

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Citizens	)	
Against Clear Cutting, <i>et al.</i> ,	)	
	)	
Complainants,	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent.	)	

JOINT MOTION TO REVISE STAY BY AGREEMENT

Now comes Duke Energy Ohio, Inc., (Duke Energy Ohio or the Company), together with the Citizens Against Clear Cutting (CACC), jointly moving the Public Utilities Commission of Ohio (Commission) for a modification of the Commission's stay of Duke Energy Ohio's vegetation management activities as related to the properties of those Complainants who presently comprise CACC and those Complainants who are subject to the May 3, 2018 Partial Stipulation. Reasons are set forth in the attached memorandum in support.

Respectfully submitted,

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Memorandum in Support

Duke Energy Ohio and CACC hereby jointly move the Commission to modify the Commission's stay of Duke Energy Ohio's vegetation management activities as related to the properties of those Complainants who are currently named in the Second Amended Complaint and those Complainants who are subject to the May 3, 2018 Partial Stipulation.

On November 16, 2017, the Commission issued an Entry directing that Duke Energy Ohio cease vegetation management on Complainants' properties during the pendency of the complaint proceeding. Since that time, the Company has ceased all vegetation management on the five transmission circuits that include properties of Complainants, except as jointly requested by the parties through their Joint Motion filed on April 3, 2018, and authorized by the Commission by Entry dated April 5, 2018.

As previously done during March 2018, Duke Energy Ohio, Inc. recently performed an inspection of its transmission lines to determine if there were any imminent threats to the electric system that should be immediately addressed. After performing this inspection in late May 2018, it has been determined that there are multiple trees on Complainants' properties that may pose an immediate threat to public safety and electric service, safety and reliability. Duke Energy Ohio has identified those trees as Priority 1 (P1), meaning that the trees are within 6 feet of the transmission line or conductor, and Priority 2 (P2), meaning the trees are within 6-15 feet of the transmission line or conductor. As a result of the most recent ground patrol, Duke Energy Ohio identified P1 trees as of May 23, 2018, on properties owned by the following Complainants: Dennis Baker, Fred Vonderhaar, Greg Hoeting, and Marc Wahlquist. Duke Energy Ohio also identified P2 trees as of May 23, 2018, on properties owned by the following Complainants: Sanford and Barbara Casper, Dennis Baker, Melissa Weiss, Shuku Nishihata,

Symmes Gate Condos/Phyllis Wahl, Daniel Reece, Joseph Grossi, Olga Staios, Greg Hoeting, Fred Vonderhaar, Scott Carson, Melissa Broome, Marc Wahlquist, Anita Deye, Phillip Griggs, Lawrence and Nancy Hug, Rob and Karen Ripp, and Gary and Judith Pauly.¹

In order to conduct vegetation management on the identified P1 and P2 trees, the parties agree that the Company should be allowed to prune all such trees under the following conditions:

1. Duke Energy Ohio will trim and/or prune the identified Priority 1 and Priority 2 trees so as to create a 15-foot clearance distance between the tree and the nearest transmission line. Duke Energy Ohio will not trim or prune more than is necessary to create a 15-foot clearance distance unless the property owner agrees and affirmatively consents otherwise.
2. Duke Energy Ohio will provide all affected Complainants (including those Complainants who are subject to the May 3, 2018 Partial Stipulation) at least 72 hours' notice to their undersigned counsel by email prior to performing any work on Complainants' properties. Duke Energy Ohio will provide additional notice to affected Complainants, by email to their undersigned counsel, in the event that additional work needs to be completed or if the Company needs to reschedule the work for any reason. Duke also will instruct its tree trimming personnel and/or representatives performing the vegetation management work, prior to starting that work, to knock on the door or ring the doorbell in an attempt to provide personal notice to the property owners of their intent to enter their properties to perform vegetation management.
3. Duke Energy Ohio will remove all debris from the Complainants' properties after performing the vegetation management work.

By agreeing to this joint motion and agreeing to conduct this limited vegetation maintenance, the parties are not waiving their legal arguments as to what constitutes what is appropriate, reasonable, lawful, or the best practices regarding Duke Energy Ohio's vegetation management activities or under the Company's easements.

Wherefore, Duke Energy Ohio and CACC respectfully request that the Commission amend the stay of the Company's vegetation management activities to permit the proposed

¹ A list of all identified trees as of May 23, 2018, is attached to this Joint Motion as Attachment A. This list identifies the Complainants' trees, as well as others, that Duke Energy Ohio intends to prune as described in the Joint Motion.

vegetation management and to allow the pruning of all P1 and P2 trees identified in Attachment A, provided that this amendment shall not be construed or used against Duke Energy Ohio or CACC in this proceeding, nor shall this agreement constitute any waiver of either party's rights regarding their legal arguments concerning Duke Energy Ohio's vegetation management activities.

Respectfully submitted,

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18GP4034	GROW-IN	3881	10C-X2-99	138 KV	P2	WZ1	Locust			12	9	P2	Bean, Eric (248-396-0990)	6381 Branch Hill Mamville 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 Mamville 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		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	Schrimpe, 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	Schrimpe, 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	Schrimpe, 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	Schrimpe, 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	Schrimpe, 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 P ; 2) Percival Properties LLC (Rob and Karen Ripp)	1) 8738 Birchbark Dr. Cincinnati, OH 45249 ; 2) 6650 Shawnee Run Rd. Cincinnati, OH 45243	Tree is situated along the intersection of two parcels						Tara Tucker/Preston Friend		5/23/2018	39.271122	-84.32002	
18GP4049	GROW-IN	3881	Y23-X1-114	138 KV		WZ1	Cypress				4	P1	Rahilly, Donald J Tr & Sybil M TR	9020 Old Creek Tr, Cincinnati, OH 45249							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	10233 Hightower Ct. Cincinnati, OH 45249							Tara Tucker/Preston Friend		5/23/2018	39.260715	-84.310337	
18GP4051	GROW-IN	3881	Y22-X1-106	138 KV		WZ1	Pear				14	P2	1) Chernyak, Gregory & Maria ; 2) Hill, Elizabeth & Donte	1) 10544 Hopewoods Ct. Cincinnati, OH 45249 ; 2) 10587 Swanson Ct. Cincinnati, OH 45249	Tree is situated along the intersection of two parcels						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	10526 Hopewoods Ct. Cincinnati, OH 45249							Tara Tucker/Preston Friend		5/22/2018	39.250465	-84.303515	

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Summary: Motion Joint Motion to Revise Stay by Agreement electronically filed by Carys Cochern on behalf of Watts, Elizabeth H. Ms.