

COMMONWEALTH OF PENNSYLVANIA
(Public Utility Commission)

-----*
MICHAEL ROBERTS, :
Complainant, : Case No.:
vs. : C-2022-3036821
PECO ENERGY COMPANY :
Respondent. :
-----*

Pages 1 through 55 TELEPHONIC HEARING
Judge's Chambers
Commonwealth Keystone Bldg.
400 North Street
Harrisburg, PA 17120

Wednesday, April 19, 2023
Met, pursuant to notice, at 10:07 a.m.

BEFORE: THE HONORABLE CHAD ALLENSWORTH

INDEX TO EXHIBITS
CASE NO.:C-2022-3036821
Wednesday, April 19,2023

EXHIBITS INDEX			
EXHIBIT:	FOR IDENTIFICATION		IN EVIDENCE
COMPLAINANT'S EXHIBITS:			
NUMBER			
1	(Documents and Photographs, with appendix)	28	28
PECO EXHIBITS:			
NUMBER			
1	(Photograph, image of a tree)	33	51
2	(Tree removal Information from PECO)	36	51

That was PUC Complaint 003800668. Which was resolved with PECO agreeing to remove the tree.

Attached are photos of Asplundh finished work on September 14, 2021. Please take note of the manageable size of the logs, as well as the height of the stump that Asplundh left on September 14, 2021. That stump is to the right of the standing tree. That stump is lower than the wood stacked in front of it, approximately 12" from the ground.



My Email response to Peco 8/27/2021:

Good morning Ms. Benner,

Thank you for your emails.

I am satisfied with Peco's planned removal of the tree, and I appreciate the quickness of your response since the PUC complaint was filed. My original call to Peco was over a year ago, so this has been a challenge.

I do remain concerned that there is no scheduled time for removal and I do believe the tree is dangerous.

Thank you

This is the experience with Peco and Asplundh that I base my more recent expectations on.

Email concerning this hearing

From: Scott, Khadijah:(PECO) <Khadijah.Scott@exeloncorp.com>

Sent: Friday, January 13, 2023 9:56 AM

To: Rhoades, Teri-Lee <terhoades@pa.gov>

Cc: michael.roberts@csaa.com

Subject: [External] Michael Roberts v PECO Energy - C-2022-3036821 -Mediation Update

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the [Report Phishing button in Outlook](#).*

Good morning Teri,

On January 4, 2023, I participated in a settlement conference call with senior regulatory assessor, Renee Tarpley, senior vegetation program manager, Kshitiz Bhandari, and the Complainant. The Complainant is requesting that PECO remove a dead/dying tree from his property. On January 6, 2023, Mr. Bhandari visited the property and inspected the tree at issue. He offered to trim away some weak branches that are directly over the wires. The work is being scheduled.

I would ask that the matter remain in mediation as the parties continue to work towards a resolution to the Complainant's concerns.

Enjoy your day,

Khadijah

Good morning,

I was able to obtain additional information regarding your concerns. Please see below.

- (1) First, although Kshitiz originally stated he would remove the cut wood, Asplund made it clear that they would not and later Kshitiz stated as Peco was cutting the tree as a curtesy, he would leave the cut wood. This would have been more agreeable if Asplundh had cut the tree in the manner they had cut the previous tree on my property 2 years ago. None of the debris from that first experience was too big for me to move and all were cut into logs by Asplundh.

When we provide courtesy work or “make safe” for a private customer/ contractor, it has always been our practice to leave the logs to be cleaned up by the owner of the tree or the contractor hired by them. Kshitiz recalls informing you that limbs would be removed from the tree, which may have been misunderstood to mean that leftover logs would also be removed.

- (2) In this recent experience, branches were left in a large pile at the curb, while trunk sections were left on my front lawn, several on my hedge. These sections weigh in excess of 1500 pounds which I am sure would be a challenge even for Asplundh to move. I have enclosed photos of both debris piles.

There is not enough space in the curb to fit all the logs, so normally we leave them alongside the tree or the stump (if full removal). Asplundh is not allowed to leave tree debris/logs blocking the sidewalk or roadway. However, we can ask Asplundh to go back and cut the logs into manageable sizes, but we will not be able to remove them completely from the property.

