

Ivan Yotov
144 Woodshire Rd
Pittsburgh, PA 15215
ivanyotov11@gmail.com
July 23, 2016

I am filing a formal complaint to PUC against Duquesne Light for not being willing to remove a hazardous tree that is very close to their electric line and thus creates a serious risk for personal injury and/or property damage. I am filing this complaint for a second time. The first complaint was filed under Docket No. C-2015-2479258, in which the PUC sided with Duquesne Light. There are two main reasons for this resubmission.

1. In his decision, Judge Cheskis did not take into account the letter and communication from certified arborist Walter Jarosh, because Mr. Jarosh was not present at the hearing. Given the fact that a major part of my case was based on the expert opinion of Mr. Jarosh, this led to an unfair decision. I was not informed in advance that Mr. Jarosh should be at the hearing for his opinion to be taken into account. This time Mr. Jarosh will participate in the hearing.

2. On April 14, 2016 I filed an update showing that the tree under question has deteriorated significantly, which led to a large chunk falling and causing a grave danger to my wife who was in the vicinity of the tree. This updated information was not considered by the PUC in its final decision, since it was filed after the deadline for filing exceptions. This time I am including this updated information in my filing.

I expect that considering the opinion of Mr. Jarosh and the updated information on the deteriorated condition of the tree will result in a fair decision that the tree under question is extremely dangerous and that Duquesne Light, which is responsible for its maintenance due to its proximity to their electric line, should remove it.

Below you will find a letter from a certified arborist Walter Jarosh to Jennifer Arkett, Vegetation Manager at Duquesne Light, describing the problem. Following is a sequence of e-mails between Mr. Jarosh, Duquesne Light representatives, and myself. I requested from Duquesne Light to remove the hazardous tree according to PUC safety regulations, but the company refused to do so.

I am also attaching the updated information filed on April 14, 2016 in the original case. It shows the fallen large chunk as well as a branch on the tree that is partially detached and in danger of falling.

I ask the PUC to enforce the safety regulations by requiring Duquesne Light to remove the tree.

March 15, 2015

Walter Jarosh, ISA Certified Arborist
Walter Jarosh Consulting, LLC
106 McClintock Drive
McMurray, PA 15317
724.941.4111
Cell 412 951- 2120
jarosh@hotmail.com
walterjaroshllc.webs.com

Jennifer Arkett
Manager of Vegetation Management
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219
1 888-393-7100

**RE: Danger Tree near Duquesne Light Distribution Line
Return Receipt**

Dear Ms. Arkett:

I am requesting your assistance to eliminate a potential hazard.

I have been retained by Dr. Ivan and Maria Yotov, of 144 Woodshire Road, Pittsburgh, PA, 15215, to inspect and document a potentially dangerous tree situation to the Duquesne Light distribution line, utility pole #787/14, service line to their residence and the Yotov rear property. A large oak tree on the utility right-of way at the right rear of their property has a large section of dead top directly above the energized electric distribution line, and less than 6 feet from the pole. The distribution line is on the rear side of the tree 12 to 15 inches from the trunk, and their service line is on the opposite side of the tree originating near the pole. From the ground, daylight is visible through a split in the upright vertical trunk portion that is above all these wires and pole.(photo #4) A cyclone fence surrounding the VA hospital is under and turns a corner directly under the wires. The normal compliment of phone and cable lines is also on the pole and crosses their property with and directly under the Duquesne distribution line.

There is the potential for a large portion of this tree to fall and break the energized distribution line causing it to fall into their rear yard or onto the cyclone fence. Should a large portion of this top fall, it also may cause damage to the pole, and other wires. Mrs. Yotov has a concern for personal injury or a potential fire if a failed portion of the tree breaks the energized distribution wire when they are using their rear patio or dry vegetation conditions exist.

I have attached several photos to help identify the tree and wires. The wire closest to the tree in photos # 1, 2 and 5 is the energized distribution wire.

Mrs. Yotov can be contacted at her home phone number 412 983-0425, or via email mariayotov11@gmail.com. I am available if have any questions. Thank you.

Walter Jarosh
Consultant
ISA Certified Arborist - PD 0179A

Cc: Dr. Ivan and Maria Yotov



PHOTO # 1



PHOTO # 2



PHOTO # 3

2.



PHOTO # 4



PHOTO # 5

Ivan Yotov <ivanyotov11@gmail.com>

Apr 6, 2015

to jarkett

Ms. Arkett,

I am following up on the letter to you from Mr. Walter Jarosh from March 15, 2015 regarding a hazardous tree near an electric line in the back of my property. As I informed Mr. Barry last week, the only acceptable solution for me is the removal of the tree by Duquesne Light. Please let me know your decision. I would like to resolve the issue as soon as possible.

