

**BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO**

Citizens Against Clear Cutting, et al.	)	
	)	
Complainants,	)	
	)	
v.	)	Case No. 17-2344-EL-CSS
	)	
Duke Energy Ohio, Inc.,	)	
	)	
Respondent	)	

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**DIRECT TESTIMONY OF OLGA STAIOS  
ON BEHALF OF  
COMPLAINANTS**

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**October 26, 2018**

1    **Q.     Please state your name and address.**

2    A.     My name is Olga Staios. I live in Symmes Township. Specifically, I reside at  
3           11974 Paulmeadows Drive, Cincinnati, Ohio 45249.

4    **Q.     Please describe your educational background.**

5    A.     I received a Bachelor of Science degree from the University of Dayton in  
6           Business in 1983.

7    **Q.     Are you currently employed?**

8  
9    A.     No, I am now retired.

10   **Q.     What did you do before you were retired?**

11   A.     I worked for a mutual life insurance company based in Lincoln, Nebraska as the  
12           Vice President of Marketing Communications. I managed a department of  
13           communications professionals. I worked there for 17 years. Prior to that, I  
14           worked for Lexis Nexis in Dayton, Ohio for 14 years. Before that, I worked for  
15           the Dayton Daily News/Journal Herald for 7 years.

16   **Q.     When did you purchase your home?**

17  
18   A.     I purchased my home in May of 1998.

19   **Q.     When you purchased your home, were you aware that Duke Energy Ohio,**  
20           **Inc.'s (Duke) transmission lines ran over the property?**

21  
22   A.     Yes. I knew that the transmission lines ran over the property and also that Duke  
23           had an easement on part of the property for the purpose of maintaining those  
24           lines. The easement was also referenced in the closing documents at the time I  
25           purchased the property.

26   **Q.     Do you have a copy of the easement Duke has on your property?**

27   A.     Yes. It is attached to my testimony as Attachment A.

1   **Q.    Since you purchased your property, has Duke conducted any sort of**  
2   **vegetation management activities related to your trees or other vegetation?**

3  
4   A.    Yes, several times.

5   **Q.    What sort of vegetation management has Duke conducted?**

6  
7   A.    When I first purchased the property, there were some large white pine trees  
8       underneath the wires. The trees were mature and had existed in that spot for  
9       years. For a while, they trimmed those trees to keep them at a safe distance, or  
10      clearance, from the transmission wires. They have topped those trees in the past,  
11      which means that they have cut off the tops of the trees in order to maintain that  
12      safe clearance between the trees and the transmission wires. Eventually, the trees  
13      started to look terrible from the trimming, like palm trees, so Duke told me I  
14      could opt to have them cut them down instead of trimmed. I asked Duke what  
15      type of trees I should plant to avoid future trimming and they told me that as long  
16      as the trees under the wires do not get taller than 20 feet, I should never have to  
17      worry about them getting trimmed. So, I opted to have Duke cut down the white  
18      pines with the understanding that I could plant other trees that would not be  
19      trimmed.

20   **Q.    Where are the trees located?**

21   A.    Underneath the wires, in what Duke considers to be the “wire zone.” See  
22       Attachment B (the documents provided to me by Duke).

23   **Q.    Did you have the large white pine trees removed at Duke’s recommendation?**

24  
25   A.    Yes. I asked them to cut them down rather than continue to trim them.

26

27

1    **Q.     What did you replace the large white pine trees with?**

2    A.     In order to comply with Duke's directive to plant more suitable trees around  
3           transmission lines, I first planted a Hoopsi blue spruce which is now about 18 feet  
4           tall. I have also planted a six-foot blue willow bush, three eight-foot juniper  
5           spearment bushes, a four-foot dwarf lacebark pine tree, a four-foot dwarf blue  
6           spruce, and a four-foot sand cherry bush.

7    **Q.     Did you follow Duke's recommendation?**

8    A.     Yes. I only planted trees and other vegetation that would not grow more than 20  
9           feet tall, as instructed by Duke.

10   **Q.     Are you stating that Duke recommended that you plant tree species in the**  
11       **wire zone?**

12  
13   A.     Yes, for the reasons I noted above.

14   **Q.     When did Duke make this recommendation?**

15   A.     Yes, this recommendation occurred about 15 years ago.

16   **Q.     Is it your testimony that Duke also explained to you that it would be**  
17       **acceptable to plant bushes and trees that were taller than 7-feet in the wire**  
18       **zone?**

19  
20   A.     Yes. Duke just explained that the trees could not be taller than 20 feet under the  
21           wires. Therefore, I planted bushes along with the ornamental trees that would  
22           grow to heights shorter than 20 feet, as Duke said would be acceptable.

23   **Q.     If you followed Duke's recommendation and instructions for planting**  
24       **vegetation in the wire zone, why did you become involved in this case?**

25  
26   A.     Despite my adherence to Duke's recommendations for which size of vegetation I  
27           could plant, I found a door hanger from Duke on my door that stated that Duke  
28           planned to come in and do vegetation management on my property. Not even

1 thinking it possible that Duke could be talking about the trees that they  
2 recommended I plant, I was initially concerned about whether or not they were  
3 going to trim the River Birch sitting in front of my house and the timing of the  
4 work they planned to do because I was planning to replace my driveway. I did not  
5 want to replace my driveway and then immediately risk damage to the new  
6 driveway from Duke's trucks and equipment, so I contacted the number on the  
7 door hanger for clarification.

8 **Q. Were you able to speak with anyone when you called?**

9 A. Yes. I called Integrity Tree Service and set up a meeting. I was taken aback by  
10 what the man from Integrity Tree Service said when he came out. He told me that  
11 Duke planned to cut down many of my trees, not trim the trees as they had done  
12 in the past. This was when I learned that Duke planned to cut down the new trees  
13 that I had planted at Duke's direction. Their initial door hanger did not make this  
14 clear. I was confused by this radical change so he told me that he would have  
15 someone from Duke give me a call.