- (3) Secondly, Peco’s stance has been that any private contractor could remove the tree on the front of my property. Peco stated that a contractor would only have to coordinate with Peco to have the live wires deactivated. The actual process was more complicated even for Asplundh. There were several large Asplundh trucks required and many workers involved and the road at my address was completely closed for hours.

PECO stated that a contractor would have to work with PECO to deenergize the wires. All remaining logistics and preparation for road closure/equipment on the job site falls on the contractor who is performing the work. Any qualified private contractor should be able to remove the tree with proper equipment and permissions.

- (4) This tree removal is not a job for a typical private contractor. This job requires control over neighborhood electrical supply and the ability to close a state highway, which rt 63 is. As I have asserted from the beginning, Asplundh has cut this tree several times since I have lived at this address. Never once did they ask my permission or solicit feedback from me on whether I was satisfied with how that task was done. That leaves me to believe that this tree at the front of my property remains Peco’s responsibility to remove, just as the tree in the back was also Peco’s responsibility.

No privately owned trees are PECO’s responsibility. Management of privately owned vegetation ultimately falls on the private property owner. PECO cut the tree below the wire as agreed upon and the removal of the remainder of the tree would remain the homeowner’s responsibility. PECO provided clearance from the wire, as it was agreed to hiring a private contractor for full removal once PECO provided clearance from high voltage wires.

After you have had an opportunity to review the information, please let me know if you would like Asplundh to return to cut the logs into smaller pieces or if you prefer to discuss via a conference call.

Enjoy your day,

Khadijah

From: Scott, Khadijah:(PECO) <Khadijah.Scott@exeloncorp.com>
Sent: Thursday, February 16, 2023 8:16 AM
To: Roberts, Michael <Michael.Roberts@csaa.com>
Subject: RE: [EXTERNAL] RE: Michael Roberts v PECO Energy - C-2022-3036821

External Email

Good morning,

I was able to obtain additional information regarding your concerns. Please see below.

- (1) First, although Kshitiz originally stated he would remove the cut wood, Asplundh made it clear that they would not and later Kshitiz stated as Peco was cutting the tree as a courtesy, he would leave the cut wood. This would have been more agreeable if Asplundh had cut the tree in the manner they had cut the previous tree on my property 2 years ago. None of the debris from that first experience was too big for me to move and all were cut into logs by Asplundh.

When we provide courtesy work or “make safe” for a private customer/ contractor, it has always been our practice to leave the logs to be cleaned up by the owner of the tree or the contractor hired by them. Kshitiz recalls informing you that limbs would be removed from the tree, which may have been misunderstood to mean that leftover logs would also be removed.

- (2) In this recent experience, branches were left in a large pile at the curb, while trunk sections were left on my front lawn, several on my hedge. These sections weigh in excess of 1500

pounds which I am sure would be a challenge even for Asplundh to move. I have enclosed photos of both debris piles.

There is not enough space in the curb to fit all the logs, so normally we leave them alongside the tree or the stump (if full removal). Asplundh is not allowed to leave tree debris/logs blocking the sidewalk or roadway. However, we can ask Asplundh to go back and cut the logs into manageable sizes, but we will not be able to remove them completely from the property.

- (3) Secondly, Peco's stance has been that any private contractor could remove the tree on the front of my property. Peco stated that a contractor would only have to coordinate with Peco to have the live wires deactivated. The actual process was more complicated even for Asplundh. There were several large Asplundh trucks required and many workers involved and the road at my address was completely closed for hours.

PECO stated that a contractor would have to work with PECO to deenergize the wires. All remaining logistics and preparation for road closure/equipment on the job site falls on the contractor who is performing the work. Any qualified private contractor should be able to remove the tree with proper equipment and permissions.

- (4) This tree removal is not a job for a typical private contractor. This job requires control over neighborhood electrical supply and the ability to close a state highway, which rt 63 is. As I have asserted from the beginning, Asplundh has cut this tree several times since I have lived at this address. Never once did they ask my permission or solicit feedback from me on whether I was satisfied with how that task was done. That leaves me to believe that this tree at the front of my property remains Peco's responsibility to remove, just as the tree in the back was also Peco's responsibility.

