

**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of Duke Energy Ohio, )  
Inc., to Amend its Transmission and ) Case No. 20-944-EL-ESS  
Distribution Inspection, Maintenance, )  
Repair and Replacement Programs )  
Pursuant to Section 4901:1-10-27, )  
Ohio Administrative Code, Regarding )  
Electric Companies. )

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**MEMORANDUM CONTRA MOTION TO INTERVENE AND  
MOTION TO SUSPEND AUTOMATIC APPROVAL OF  
DUKE VEGETATION MANAGEMENT CHANGES  
BY THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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Duke Energy Ohio, Inc., (Duke Energy Ohio or Company) responds herein to the motion to intervene and suspend automatic approval of the Company's recently filed vegetation management changes (Motion) filed by the Office of the Ohio Consumers' Counsel (OCC).<sup>1</sup> OCC's Motion should be denied.

On May 15, 2020, Duke Energy Ohio filed an application (Application) to amend the vegetation management portion of its Transmission and Distribution Inspection, Maintenance, Repair, and Replacement Programs (Amended VM Program). Pursuant to O.A.C. Rule 4901:1-10-27(F)(2), "[i]f a filing to revise or amend the electric utility's inspection, maintenance, repair, and replacement programs is not acted upon by the Public Utilities Commission of Ohio (Commission) within forty-five days after it is filed, the inspection, maintenance, repair, and replacement programs shall be deemed approved on the forty-sixth day after filing."

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<sup>1</sup> Motion to Intervene and Motion to Suspend Automatic Approval of Duke Vegetation Management Changes by the Office of the Ohio Consumers' Counsel (Motion), p. 3 (June 10, 2020).

As detailed below, Company's Amended VM Program primarily implements a number of Commission-approved changes stemming from two past cases: a change to the distribution trim cycle and a number of promised changes to transmission vegetation management practices. Although not specifically mandated by any order, the Amended VM Program also provides consistency between transmission and distribution vegetation management concepts and definitions, where it is clearly logical to do so and will optimize the Company's ability "to maintain safe and reliable service."<sup>2</sup>

Now, nearly a month after the Company's filing, OCC seeks to intervene and suspend the automatic 45-day approval process set out by the rules. For purposes of responding to OCC's arguments, the Company presumes in this memorandum that the 45-day automatic approval period applies, although the Company realizes that its application may be affected by certain of the Commission's recent COVID-related orders.<sup>3</sup>

Notably, OCC does not allege that any element of the Amended VM Program will jeopardize the Company's ability to maintain safe and reliable service, which is the criterion set out by Rule 4901:1-10-27(E). Instead, OCC belatedly raises irrelevant and/or inapplicable issues, such as hypothetical impacts to cost recovery and seeks to add new elements to the Amended VM Program, such as dispute resolution processes. OCC should not, at this late date, be permitted to broaden the review of an operational program in this manner, especially when many of the key changes contained therein have already been negotiated, and its Motion should be denied.

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<sup>2</sup> O.A.C. 4901:1-10-27(E)(1).

<sup>3</sup> See *In the Matter of the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared Emergency and Related Matters*, Case No. 20-591-AU-UNC, Entry, p. 2 (March 16, 2020); *Id.*, Entry (May 20, 2020) (modifying tolling directive).

**I. OCC’S TARDY INTERVENTION WILL UNDULY DELAY THE PROCEEDINGS.**

In order to grant intervention, the Commission must consider “[w]hether the intervention by the prospective intervenor will unduly prolong or delay the proceedings.”<sup>4</sup> OCC contends that its intervention will not unduly prolong or delay the proceeding due to its “expertise and experience.”<sup>5</sup> But this directly contravenes the request, in that same document, that the case be suspended. It is beyond dispute that OCC’s proposed intervention would delay the proceeding.

Furthermore, OCC has made no attempt to minimize the amount of delay its intervention would cause. OCC has known for months, given the proceedings described below, that an amendment to the Company’s VM programs was in the works. And, on May 15, the Company provided OCC with a courtesy copy of its filing.<sup>6</sup> Despite being provided the entire filing on May 15, OCC waited nearly a month before requesting to intervene on June 10. This makes the delay proposed by OCC even more undue than it already would have been.

OCC complains that the plan “significantly changes” the Company’s practices and that the changes are “voluminous,” but these are not a basis to suspend the automatic approval timeline.<sup>7</sup> Rule 4901:1-10-27(E)(3) provides the same 45-day time-table for a filing to establish a brand new program as Rule 4901:1-10-27(F)(2) does for program revisions. Thus, OCC’s motion to intervene should be denied.

**II. THE COMMISSION SHOULD REJECT OCC’S REQUEST TO RELITIGATE ISSUES WHICH IT HAS ALREADY HAD AN OPPORTUNITY TO ADDRESS.**

The key changes in the Company’s Amended VM Program have been vetted and approved by the Commission in prior proceedings. First, the Company has increased the distribution trim

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<sup>4</sup> R.C. 4903.221(B)(3); O.A.C. 4901-1-11(B)(3).

<sup>5</sup> Motion, p. 3 (June 10, 2020).

<sup>6</sup> See Exhibit A.

<sup>7</sup> Motion, pp. 2, 5.

cycle from four years to five years, pursuant to a Commission order resolving a number of consolidated cases.<sup>8</sup> The Commission explained that this was a “judicious response to the rising costs and limited resources of the current environment.”<sup>9</sup> In the same consolidated proceedings, the Commission set the amounts that the Company could recover for distribution-related tree trimming O&M expenses: \$10.7 million in base rates and up to \$10 million via Rider ESRR. The Commission noted that the Rider ESRR audit process “provides sufficient oversight to ensure expenses are prudently incurred.”<sup>10</sup> Since then, the Company has made two annual Rider ESRR filings in two separate dockets over the last two years for annual approval of rider recovery, in which OCC was able to intervene, and indeed OCC did so in the later of the two.<sup>11</sup> OCC was an intervenor in those consolidated proceedings, and participated actively, filing three requests for rehearing and even attempting an appeal to the Ohio Supreme Court.<sup>12</sup>

Second, the Company has made a number of changes to its Amended VM Program to comply with a Commission-approved stipulation in Case No. 17-2344-EL-CSS (Tree Trimming Case).<sup>13</sup> These changes are detailed in the Stipulation in that case and reviewed in the Commission’s Opinion and Order approving the Stipulation.<sup>14</sup> OCC was an intervenor in that

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<sup>8</sup> *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Electric Distribution Rates*, Case Nos. 17-32-EL-AIR, *et al.*, Opinion and Order, pp. 83-84.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*, p. 84.

