

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PA 17120**

**Motion to Initiate Commission  
Review of Vegetation  
Management Practices**

**Public Meeting held August 31, 2017**

**MOTION OF COMMISSIONER DAVID W. SWEET**

The issue of vegetation management came to the forefront following a widespread power outage in 2003, after which the attention of the Federal government focused sharply on the behavior of the operators of transmission lines. Congress passed the Energy Policy Act of 2005 with the authorization for a new electric reliability organization responsible for creating and enforcing mandatory reliability standards. The North American Electric Reliability Corporation (NERC) assumed watchdog responsibility under the Federal Energy Regulatory Commission (FERC) for federal enforcement of reliability standards, which include mandatory vegetation clearance standards. The clearance standards, known collectively as FAC-003-14, apply to owners of transmission lines rated at 200 kilovolts (kV) and higher, as well as any lower-voltage lines designated as critical to reliability by regional reliability organizations that report to NERC. The standards also set direct applicable line owners to “manage vegetation to prevent encroachments into the Minimum Vegetation Clearance Distance (MVCD).” The calculated MVCDs are outlined in FAC-003-Table 2.

To comply with the NERC standards, the EDCs implemented plans for their high voltage transmission rights-of-way (ROW) called the “wire zone/border zone” approach to eliminating all vegetation directly under the transmission lines and clearing the areas between the wires and the edges of the rights-of-way. This approach has been quite successful as evidenced by the quarterly NERC vegetation-related transmission outage reports. Reported Category 1 outages (those caused by grow-ins of vegetation from inside or outside of the ROW), have gone from 16 in 2007 to 0 in 2016.<sup>1</sup>

With this motion, I restate and reinforce this Commission’s unwavering belief that reliable electric service is essential to the health, safety and welfare of the citizens of this Commonwealth. We note that proper vegetation management within transmission line rights-of-way is critical to ensuring that our electric grid operates in a safe and reliable manner. To this end, the Commission established regulations which require the EDCs to establish plans for the periodic inspection, maintenance, replacement of their facilities and to file those plans with the Commission every two years.

At the state level, Commission regulations require each EDC to memorialize in writing and to submit to the Commission its plans for the routine and emergency inspection and maintenance of all of its facilities used to deliver electricity to customers (I&M Plans). This includes a condition-based plan involved in the clearance of vegetation surrounding its

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<sup>1</sup> See NERC *Vegetation Management Reports*, available at <http://www.nerc.com/pa/comp/ce/pages/vegetation-management-report.aspx>.

distribution system facilities.<sup>2</sup> The I&M Plans must also include a program for the maintenance of clearances of vegetation from the EDC's overhead system facilities.<sup>3</sup> The I&M Plans must be designed to reduce the risk of outages, and must be consistent with the National Electrical Safety Code and Practices of the Institute of Electrical and Electronic Engineers (IEEE), FERC regulations, and the provisions of the American National Standards Institute, Inc. (ANSI).<sup>4</sup>

A review of the I&M Plans filed by the EDCs reveals that each is, as far as it goes, reasonable and consistent with the requirements. However, the I&M Plans are very general in nature and do not include a detailed account of the vegetation management specifications and operational procedures. As shown below, it has become obvious that the Commission's regulations themselves may need to be improved to include a level of detail that would facilitate proper oversight of the plans. This lack of specificity also makes it difficult to identify potential vegetation management best practices for the EDCs.

Through cases brought by property owners, it has come to my attention that EDCs have begun to apply the "wire zone/border zone" standard to lower level transmission lines, many of which are located much closer to residences.<sup>5</sup> While I am heartened by the EDCs' zeal for improving reliability and recognize that proper vegetation management within transmission line rights-of-way is critical to ensuring that our electric grid operates in a safe and reliable manner, I also recognize the concerns of those landowners alarmed by the EDCs' methods of clearing rights-of-way adjacent to their homes and businesses. I believe that this change has been implemented without meaningful discussion between the industry and this Commission. Also, because the I&M Plans do not include detailed information on the specific vegetation management procedures, I find that there is no meaningful mechanism to evaluating the EDCs' actions presently as it relates to individual landowners. A landowner with concerns regarding an EDC's vegetation management practice near his/her land does not have a clear avenue through which to dispute the practice or request the use of a different management technique; for example, the use of slash and burn clearance instead of the application of an herbicide. A landowner also does not have easy access to the vegetation management specifications and procedures applicable to his/her property.

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<sup>2</sup> 52 Pa. Code § 57.198(n)

<sup>3</sup> 52 Pa. Code § 57.198(f).

<sup>4</sup> 52 Pa. Code § 57.198(b).

<sup>5</sup> *Yanling Chen and Juanming Hu v. Met Ed*, C-2013-2397061 (Opinion and Order entered November 5, 2015); *Marlene Broman v. West Penn Power Company*, C-2013-2356237 (Opinion and Order entered April 23, 2014); *Marlene Broman v. West Penn Power Company*, C-2015-2485454 (ID by Watson, Nov. 2016); *Richard and Sandy Lehet v. PPL Electric Utilities Corporation*, C-2014-2449983 (Opinion and Order entered October 28, 2015); *Sarah Bernardi v. West Penn Power Company*, C-2014-2453852 (ID issued October 2015); *Jan and Joyce Spirat v. Met Ed*, C-2013-2367044 (Opinion and Order entered Sept. 11, 2014); *Mattu v. West Penn Power Company*, Docket No. C-2016-2547322 (Tentative Opinion and Order entered July 14, 2017),

This action will not change or amend the federal requirements imposed on high voltage lines subject to NERC standards. NERC itself understands the distinction between high voltage, system-critical lines and others in discussing the stricter standards of vegetation management:

This standard focuses on transmission lines to prevent those vegetation related outages that could lead to Cascading. It is not intended to prevent customer outages due to tree contact with lower voltage distribution system lines. For example, localized customer service might be disrupted if vegetation were to make contact with a 69kV transmission line supplying power to a 12kV distribution station. However, this standard is not written to address such isolated situations which have little impact on the overall electric transmission system.

NERC FAC-003-4 at page 4.

My motion directs Commission staff to form a collaborative that includes Commission Staff from the Bureau of Technical Utility Services, EDCs, public advocates and interested stakeholders in order to explore vegetation management best practices. The goal of this endeavor will be to explore avenues to create EDC vegetation management plans that will: (1) include more detail; (2) explain the EDCs' approaches under stated circumstances; and (3) provide for additional customer education and accurate written materials. Additionally, our procedural regulations may need to be amended in order to provide a mechanism for a customer to challenge an EDC's methodology for vegetation management and provide an appeal opportunity, such as a petition for relief, before this Commission.

A procedure is necessary to afford due process to the property owners. The current method is for the dissatisfied customer to file a formal complaint with the Commission.<sup>6</sup> The standard of review used by the Commission when evaluating a complaint is to determine whether the utility has violated a regulation, statutory section or order of the Commission. As it is possible to find that a utility has acted consistently with a duly approved and wholly reasonable albeit vague vegetation management plan while producing an unacceptable outcome, the complaint process is not the optimal choice.

I emphasize that this initiative is not intended to prevent an EDC from clearing and maintaining clearance on a right-of-way but to work towards establishing standards by which each EDC will act, and to provide a process for landowners who wish to question the EDC's decision regarding that methodology under appropriate circumstances.

This motion directs Staff to convene a collaborative, from which Staff will formulate a recommendation for the next step for our consideration at the January 2018 public meeting.

THEREFORE,

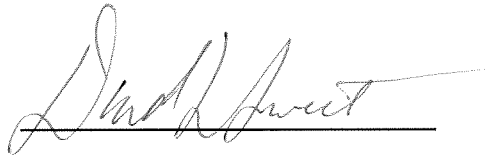
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<sup>6</sup> 52 Pa. Code §§ 5.21-31.

I MOVE:

1. That the Bureau of Technical Utility Services, in conjunction with the Law Bureau, convene a collaborative within 30 days of the entry date of the Commission's Order to discuss best industry practices and to find common ground in matters of vegetation management.
2. That the Bureau of Technical Utility Services, in conjunction with the Law Bureau prepare a recommendation for this Commission's consideration at a regularly scheduled Public Meeting in January 2018, outlining the next steps in the process of updating Commission oversight of vegetation management.
3. That the Office of Special Assistants prepare an appropriate order.

**Date:** August 31, 2017

A handwritten signature in cursive script, reading "David W. Sweet", written over a horizontal line.

**David W. Sweet**  
**Commissioner**