No privately owned trees are PECO's responsibility. Management of privately owned vegetation ultimately falls on the private property owner. PECO cut the tree below the wire as agreed upon and the removal of the remainder of the tree would remain the homeowner's responsibility. PECO provided clearance from the wire, as it was agreed to hiring a private contractor for full removal once PECO provided clearance from high voltage wires.

After you have had an opportunity to review the information, please let me know if you would like Asplundh to return to cut the logs into smaller pieces or if you prefer to discuss via a conference call.

Enjoy your day,

Khadijah

Working Remotely

Khadijah Scott, Esquire

Assistant General Counsel

(she/her/hers)

PECO, an Exelon Company

2301 Market Street, 23rd floor

Philadelphia, PA 19103

(215) 841-6841 (phone) – (215) 740-0707 (cell)

(215) 568-3389 (fax)

khadijah.scott@exeloncorp.com



This e-mail and any attachments are confidential, may contain legal, professional or other privileged information, and are intended solely for the addressee. If you are not the intended recipient, do not use the information in this e-mail in any way, delete this e-mail and notify the sender.

From: Roberts, Michael <Michael.Roberts@csaa.com>

Sent: Tuesday, February 14, 2023 4:01 PM

To: Scott, Khadijah:(PECO) <Khadijah.Scott@exeloncorp.com>

Subject: RE: [EXTERNAL] RE: Michael Roberts v PECO Energy - C-2022-3036821

Good Afternoon,

No one ever asked. They did knock on the door when they arrived, but left without a word at the end of the day.

From: Scott, Khadijah:(PECO) <Khadijah.Scott@exeloncorp.com>

Sent: Tuesday, February 14, 2023 3:54 PM

To: Roberts, Michael <Michael.Roberts@csaa.com>

Subject: RE: [EXTERNAL] RE: Michael Roberts v PECO Energy - C-2022-3036821

Caution: This email originated from outside the company. Do not click links, open attachments, or forward unless you recognize the sender and verify the content is safe. Please report anything suspicious using the Report Phishing button or call the IT Service Desk.

Good afternoon,

This is new information. I received information that you were satisfied with the work that was completed. I will communicate your concerns and report back to you with an update.

Enjoy your day,

Khadijah

Working Remotely

Khadijah Scott, Esquire

Assistant General Counsel

(she/her/hers)

PECO, an Exelon Company

2301 Market Street, 23rd floor

Philadelphia, PA 19103

(215) 841-6841 (phone) - (215) 740-0707 (cell)

(215) 568-3389 (fax)

khadijah.scott@exeloncorp.com



This e-mail and any attachments are confidential, may contain legal, professional or other privileged information, and are intended solely for the addressee. If you are not the intended recipient, do not use the information in this e-mail in any way, delete this e-mail and notify the sender.

From: Roberts, Michael <Michael.Roberts@csaa.com>

Sent: Tuesday, February 14, 2023 3:14 PM

To: Scott, Khadijah:(PECO) <Khadijah.Scott@exeloncorp.com>

Subject: RE: [EXTERNAL] RE: Michael Roberts v PECO Energy - C-2022-3036821

Good Afternoon Mr. Khadijah,

Tree work was "completed" on Thursday, as you stated. There are, however, a couple outstanding issues.

First, although Kshitiz originally stated he would remove the cut wood, Asplundh made it clear that they would not and later Kshitiz stated as Peco was cutting the tree as a courtesy, he would leave the cut wood. This would have been more agreeable if Asplundh had cut the tree in the manner they had cut the previous tree on my property 2 years ago. None of the debris from that first experience was too big for me to move and all were cut into logs by Asplundh.

In this recent experience, branches were left in a large pile at the curb, while trunk sections were left on my front lawn, several on my hedge. These sections weigh in excess of 1500 pounds which I am sure would be a challenge even for Asplundh to move. I have enclosed photos of both debris piles.

Secondly, Peco's stance has been that any private contractor could remove the tree on the front of my property. Peco stated that a contractor would only have to coordinate with Peco to have the live wires deactivated. The actual process was more complicated even for Asplundh. There were several large Asplundh trucks required and many workers involved and the road at my address was completely closed for hours.

This tree removal is not a job for a typical private contractor. This job requires control over neighborhood electrical supply and the ability to close a state highway, which rt 63 is. As I have asserted from the beginning, Asplundh has cut this tree several times since I have lived at this address. Never once did they ask my permission or solicit feedback from me on whether I was satisfied with how that task was done. That leaves me to believe that this tree at the front of my property remains Peco's responsibility to remove, just as the tree in the back was also Peco's responsibility.

Thank you



September 14, 2021. Peco / Asplundh cuts tree to the ground. Note size of debris and no stump showing.



Feb 7th Several WAY too big logs. Note the log on my hedge is 5.5' long and 25" in diameter, which weighs in well above 1500 pounds



Feb 7th why the neatly cut and stacked logs in Sept 2021 and this mess Feb 2023?



Asplundh Tree Expert, LLC is an American company which specializes in tree pruning

Imagine what this would look like if they weren't experts who specialize

Asplundh Tree Expert, LLC is an [American](#) company which specializes in [tree pruning](#) and vegetation management for utilities and government agencies. The company also performs [utility line](#) construction and maintenance, electrical systems testing, [traffic signal](#) and highway lighting construction and maintenance, [automated metering](#) infrastructure and home [energy management](#) program implementation.^[1]Asplundh tree service is a 100 year old company employing 34000 people.

From: Scott, Khadijah:(PECO) <Khadijah.Scott@exeloncorp.com>

Sent: Monday, February 13, 2023 12:03 PM

To: Roberts, Michael <Michael.Roberts@csaa.com>

Subject: [EXTERNAL] RE: Michael Roberts v PECO Energy - C-2022-3036821

Caution: This email originated from outside the company. Do not click links, open attachments, or forward unless you recognize the sender and verify the content is safe. Please report anything suspicious using the Report Phishing button or call the IT Service Desk.

Good afternoon Mr. Roberts,

It is my understanding that the tree trimming work was completed on Thursday, February 9, 2023. Please advise if this settles your complaint. If it does, I will file a Certificate of Satisfaction with the PUC advising that the matter is settled. No action is required on your end. If it is not settled, please advise how I can further assist.

Good morning Teri,

On January 4, 2023, I participated in a settlement conference call with senior regulatory assessor, Renee Tarpley, senior vegetation program manager, Kshitiz Bhandari, and the Complainant. The Complainant is requesting that PECO remove a dead/dying tree from his property. On January 6, 2023, Mr. Bhandari visited the property and inspected the tree at issue. He offered to trim away some weak branches that are directly over the wires. The work is being scheduled.

I would ask that the matter remain in mediation as the parties continue to work towards a resolution to the Complainant's concerns.

Enjoy your day,

Khadijah

Dismissal of informal case 11/2/2022, referencing rear of property



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF CONSUMER SERVICES
400 NORTH STREET, HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE

Date: 11/2/2022

Case #: 3867377

Michael P Roberts
517 E Moreland Rd
Willow Grove PA 19090

Dear Michael P Roberts:

On 9/26/2022 you contacted the Public Utility Commission's Bureau of Consumer Services and filed an informal complaint against PECO Energy (the Company). You stated that there is a large tree at the curb of your property that is dying and falling apart causing the tree to touch live wires. You stated that you contacted PECO to resolve the issue and they have not addressed the issue. We contacted the Company in an effort to resolve your complaint.

The Company reported that they investigated your concerns on 9/21/2022 and confirmed no PECO involvement. The field technician noted that they found minimal ingrowth near the rear property lines that can hold for routine preventative maintenance in 2024. The Company stated that any desired work can be done with help of a qualified private contractor, and they informed you contact them for a "Make Safe" order when you decide to have work performed.

Please note, at the informal level, the Bureau of Consumer Services has limited authority to resolve your service issue, and we have closed your informal complaint. However, you have the right to file a formal complaint. The formal complaint process involves a legal proceeding before a PUC Administrative Law Judge (ALJ), similar to a trial. This means that you and the utility must present facts on the issues raised in your complaint to the ALJ. You must participate in a hearing, respond to questions from the utility, and prove why the judge should uphold your position.