16 **Q. Did you speak with anyone from Duke?**

17 Yes. Steve Holton called and set a time to come out and speak with me. As you  
18 can imagine, I was upset, especially considering that I had worked with Duke to  
19 make sure my trees and bushes did not pose a problem for future trimming and I  
20 complied with their recommendations before spending the money to purchase and  
21 plant new trees and bushes. Copies of the documents provided to me along with  
22 that door hanger are attached to my testimony as Attachment B.

1   **Q.    To your knowledge, is Duke seeking to remove the trees and vegetation that**  
2   **you planted at Duke's recommendation to replace your white pine trees?**

3  
4   **A.    Yes, to my knowledge, Duke is planning to remove all the spruce trees. A**  
5   **representative from Integrity Tree Service came to my property to mark my trees.**  
6   **The representative from Integrity Tree Service, who said he was hired by Duke to**  
7   **conduct vegetation management, marked all of these trees with an orange ribbon**  
8   **and explained that this meant they were slated to be removed.**

9   **Q.    Did you speak to the representative from Integrity Tree Service when he**  
10   **marked your trees?**

11  
12   **A.    Yes. I explained to the Integrity representative that Duke had recommended the**  
13   **vegetation plantings that were completed and that his markings were inconsistent**  
14   **with what I worked out with Duke previously. The Integrity representative stated**  
15   **that I would need to speak with Duke directly as this is what he was told to do.**  
16   **The Integrity representative also marked small ornamental trees that are nowhere**  
17   **near the wires for removal. As this point, I was very alarmed.**

18   **Q.    Who else, if anyone, did you speak with?**

19  
20   **A.    After I met with the representative from Integrity, I met with Steve Holton along**  
21   **with my neighbor, Joe Grossi. Steve Holton identified himself as a representative**  
22   **from Duke.**

23   **Q.    What did you discuss with Steve Holton?**

24  
25   **A.    We talked about the planned removal of many of my trees and bushes in the wire**  
26   **and border zones. Mr. Holton gave us documentation from Duke, representing to**  
27   **us that the information provided explained the border zone, wire zone, and**  
28   **contained Duke's policies and practices that Duke would be following. I asked**

1 Mr. Holton why Duke was now clear cutting trees when they had previously just  
2 trimmed them. I also asked what necessitated this new Duke policy as I had  
3 worked out an arrangement with Duke to remove my old large trees and replace  
4 them with the dwarf varietals that were permitted and compliant with Duke's  
5 practices and policies.

6 **Q. How did Mr. Holton respond to your questions?**

7  
8 A. He ignored my complaint that Duke had recommended the new plantings and  
9 confirmed that Duke would be clear cutting our trees and other vegetation instead  
10 of trimming the trees as they had done in the past. He mentioned that there was a  
11 blackout in Northeast Ohio that was caused by bad vegetation management  
12 practices. After that event, he said, regulations changed to prevent similar  
13 outages from occurring. He made it sound very official and as if there was  
14 nothing that he or we could do about it.

15 **Q. Did you ask for any more information about these regulations?**

16  
17 A. Yes. I wanted to know what the regulations said so I could better understand this  
18 change in policy, and why it was necessary. Joe Grossi and I specifically asked  
19 him to provide us with the information on this new regulation. Mr. Grossi also  
20 asked him to provide information on the blackout in Northeast Ohio.

21 **Q. Did Mr. Holton provide you with further information about the regulations**  
22 **to which he referred?**

23  
24 A. No. He never did. As far as I know, he has also not provided any information  
25 about the Northeast Blackout to Mr. Grossi.

26

27

1   **Q.    You used the term “clear cutting,” what does that mean?**

2  
3   **A.    To me and other CACC Complainants, the term clear cutting means the removal**  
4           of or leveling to the ground of all trees and vegetation within a specified area.<sup>1</sup>  
5           Given that Duke has stated its intent to remove all trees on my property within 50  
6           feet on either side of its transmission wires, Duke’s activities constitute clear  
7           cutting. Duke’s representatives confirmed that this is what Duke planned to do on  
8           my property.

9   **Q.    What are the other trees and vegetation on your property?**

10   **A.    I have a River Birch located in what Duke calls the peripheral zone very close to**  
11           my front door. In the wire zone, I have a Bradford Pear tree that is about 20 feet  
12           tall, a white pine tree that is about 24 feet tall, a Cleveland pear tree that is about  
13           20 feet tall, a Bakeri blue spruce that is about 18 feet tall, two small ornamental  
14           blue spruces that are about 5 feet tall, three spearmint juniper bushes, a “blue ice”  
15           willow bush, a sandcherry bush, and a multi-trunk dogwood—each about five to  
16           seven feet tall.

17   **Q.    Are you familiar with Duke’s definitions of the “border zone” and “wire**  
18           **zone”?**

19  
20   **A.    Yes, as those terms are explained in the documents included in Attachment B. As**  
21           far as I understand from what Steve Holton told me, the “wire zone” includes the  
22           area directly underneath the transmission wires and extending approximately  
23           twenty feet on either side of the outermost wire and the “border zone” includes  
24           the remaining portions of Duke’s easement.

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<sup>1</sup> Merriam-Webster dictionary at <https://www.merriam-webster.com/dictionary/clear-cut>; Google dictionary at [https://www.google.com/search?q=clear+cut&rlz=1C1GGRV\\_enUS751US751&oq=clear+cut&aqs=chrome..69i57j0l5.1848j0j7&sourceid=chrome&ie=UTF-8](https://www.google.com/search?q=clear+cut&rlz=1C1GGRV_enUS751US751&oq=clear+cut&aqs=chrome..69i57j0l5.1848j0j7&sourceid=chrome&ie=UTF-8).



