

Joe Yarzebinski  
4485 Mt Royal Blvd  
Allison Park, PA 15101  
dadyarz@gmail.com  
October 18, 2024

DATE OF DEPOSIT  
OCT 18 2024  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Secretary Rosemary Chiavetta  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Docket # C-2024-3051085, Joseph Yarzebinski v Peoples Natural Gas Co.

Dear Secretary Chiavetta:

On Peoples Gas letterhead dated September 30, 2024, Senior Counsel Jennifer Petrisek addressed two separate letters to you. Unfortunately, those letters contain errors and misinformation which need to be addressed and corrected. I am submitting this letter to you in order to address those points.

During February and March, 2022, Peoples instituted a scorched earth procedure to replace a gas pipeline down Mt Royal Boulevard, through my front yard. During their process, a number of problems created damage beyond what one would typically consider normal and common to such a construction project -- killing lilac bushes, damage to my water line and therefore to my home's internal plumbing system due to the mud in the water line, and the death of a 50+ year old maple tree. Resolution of those problems has required extensive follow up on my behalf and lacked initiative on the part of Peoples. Even the typical filling, raking and leveling the fill soil, and re-planting the yard took multiple calls from me to get them and their contractor to complete the job once started.

This letter and the associated formal complaint, Docket # C-2024-3051085, addresses only the killing of the 50+ year old maple tree.

The negative, combative attitude by Peoples was not only prevalent during the construction project, as well as during the reclamation for the two years since, but continues as seen by the misinformation in the letters recently sent electronically to you wherein Peoples is denying responsibility for the death of the 50+ year old maple tree.

Peoples states in their letter that they had a certified arborist inspect the tree. That statement is followed by saying that a letter detailing the arborist's findings is attached as their Exhibit A. The letter that Peoples attached to their September 30 letter to you is dated September 27, 2024, and signed by Daniel H. Adler, President, Adler & Sons, Inc.

Mr. Adler is not a certified arborist. I personally know Mr. Adler. He is one of the most honest and forthright business owners that I have ever met. Peoples turned to a very knowledgeable individual when they asked Dan Adler for his opinion, but they misrepresent their position as well as his by stating in the letter that "*Peoples had a certified arborist inspect the tree at issue*"... and, "*A letter detailing the arborist's finding is attached*"... Their attachment letter is from Mr. Dan Adler, not from a certified arborist.

Back on May 29, 2023, I talked with Dan Adler about this very tree regarding the damage done to it by

Peoples. A month earlier I had just concluded discussions with attorney Andrew Weisner, of Peoples, to get three of my lilac bushes replaced due to the careless scorched earth treatment of Peoples and its contractor. Mr. Adler indicated to me that he was no arborist and he referred me to an arborist. After a few referrals, I eventually spoke with Mr. Walter Jarosh, who is an ISA Certified Arborist. Mr. Jarosh acknowledged that cutting a 10 inch root immediately adjacent to the tree trunk would kill the tree. He also said that the unbiased third party annual photographs provided by Google Street View, archived on line, will indicate that the tree was healthy prior to Peoples cutting the ten inch root.

After receiving Peoples' September 30, 2024, letter in the mail on October 4th, and reading through their misinformation, I spoke with Dan Adler again about the tree in question and about his letter attached to Peoples letter as their Exhibit A. He again confirmed that he is not a certified arborist, contrary to what Peoples states in their letter.

I asked Dan Adler if Peoples told him about the 10 inch root they cut off the maple tree. He was unaware of that information. I asked him if cutting such a root would harm the tree. He replied that action would kill the tree. He indicated, in fact, cutting any roots within the drip line of the tree's canopy would be detrimental, but a root that size -- akin to a tap root -- would certainly kill the tree.

I asked him if he was aware that the trench for the pipeline was adjacent to the tree trunk. He said that he was not. Apparently Peoples provided him with inadequate and/or incorrect information about the location of the trench. The photographs I have included in this packet of the cut 10 inch root show the location of the trench immediately adjacent to the trunk.