If you have questions, call 1-800-692-7380. If you want formal complaint forms, call 717-772-7777. You can also find PUC formal complaint forms online at www.puc.state.pa.us.

Sincerely,

Precious Johnson
Utility Complaints Investigator
Bureau of Consumer Services



Direct Dial: 267-533-1830
khadijah.scott@exeloncorp.com

April 14, 2023

VIA E-MAIL

Honorable Chad L. Allensworth
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17105-3265

RE: Michael Roberts v. PECO Energy Company
Docket No. C-2022-3036821
Date of Hearing: April 19th 2023 @ 10:00 a.m.

Dear Judge Allensworth:

Enclosed please find a copy of PECO Energy Company's Exhibits 1 through 2, which it intends to use in the above referenced hearing. By copy of this letter, I am sending a copy of same to the Complainant.

Please call my direct dial number if you have any questions regarding this case.

Respectfully submitted,

A handwritten signature in blue ink that reads "Khadijah Scott".

Khadijah Scott

KS/ab
Enclosure

Cc: Michael Roberts (via email)

EXHIBIT 1

**PECO ENERGY EXHIBIT
MICHAEL ROBERTS V. PECO ENERGY
DOCKET NO. C-2022-3036821**



EXHIBIT 2

**PECO ENERGY EXHIBIT
MICHAEL ROBERTS V. PECO ENERGY
DOCKET NO. C-2022-3036821**

← → ↻ 🏠 🔒 peco.com/SafetyCommunity/Safety/Pages/TreeTrimming.aspx

Community	
Education	+
Safety	-
Call Before You Dig	
Electric Safety	
Natural Gas Safety	+
Construction Safety	
Trees & Power Lines	-
Maintenance	
Planting Trees	
Tree Trimming	
Storm Damage	
Request Service	
FAQs	
PECO's Right-of-Way	

Tree Trimming Assistance

Large trees and branches can cause extended power outages when they come in contact with overhead power lines. PECO has an extensive [maintenance program](#) in place which helps keep lines clear for distribution and transmission rights-of-way. If you require assistance with tree and vegetation services, please submit a [Service Request](#).

For your safety, do not climb trees or trim trees that are located near power lines. Always keep children away from trees that are near power lines. Even momentary contact with a power line, or a tree or branch that is in contact with a power line, can severely injure or kill.

[Requesting the Service](#)

Service Wire



PECO does not perform non-emergency tree trimming for the wire running directly to customers' meters (the service wire). If you hire a qualified private contractor, or plan to do any trimming on your own, PECO will either drop or de-energize your service wire and will re-connect it once trimming is complete. Your home will be without power until your service line is re-connected. There is no charge for this service.

Make your work site safe; request to work near energized facilities:

[Request Form](#)

- Community +
- Education +
- Safety -
- Call Before You Dig
- Electric Safety
- Natural Gas Safety
- Construction Safety
- Trees & Power Lines -
- Maintenance
- Planting Trees
- Tree Trimming

Home > Safety & Community: Safety > Trees & Power Lines > Request Service

Request Tree and Vegetation Services

Do not use this form for emergencies. If you have an electric emergency, call 1-800-841-4141.

If you require assistance with tree and vegetation services, please complete the service request form below.

Do not use this form to file a claim with PECO. For claims, please download the damage claim form from [here](#).

Customer Information

Account Number: *	First Name: *
<input type="text"/>	<input type="text"/>
Last Name: *	Relationship (to account): *
<input type="text"/>	<input type="text"/>



- Request Service
- FAQs
- Environment +

Contact Information

Email Address: *	Confirm Email Address: *	
<input type="text"/>	<input type="text"/>	
Contact Phone Number: *		
<input type="text"/>		
Address 1: *	Address 2:	
<input type="text"/>	<input type="text"/>	
City: *	State: *	Zip Code: *
<input type="text"/>	<input type="text"/>	<input type="text"/>



Work Request

Please process a request for: *

- Tree Trimming
- Landscape Reparation

Comments

If the actual work location differs from the address above, please provide this information below. You may also use the following area if you have additional comments about your request.