1   **Q.    With regard to the trees and bushes that you identified earlier, are they**  
2   **located in the border zone or the wire zone?**

3  
4   **A.    To my knowledge, most of them are in the wire zone near the edge of the wires.**  
5           By my estimation, the Cleveland pear tree is in the border zone near my house. I  
6           prepared a diagram of the vegetation that exists on the relevant portions of my  
7           property that I have attached to my testimony as Attachment C. This diagram  
8           depicts locations for all of the trees and other vegetation on my property that  
9           Duke has marked for removal. Or, in the case of the River Birch, Duke has  
10          marked to severely cut on one side of it on the side that might extend into the  
11          Border Zone.

12   **Q.    You mentioned that Duke previously trimmed large white pine trees that**  
13   **were on your property and have since been removed. Has Duke conducted**  
14   **vegetation management on any of the trees that remain on your property**  
15   **since you have owned the property?**

16  
17   **A.    Yes, somewhat. Duke trimmed a few branches off the Cleveland pear tree near**  
18          my house about 4 years ago. They did not, however, trim the other trees that are  
19          closer to the wires. Years prior to that, they trimmed my River Birch that is  
20          located close to my front door.

21   **Q.    To your knowledge, did Steve Holton or any other Duke employee or**  
22   **representative conduct an analysis or assessment on your property to**  
23   **determine whether your trees currently come into direct contact with the**  
24   **transmission lines or are anticipated to come in contact with the transmission**  
25   **lines within the next six years?**

26  
27   **A.    No. The individuals that I spoke to stated that Duke's policies had changed**  
28          because regulations had changed, and that Duke was clear cutting all vegetation  
29          within Duke's 100-foot easement. There was no assessment done as to what the  
30          clearance was between each tree or bush and the transmission lines. I have also

1 reviewed Duke's supplemental response to CACC-INT-01-018 wherein Duke  
2 confirms that its engineers have not assessed every tree that Duke proposes to  
3 remove. Duke's supplemental response to CACC-INT-01-018 is attached to my  
4 testimony as Attachment D.

5 **Q. To your knowledge, did the Integrity representative, Steve Holton, or any**  
6 **other Duke employee or representative conduct an analysis or assessment on**  
7 **your property to determine whether the removal of your trees and other**  
8 **vegetation is necessary for the safe and reliable provision of electric service?**  
9

10 A. No. Again, the individuals that I spoke to stated that regulations changed and that  
11 Duke's policies had changed and that Duke was clear cutting all vegetation within  
12 Duke's 100-foot easement. To my knowledge, there was no assessment or  
13 analysis completed to determine whether the removal of my vegetation was  
14 actually necessary to provide safe and reliable electric service. Additionally,  
15 Duke responded to discovery, stating that it has not conducted individual  
16 assessments on the Complainants' properties. See Attachment D.

17 **Q. To the extent that Duke has previously conducted vegetation management**  
18 **activities on your property, have those activities effectively prevented trees or**  
19 **other vegetation from coming in direct contact with the transmission wires**  
20 **above your property?**  
21

22 A. To my knowledge, yes. I have never seen any of the trees on my property come  
23 close to contacting a transmission wire.

24 **Q. To your knowledge, has Duke's previous vegetation management on your**  
25 **property effectively prevented trees and other vegetation on your property**  
26 **from causing outages or otherwise impacting electric service?**  
27

28 A. Yes. To my knowledge, Duke's customers have never experienced an outage  
29 related to the transmission lines above my property coming in direct contact with  
30 trees or other vegetation on my property.

1     **Q.     Are you aware of any outages that have occurred or other concerns with the**  
2     **provision of electric service as a result of the trees and other vegetation on**  
3     **your property?**

4  
5     A.     No. Since I have owned my property, I am not aware of any outages or other  
6     concerns being raised regarding trees or other vegetation on my property affecting  
7     the safety and reliability of Duke's electric system.

8     **Q.     Did you specifically ask Mr. Holton about the trees and other vegetation that**  
9     **Duke had recommended that you plant?**

10  
11    A.     Yes, I did. I was bothered that Duke had changed their position like this,  
12    especially after I relied on their prior representations and paid to replace the  
13    previous trees.

14    **Q.     How did Mr. Holton respond to these concerns?**

15  
16    A.     He was unmoved, not accommodating, and did not even apologize for Duke's  
17    change in position. He maintained that all the trees they had marked would have  
18    to be removed.

19    **Q.     How did you proceed at this point?**

20  
21    A.     Along with Joe Grossi, Symmes Township leadership, and others, we began  
22    looking into this issue and organizing a collective response to Duke's clear cutting  
23    actions and apparent change in vegetation management policies and practices.

24    **Q.     How did this collective response begin?**

25  
26    A.     After some neighborhood meetings and Duke's refusal to meet with a group of  
27    Symmes Township residents, we held a community meeting on October 12, 2017  
28    to discuss possible solutions to this problem. Eventually, we decided that our  
29    only recourse would be to file a complaint with the Public Utilities Commission  
30    of Ohio (PUCO).

1   **Q.     Did you file a complaint against Duke?**

2

3   A.     Yes, I initially filed an individual complaint against Duke on October 23, 2017  
4           with the PUCO, but then joined the Amended Complaint filed by the Citizens  
5           Against Clear Cutting (CACC) customer group. I am a named Complainant who  
6           filed and participated in the Second Amended Complaint against Duke, which  
7           included allegations related to: the adequacy and lawfulness of Duke's vegetation  
8           management plan; the unjust and unreasonable vegetation management practices  
9           and policies of Duke; the unjust, unreasonable, and unlawful implementation of  
10          Duke's vegetation management practices, policies, and plan, which includes the  
11          clear cutting of trees and vegetation on customers' properties and the use of  
12          dangerous herbicides to remove or destroy trees and vegetation; and defects in  
13          how Duke's vegetation management plan was modified, including deceptive and  
14          misleading statements and filings by Duke.