In addition, ISA Certified Arborist, Mr. Walter Jarosh, indicated that trenches for utility pipelines such as this one, so close to trees, often leads to their demise because the groundwater that was available for the roots prior to the trench being dug, is no longer available because the trench has now created a drain for the water that the tree previously lived on.

In their letter, Peoples now indicates they request this complaint be dismissed. It is important to note that this formal complaint, Docket # C-2024-3051085, started as an informal complaint. Prior to that, its actual genesis, was an email that I sent Peoples on December 6, 2023. Within the 2 year time frame that Peoples said I had for reporting the death of shrubs, bushes, trees, etc... from their construction project, I notified Mr. Andrew Weisner, attorney for Peoples, of the death of the 50+ year old maple tree in question and requested he and I open a conversation about what he might think Peoples can do to rectify the situation. He replied that Peoples would have an arborist assess the tree.

After not hearing back from Mr, Weisner for months, in May, 2024, I filed an informal complaint with the PUC. It became PUC BCS Case # 3987849.

Soon after filing the informal complaint, I had a phone conversation with Mr. Weisner on May 31, 2024, wherein he informed me that Peoples was not responsible for the death of the tree. He claimed that the tree died due to the power line pruning. I reminded him that the annual photos on Google Street View, archived on line, showed the tree was healthy and maintained a full green canopy of leaves up until the time of Peoples gas line construction project. The power line trimmers had not been in the tree for at least five years. I also reminded him that Peoples cut a ten inch root of that maple tree, rather than tunnel under it like they did with the drain pipe about thirty feet away.

It was on May 31, 2024, that Mr. Weisner offered to have the tree cut down and removed, even though he said that its death was not Peoples' fault. My response to him was, "Not good enough." I requested

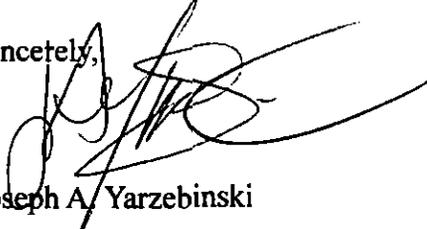
they remove the tree, grind the stump, and replant a like-kind replacement. He refused. He would only agree to remove the tree. He did not agree to grind the stump nor would he agree to plant a like-kind replacement. And, upon his refusal, he advised me to file a formal complaint with the PUC. I thought that an informal complaint was sufficient, but considering that he was a utility company attorney advising me to file a formal complaint, I moved in that direction. It is now Docket # C-2024-3051085.

The September 30, 2024, letter from Peoples represents that they said they were willing to cut down the tree and grind the stump. This is incorrect because the verbal offer over the phone on May 31, 2024, was only to remove the tree. As mentioned above, my response to that was, "Not good enough."

To first advise me to file a formal complaint, and then turn around and now request the formal complaint be stricken and dismissed, is disingenuous and insincere. Had Peoples believed that the PUC lacked the jurisdiction to oversee this complaint, Peoples certainly would not have advised the formal complaint process be followed. In addition, the request by Peoples to have the complaint dismissed is based on inaccurate and incorrect information outlined above.

I hope that the clarification above helps to set the record straight, that the death of the tree was a direct result of Peoples cutting a 10 inch root so that they could install a trench immediately adjacent to the 50+ year old maple tree for a new gas pipeline. I am asking Peoples to cut and remove the tree in question, grind its stump, and plant a like-kind replacement tree.

Sincerely,



Joseph A. Yarzebinski

cc: Jennifer Petrisek  
Dan Adler

**Attachments:**

photos and write-up of the 50+ year old maple tree in question, initially submitted as part of the filing of the initial informal complaint PUC BCS Case # 3987849.

Since a picture is worth a thousand words, here are a few pictures of the subject tree -- before the scorched earth treatment, during, and after. It was completely healthy. Now it is dead. The damage is due to Peoples Gas purposefully cutting a ten inch root to the tree rather than going under it.



