

Statement of The United Illuminating Company

TO THE ENVIRONMENT COMMITTEE – February 19, 2016

Proposed H.B. No. 5150 - AN ACT CONCERNING TREE WARDENS' NOTICES ON TREES AND SHRUBS PRIOR TO REMOVAL, TREE REMOVAL ALONG STATE HIGHWAYS AND CLEAN-UP BY PUBLIC UTILITY CORPORATIONS FOLLOWING CERTAIN TREE REMOVAL.

The United Illuminating Company (UI) would like to offer comments on proposed House Bill 5150 - AN ACT CONCERNING TREE WARDENS' NOTICES ON TREES AND SHRUBS PRIOR TO REMOVAL, TREE REMOVAL ALONG STATE HIGHWAYS AND CLEAN-UP BY PUBLIC UTILITY CORPORATIONS FOLLOWING CERTAIN TREE REMOVAL.

UI has serious concerns with the proposed bill and urges the committee to reject it, as it will add significant costs and delays to a process that was recently changed through the legislative process in 2014.

Public Act 14-151 made important revisions to the state's statutes regarding utility line clearance. Since the passage of PA 14-151, UI's vegetation management program has been quite successful. UI has worked collaboratively and transparently with its municipalities and customers, while realizing its main purpose, to obtain good storm resiliency.

Since 2014, UI's vegetation management program has received 82 percent approval for Utility Protection Zone clearance from nearly 12,000 customers, which has improved reliability throughout its service territory. UI's Vegetation Management team has worked diligently to educate customers, tree wardens, and municipal officials about the tree warden permit and abutting property owner consent process. In addition, this process is now firmly embedded in a mobile application, which is the primary tool used for planning, communicating and reporting tree work. Any significant change in the law that adds or modifies the requirements will require additional time and, more importantly, costs to retool the technologies and processes.

In Section one, the new language adds the requirement that the Tree Warden consider the aesthetics and environmental importance when making decisions of the pruning and removal of trees. This is a subjective change, and does little to change the tree wardens' responsibilities or authority for posting.

In Section two, the inclusion of "shall make a posting on every tree..." and "shall hold a public hearing..." in lines 66-69 of the proposed bill, adds an additional layer of complexity to an already exhaustive communications and consent process, and may make the Tree Warden's job more difficult to keep up with the process of posting and holding hearings.

Most often, complaints don't come from abutters or immediate neighbors, but rather from individuals outside of the immediate area. The safety and reliability of the electric system may be dictated by individuals that do not have a stake in the consequence of the tree's failure.

Simply, the utilities have operated within the existing law, and this change will make an already onerous process regarding the approach to line clearance, more difficult and, potentially, costly as it delays and prolongs the consent process.

The posting of each tree or shrub, regardless of owner's consent, could also result in greater delays to the program, including additional inquiry responses and public and PURA hearings, all of which add significant costs to the vegetation management program, the Company and ultimately, ratepayers.

Developing and submitting a report on the potential aesthetic and environmental impacts for each tree removal along a state highway would be prohibitively costly to the utilities' ratepayers, would delay implementation of the utilities' storm resiliency programs and would ultimately diminish the state's ability to withstand a major storm. Connecticut's state roads are the backbone of the state's transportation infrastructure and must be capable of withstanding extraordinary weather events. If these corridors become blocked by fallen trees, emergency responders and utility personnel will not be capable of performing their duties to respond to people in need and restore power. Essentially, UI's ability to ensure the reliability of the electric system will be severely impacted.

In Docket 14-07-18 the utilities' Vegetation Management Plans were reviewed by PURA and the Department of Environmental Protection. They concluded,

“Because of the lack of formal complaints, the Authority concludes that the large majority of municipalities and EDC customers are satisfied with the VM programs where work has been performed. These programs appear to be meeting the needs of customers on a balanced approach related to reliability of service and environmental benefits of trees. ... Moreover, the reasonableness of the EDCs' VM programs is demonstrated by the high number of consents received (97% at CL&P and 86% at UI) and a comparatively small number of objections.”

They concluded that The EDCs' most current VM plans meet the requirements of the Conn. Gen. Stat. §16-234 and the Tree Trimming Decision.

In Section four of the proposed bill, it states that “public utilities be required to remove debris caused by tree and shrub removals they undertake.” This would make the utilities responsible for removal of debris caused by scheduled work, third-party requests by individual property owners or government agencies, and during emergency restoration. Historically, disposal of debris for third-party requests and emergency restoration has not been the utilities' responsibility. A change in this process, especially for emergency situations, would have a negative impact on and delay actual restoration activities during a major storm event, and thereby increase the total cost of the event.

A recent storm event on February 5, 2016, proved the need for the establishment of the Utility Protection Zone. Following the restoration of power to its customers, UI performed an analysis of the tree related outages and found that 92% of the tree damage was caused by trees and limbs from within the 8 foot Utility Protection Zone in areas of the UI system where Utility Protection Zone work had not been performed. Clearly, when the legislature defined the process for permitting by tree wardens and notifying abutters it knew that protecting the utility infrastructure from damage by trees is critical. UI has worked hand in hand with its municipal tree wardens and customers to implement the vegetation management process. It should be allowed to continue to work as intended.

Thank you for the opportunity to offer these comments on proposed House Bill 5150.

If you have additional questions, please contact Al Carbone, UI Government Relations, at (203) 671-4421 or albert.carbone@uinet.com.