15   **Q.     Are you concerned about the safety and reliability of Duke's electric system?**

16

17   A.     Of course, I have always been receptive to Duke trimming trees and bushes on my  
18          property to ensure safety and reliability. This is also the reason that I previously  
19          agreed to remove the large white pine trees on my property when those trees  
20          threatened to come into contact with the transmission lines.

21   **Q.     Recognizing the need for safety and reliability, why are you challenging**  
22          **Duke's proposed vegetation management activities?**

23

24   A.     I am challenging the unreasonable and unnecessary vegetation management  
25          practices and policies that Duke is attempting to implement on my property. As  
26          long as I have been a customer of Duke, Duke has, to my knowledge, maintained  
27          safe and reliable service without clear-cutting all vegetation within its 100-foot

1        easement. I replaced large trees with dwarf trees and bushes so that safe  
2        clearances between my vegetation and the transmission lines could be maintained.  
3        I agree that Duke should be allowed to trim my trees and bushes so that they  
4        remain a safe distance from the transmission lines, but I do not think complete  
5        removal all vegetation within Duke's 100-foot easement is reasonable or  
6        necessary to maintain Duke's transmission lines and the appropriate clearances.

7        **Q. Does this conclude your testimony?**

8        **A. Yes.**

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing testimony was served on October 26, 2018 by electronic mail upon the parties listed below.

  
Brian W. Dressel

Rocco O. D'Ascenzo (0077651)  
Deputy General Counsel  
Elizabeth H. Watts (0031092)  
Associate General Counsel  
DUKE ENERGY OHIO, INC.  
139 East Fourth Street  
1303-Main  
P.O. Box 960  
Cincinnati, Ohio 45202  
Telephone: (513) 287-4320  
[Rocco.D'Ascenzo@duke-energy.com](mailto:Rocco.D'Ascenzo@duke-energy.com)  
[Elizabeth.Watts@duke-energy.com](mailto:Elizabeth.Watts@duke-energy.com)

Robert A. McMahon (0064319)  
Eberly McMahon Copetas LLC  
2321 Kemper Lane, Suite 100  
Cincinnati, Ohio 45206  
Telephone: (513) 533-3441  
Fax: (513) 533-3554  
[bmcmahon@emclawyers.com](mailto:bmcmahon@emclawyers.com)

*Counsel for Duke Energy Ohio, Inc.*

Terry L. Etter  
Assistant Consumers' Counsel  
Office of the Ohio Consumers' Counsel  
65 East State Street, 7<sup>th</sup> Floor  
Columbus, Ohio 43215  
Telephone: (614) 466-7964  
[terry.etter@occ.ohio.gov](mailto:terry.etter@occ.ohio.gov)

*Counsel for the Office of the Ohio Consumers' Counsel*

Vol. 180. 8th Ser. No. 9

## GRANT OF EASEMENT

DEC-14-50

95449

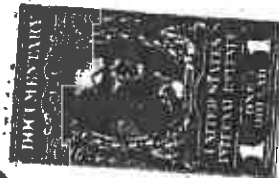
LaidDs—  
Ella Rempler

0.70

FOR AND IN CONSIDERATION OF One Dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grant unto The Cincinnati Gas & Electric Company, its successors and assigns, a right of way and easement one hundred (100) feet in width, to construct, erect, operate, maintain, repair, replace and remove towers and all necessary and incidental wires, cables, anchors, grounding systems, counterpoises, fixtures and equipment for the transmission and distribution of electrical energy, ~~and also for the transmission of gas, in, on, over, through~~ and across the following described real estate situate in Section 31, T. 4, E. R. 2, Symmes Township, Hamilton County, State of Ohio and being a tract of 45.11 acres, more or less, being Lot 1 of Samuel Arbuckle's Estate and being the same property conveyed to the grantor by deed dated April 27, 1899 and recorded in Deed Book 832, page 191, Hamilton County Recorder's Office.

The center line of the said 100 foot right of way and easement is described as follows:

Beginning at a point in the southeast corner of the above described property; thence in a westerly direction along the south boundary line of said property 203.0 feet to a point and the real place of beginning of the easement herein conveyed; thence from said real place of beginning in a northerly direction turning an angle of 90 degrees 36 minutes to the right 479.25 feet to a point; thence continuing in a northerly direction turning an angle of 3 degrees 17 minutes to the right 705.49 feet to a point; thence continuing in a northerly direction turning an angle of 2 degrees 6 minutes to the left 195.10 feet to a point in the center line of Fields-Ertel Road said point being 155.7 feet west of the northeast corner of said property measured along the center line of Fields-Ertel Road.



together with the right to cut, trim or remove any trees, overhanging branches or other obstructions both within and without the limits of the above described right of way and easement which in the opinion of the grantee's engineers may endanger the safety of or interfere with the construction, operation or maintenance of said system, the right to pile dirt, material and equipment on the surface during periods of construction and maintenance, and the right of ingress and egress over the above described property for the purpose of exercising the rights herein granted.

Said Company, its successors and assigns, shall pay all damages to growing crops, buildings and fences, caused by its employees, agents, licensees, servants or trucks in exercising the rights herein granted.

No buildings or other structures shall be erected within the limits of the above described right of way and easement by the grantor, his heirs or assigns. Grantor, his heirs or assigns, shall have the right to cultivate the land within the limits of said right of way and easement in any manner not inconsistent with the rights herein conveyed to the grantee.

If the rights herein granted are not used, at least in part, within twenty-five years from the date of this instrument the same shall become void and shall revert to the then owners of the above described property.

Grantor, his heirs, full power to convey said right of way and easement and warrant and will defend the same against all claims of all persons.

WITNESS my hand this 12 day of October, 1950

signed and acknowledged in the presence of:

Charles J. Gallace  
Harry Kasfir

Ella M. Rempler

DATE OF Ohio Hamilton COUNTY, ss: Ella M. Rempler

Personally appeared before me, a Notary Public in and for said County,

do acknowledged the signing of the foregoing instrument to be his voluntary act and deed for the uses and purposes therein set forth. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this 12th day of October, 1950.

DEED 141350  
NOTARY PUBLIC AT 2:14 PM  
HAMILTON COUNTY, OHIO  
GILBERT J. SHAWEL, RECORDER, HAMILTON COUNTY, OHIO  
My Com. Exp. Oct. 4, 1953



## ELECTRIC TRANSMISSION RIGHT-OF-WAY GUIDELINES/RESTRICTIONS VALID FOR OHIO, INDIANA AND KENTUCKY (Revised 11/20/14)

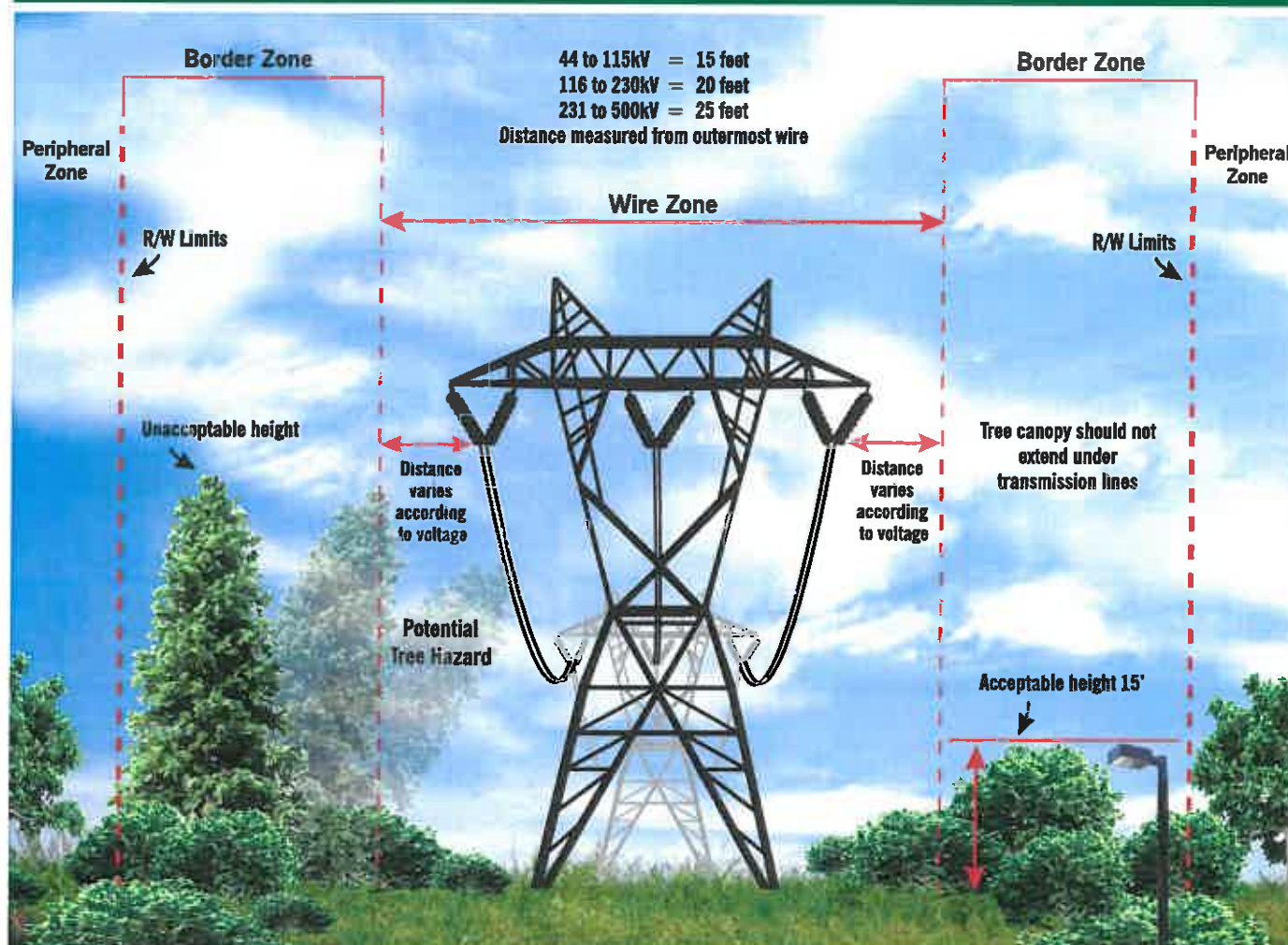
This list of right-of-way restrictions has been developed to answer the most frequently asked questions about property owner use of Duke Energy's electric transmission rights of way. This list does not cover all restrictions or all possible situations. You should contact the Asset Protection right-of-way specialist if you have additional concerns about the rights of way. This list of restrictions is subject to change at any time and without notice. Duke Energy reserves all rights conveyed to it by the right-of-way agreement applicable to the subject property. All activity within the rights of way shall be reviewed by an Asset Protection right-of-way specialist to obtain prior written approval. Engineering plans may be required. Compliance with the Duke Energy Right-of-Way Guidelines/Restrictions or approval of any plans by Duke Energy does not mean that the requirements of any local, county, state or federal government or other applicable agency with governing authority have been satisfied.