<sup>11</sup> *In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust and Set Rider ESRR*, Case Nos. 19-0169-EL-UNC, *et al.*, Application (January 29, 2019); *In the Matter of the Application of Duke Energy Ohio, Inc. to Adjust and Set Rider ESRR*, Case Nos. 20-51-EL-RDR, Motion to Intervene by the Office of the Ohio Consumers’ Counsel (March 17, 2020).

<sup>12</sup> *In the Matter of the Application of Duke Energy Ohio, Inc., for an Increase in Electric Distribution Rates*, Case Nos. 17-32-EL-AIR, *et al.*, Application for Rehearing by the Office of the Ohio Consumers’ Counsel (January 18, 2019); *Id.*, Second Application for Rehearing by the Office of the Ohio Consumers’ Counsel (August 16, 2019); *Id.*, Third Application for Rehearing by the Office of the Ohio Consumers’ Counsel (October 11, 2019); *Interstate Gas Supply, Inc. v. Pub. Util. Comm.*, Case No. 2019-1269.

<sup>13</sup> *In the Matter of the Complaint of Citizens Against Clear Cutting, et al.*, Case No. 17-2344-EL-CSS, Stipulation and Recommendation (Stipulation) (December 17, 2019).

<sup>14</sup> *Id.*, pp. 7-14; *Id.*, Opinion and Order, pp. 8-10.

case, and was a signatory to the Stipulation.<sup>15</sup> Although that case was focused primarily on transmission vegetation management changes, rather than distribution, the Stipulation acknowledged that the Company would “file an amended vegetation management program with the PUCO that is based on *a modified Integrated Vegetation Management (IVM) strategy consistent with the terms...*” in the Stipulation.<sup>16</sup> In other words, it was made clear in that case that the Company’s filing would impact both transmission and distribution and that a reasonable amount of consistency between the two would be reasonable to expect. If OCC wanted to add items it considers essential, it should have bargained for them in the Tree Trimming Case.

OCC claims its intervention is necessary to ensure that the Amended VM Program will, among other things, “provide[] specific cycle-based tree-trimming requirements for both distribution and transmission circuits,” and “define[] danger and hazard trees.”<sup>17</sup> But the Amended VM Program already provides cycle-based requirements for distribution circuits and defines in detail the new “threat and condition-based strategy” that will be used for transmission vegetation management pursuant to the Stipulation in the Tree Trimming Case, which OCC signed.<sup>18</sup> And the Amended VM Program defines danger trees and hazard trees.<sup>19</sup> Thus, no additional intervention by OCC would be beneficial or appropriate at this point.

OCC has already had an opportunity to air vegetation management-related issues before the Commission, and its request to suspend the automatic approval of the Company’s filing should be denied.

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<sup>15</sup> Stipulation, p. 10.

<sup>16</sup> Stipulation, p. 8 (emphasis added).

<sup>17</sup> *Id.*, p. 3.

<sup>18</sup> Stipulation, p. 5.

<sup>19</sup> Application, Attachment A, pp. 6, 16.

**III. OCC’S INVITATION TO EXPAND THE SCOPE OF THESE PROCEEDINGS TO ADDRESS ISSUES SUCH AS DISPUTE RESOLUTION AND COST RECOVERY IS CONTRARY TO THE INTENT OF THE RULES AND SHOULD BE REJECTED.**

The plain text of Rule 4901:1-10-27(E),(F), which governs the implementation of vegetation management programs and updates thereto, explains that the purpose of the programs is to “...establish preventative requirements for the electric utility to maintain safe and reliable service.”<sup>20</sup> In this proceeding, the Amended VM Programs should be evaluated exclusively on whether they comply with this standard. OCC, however, seeks to expand the scope of review to include hypothetical future cost recovery impacts, broad notification requirements, and dispute resolution processes.<sup>21</sup> The Commission should reject this, both as procedurally inappropriate and substantively unwarranted.

**A. This proceeding is not the proper forum to address questions of cost recovery; the appropriate proceedings provide ample due process.**

OCC cites no basis for vetting or litigating hypothetical cost recovery impacts in applications for approval of a new or amended VM program, the purpose of which is to document how the utility promises to address vegetation in order to “...maintain safe and reliable service.”<sup>22</sup> Thus, the focus of the review is on safety and reliability. There is no requirement for any of the programs in Rule 4901:1-10-27(E), which also requires programs for poles and towers, circuit and line inspections, primary enclosures, line reclosers, line capacitors, and substations, to submit any sort of cost recovery proposal or request for deferral authority and the Company has not done so in such proceedings.<sup>23</sup>

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<sup>20</sup> O.A.C. 4901:1-10-27(E)(1).

<sup>21</sup> Motion, pp. 5-6.

<sup>22</sup> O.A.C. 4901:1-10-27(E)(1).

<sup>23</sup> See, e.g., *In the Matter of Duke Energy Ohio, Inc.’s Application for Approval of Proposed Programs for Inspection, Maintenance Repair and Replacement of Distribution and Transmission Lines*, Case No. 09-807-EL-ESS, Amended Application of Duke Energy Ohio, Inc. for Approval of Proposed Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines (October 30, 2009); *In the Matter of Duke Energy Ohio, Inc.*,

The fact that the Company recovers certain vegetation management costs in base rates and in certain riders,<sup>24</sup> actually weighs *against*, not in favor, of litigating cost-recovery hypotheticals in this proceeding. Commission rules and procedures provide appropriate mechanisms for interrogating the prudence and accuracy of any vegetation management-related expenses that are recovered. This proceeding will not increase the amount of distribution-related O&M vegetation management expenses permitted to be collected in base rates, which has already been set at \$10.7 million. And it will not change the amounts authorized for recovery or increase the cap on distribution-related O&M expenses recoverable under Rider ESRR, which has already been set at \$10 million. Likewise, it will not change the amounts allowed for recovery or increase the cap on capital vegetation management investment costs recoverable under Rider DCI (the cap amounts having already been determined through May 31, 2025).

