

STATE OF NEW YORK

Public Service Commission

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COMMISSION IMPROVES VEGETATION MANAGEMENT RULES

— Utilities Required to Improve Public Notification When Maintaining Power Lines —

Albany, NY—5/19/11— The New York State Public Service Commission (Commission) today adopted eight recommendations to improve and clarify utility practices regarding high voltage transmission right-of-way vegetation management practices.

“Maintaining the highest degree of electric system reliability for the benefit of New York’s customers is among the most important of our responsibilities,” said Commission Chairman Garry Brown. “However, there is a real need to ensure that the public is kept fully informed regarding changes to be made to vegetation surrounding high-voltage power lines in the community. These comprehensive new rules will help significantly improve the notification process and will help avoid problems that have occurred in the past.”

The Commission’s earlier policy regarding right-of-way (ROW) management established requirements for utilities’ ROW maintenance programs and ensured adequate record keeping and reporting by the utilities. In addition, the federal Energy Policy Act called for the development and implementation of additional mandatory and enforceable reliability standards for utility ROW maintenance.

The Commission noted that reliability problems are commonly manifested when contact occurs between a tree and a transmission line during, for example, a storm which causes a fault in the transmission circuit which may cause widespread electric system outages. Because of this,

effective management of transmission rights-of-way is an essential component of system reliability.

However, in recent months, members of the public and elected officials have expressed concern with respect to the ROW vegetation management practices used by utilities to implement the above described regulatory scheme along their transmission rights-of-way.

These concerns have largely focused on the trimming and removal of trees and other vegetation by utilities in their transmission rights-of-way. Those objecting to the utilities' practices cite the unwanted aesthetic impacts associated with the utilities' ROW work, as well as noise, erosion and decreased property value as potential results. Expressions of concern have taken many forms including individual complaints to this department, letters from public officials, municipal resolutions and proposed state legislation.

As part of the public review process, more than 200 written comments were received from interested parties and six public statement hearings were conducted throughout the state at which people who would rather comment orally were able to do so. Staff reviewed the written comments and those made at the public statement hearings, and developed for the Commission's consideration eight recommendations to improve ROW management practices in the State. Staff also sought public comment on the first seven of its recommendations.

Upon review of the comments, the Commission accepted eight recommendations:

1. Consolidated Edison Company of New York, Inc. and Orange and Rockland Utilities, Inc. shall provide individual written notification to all easement encumbered and abutting landowners, local municipal elected officials, and affected state agencies, of cyclic ROW vegetation management work, not more than 180 days nor less than 30 days prior to the commencement of such work.
2. Con Edison and Orange and Rockland shall provide in their notification details of the type of vegetation management work to be performed, the physical boundaries of the work, the methods and extent of the proposed work, provisions for cleanup and ROW restoration and the expected dates of commencement and completion.

3. Con Edison and Orange and Rockland shall develop, for staff review and acceptance, a section in their Long Range Right of Way Management Plans (Plan) specifically addressing how they will conduct their ROW management work on high density ROW areas.
4. All companies shall submit, for staff review and acceptance, updates to their websites and any printed materials, detailing the rationales and practices governing their ROW management programs.
5. All companies shall establish a direct line of communication between the public and the companies' vegetation management personnel for questions regarding ROW vegetation management work. Information advising of the opportunity for such communication and how such communication can be accessed shall be made available on the companies' websites, on all required notifications, and provided by field personnel and contractors upon request.
6. All companies shall develop sections in their Commission approved ROW Management Plans, for staff review and acceptance, to address the circumstances and criteria pursuant to which replanting is warranted.
7. All companies shall develop, if one does not exist or enhance if one does, a section in their plans detailing when and where various types of vegetation will be allowed to remain on a ROW. The section shall incorporate, to the extent possible, a vegetation management approach that recognizes that removal of desirable species is neither required nor preferred. Commensurate training and oversight of field personnel shall also be addressed.
8. The Commission Order containing ROW management requirements issued in Case 04-E-0822 will be appended to this Order.

Staff believes its recommendations appropriately reflect the concerns that have been expressed, are cost-effective and sensitive to environmental, aesthetic and community values, and protect the continued provision of safe and reliable electric service and recommends their adoption.

The Commission's decision today, when issued, may be obtained by going to the Commission Documents section of the Commission's Web site at www.dps.state.ny.us and entering Case Number 10-E-0155 in the input box labeled "Search for Case/Matter Number". Many libraries offer free Internet access. Commission orders may also be obtained from the Commission's Files Office, 14th floor, Three Empire State Plaza, Albany, NY 12223 (518-474-2500).