1. Structures, buildings, manufactured/mobile homes, satellite systems, swimming pools (and any associated equipment and decking), graves, billboards, dumpsters, signs, wells, deer stands, retaining walls, septic systems or tanks (whether above or below ground), debris of any type, flammable material, building material, wrecked or disabled vehicles and all other objects (whether above or below ground) which in Duke Energy's opinion interfere with the electric transmission right of way are not allowed within the right-of-way limits. Transformers, telephone/cable pedestals (and associated equipment) and fire hydrants are not allowed. Manholes, water valves, water meters, backflow preventers and irrigation heads are not permitted. Attachments to Duke Energy structures are prohibited.
2. Fences and gates shall not exceed 10 feet in height and shall be installed greater than 25 feet from poles, towers and guy anchors. Fences shall not parallel the centerline within the rights of way but may cross from one side to the other at any angle not less than 30 degrees with the centerline. If a fence crosses the right of way, a gate (16 feet wide at each crossing) shall be installed by the property owner, per Duke Energy's specifications. The property owner is required to install a Duke Energy lock on the gate to ensure access. Duke Energy will supply a lock.
3. Grading (cuts or fill) shall be no closer than 25 feet from poles, towers, guys and anchors (except for parking areas; see paragraph 7) and the slope shall not exceed 4:1. Grading or filling near Duke Energy facilities which will prevent free equipment access or create ground-to-conductor clearance violations will not be permitted. Storage or stockpiling of dirt or any construction material is prohibited. Sedimentation control, including re-vegetation, is required per state regulations.
4. Streets, roads, driveways, sewer/water lines, other utility lines or any underground facilities shall not parallel the centerline within the right of way but may cross, from one side to the other, at any angle not less than 30 degrees with the centerline. No portion of such facility or corresponding easement shall be located within 25 feet of Duke Energy's facilities. Roundabouts, cul-de-sacs and intersections (such as roads, driveways and alleyways) are not permitted.
5. Any drainage feature that allows water to pond, causes erosion, directs stormwater toward the right of way or limits access to or around Duke Energy facilities is prohibited.
6. Contact Duke Energy prior to the construction of lakes, ponds, retention or detention facilities, etc.
7. Parking may be permitted within the right of way, provided that:
  - a. Prior to grading, concrete barriers shall be installed at a minimum of 9 feet from the Duke Energy facilities. During construction, grading shall be no closer than 10 feet to any Duke Energy facility.
  - b. After grading/paving activity is complete, Duke Energy-approved barrier sufficient to withstand a 15-mph vehicular impact shall be erected 9 feet from any Duke Energy facility.
  - c. Any access areas, entrances or exits shall cross (from one side to the other) the right of way at any angle not less than 30 degrees with the centerline and shall not pass within 25 feet of any structure. Parking lot entrances/exits cannot create an intersection within the right of way.
  - d. Lighting within the right-of-way limits must be approved by Duke Energy before installing. Due to engineering design standards, lighting is not allowed in the "Wire Zone." Where lighting is approved ("Border Zone"), the total height may not exceed 15 feet. Contact your Asset Protection right-of-way specialist as the "Wire Zone" varies for the different voltage lines.
8. Duke Energy will not object to certain vegetation plantings as long as:
  - a. They do not interfere with the access to or the safe, reliable operation and maintenance of Duke Energy facilities.
  - b. With prior written approval, Duke Energy does not object to low-growing shrubs and grasses within the "Wire Zone." Tree species are not allowed within the "Wire Zone." Trees that are approved in the "Border Zone" may not exceed, at maturity, 15 feet in height. Contact the Asset Protection right-of-way specialist for "Wire Zone"/"Border Zone" definitions.
  - c. For compliant mature height species, refer to [plantfacts.osu.edu/plantlist/index.html](http://plantfacts.osu.edu/plantlist/index.html) for reference.
  - d. Engineering drawings must indicate the outermost conductors.
  - e. Vegetation that is not in compliance is subject to removal without notice.
  - f. Duke Energy may exercise the right to cut "danger trees" outside the right-of-way limits as required to properly maintain and operate the transmission line.

We hope this is useful information. If you have additional questions or plan any activity not mentioned above, please contact the Asset Protection right-of-way specialist for your area (see map).



## Transmission Right-of-way Zones - Midwest



**Wire Zone:** Extends beyond the outermost conductor on both sides.  
(See diagram above.)

**Permitted within the Wire Zone:** Low-growing plants, shrubs and grasses.

**Not permitted within the Wire Zone:** Tree species of any kind.

**Border Zone:** Extends from the edge of the Wire Zone to the outside edge of the Right of Way.

**Permitted within the Border Zone:** Lighting structures and plantings within the Right of Way that do not exceed a vertical height of 15 feet. For compliant mature height species, refer to [plantfacts.osu.edu/plantlist/index.html](http://plantfacts.osu.edu/plantlist/index.html).

**Not permitted within the Border Zone:** Any object that exceeds vertical height restrictions. These restrictions are based on flat ground elevations. If the ground elevations differ, no object at any time may exceed the outermost conductor's ground elevation.

**Peripheral Zone:** Outside the Right of Way and adjacent to Border Zones.

**Permitted within the Peripheral Zone:** Trees may be planted in the Peripheral Zone. Duke Energy recommends customers exercise caution selecting and planning trees in this zone.

**Not permitted in the Peripheral Zone:** Trees with canopies are subject to routine trimming and possible removal.

### In all zones:

When an outage risk is identified, Duke Energy will attempt to notify the affected customer. However, the company may need to take immediate action if trees cannot be pruned to appropriate levels. This may include trees and shrubs that are within 20 feet of the power line at the maximum peak load or during weather conditions that create line sag and sway.

**Written approvals by Duke Energy are required for all plans.**

We hope this is useful information. If you have additional questions on line voltages or plan any activity not mentioned above, please contact the Asset Protection Specialist for your area. (See Map)

\*Right of Way is intended to reference the easement rights granted to Duke Energy. Actual zone size may vary based upon the particular Right of Way.

## Why must Duke Energy remove trees?

**Reliable electricity is important to our customers**



Trees are part of the natural beauty of the Midwest. Duke Energy recognizes the important role trees play in enhancing the beauty of communities and contributing to the quality of life for our customers in Indiana, Ohio and Kentucky. While the trees that thrive throughout the 26,054 square miles of our service area are a tremendous source of pride, trees and limbs that fall into power lines also are the number one cause of power outages.

