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June 20, 2013

VIA ELECTRONIC FILING


Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Marlene Broman v. West Penn Power Company
Complaint Docket No. C-2013-2356237

Dear Secretary Chiavetta:

Enclosed please find a *Status Memorandum* to be filed in the above-captioned matter.

Very truly yours,


John L. Munsch
Attorney

JLM:jss

Enclosures

June 20, 2013

VIA EMAIL AND FEDEX OVERNIGHT

Administrative Law Judge Katrina Dunderdale
Pennsylvania Public Utility Commission
Suite 220, Piatt Place
301 Fifth Avenue
Pittsburgh, PA 15222

Re: Marlene Broman v. West Penn Power Company
Complaint Docket No. C-2013-2356237

Dear Judge Dunderdale:

This memorandum is in response to your email of June 19, 2013, requesting a status report of the vegetation maintenance plans of West Penn Power Company upon West Penn's transmission easement that is the subject of the above-captioned proceeding.

The transmission line in question is West Penn's 138,000-volt transmission line known as the Lawson Junction-Cabot Substation Line also known as TMU 729. West Penn is concerned with the location of a pin oak tree beneath the energized conductors and the pin oak's proximity to the conductors. West Penn has ascertained that the pin oak is in immediate need of maintenance.

For your reference, the pin oak was shown in photographs identified by West Penn in the May 22, 2013, telephonic hearing. The tree is shown on West Penn Exhibit 9, an overall aerial photo of the line, and identified as "Trees F" in a box below the photograph. The tree is also shown in West Penn's Exhibit 15 which describes the pin oak as 13.5 feet from the transmission centerline and also states that the conductor is 47.5 feet from the ground. A photo of the transmission lattice tower is shown in West Penn Exhibit 18. Copies of Exhibits 9, 15 and 18 are attached.

The pin oak is located approximately 13.5 feet from the centerline of West Penn's existing 138,000-volt transmission line. West Penn points out that the lowest cross arms of the transmission line's towers, the ends of which carry the live conductors, extend approximately 13.5 feet out from the center line of the transmission tower. Thus, the tree in question is located directly below the conductors.

The pin oak's height is currently approximately 40 feet tall, and the lowest conductor is approximately 47.5 feet from the ground. In other words the top of the pin oak is only just over seven feet from the lowest conductor.

Two other points merit attention about the urgency of the situation. First, the months of June and July are the tree's peak growing season. West Penn's witness stated that the tree could grow an additional five to six feet this season. Second, the witness testified that the transmission conductor can sag several feet during hot weather. These two contemporaneous events indicate that immediate attention is required.

As West Penn's transmission vegetation witness testified at the hearing of this complaint, a tree need not physically touch the conductor to cause interference. The phenomenon known as "arcing," the conduction of electricity through open air to a grounded object, can result in the transmission current contacting the vegetation even without physical contact. Arcing can lead to a transmission outage.

With respect to West Penn's planned vegetation maintenance, West Penn has proposed that it will trim, or "top," the top of the pin oak tree as opposed to removing the tree entirely. Such trimming would be a temporary accommodation to the Complainant due to the pending complaint proceeding. The tree would be topped to remove approximately 10 to 15 feet of height.

It was the understanding of West Penn that the Complainant did not oppose trimming the pin oak and, in fact, the Complainant's complaint and testimony indicated she wanted West Penn to trim the pin oak. Thus, it is West Penn's position that it is proceeding along with the Complainant's wishes. West Penn expected that the Complainant would consent to the temporary trimming and did not expect the opposition the Complainant has expressed.

West Penn points out that it purchased the transmission easement in question by recorded instruments in 1967 plus an expansion in 1968. Both Right of Way Agreements provide: "West Penn Power Company is also granted the right to cut, trim, and remove all trees within the limits of said easement as well as any trees beyond said limits that may interfere or threaten to interfere with said transmission systems, and the right to control the undergrowth thereon, by such methods as West Penn Power Company may determine."

West Penn emphasizes its general obligation under Section 1501 of the Public Utility Code, 66 Pa.C.S. §1501, to "maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service as shall be necessary for the accommodation, convenience, and safety of its patrons, employees, and the public."