If and/or when the Company seeks to change its base rates or modify or extend its riders, such application will be in a docketed proceeding in which all of the usual Commission processes and administrative rules will apply. As OCC well knows, the Company's submissions in base rate cases undergo extensive scrutiny and critical review from numerous stakeholders. And the Company's rider recoveries for vegetation management-related costs (whether O&M or capital) are subject to annual audits and thorough review by Commission Staff, external auditors, and frequently by intervenors.<sup>25</sup> Thus, proper venues in which to debate whether certain costs are

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*for Approval of Revised Paragraph (f) of its Proposed Programs for Inspection, Maintenance Repair and Replacement of Distribution and Transmission Lines, Replacement of Distribution and Transmission Lines*, Case No. 16-0126-EL-ESS, Application of Duke Energy Ohio, Inc. for Approval of Revised Paragraph (f) of its Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines (January 21, 2016); *In the Matter of the Application of Duke Energy Ohio, Inc., for Approval of Revised Paragraph (f) of its Proposed Programs for Inspection, Maintenance Repair and Replacement of Distribution and Transmission Lines*, Case No. 16-915-EL-ESS, Application of Duke Energy Ohio, Inc. for Approval of Revised Paragraph (f) of its Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines (April 28, 2016).

<sup>24</sup> Motion, p. 2.

<sup>25</sup> *In the Matter of the Review of Duke Energy Ohio, Inc.'s Distribution Capital Investment Rider*, Case No. 19-1287-EL-DR, Entry (June 19, 2019); *In the Matter of the Application of Duke Energy Ohio, Inc., to Adjust and Set Rider*

“unnecessary, inefficient or duplicative”<sup>26</sup> already exist. Thus, OCC’s motion to intervene and suspend the automatic approval timeline here should be denied.

**B. OCC should not be permitted to add new elements to the Company’s VM Program that are not part of the currently approved VM Program on file and are not required by the rules.**

OCC proposes to intervene and suspend the automatic approval process to advocate, among other things, that the Amended VM Program “clearly describe customer rights and obligations; provide[] advance notification requirements prior to vegetation removal;. . . and explain[] property rights for vegetation management both inside and outside the right of way.”<sup>27</sup> Citing no authority, OCC asserts broadly that “[c]onsumers must be notified about planned vegetation management activities, property rights, and dispute resolution processes.”<sup>28</sup> None of these items are part of the Company’s currently approved VM Program, and nothing in the text of Rule 4901:1-10-27(E) suggests that these are required elements of a Rule 27 vegetation management program.

**IV. CONCLUSION**

Duke Energy Ohio respectfully requests that the Commission deny OCC’s motion to intervene and its motion to suspend.

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*ESRR*, Case Nos. 20-51-EL-RDR, *et al.*, Application of Duke Energy Ohio, Inc., to Adjust Rider ESRR for Recovery of Vegetation Management Services (January 29, 2020).

<sup>26</sup> Motion, p. 6.

<sup>27</sup> Motion, p. 3

<sup>28</sup> Motion, p. 6.



Respectfully submitted,

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*Willing to accept service via e-mail*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was delivered by U.S. mail (postage prepaid), personal delivery, or electronic mail, on this 19<sup>th</sup> day of June, 2020, to the following parties.

/s/ Larisa M. Vaysman  
Larisa M. Vaysman

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**Cc:** Gentil, Ryan D; D'Ascenzo, Rocco; Session, Chuck; Vaysman, Larisa; Ferrill, Mark A; Adams, Ron A; Olive, Emily A.  
**Subject:** Vegetation Management Program Update  
**Attachments:** Duke Energy Ohio Application to Amend Veg Plan.pdf

All,

As you may recall, our settlement in Case No. 17-2344 specified that Duke Energy Ohio would file a vegetation management program incorporating certain provisions. Attached is a courtesy copy of Duke Energy Ohio's filing, which will be made this afternoon in Docket Number 20-944-EL-ESS.

Best Regards,  
Larisa

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**BEFORE**

**THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of Duke )  
Energy Ohio, Inc., to Amend its )  
Transmission and Distribution Inspection, ) Case No. 20-944-EL-ESS  
Maintenance, Repair and Replacement )  
Programs Pursuant to Section 4901:1-10-27, )  
Ohio Administrative Code, Regarding )  
Electric Companies. )

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**APPLICATION OF DUKE ENERGY OHIO, INC. TO AMEND THE VEGETATION  
MANAGEMENT PORTION OF ITS TRANSMISSION AND DISTRIBUTION  
INSPECTION, MAINTENANCE, REPAIR AND REPLACEMENT PROGRAMS**

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Pursuant to Section 4901:1-10-27(F)(1) of the Ohio Administrative Code (O.A.C.), Duke Energy Ohio, Inc. (Duke Energy Ohio or Company) submits this application to amend the vegetation management portion of its Transmission and Distribution Inspection, Maintenance, Repair, and Replacement Programs (Programs). In support of the application, Duke Energy Ohio has attached Attachment A, a clean version of its proposed modifications to the portion of the Programs governing vegetation management (Amended VM Program), and Attachment B, a copy of the same portion of the Programs currently on file (Previous VM Program).<sup>1</sup>

Duke Energy Ohio is a public utility as defined by 4905.02 of the Ohio Revised Code (R.C.) and 4905.03(C) R.C. respectively, and an electric distribution utility as defined by R.C. 4928.01(A)(6). Pursuant to O.A.C. 4901:1-10-27(E)(1), each electric utility and transmission owner shall establish, maintain, and comply with written programs, policies, procedures, and schedules for the inspection, maintenance, repair, and replacement of its transmission and distribution circuits and equipment. Pursuant to O.A.C. 4901:1-10-27(E)(1)(f), such programs

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<sup>1</sup> The Previous VM Program was filed and automatically approved in Case No. 16-915-EL-ESS.

shall include requirements for right-of-way vegetation control. Section 4901:1-10-27(E)(2) provides that utilities and transmission owners shall file such programs with the Public Utilities Commission of Ohio (Commission). Pursuant to 4901:1-10-27(F)(1), utilities and transmission owners must also file with the Commission revisions and amendments to the programs.

Descriptions of the Company's proposed amendments are set forth below. In addition to the changes discussed below, a number of clerical, grammatical, and stylistic edits have been made.

### **I. Improvements to Format, Structure, and Organization.**

The Company proposes a new and improved format and structure for its Amended VM Program: a standalone document with defined section headings and subheadings, explicit definitions of terms, stylistic changes for improved legibility, and listings of applicable laws, regulations, and requirements. The Previous VM Program lacked these attributes. The Amended VM Program consists of two parts: the Distribution Vegetation Management Program and the Transmission Vegetation Management Program. Each of these two parts is further subdivided, pursuant to its respective table of contents. The Company believes that these changes in format, structure, and organization will make the Amended VM Program easier to review, comprehend, and update.