Ivan Yotov
144 Woodshire Rd
Pittsburgh, PA 15215



Duquesne Light

Our Energy...Your Power

April 7, 2015
James R Barry Jr
Duquesne Light Company, Vegetation Management
2825 New Beaver Avenue Pittsburgh, Pa 15233
412.393.7811
JBarry@Duqlight.com

Dear Dr. Yotov:

In response to your request for assistance, I am writing to inform you, as you know, Duquesne Light's Vegetation Management Department has been in contact with your household multiple times concerning this matter. As we have stated in each discussion, the tree in question does not pose a threat to our facilities at this time. However, as we have discussed, Duquesne Light is willing to remove, at no expense to you, the branch overhanging our facilities to assist you in part with the removal of your tree. All debris from this limb will remain on your property.

Upon completion of this work, you can elect to remove the remainder of your tree not posing a threat to our facilities at your own expense. Please ensure your contractor of choice is a qualified line clearance tree professional as described in the informational brochure we provided you.

James R Barry Jr.
Supervisor Vegetation Management
PD1978-AU
Desk: 412.393.7811

CC: Walter Jarosh, Jennifer Arkett, Bruce Woods

From: Walter Jarosh [mailto:jarosh@hotmail.com]
Sent: Wednesday, April 08, 2015 11:16 PM
To: Barry, James R
Cc: Arkett, Jennifer E.; Woods, Bruce H.
Subject: RE: Attention to the Attachment - Duquesne Light's Repsonse

Jim Barry:

Dr. Yotov contact me today and was not satisfied that only one branch would be removed from the tree. I read a copy of your letter and it seems that is your resolve.

I am a little confused on the clearances required for tree trimming on a distribution line. The distribution line going thru the rear of the Yotov property is **12 to 15 inches** from the trunk of the oak tree and the one large branch extends over the cable (line)to the rear well over the VA property adjacent to the Yotov property. As a pure safety issue for a climber, this line has been installed too close to the tree or the tree has grown in diameter since the installation. Unless you plan to remove all of the tree above the lines, and create the required clearance then one can not be assured that the tree does not pose a threat to your line. Should an issue arise in the future this documented request could make it difficult for Duquesne Light to defend. The cyclone fence surrounding the VA facility and running thru the back yards is a real concern should a large oak limb break the cable and have it drop on and electrify the fence directly under it.

For Dr. Yotov to remove the tree, can the trunk be reduced so it complies with accepted line clearances for the distribution wire which is 8 feet for some other utilities. I am not able to locate any published Public Utility Commission standards for accepted tree distances from a distribution line and asked Dr. Yotov not to contact them at this point as it may create an issue for Duquesne Light. What trimming clearance standards do you include in your bid documents to contractors. How does the trunk of this tree differ from your normal line clearances. Let me know you thoughts. Feel free to give me a call at [412 951 2120](tel:4129512120) and fill me in as I am not sure I understand all of your discussions with Dr. Yotov and I would like to better inform and help him resolve this issue. Thank you.

Walter Jarosh
Walter Jarosh Consulting LLC
[412 951 2120](tel:4129512120)

Apr 9, 2015

Barry, James R <JBarry@duqlight.com>

to Walter, me, Jennifer, Bruce

Walter Jarosh:

It is unfortunate that Dr. Yotov is dissatisfied with Duquesne Light's offer of assistance made to him in the removal process of his tree. However, as per my correspondence dated 4/7/2015, our offer to remove the limb, at no expense to the Yotovs, overhanging our facilities and leave the resulting debris is our resolve. We have exercised our due diligence in this matter and are willing to absorb the cost of addressing the limb that potentially could interfere with the electric service of our customers. Removal of the remainder of the tree remains the financial responsibility of the property owner, not Duquesne Light rate payers.

Additionally, as I noted, if the Yotov's decide to remove their tree because of their concerns of damage to their property or the VA's fence line, they must be responsible and utilize only line clearance qualified tree professionals for this job because of their tree's proximity to utility lines. We will be glad to work with their qualified contractor of choice or serve as their contractor of choice to remove this tree, at their personal expense.

Thank you for your understanding in this matter.

Regards,

Jim Barry

----- Forwarded message -----

From: **Walter Jarosh** <jarosh@hotmail.com>

Date: Thu, Apr 9, 2015 at 11:13 PM

Subject: RE: Attention to the Attachment - Duquesne Light's Response

To: "Barry, James R" <jbarry@duqlight.com>

Cc: "ivanyotov11@gmail.com" <ivanyotov11@gmail.com>

Jim Barry:

You failed to answer one of my questions. What distance does Duquesne light require their contractors to trim limbs and trees away from a distribution line.? I would appreciate knowing what is normally required in your specifications to contractors so I can better understand your reluctance to remove the upper portion of the tree with the decayed trunk that is directly above the distribution cable, and the distance Duquesne Light would normally trim trees away from their lines. Also, can you suggest a contractor with the necessary qualifications that Duquesne Light would approve to work on a tree within their right-of way and within 12 to 15 inches of their distribution line. In your reply you offer to serve as their contractor of choice to remove this tree. To clarify the Yotov's request, it is to remove all the portions of the tree so it is the required distance from the line and does not pose a danger to the line. That will make it safe. I am certain that it will be necessary to have the contractor approved by Duquesne Light to perform and further work on that tree and protect your facility. If you looked carefully at the line, you would have observed a repair splice in the line very near the tree, indicating that the line was broken in the past. Does your records reflect the reason for this past repair? My bet is that it was caused by failure of the upper most portion of tree. The repair should be tied to the pole number.

Dr. Yotov's concern is not with the tree causing damage to his property or the VA fence, but the tree breaking the distribution cable and the potential for personal injury or damage to his house from an energized line falling on his property. As a representative of the Duquesne Light rate payers, in your position, you also have a responsibility to insure the safety associated with the distribution lines that pass over the Yotov property and traverse the neighborhood. If he as a homeowner and I as a certified arborist can look at the tree and see the potential for a defective decayed trunk directly above your line to drop onto the line that is under it, causing damage and potential failure, it is suggested that you reexamine the tree and reevaluate your decision. I carefully examined that tree with a 410 ft at 1000 yds. pair of Minolta binoculars and can attest that there is decay present and light visible thru the main upright trunk. When you can see light thru the trunk or limb portion of a tree it is time to have that portion removed. Your resolve does not include removal of that portion of the tree nor trimming for any specified clearance. It is my opinion that it is not the Yotov's responsibility. Additionally, I contend that the current unbalanced condition of the tree and presence of the decay in the tree are a direct result of past trimming done by the utility. No one else has been doing past work in that tree. Do not suddenly now disavow an responsibility for the current condition of the tree.

The Yotov's frequently use their rear patio during summer months. It has been my experience that the tree limbs above the distribution cable will fail once the decay exceeds the structural capability of the wood and gravity brings that large portion of the tree down on the line. You nor I can predict those results, but there is a greater potential for negative not positive results.

I believe Mr. Yotov will be filing a formal complaint with the PUC to have the tree trimmed to specifications and safely addressed.

I see you are on linked-in. Would you like to connect?

Walter Jarosh
I.S.A Certified Arborist
Consultant

Feel free to contact me on my cell phone [412 951 2120](tel:4129512120).

Have you ever thought of having the media on site and doing a story explaining to them why the property owner and not the utility is responsible to trim this tree on the utility right of way around the energized lines to correct a hazardous condition. It might be a good story for you to pursue.

Ivan Yotov <ivanyotov11@gmail.com>

Apr 13, 2015

to JArkett

Ms. Arkett,

You have been copied on most of the e-mails and I am forwarding the latest e-mail from Walter Jarosh to Jim Barry. I would like to hear from you regarding the Duquesne Light decision and I hope that you reconsider the original decision communicated by Mr. Barry. If I don't get a response from you by the end of the day on Wednesday, I will file a formal complaint with the PUC.

Ivan Yotov

Arkett, Jennifer E. <JArkett@duqlight.com>

Apr 17, 2015

to me, James

Mr. Yotov,

I am in receipt of the majority of the correspondence regarding your concerns over your tree. As well, I concur with the decision communicated to you upon several occasions with regard to your responsibilities for this tree as the property owner. However, should you decide to address your tree, please feel free to have your qualified line clearance contractor contact Jim Barry for the assistance offered in his previous correspondence which you have attached below.

Sincerely,

Jennifer Arkett

Manager, Vegetation Management

Duquesne Light Company

2825 New Beaver Avenue, N6-VM

Pittsburgh, PA 15233

Update on case C-2015-2479258, Ivan Yotov vs. Duquesne Light Company

April 14, 2016

At 7:40 pm this evening a large chunk of the tree under question fell while we were out in the yard. The chunk fell 5 yards from my wife. We were lucky that no one was hurt. The weather was sunny and calm. Below are some photos I took immediately after the chunk fell. This event confirms that this is an extremely dangerous tree that has to be removed immediately.

Ivan Yotov