Administrative Law Judge Katrina Dunderdale
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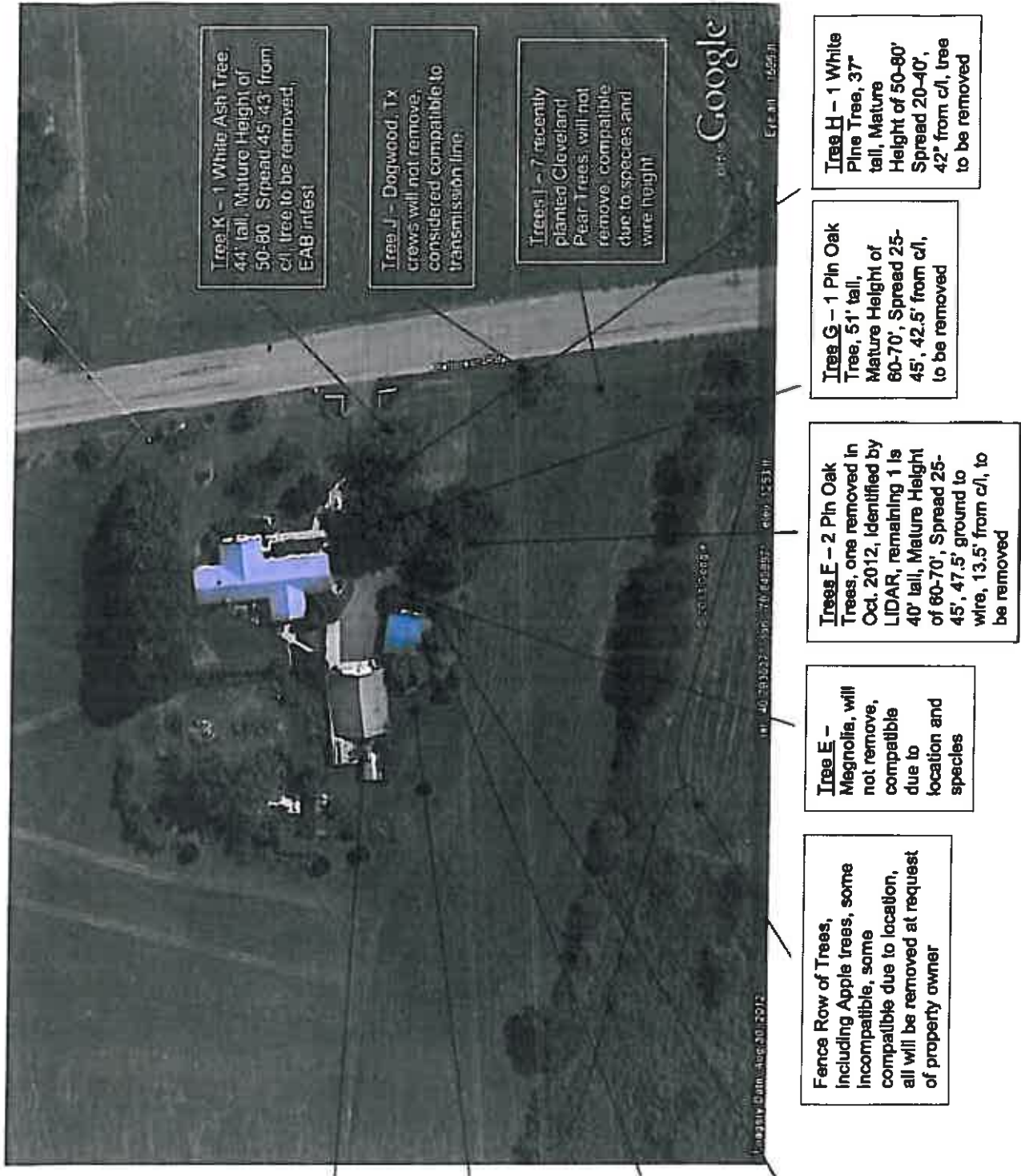
In closing, West Penn Power Company submits that the record in this proceeding indicates the need for vegetation maintenance upon the pin oak tree on West Penn's transmission easement. It is West Penn's intention to trim said tree in the immediate future to maintain safety and reliability and it seeks concurrence of the Complainant, the Presiding Officer and the Commission.

Respectfully submitted,



John L. Munsch
Attorney

cc: Certificate of Service



Mrs. Broman indicated that trees were planted about 22 years ago.

Data for Mature Height and Spread are from National Arbor Day website

Tree A - Ash Tree 13' tall, Mature Height of 50-80', Spread of 25-45', 48' from c/l, to be removed

Trees B - 5 Blue Spruce Trees, tallest about 22', furthest 38' from c/l. One was identified by LIDAR, Mature Height 50-75', 35' Spread, 47' ground to wire, all to be removed

Trees C - 4 Cedar Trees, tallest 12.5', Mature Height of 40-50', Spread 30-40', 47' ground to wire, all to be removed

Tree D - 1 Apple Tree, consistently trimmed by owner for fruit production, because of trimming, will consider this tree as compatible at this time and not remove as long as consistently trimmed by owner.

Tree K - 1 White Ash Tree, 44' tall, Mature Height of 50-80', Spread 45'-43' from c/l, tree to be removed, EAB infest

Tree J - Dogwood, Tx crews will not remove, considered compatible to transmission line.

Trees I - 7 recently planted Cleveland Pear Trees, will not remove, compatible due to species and wire height

Tree H - 1 White Pine Tree, 37' tall, Mature Height of 50-80', Spread 20-40', tree to be removed

Tree G - 1 Pin Oak Tree, 51' tall, Mature Height of 60-70', Spread 25-45', 42.5' from c/l, to be removed

Trees F - 2 Pin Oak Trees, one removed in Oct. 2012, identified by LIDAR, remaining 1 is 40' tall, Mature Height of 60-70', Spread 25-45', 47.5' ground to wire, 13.5' from c/l, to be removed

Tree E - Magnolia, will not remove, compatible due to location and species

Fence Row of Trees, including Apple trees, some incompatible due to location, all will be removed at request of property owner



Trees F – 2 Pin Oak Trees, one removed in Oct. 2012, identified by LiDAR, remaining 1 is 40' tall, Mature Height of 60-70', Spread 25-45', 47.5' ground to wire, 13.5' from c/l, to be removed

Exhibit 18



Pennsylvania Public Utility Commission;
Re: Marlene Broman v. West Penn Power Company; Docket No. C-2013-2356237

CERTIFICATE OF SERVICE


I hereby certify that I have this day served the foregoing *Status Memorandum* in the manner indicated as follows:

(Via E-File)
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

(Via FEDEX)
Marlene Broman
4136 Patterson Road
Butler, PA 16002

*(Via FEDEX and
Email at bbroman@zoominternet.net)*
William Broman, Jr.
333 Bullcreek Road
Butler, PA 16002

Date: June 20, 2013



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