Our customers want reliable power – in both good and bad weather. It's our responsibility to ensure power lines that transmit electricity are free from trees, overgrown shrubbery and other obstructions that can prevent continuous, safe and reliable electric service to the more than 1.6 million Midwest customers who depend on us 24 hours a day. Trees that are close to power lines must be trimmed or removed so they don't disrupt electric service to households, businesses, schools and hospitals.

Our crews use a variety of methods to manage vegetation growth along distribution and transmission power line rights of way, including vegetation pruning, tree removal and herbicides. These approaches are based on widely accepted standards developed by the tree care industry for maintenance and operations and approved by the American National Standards Institute (ANSI).

### **Transmission rights of way**

High-voltage transmission lines provide large amounts of electricity over long distances. The transmission lines in your community are part of the larger, interconnected grid system that powers an entire region, not just the community through which the lines run. Federal rules are more stringent for some transmission lines, depending on the voltage, and may include fines up to \$1 million per day for tree-related outages. We manage our grid to provide reliable operation of transmission facilities while adhering to regulations and easement rights.

### **Distribution rights of way**

Distribution lines carry power from local substations to homes and businesses. An electric distribution right of way may also contain other utilities (electric, telephone, cable, water and/or gas) that must be maintained as well. Duke Energy manages rights of way to provide reliable delivery of electricity.

### **Vegetation Management methods**

We use an Integrated Vegetation Management approach, which includes careful pruning, selective herbicidal application and tree removal. This allows us to proactively evaluate power line areas and determine the best method for maintaining reliable service. The objective of an Integrated Vegetation Management program is to maintain the lines – before the trees and brush are close enough to cause outages – in a manner that's consistent with good arboricultural practices.

## Maintaining rights of way

Well-maintained rights of way help prevent power outages and allow our vehicles and personnel to safely access our electrical equipment for operations, maintenance and storm response. By maintaining vegetation around our equipment, we can get our customers' power restored more efficiently and safely.

## Maintaining easements

Easements allow us access to mow, prune or cut down vegetation that may interfere with our transmission equipment and the ability to deliver safe reliable power. They also give us the space we need to build new equipment to meet the future energy demands of our customers.

Sometimes public and private entities plant trees in the easements that impede our ability to operate and maintain these critical assets. Trees planted outside of a right of way also can grow into our easement and endanger our equipment. We recommend that you only plant grass in an electric transmission rights of way or easement.

## Why trimming doesn't always work

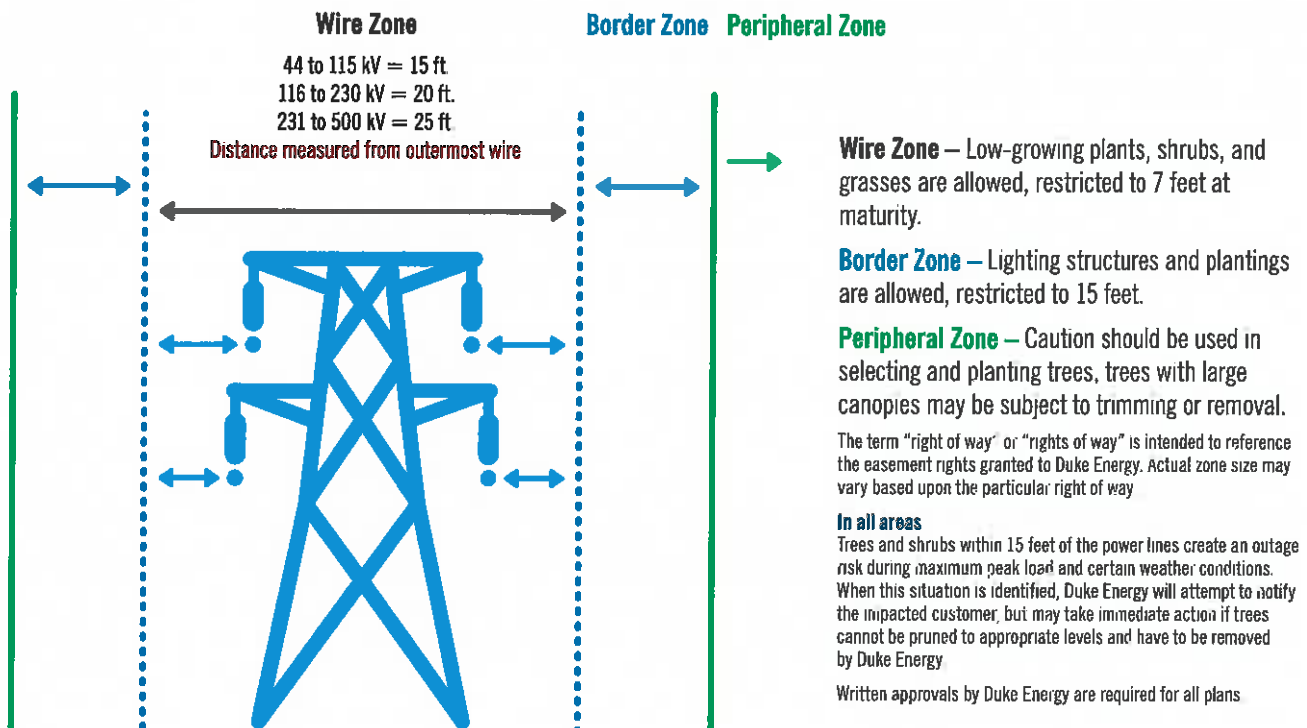
We're often asked why we remove some trees instead of trimming them. Trimming is not always healthy for the trees.

Duke Energy has thousands of miles of right of way to maintain; even with the latest technology, some fast-growing tree species can outpace our ability to keep them in check. When we have to cut down trees, we take care to leave the area in the same condition as we found it.

Before planting, visit our right-of-way website at [duke-energy.com/safety/right-of-way-management.asp](http://duke-energy.com/safety/right-of-way-management.asp). To report trees growing into power lines, visit [duke-energy.com/indiana/outages/tree-trimming.asp](http://duke-energy.com/indiana/outages/tree-trimming.asp) and fill out the online form.

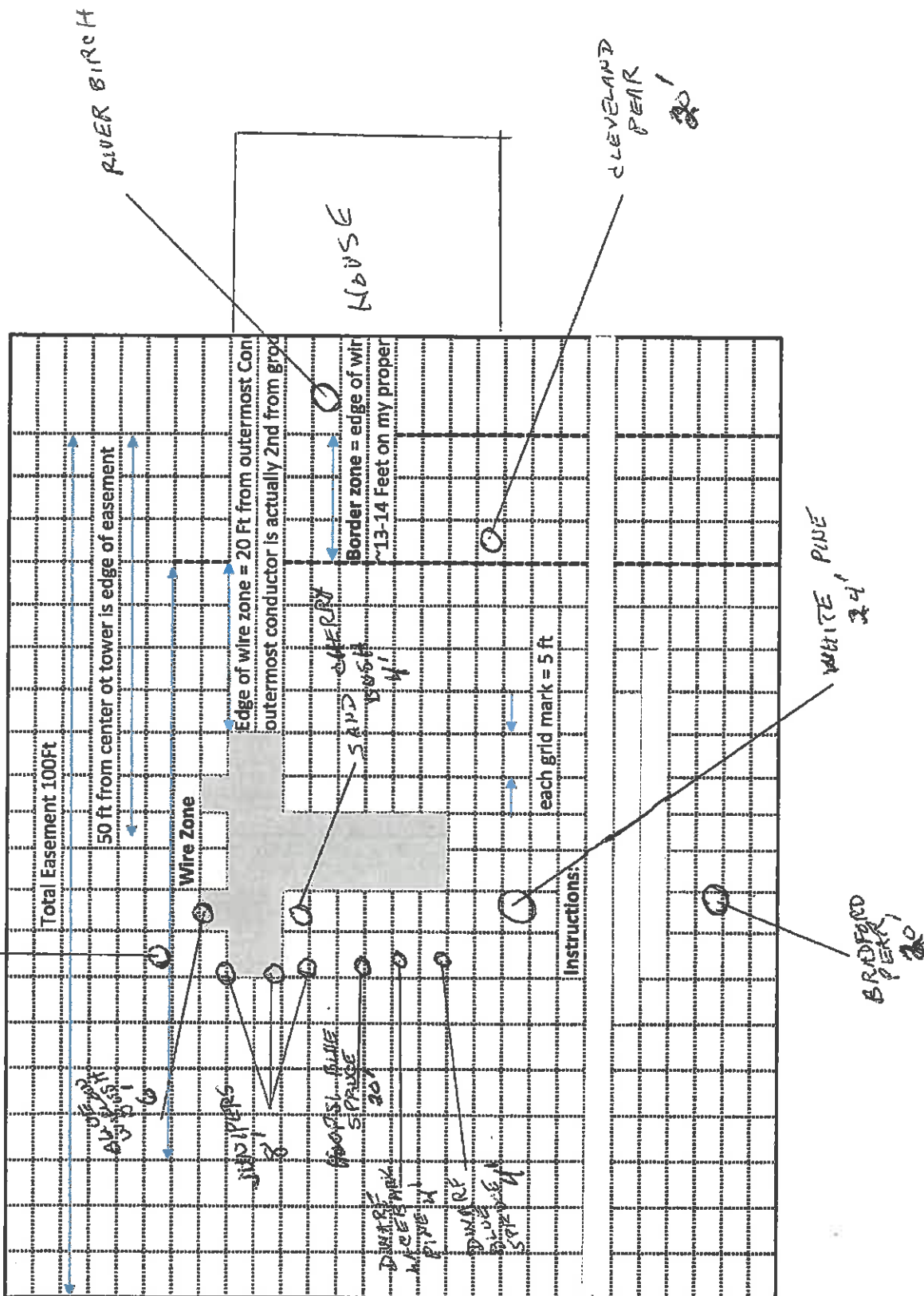
**Questions? Please call 866.385.3675 to ask for a Duke Energy transmission forester to contact you.**

## Transmission Right-of-Way Zones:



OLGA STALDS  
1974 PAULMEADOWS

WHITE-TRUNK  
DOGWOOD  
5'





**Duke Energy Ohio  
Case No. 17-2344-EL-CSS  
Citizens Against Clear Cutting First Set of Interrogatories  
Date Received: January 25, 2018**

**CACC-INT-01-018**

**REQUEST:**

In reference to Duke's Easements relating to Complainants' properties, have Duke's engineers assessed every tree that Duke intends to remove on Complainants' properties?

**RESPONSE:**

Objection. This Interrogatory is overly broad and unduly burdensome in that there are more than 85 properties and property owners at issue in the Second Amended Complaint. Furthermore, this Interrogatory seeks information that would require Duke Energy Ohio to engage in impermissible speculation and guesswork concerning future events and the condition of any particular property, especially when Complainants requested and obtained a stay of all vegetation management activities by Duke Energy Ohio along the transmission lines at issue in the Second Amended Complaint. Finally, to the extent this Interrogatory seeks information unrelated to the transmission lines at issue in the Second Amended Complaint, it seeks information that is irrelevant or otherwise not reasonably calculated to lead to the discovery of admissible evidence.

**PERSON RESPONSIBLE:** Legal

**SUPPLEMENTAL RESPONSE:** No.

**PERSON RESPONSIBLE:** Ron Adams

**This foregoing document was electronically filed with the Public Utilities**

**Commission of Ohio Docketing Information System on**

**10/26/2018 1:41:01 PM**

**in**

**Case No(s). 17-2344-EL-CSS**

Summary: Testimony Direct Testimony Of Olga Staios On Behalf Of Complainants  
electronically filed by Mrs. Kimberly W. Bojko on behalf of Complainants