As of June 2019

These photos of the subject tree were copied from Google Maps Street View, indicating how healthy the subject tree was prior to the February 2022 scorched earth project conducted by Peoples Gas.



As of August 2021

The scorched earth project by Peoples Gas was implemented during February 2022.

The above photos show that the tree was healthy and fully leafed. As you view the following photos, you will see how the tree lost that life and had now died due to the destructive nature of Peoples Gas' scorched earth methodology when they replaced the gas line down Mt. Royal Blvd, through my front yard.



This photo was taken during the 2022 scorched earth phase of the work Peoples Gas was doing to replace the gas line along Mt. Royal Blvd., through my front yard. This photo was taken to show the 10 inch root that Peoples Gas cut so that they could trench the area immediately adjacent to the subject tree for the new gas line.

The "top" of the photo reveals the very base of the tree where it meets the ground. At the center of the photo is the hole they left when trenching. The cut root is visible as the circle in the hole, above the few dead leaves, with the small root crossing from about the 9 o'clock position to the 4 o'clock position.

The root continues towards the bottom of the photo frame as the lighter colored section among the mud that they created.



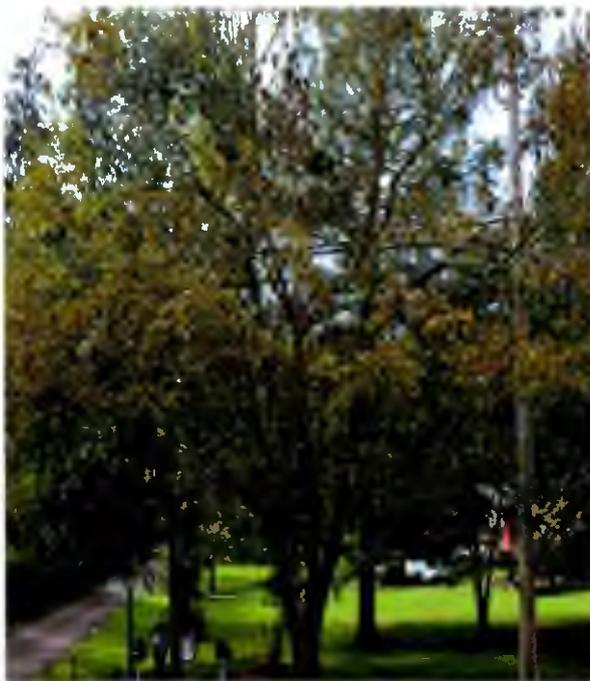
This photo is a closer view of the 10 inch root that People Gas cut so that they could trench immediately adjacent to the subject tree. As in the photo above, the root is the circular object in the center of the photo with the tiny root in front of it running from the 9 o'clock position to the 4 o'clock position.

This photo was taken in 2022 during their scorched earth construction process before they had time to fill in the trench completely. The remainder of the root can be seen along the lower edge of the photograph



This photo of the subject tree is from Google Maps Street View, September 2023, showing the devastation it suffered due to Peoples Gas scorched earth gas line construction project.

The follow two side by side photos are ones that I took of the tree in August, 2022 -- approximately 6 months after Peoples Gas cut the major root of the tree. Note the extent of the loss of leaf production and coverage in those 6 months. Cutting that root destroyed the life of the tree.



Here is the most recent look at the tree. This photo was taken on May 28, 2024. The entire left side of the tree is now dead because of Peoples Gas scorched earth process of installing the gas line down Mt. Royal Blvd., through my front yard and purposely cutting the 10 inch root of the tree.



*y* Joseph Yarzebinski  
4485 Mount Royal Blvd.  
Allison Park, PA 15101

**CERTIFIED MAIL**



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**Retail**



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FCM LETTER  
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OCT 23 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Secretary Rosemary Chiavetta  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA

171053265 8099





**To: PUC MASTER**

Agency: PUC

Floor:

External Carrier:

**CMPC**

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10/23/2024 10:19:32 AM



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PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE