessary to de-energize these transmission circuits and vegetation management, the Company cannot continue to undertake these efforts repeatedly while this case remain unresolved and the stay remains in effect.

Therefore, Duke Energy Ohio needs the stay lifted immediately to allow the Company to conduct vegetation management, as follows:

Duke Energy Ohio may maintain a minimum vertical and horizontal clearance of 15 feet below and adjacent to its transmission lines and towers, but when adhering to ANSI A 300 standards (pruning) the company may need to prune beyond the noted vertical and horizontal clearance of 15 feet in order to make proper lateral cuts. The company's pruning technique shall not remove any more than what necessary to achieve the specified objectives is listed above.

Duke Energy Ohio is confident that the foregoing language will enable the Company to get through the 2018 growing season and beyond without having to repeat these efforts through the Commission and PJM and the corresponding costs to the Company and its ratepayers. The Company also is confident that this language protects the interests of Complainant and all property owners and the health of their trees. While Duke Energy Ohio could simply maintain

clearance of 15 feet, pruning to that distance without adhering to ANSI A 300 standards is not beneficial to the customers' trees from an arboricultural perspective. In addition, proper pruning techniques can better avoid future directional growth toward the transmission lines.

Now that the Company has identified imminent threats and hazards, Duke Energy Ohio is taking this prompt action. In that regard, the Company seeks immediate relief from the Commission. Duke Energy Ohio already submitted the emergency clearance request to PJM today, June 20, and has begun the considerable process to arrange resources to de-energize three high-voltage transmission lines and conduct the necessary vegetation management services on the P1 and P2 trees identified in the attached exhibit. The request to PJM may impact the Company's performance metrics, but Duke Energy Ohio must take appropriate action to provide safe, reliable and secure electric service to its customers and to comply with applicable state and federal regulations. Accordingly, the Company needs the Commission's prompt attention and action to make that possible.

Wherefore, Duke Energy Ohio, Inc. requests that the Commission modify its stay of Duke Energy Ohio's vegetation management activities as related to Ms. Bean's property; authorize the Company to conduct vegetation management on this property as identified by the Company during its ground patrol of the transmission lines at issue in this case, as more fully set forth in the attached exhibit, in accordance with the parameters set forth above; and grant the Company such other, further and different relief as the Commission deems just and proper.

Respectfully submitted,

/s/ Robert A. McMahon

Rocco O. D'Ascenzo (0077651)

Deputy General Counsel

Elizabeth H. Watts (0031092)

Associate General Counsel

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Attorneys for Duke Energy Ohio, Inc.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a copy of the foregoing was served in the manner identified below on the following Complainant on this 20th day of June, 2018:

BY OVERNIGHT DELIVERY

Terri Bean
6381 Brach Hill-Miamiville
Loveland, OH 45140

/s/ Robert A. McMahon

Reported Complaints																			Reported Complaints																		
Pro Se Complainants			Stipulated Complainants			PI																															
React ID	RecordType	Line Structure index	Voltage	Region	Priority Survey 1	Tree Locat	Tree Speci	Tree HT	Phase	Clearance Survey 1	Clearance Survey 1	Priority Survey 2	Property Owner	Address	Comments Survey 1						Comments Survey 2						Forester Survey 1	Forester Survey 2	Date Survey 1	Date Survey 2	POINT X	POINT Y					
18GP4016	GROW-IN	3881 Y23-X1-112	138 KV	VSOH	P2	WZ1	Black Cherry	68	66	9	26	P2	Rivard, Ryan/Andre -or- Dilbert, Josh (513-952-1343 -or- 513-316-1937)	10217 Hightower Ct Cincinnati, OH 45249	Tree appears to have been trimmed.						Zach Moehr	Tara Tucker/Preston Friend	2018-03-28T13:36:2	5/22/2018	39.2612404	-84.310323											
18GP4014	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P2	WZ1	Tulip Poplar	52	62	10	9	P2	Casper, Sanford (513-469-7139)	9011 Old Creek Trl Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T14:02:5	5/22/2018	39.2665851	-84.31090											
18GP4011	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P2	WZ1	Sycamore			10	8	P2	Casper, Sanford (513-469-7139)	9011 Old Creek Trl Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T14:02:5	5/22/2018	39.2665851	-84.31090											
18GP4015	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P2	WZ1	Pear	29	42	13	9	P2	Huddle, Richard (513-630-5166)	8999 Nathaniel's Hollow Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T13:48:5	5/22/2018	39.2671263	-84.314700											
18GP4015	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P2	WZ1	Pear			14	9	P2	Huddle, Richard (513-630-5166)	8999 Nathaniel's Hollow Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T13:48:5	5/22/2018	39.2671263	-84.314700											
18GP4016	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P1	WZ1	Norway Spruce	28	34	10	10	P2	Baker, Dennis (513-489-0909)	11214 Terwilliger Run Dr. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T13:48:5	5/22/2018	39.2670814	-84.314849											
18GP4018	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P1	WZ1	Hackberry			4	4	P1	Baker, Dennis (513-489-0909)	11214 Terwilliger Run Dr. Cincinnati, OH 45249	P1						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T13:48:5	5/22/2018	39.2670814	-84.314849											
18GP4016	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P2	WZ1	Locust			7	7	P2	Baker, Dennis (513-489-0909)	11214 Terwilliger Run Dr. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T13:48:5	5/22/2018	39.2670814	-84.314849											
18GP4021	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P2	WZ1	Crab Apple	27	34	7	4	P1	Baker, Dennis (513-489-0909)	11214 Terwilliger Run Dr. Cincinnati, OH 45249	P1						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T13:48:5	5/22/2018	39.2671584	-84.314896											
18GP4021	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P2	WZ1	Crab Apple			14	10	P2	Baker, Dennis (513-489-0909)	11214 Terwilliger Run Dr. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T13:48:5	5/22/2018	39.2671584	-84.314896											
18GP4022	GROW-IN	3881 X24-X1-115	138 KV	VSOH	P2	WZ1	Spruce			15	14	P2	Weiss, Melissa (513-469-4727)	11218 Terwilliger Run Dr. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T13:48:5	5/22/2018	39.2673162	-84.315130											
18GP4018	GROW-IN	3881 X24-X1-117	138 KV	VSOH	P2	WZ1	Black Walnut	25	44	13	11	P2	Hitesman, Scott (513-709-2595)	11245 Acrewood Dr. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T13:48:5	5/22/2018	39.2703348	-84.318497											
18GP4028	GROW-IN	3881 X24-X1-118	138 KV	VSOH	P2	WZ1	Weeping willie	26	40	14	12	P2	Osser, Gerald/Sandy (513-544-2195;513-630-9953)	8732 Birchbark Dr. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T11:20:3	5/22/2018	39.2714807	-84.320396											
18GP4027	GROW-IN	3881 X24-X1-118	138 KV	VSOH	P2	WZ1	White Pine	27	36	12	10	P2	Nishihata Shuku (513-720-8786;513-489-8786)	8726 Birchbark Ln. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T11:20:3	5/22/2018	39.2716243	-84.320486											
18GP4029	GROW-IN	3881 X24-X1-118	138 KV	VSOH	P2	WZ2	Black Locust	41	51	15	15	P2	Andrews, May Beth (260-413-8559); Daugherty, Jack (513-489-5588); Shomo, Jennifer (513-936-0007); Gati, George (513-489-3261)	11269 Birchpole Dr. Cincinnati, OH 45249; 2) 8669 Totempole Dr. Cincinnati, OH 45249; 3) 8667 Totempole Dr. Cincinnati, OH 45249; 4) 9702 Birchbark Tree is situated at intersection of 4 parcels.	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T11:20:3	5/22/2018	39.274362	-84.321462											
18GP4031	GROW-IN	3881 X24-X1-118	138 KV	VSOH	P2	WZ2	Black Locust	45	52	8	8	P2	Andrews, May Beth (260-413-8559); Daugherty, Jack (513-489-5588)	11269 Birchpole Dr. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T11:20:3	5/22/2018	39.274874	-84.321611											
18GP4017	GROW-IN	3881 X25-X1-121	138 KV	VSOH	P2	WZ1	Cottonwood			8	8	P2	Symmes Gate Condos; Wahl, Phyllis (513-530-0740)	11210 Symmes Gate Ln. Cincinnati, OH 45249	P2						Zach Moehr	Tara Tucker/Preston Friend	2018-03-27T10:44:2	5/22/2018	39.277663	-84.326699											
18GP4030	GROW-IN	3881 X25-X1-128	138 KV	VSOH	P2	WZ1	Tulip	35	46	11	9	P2	Moskin, Simon (513-237-0009); Mitman, Dennis (513-317-8047)	11249 Fields Erle Rd. Cincinnati, OH 45249; 2) 8531 Windy Hollow Dr. Cincinnati, OH 45249	P2						Preston Friend	Tara Tucker/Preston Friend	2018-03-27T10:44:2	5/22/2018	39.292872	-84.329145											
18GP4026	GROW-IN	3881 X25-X1-127	138 KV	VSOH	P2	WZ1	White pine	34	48	14	12	P2	Reece, Daniel (513-503-2271); Bates, Kelly (513-290-1913); Rapp, Margo (513-255-2322)	11205 Timberlake Dr. Cincinnati, OH 45249; 2) 12068 Paulmeadows Dr. Cincinnati, OH 45249; 3) 12060 Paulmeadows Dr. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T10:44:2	5/22/2018	39.290572	-84.329472											
18GP4026	GROW-IN	3881 X25-X1-127	138 KV	VSOH	P2	WZ1	White pine			14	13	P2	Reece, Daniel (513-503-2271); Bates, Kelly (513-290-1913); Rapp, Margo (513-255-2322)	11205 Timberlake Dr. Cincinnati, OH 45249	P2						Tara Tucker	Tara Tucker/Preston Friend	2018-03-27T10:44:2	5/22/2018	39.290572	-84.329472											
18GP4026	GROW-IN	3881 X25-X1-127	138 KV	VSOH	P2	WZ2	Maple	44	56	12																											

18GP4034	GROW-IN	3881	10C-X2-99	138 kV	P2	WZ1	Locust		12	9	P2	Bean, Eric (248-396-0990)	6381 Branch Hill Mamiville Rd, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T11:56:3	5/23/2018	39.2327211	-84.294623
18GP4033	GROW-IN	3881	10C-X2-98	138 kV	P2	WZ2	White pine		14	14	P2	Vesper, Stephanie (513-444-7893)	6384 Branch Hill Mamiville Rd, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T12:03:2	5/23/2018	39.2318051	-84.294240
18GP4039	GROW-IN	3881	10C-X2-98	138 kV	P2	WZ1	Red Maple		9	6	P1	Mace, James/Cathy (513-382-1197/402-319-4273/513-237-0995)	6377 Pine Ln, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T11:31:3	5/23/2018	39.2312541	-84.294036
18GP4039	GROW-IN	3881	10C-X2-98	138 kV	P2	WZ1	Maple		10		P2	Mace, James/Cathy (513-382-1197/402-319-4273/513-237-0995)	6377 Pine Ln, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T11:31:3	5/23/2018	39.2312541	-84.294036
18GP4039	GROW-IN	3881	10C-X2-98	138 kV	P2	WZ1	Maple		15	13	P2	Mace, James/Cathy (513-382-1197/402-319-4273/513-237-0995)	6377 Pine Ln, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T11:31:3	5/23/2018	39.2312541	-84.294036
18GP4036	GROW-IN	3881	10C-X2-98	138 kV	P2	WZ1	Sweet gum		10	8	P2	Schrime, Doug (513-617-6434)	6373 Pine Ln, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T11:39:1	5/23/2018	39.2308862	-84.293925
18GP4036	GROW-IN	3881	10C-X2-98	138 kV	P2	WZ1	Maple		8		P2	Schrime, Doug (513-617-6434)	6373 Pine Ln, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T11:39:1	5/23/2018	39.2308862	-84.293925
18GP4036	GROW-IN	3881	10C-X2-98	138 kV	P2	WZ1	Maple		13		P2	Schrime, Doug (513-617-6434)	6373 Pine Ln, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T11:39:1	5/23/2018	39.2308862	-84.293925
18GP4036	GROW-IN	3881	10C-X2-98	138 kV	P2	WZ1	Maple		15		P2	Schrime, Doug (513-617-6434)	6373 Pine Ln, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T11:39:1	5/23/2018	39.2308862	-84.293925
18GP4036	GROW-IN	3881	10C-X2-98	138 kV	P2	WZ1	Sweet gum		10	8	P2	Schrime, Doug (513-617-6434)	6373 Pine Ln, Loveland, OH 45140	Tara Tucker	Tara Tucker/Preston Friend	2018-03-29T11:39:1	5/23/2018	39.2308862	-84.293925
18GP4048	GROW-IN	3881	X24-X1-117	138 kV		WZ1	Red Oak		11		P2	1) Hug, Lawrence A & Nancy F; 2) Percival Properties LLC (Rob and Karen Ripp)	Tree is situated along the intersection of two parcels	Tara Tucker	Tara Tucker/Preston Friend	5/23/2018	39.27122	-84.32002	
18GP4049	GROW-IN	3881	Y23-X1-114	138 kV		WZ1	Cypress		4		P1	Rahilly, Donald J Tr & Sybil M TR	1) 8738 Birchbark Dr, Cincinnati, OH 45249; 2) 6650 Shawnee Run Rd, Cincinnati, OH 45243	Tara Tucker	Tara Tucker/Preston Friend	5/23/2018	39.266223	-84.313767	
18GP4050	GROW-IN	3881	Y23-X1-112	138 kV		WZ1	Oak		10		P2	Storm, Raymer & Mark A	9020 Old Creek Tl, Cincinnati, OH 45249	Tara Tucker	Tara Tucker/Preston Friend	5/23/2018	39.267015	-84.310337	
18GP4051	GROW-IN	3881	Y22-X1-106	138 kV		WZ1	Pear		14		P2	1) Chemyak, Gregory & Maria; 2) Hill, Elizabeth & Donte	10233 Hightower Ct, Cincinnati, OH 45249	Tara Tucker	Tara Tucker/Preston Friend	5/23/2018	39.2512519	-84.304263	
18GP4052	GROW-IN	3881	Y22-X1-105	138 kV		WZ1	Maple		12		P2	Pauly Gary R & Judith J	1) 10544 Hopewoods Ct, Cincinnati, OH 45249; 2) 10587 Swanson Ct, Cincinnati, OH 45249	Tara Tucker	Tara Tucker/Preston Friend	5/22/2018	39.250465	-84.303515	
													Tree is situated along the intersection of two parcels	Tara Tucker	Tara Tucker/Preston Friend	5/22/2018	39.250465	-84.303515	