### **II. Proposed Amendments in the Distribution Vegetation Management Program.**

The Company proposes to make the following substantive changes to its Distribution Vegetation Management Program:

- The Company will review and clear vegetation as needed from its distribution lines at least once every five years, instead of every four years, as in the previous plan.<sup>2</sup> This

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<sup>2</sup> Compare Attachment A, p. 11 to Attachment B, p. 1.

change is being made in accordance with the Commission's December 19, 2018 Order in Case No. 17-32-EL-AIR.<sup>3</sup>

- The Company has added a definition of "Hazard Trees" and an additional Hazard Tree Mitigation section.<sup>4</sup> These changes clarify the criteria the Company uses in identifying trees to target for removal.
- The Company has added definitions of "Compatible Vegetation" and "Incompatible Vegetation," to clarify the criteria the Company uses in identifying vegetation for removal.<sup>5</sup>
- The Company has added definitions of "Maintained/Landscaped Areas" and "Non-Maintained/Non-Landscaped Areas" to clarify its criteria for areas in which brush can be left on-site.<sup>6</sup>
- The Company has defined additional terms for improved clarity.

The Company believes that switching to a five-year cycle, pursuant to the Commission's Order in Case No. 17-32-EL-AIR, will be more efficient, while continuing to enable adequate vegetation management. As for the remaining items, these changes will clarify the Company's procedures and criteria for all stakeholders, leading to increased transparency.

### **III. Proposed Amendments in the Transmission Vegetation Management Program.**

The Company also proposes a number of substantive changes to its Transmission Vegetation Management Program, primarily pursuant to a recent Commission order approving a stipulation in another case. The Company believes these changes add clarity and transparency to its Transmission Vegetation Management Program.

In Case No. 17-2344-EL-CSS, the Commission issued an order (Order) approving a stipulation and recommendation (Stipulation) filed on behalf of the Company, the Ohio Consumers' Counsel, and certain complainants resolving a complaint filed by Citizens Against

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<sup>3</sup> See ¶ 234.

<sup>4</sup> See Attachment A, pp. 6, 11.

<sup>5</sup> See Attachment A, p. 6.

<sup>6</sup> See Attachment A, p. 6.

Clear Cutting regarding the Company's transmission vegetation management practices.<sup>7</sup> Among other things, the Stipulation required the Company to file an amended vegetation management program with a modified Integrated Vegetation Management strategy, which would contain certain clarifications specified in the Stipulation.<sup>8</sup>

Thus, the Company proposes the following substantive changes to its Transmission Vegetation Management Program:

- The Company has moved from a traditional time/specification based planned work strategy (previously a 6-year cycle<sup>9</sup>) to a Threat and Condition approach for prioritizing work.
- The Company has identified specific Threat/Condition-based triggers, and corresponding actions to be taken when a Threat or Condition has been identified.<sup>10</sup>
- The Company has defined four Vegetation Control Methods utilized by Transmission Vegetation Management: Tree Pruning, Hazard Tree Mitigation, Incompatible Vegetation Mitigation, and Brush Management.<sup>11</sup>
- The Company has added definitions for key terms, including "Compatible Vegetation," "Incompatible Vegetation," "Danger Tree," "Hazard Tree," "Maintained/Landscaped Areas," and "Non-Maintained/Non-Landscaped Areas."<sup>12</sup>
- The Company has defined a Non-NERC Reclamation Program to take place over a 12-year period, from 2020 to 2032.<sup>13</sup>

As amended, the Transmission Vegetation Management Program will not only comply with the Commission's Order and Stipulation in Case No. 17-2344-EL-CSS, but also provide all stakeholders with greater clarity regarding the Company's practices.

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<sup>7</sup> See *In the Matter of the Complaint of Citizens Against Clear Cutting, et al.*, Case No. 17-2344-EL-CSS, Opinion and Order (January 15, 2020) (Order); *Id.*, Stipulation and Recommendation (December 17, 2019) (Stipulation).

<sup>8</sup> See Order, p. 10; Stipulation, pp. 4-8.

<sup>9</sup> See Attachment B, p. 1.

<sup>10</sup> See Attachment A, pp. 21-22.

<sup>11</sup> See Attachment A, p. 25.

<sup>12</sup> See Attachment A, pp. 16-17.

<sup>13</sup> See Attachment A, p. 23.

#### IV. Conclusion

Wherefore, Duke Energy Ohio respectfully submits the above amendment(s) for approval.

Respectfully submitted,

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**ATTACHMENT A – AS REVISED**

**Vegetation Management Program –  
Duke Energy Ohio, Inc.**

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**Distribution Vegetation Management  
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SECTION 7	<i>INSPECTIONS AND MONITORING</i>

## SECTION 1- GOAL, OBJECTIVES, AND PURPOSE

Duke Energy Ohio's vegetation management goal is to balance the need for safe and reliable utility service with safe and cost-effective vegetation management practices.

The primary objective of the Duke Energy Ohio Vegetation Management Program is to control the growth of incompatible vegetation along its electric lines to help provide safe and reliable service to our customers. This is accomplished by using qualified personnel to monitor the condition of the utility rights-of-way and by initiating various vegetation control practices to reduce, manage or eliminate incompatible growth. This integrated vegetation management program is essential in providing safe and reliable electric service by ensuring that trees and brush near or within rights-of-way are periodically trimmed or removed to help reduce potential outages and hazards near our facilities.

The consistent implementation of industry accepted vegetation management practices reduces the likelihood of tree and power line conflicts, as well as service interruptions, and allows for the full utilization of the operating system.



## SECTION 2 – DEFINITIONS

ANSI A300 - American National Standards Institute (ANSI) A300 for Tree Care Operations provides the generally accepted industry performance standards for the care and management of trees, shrubs, and other woody plants.

ANSI Z133 - American National Standards Institute (ANSI) Z133 for Arboricultural Operations provides the generally accepted industry safety standards for the care and management of trees, shrubs, and other woody plants.

ASSET PROTECTION - Duke Energy department that enforces transmission right of way legal rights.

BRUSH - A perennial woody stem less than six inches DBH (diameter at breast height).

CIRCUIT MILES - (for reference and reporting purposes) The distance, in miles, of primary voltage electric lines from the substation to the end of the circuit including single phase, two phase or three phase configurations. The distance is measured to the nearest 1/10th of a mile.

COMPATIBLE VEGETATION – Vegetation within the distribution right of way that does not present a grow-in or fall-in threat that has a typical mature height of less than 15 feet and whose trunk is typically no closer than 20 feet from the center of the right of way.

CONTRACTOR - Corporation to whom the vegetation management work is awarded.

DANGER TREE – A tree that if it were to fall or be cut would be tall enough to strike electrical lines and equipment of the distribution system.

HAZARD TREE - A tree that is dead, structurally unsound, diseased, shallow-rooted, leaning or otherwise defective that could strike electrical lines or equipment of the distribution system if it falls or is cut.

INCOMPATIBLE VEGETATION – Vegetation within or outside the distribution right of way that will mature to a height or size that will pose a grow-in, fall-in, or blowing-together threat to the distribution conductor, or that will limit or block access to distribution facilities during routine or emergency maintenance activity.

INTEGRATED VEGETATION MANAGEMENT - Vegetation plan that combines various components including pruning, mowing and herbicide applications to manage the growth of vegetation on the electric utility rights-of-way.

LEGAL- Duke Energy Legal Department.

MAINTAINED/LANDSCAPED AREAS - An area where cut brush typically cannot be left on-site. Maintained areas typically include maintained yards and landscaped areas.

NON-MAINTAINED/NON-LANDSCAPED AREAS - An area where cut brush can be left on-site. Non-Maintained areas are unimproved areas or natural areas.



**OPEN WIRE SECONDARY (OWS):** A distribution line configuration that uses 2, 3 or 4 un-insulated conductors stacked vertically with 12 inches spacing between conductors, used to deliver secondary voltages ranging from 120- 600 volts to the customer.

**PRIMARY LINE:** Electric conductor(s) energized at greater than 600 volts of electricity.

## **SECTION 2 – DEFINITIONS CONTINUED**

**RIGHT-OF-WAY (ROW)-** A strip of land that an electric utility uses to construct, operate, inspect, maintain, repair or replace an overhead or underground power line. The ROW allows the utility to provide clearance from trees, buildings and other structures that could interfere with the line installation, maintenance and operation. ROW may include licenses, easements and other rights to access property.

**SECONDARY LINE:** Electric conductor(s) are energized at 600 volts or less of electricity.

**SERVICE – TRIPLEX – MULTIPLEX CABLE:** Electric conductor(s) energized at 600 volts or less of electricity and terminate at a service delivery point. A bundle of three or four conductors, most commonly used to provide aerial service to homes and businesses, denoted by its 3 or 4 polyethylene coated conductors wrapped around a bare, aluminum conductor.

**SINGLE PHASE PRIMARY:** A type of electric power line construction that contains one (1) conductor energized at primary voltage.

**THREE PHASE PRIMARY:** A type of electric power line construction that contains three (3) conductors energized at primary voltage.

**TREE-** A perennial woody stem equal or greater than six inches in DBH (diameter at breast height)

**TWO PHASE OR OPEN WYE:** A type of electric power line construction that contains two (2) conductors energized at primary voltage.

**UNIT MILE:** A mile within a circuit that is required to be or has been trimmed per contract specifications.





### SECTION 3 – FEDERAL, STATE, AND LOCAL LAWS

Contractor shall perform all work in conformance with Duke Energy Ohio Vegetation Management Program requirements and work specifications, Occupational Health and Safety Administration (OSHA) regulations, American National Standards Institute (ANSI) A300 and Z133, and all federal, state, county, and municipal laws, ordinances and regulations applicable to said work.

The governing entities include but are not limited to:

- Public Utilities Commission of Ohio (PUCO or Commission)
- Ohio Department of Transportation
- Ohio Agriculture Pesticide Department
- Occupational Health and Safety Administration (OSHA)
- American National Standards Institute (ANSI)
- Easement and/or Permit Documents



#### SECTION 4 – PROPERTY ACCESS RIGHTS / REQUIREMENTS

The rights to access, inspect, or perform the work associated with vegetation management practices include, but are not limited to, established legal instruments, easements, public road rights-of-way, municipal ordinances, state statutes, regulatory rules, tariffs and other legal authority. The Duke Energy Ohio Vegetation Management should, when necessary, utilize the available supporting documents to pursue the completion of necessary work activities to maintain vegetation growth to the established standards of acceptance in the provision of safe and reliable electric service. If there are objections, restrictions or limitations that prevent completion of the necessary work activities, Duke Energy Vegetation Management should contact the Land Services Department or Legal Department for specialized assistance.

A list of items to determine property access rights include, but are not limited to:

- Existing property easement, prescriptive easements, public road rights of way and / or agreements
- State statutes
- Municipal codes
- Commission rules, regulations, orders, and approved tariffs.



## SECTION 5 – WORK QUALITY AND SAFETY STANDARDS

All work shall be performed in conformance with the governing rules from the following: Duke Energy Ohio Vegetation Management Program Requirements, OSHA regulations, National Electrical Safety Code (NESC) and all federal, state, county, and municipal laws, statutes, ordinances and regulations applicable to said work.

Clearance to obtain safety and reliable electric service are based on, but not limited to, consideration of the following:

NESC

ANSI A300 Standard - American National Standards Institute A300 for Tree Care Operations

For utility line clearance work, the primary foci are Parts 1, 7 and 9.

ANSI Z133 Standard - American National Standards Institute Z133 for Tree Care Operations - Safety Requirements

OSHA Standard 29 Code of Federal Regulations (CFR) 1910.269 - OSHA Standard 29 CFR 1910.269 (a)(1)(i)(E) for Electric Power Generation, Transmission, and Distribution

Pruning Trees Near Electrical Utility Lines – A Field Pocket Guide for Qualified Line-Clearance Tree Workers by Dr. Alex L. Shigo



## SECTION 6 – DISTRIBUTION VEGETATION MANAGEMENT OVERVIEW FOR PLANNED WORK

Duke Energy Ohio will review and clear vegetation as needed from its distribution lines at least once every five years (pursuant to Paragraph 234 of the Commission’s December 19, 2018 Order in Case No. 17-32-EL-AIR) which may include cutting down and removing vegetation. The primary objective of the Duke Energy Ohio Vegetation Management Program is to control the growth of incompatible vegetation and remove hazard trees along its electric lines to help provide safe and reliable service to our customers by limiting or eliminating the possibility of contact by vegetation which has grown towards or could fall into the overhead distribution lines. This is accomplished by using qualified personnel to monitor the condition of the utility rights-of-way and by initiating various vegetation control practices to reduce, manage or eliminate incompatible growth.

The consistent implementation of industry accepted vegetation management practices reduces the likelihood of tree and power line conflicts, as well as service interruptions, and allows for the full utilization of the operating system.

### Distribution Line Clearances

Trees located along the right-of-way edge will, in most cases, encroach upon the electrical conductors through the side growth of their limbs. The maintenance of these trees requires the removal or partial removal of those potentially interfering limbs. Industry standards dictate the proper methods of “pruning” such limbs to minimize any damages to the tree. Incompatible brush within the distribution right-of-way corridors is eliminated if possible. When such vegetation is eliminated, it will normally be cut down either by manual or mechanical means.

- Primary distribution lines are typically cleared during routine pruning to obtain no less than ten feet of side clearance. Unsuitable branches which are dead, dying, diseased or structurally unsound and above distribution facilities are removed during pruning.
- Secondary, including open wire secondary distribution conductors (without a primary distribution line and excluding a service drop), are trimmed on an as needed basis.
- Multiplex cables and guy wires (without a primary distribution line and excluding a service drop), are trimmed on an as needed basis. Removal of load bearing limbs that are in contact with conductors and have a size and weight that causes tension on the conductor or interference with the normal sag or alignment of the conductor will be pruned for a minimum of 12 inches of clearance.
- Duke Energy Ohio shall have no responsibility to clear vegetation from a service drop.

### Hazard Tree Mitigation

Trees found within or adjacent to the right-of way that are dead, structurally unsound, diseased, shallow-rooted, leaning or otherwise defective that could strike electrical lines or equipment are targeted to be taken down. Stumps from trees (live) taken down shall be treated with herbicides where appropriate and possible.



## **SECTION 7 – INSPECTION AND MONITORING**

Duke Energy Ohio can and may perform inspections on distribution circuits to observe vegetation conditions on the distribution system. These inspections should provide for the capabilities to specifically identify potentially incompatible vegetation conditions. The intent of these inspections is to identify off-cycle vegetation threats along the distribution line corridors and take appropriate action.



## **Transmission Vegetation Management Program – Duke Energy Ohio, Inc.**



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Standards to follow



## SECTION 1 – GOALS, OBJECTIVES AND PURPOSE

Duke Energy Ohio's vegetation management goal is to balance the need for safe and reliable utility service with safe and cost-effective vegetation management practices.

The primary objective of the Duke Energy Ohio Vegetation Management Program is to control the growth of incompatible vegetation along its electric lines to help provide safe and reliable service to our customers. This is accomplished by using qualified personnel to monitor the condition of the utility rights-of-way and by initiating various vegetation control practices to reduce, manage or eliminate incompatible growth. This integrated vegetation management program is essential in providing safe and reliable electric service by ensuring that trees and brush near or within rights-of-way are periodically trimmed or removed to help reduce potential outages and hazards near our facilities.

The consistent implementation of industry accepted vegetation management practices reduces the likelihood of tree and power line conflicts, as well as service interruptions, and allows for the full utilization of the operating system.





## SECTION 2 – DEFINITIONS

**ANSI A300** - American National Standards Institute (ANSI) A300 for Tree Care Operations, provides the generally accepted industry performance standards for the care and management of trees, shrubs, and other woody plants.

**ANSI Z133** - American National Standards Institute (ANSI) Z133 for Arboricultural Operations, provides the generally accepted industry safety standards for the care and management of trees, shrubs, and other woody plants.

**ASSET PROTECTION** - Duke Energy department that enforces transmission right of way legal rights.

**BRUSH** - A perennial woody stem less than six inches DBH (diameter at breast height).

**COMPATIBLE VEGETATION** – Vegetation within the Transmission Right of Way that does not present a threat with a typical maximum mature height less than 15 feet and is typically no closer than 25 feet from any Duke Energy facilities (towers, poles, guy wires, guy anchors, etc.) and does not interfere with safe and reliable operation, or emergency restoration.

**CONTRACTOR** - Corporation to whom the Vegetation Management work is awarded.

**CONDUCTOR BLOWOUT** – Conductors horizontal position/location at National Electrical Safety Code (NEC) designed wind and temperature.

**CONDUCTOR SAG** – Conductors vertical position/location at designed maximum operating conditions.

**DANGER TREE** – A tree that if it were to fall or be cut would be tall enough to strike electrical lines and equipment of the transmission or distribution system.

**HAZARD TREE** - A tree that is dead, structurally unsound, diseased, shallow-rooted, leaning or otherwise defective that could strike electrical lines or equipment of the transmission system if it falls or is cut.

**INCOMPATIBLE VEGETATION** – Vegetation within or outside the Transmission Right of Way that will mature to a height or size that will pose a grow-in, fall-in, or blowing-together threat to the transmission conductor, or that will limit or block access, or the safe and reliable operation, emergency restoration, or maintenance activity, which is typically within 25 feet of any Duke Energy facilities (towers, poles, guy wires, guy anchors, etc.).

**INTEGRATED VEGETATION MANAGEMENT** - Vegetation plan that combines various components including pruning, mowing and herbicide applications to manage the growth of vegetation on the electric utility rights-of-way.

**LEGAL**- Duke Energy Legal Department.

**MAINTAINED/LANDSCAPED AREAS** - An area where cut brush typically cannot be left on-site.



Maintained areas typically include maintained yards and landscaped areas.

**NORTH AMERICAN ELECTRIC RELIABILITY CORPORATION (NERC) CIRCUITS** – Transmission lines typically operated at more than 200 kV. Some transmission lines operated at voltages lower than 200 kV may be designated as NERC circuits if deemed critical.

## **SECTION 2 – DEFINITIONS CONTINUED**

**NON-NERC CIRCUITS** – Transmission lines that typically operate at less than 200 kV.

**NON-MAINTAINED/NON-LANDSCAPED AREAS** - An area where cut brush can be left on-site. Non-Maintained areas are unimproved areas or natural areas.

**RECLAMATION** – The establishment or reestablishment of Integrated Vegetation Management (IVM) objectives in areas not actively maintained.

**RIGHT-OF-WAY (ROW)**- A strip of land that an electric utility uses to construct, operate, inspect, maintain, repair or replace an overhead or underground power line. The ROW allows the utility to provide clearance from trees, buildings and other structures that could interfere with line installation, maintenance and operation. ROW may include licenses, easements and other rights to access property.

**TRANSMISSION LINE**– A set of electrical conductors that carry 69 kV or more of electricity.

**TREE**- A perennial woody stem equal or greater than six inches in DBH (diameter at breast height)



### SECTION 3 – FEDERAL, STATE, AND LOCAL LAWS

Contractor shall perform all work in conformance with the Duke Energy Ohio Vegetation Management Program requirements and work specifications, Occupational Health and Safety Administration (OSHA) regulations, American National Standards Institute (ANSI) A300 and Z133, and all federal, state, county, and municipal laws, ordinances and regulations applicable to said work.

The governing entities include but are not limited to:

- Commission
- Ohio Department of Transportation
- Ohio Agriculture Pesticide Department
- Occupational Health and Safety Administration (OSHA)
- American National Standards Institute (ANSI)
- Easement and/or Permit Documents



## SECTION 4 – PROPERTY ACCESS RIGHTS / REQUIREMENTS

The rights to access, inspect, or perform the work associated with vegetation management practices include, but are not limited to, established legal instruments, easements, public road rights-of-way, municipal ordinances, state statutes, regulatory rules, tariffs and other legal authority. The Duke Energy Ohio Vegetation Management should, when necessary, utilize the available supporting documents to pursue the completion of necessary work activities to maintain vegetation growth to the established standards of acceptance in the provision of safe and reliable electric service. If there are objections, restrictions or limitations that prevent completion of the necessary work activities, Duke Energy Vegetation Management should contact the Land Services Department or Legal Department for specialized assistance.

A list of items to determine property access rights include, but are not limited to:

- Existing property easement, prescriptive easements, public road rights of way and / or agreements
- State statutes
- Municipal codes
- Commission rules, regulations, orders, and approved tariffs.



## SECTION 5 – WORK QUALITY AND SAFETY STANDARDS

All work shall be performed in conformance with the governing rules from the following: Duke Energy Ohio Vegetation Management Program Requirements, OSHA regulations, NESC and all federal, state, county, and municipal laws, statutes, ordinances and regulations applicable to said work.

Clearance to obtain safety and reliable electric service are based on, but not limited to, consideration of the following:

### ***National Electrical Safety Code (NESC)***

***ANSI A300 Standard*** - American National Standards Institute A300 for Tree Care Operations

- For utility line clearance work, the primary foci are Parts 1, 7 and 9.

***ANSI Z133 Standard*** - American National Standards Institute Z133 for Tree Care Operations - Safety Requirements

***OSHA Standard 29 Code of Federal Regulations (CFR) 1910.269*** -OSHA Standard 29 CFR 1910.269 (a)(1)(i)(E) for Electric Power Generation, Transmission, and Distribution

***Pruning Trees Near Electrical Utility Lines – A Field Pocket Guide for Qualified Line-Clearance Tree Workers*** by Dr. Alex L. Shigo



## SECTION 6 – TRANSMISSION VEGETATION MANAGEMENT OVERVIEW FOR PLANNED WORK

Duke Energy's program is designed on an Integrated Vegetation Management (IVM) strategy that targets removals of incompatible vegetation to minimize potential outages to the Transmission system and ensure necessary access within all transmission line corridors. The reason for IVM is to create, promote, and conserve sustainable plant communities that are compatible with the intended use of the site, and manage incompatible plants that may conflict with the intended use of the site. This approach is recognized as an industry best management practice and is in alignment with ANSI A300 Part 7 standard.

As part of an IVM strategy, Duke Energy utilizes a threat and condition based approach to planned work. This approach of identifying threats as triggers to determine incompatible vegetation within and outside the Transmission Right of Way is inclusive of the Wire Zone, Border Zone and Peripheral Zone concepts as defined in ANSI A300. With regard to maintained or landscaped areas Duke Energy utilizes a process to define compatible and incompatible vegetation to balance the needs of public and worker safety as well as the reliable operation of the Transmission system. A time-based herbicide program will be used to further manage the ROW of incompatible vegetation and support IVM.

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### THREAT/CONDITION-BASED TRIGGERS

For planned work, Duke Energy Transmission Vegetation Management threat trigger distances are used to identify vegetation threats that do not allow for safe operation of the transmission facilities, under all operating conditions (designed blowout and designed maximum operating sag). These threat triggers are radial distances based on engineering design criteria for the conductor sag and blowout operating locations and are voltage dependent.

These threat trigger distances provide for approximately 6 years of typical vegetation re-growth and supports minimum safe worker distances. Once vegetation has been identified as a threat, the vegetation will be evaluated to determine a mitigation strategy through the work planning process.

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### THREAT/CONDITION-BASED ACTION

During the work planning and marking process, many factors and criteria must be considered when developing the mitigation strategy. A trained utility vegetation management professional will evaluate the vegetation based on arboricultural, regulatory/safety standards, legal ROW rights and criteria such as size, age, location, growth rate, maintained/landscaped vs. non-maintained/non-landscaped, etc. Property owner concerns with the proposed mitigation strategy shall be communicated to Duke Energy and alternative mitigation strategies will be



considered. One mitigation strategy includes herbicide application, of which, property owners may request a non-herbicide method mutually agreed upon with Duke Energy if available.

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#### MITIGATION FOR INCOMPATIBLE VEGETATION THREATS

##### NERC Circuits

1. All identified incompatible vegetation will be evaluated and removed in all areas.

##### Non-NERC Circuits

1. **Maintained/Landscaped Areas:** Incompatible vegetation within these areas will be evaluated to determine if the threat can be managed through proper arboricultural pruning guideline of less than 33% of the vegetation canopy to obtain necessary clearance. If management is not viable, removal of the incompatible vegetation is required.
2. **Non-Maintained/Non-Landscaped Areas:** All identified incompatible vegetation will be evaluated and removed.

During the site evaluation, additional vegetation removal may be required within the transmission line corridor if it presents an accessibility issue.

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#### SPECIAL/SPECIFIC SITUATIONS

**Potential Outage Risk:** When a Transmission outage risk is identified, Duke Energy Ohio will attempt to notify the affected property owner. However, Duke Energy Ohio may need to take immediate action, such as remove the vegetation, to protect the reliability and security of the Transmission system.

**Roadside:** For situations such as roadside, overhead Transmission lines built within public road right of way with limited Duke Energy Transmission Right of Way rights, a Wire Zone / Border Zone approach will be utilized with property owners to manage vegetation threats within and outside of the public road right of way.

**Off ROW Danger Tree:** Duke Energy will focus on removing danger tree threats for reliability and storm hardening purposes on narrow corridors or rural areas where rights outside of the easement allow.

**Storm:** During storm events, debris in maintained or landscaped areas associated with emergency operations restoration efforts will be left on site and is the responsibility of the property owner.



**Compliance/Federal/State:** Targeted removal criteria will vary based on regulatory requirements as defined by applicable regulations (i.e. North American Electric Reliability Corporation (NERC) Reliability Standard: FAC-003 Transmission Vegetation Management) which are subject to change over time. Incompatible vegetation identified on NERC lines will be targeted for removal.

**Non-NERC Reclamation Program:** Over a 12-year period from 2020 to 2032, Duke Energy Ohio will perform planned work within and along these corridors. Initial phase of the program will be focused on removing non-manageable grow-in and blowing together threats within and along the corridor for landscaped/maintained areas. Second phase will be focused on removing healthy fall-in threats within and along the corridor for landscaped and maintained areas.





## SECTION 7 – INSPECTION AND MONITORING

Duke Energy Ohio can and may perform inspections on each transmission circuit (69kv and above) to observe vegetation conditions on the transmission system. These inspections should provide for the capabilities to specifically identify potentially incompatible vegetation conditions. The intent of these inspections is to identify off-cycle vegetation threats along the transmission line corridors and take appropriate action.



## SECTION 8 – VEGETATION CONTROL METHODS

**TREE PRUNING** - Trees found within or adjacent to the right-of-way edge will, in most cases, encroach upon the electrical conductors through the growth of their limbs. The management of these trees requires the removal or partial removal of those potentially interfering limbs. Industry standards dictate the proper methods of “pruning” such limbs to minimize any damages to the tree (i.e., removal of less than 33% of a tree’s canopy). These methods are in alignment with industry standards which refer to natural pruning, drop crotch and lateral pruning techniques. Stubbing and tearing of bark shall be avoided. When utilizing boom mounted cutting devices or helicopters to perform the pruning activities in rural locations, proper pruning methods are not typically a viable option.

**HAZARD TREE MITIGATION** - Trees found within or adjacent to the right-of way that are dead, structurally unsound, diseased, shallow-rooted, leaning or otherwise defective that could strike electrical lines or equipment are targeted to be taken down. Stumps from downed (live) trees shall be treated with herbicides where appropriate and possible.

**INCOMPATIBLE VEGETATION MITIGATION (i.e. trees)**- Trees which are in close proximity to electrical facilities can require extensive pruning (greater than 33% of the canopy) to prevent them from causing reliability or safety risk. These trees within the right-of-way will be targeted to be taken down and Duke Energy Ohio will attempt to notify the affected property owner.

**BRUSH MANAGEMENT** - Because of a variety of terrain, differences in soil, land use, and vegetation types, Duke Energy uses IVM practices which include environmentally acceptable herbicides to control brush within the right-of-way. All herbicides used in brush management operations shall be registered with the EPA and the applicable regulating state authority. In situations where brush height is of significant size and therefore not conducive to herbicide applications, the right of way may be mechanically mowed. In landscaped/maintained areas, brush will typically be hand cut and the remaining stumps treated.



## **SECTION 9 – CONTRACTOR RESPONSIBILITIES**

**STANDARDS TO FOLLOW** - Contractor shall perform all work in conformance with Duke Energy Ohio Vegetation Management Program requirements (Contract Terms and Conditions).

## **ATTACHMENT B - PREVIOUS**

(f) **Overhead Electric Line Vegetation Management**

The following overhead electric line vegetation management requirements are intended to establish minimum clearing cycles by Duke Energy Ohio, and minimum clearances of vegetation from Duke Energy Ohio overhead electric line facilities following such clearing cycles. These requirements shall not be construed to limit Duke Energy Ohio's right to cut down and remove vegetation from a Duke Energy Ohio corridor when Duke Energy Ohio has the legal right to do so, e.g., statute, recorded easement grant, easement by prescription, license, condemnation order, etc.

Distribution Clearing Cycle – Duke Energy Ohio shall clear vegetation away from its distribution lines at least once every four years which may include cutting down and removing vegetation from a Duke Energy Ohio corridor when Duke Energy Ohio has the legal right to do so. The goal shall be to help maintain and improve safe and reliable electric service by limiting or eliminating the possibility of contact by vegetation which has grown towards the overhead distribution lines.

Transmission Clearing Cycle – Duke Energy Ohio shall clear vegetation away from its transmission lines (69KV and above) at least once every six years which may include cutting down and removing vegetation from a Duke Energy Ohio corridor when Duke Energy Ohio has the legal right to do so. The goal shall be to help maintain and improve safe and reliable electric service by limiting or eliminating the possibility of contact by vegetation which has grown towards the overhead transmission lines.

Minimum Distribution Line Clearances

- For any two phase or three phase primary distribution line, vegetation shall be no closer than ten feet to an energized conductor when the clearing is completed. In addition, Duke Energy Ohio shall remove any “unsuitable” branch above the distribution line even though it is located more than ten feet away from an energized conductor. An “unsuitable” branch above the distribution line includes one which is either weak, diseased or decaying, or is part of a tree which is.
- For any single phase primary distribution line, vegetation shall be no closer than ten feet to an energized conductor when the clearing is completed. In addition, Duke Energy Ohio shall remove any branch above the distribution line even though it is located more than ten feet away from an energized conductor if it is within an area 15 feet from the energized conductor measured at a 45 degree angle.

- For any open wire secondary distribution line (without a primary distribution line and excluding a service drop), vegetation shall be no closer than five feet to an energized conductor when the clearing is completed.
- For any triplex or street light distribution line (excluding a service drop), vegetation shall be no closer than twelve inches to an energized conductor when the clearing is completed.
- Duke Energy Ohio shall have no responsibility to clear vegetation from a service drop.

#### Minimum Transmission Line Clearances

- For any transmission line (69kV and above), vegetation shall be no closer than fifteen feet to an energized conductor when the clearing is completed. In addition, Duke Energy Ohio shall remove any branch above the transmission line even though it is located more than fifteen feet from any energized conductor.

#### Minimum Transmission Line Overbuild Clearances

- For any transmission line (69KV and above) which is located above any distribution line on the same supporting structure, vegetation shall be no closer than fifteen feet to an energized conductor on either line. In addition, Duke Energy Ohio shall remove any branch above the transmission line even though it is located more than fifteen feet from any energized conductor.