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**Ms. Ruth Solomon**

**April 14, 2004**

**FERC Desk Officer**

**Office of Information and Regulatory Affairs**

**Office of Management and Budget**

**Sent Via Fax: (202) 395-7285**

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Dear Ms. Solomon:

The Utility Arborist Association (UAA) is the preeminent international professional organization devoted to improving the quality and effectiveness of utility arboriculture and vegetation management. We were established in 1974 and represent 1600 members, primarily in North America.

The UAA recognizes the significant impact of the August 14, 2003 blackout and the causal role of vegetation. We appreciate this opportunity to respond to your Request for Comments [Docket No. IC04-723-000, FERC-723] dated April 9, 2004 and subsequent "Errata Notice" dated April 12, 2004.

Regarding the initial request, it is not appropriate for UAA to respond or comment upon the vegetation management activities of individual utilities. We do however commend FERC for gathering this information and look forward to learning from the compiled results.

UAA strongly supports consistency among utilities while recognizing that unique situations exist from locale to locale and individual utilities need the flexibility to address situations unique to their systems. UAA recommends that national standards such as the American National Standards Institute (ANSI) A-300 Pruning Standards and ANSI Z-133 Safety Standards be followed by all utilities.

Furthermore, UAA is actively promoting the development of an ANSI A-300 Vegetation Management Standard (which has a direct bearing upon prevention of future blackouts) as well as changes to the National Electric Safety Code (NESC), which will clarify and strengthen the woefully inadequate vegetation provisions in that document.

Regarding the question posed in the "Errata Notice", UAA responds directly. The question is:

"Describe any Federal or State regulatory provisions or practices that prevent or unduly delay adequate vegetation management. Also describe any other conditions or reasons (financial or otherwise) that prevent or unduly delay adequate vegetation management."

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The answer is that there are a multitude of Federal, State and Local jurisdictions that place unreasonable and unrealistic restrictions upon utilities that are working to keep the electrical grid reliable. These include, but are not limited to, Federal Agencies such as the US Forest Service and various agencies within the Department of Interior; State Highway and Conservation Departments; and, local government entities. A few specific examples gleaned from UAA's extensive membership and active industry involvement include:

- Inconsistent rules between agencies and even districts within the same agency. Most notably between Forest Service districts.
- Refusal by federal and state agencies to allow the use of EPA approved herbicides (the US Forest Service prohibits the use of this highly effective tool on almost all utility corridors crossing their land; The State of California has banned several EPA approved herbicides from use in the state).
- State Highway Department permitting restrictions and bureaucracies (The State of Connecticut requires a state trooper be on site, at utility expense, during any road side work).
- State Conservation/Fish-and-Game Departments; US Forest Service and National Park Service. Some areas require utilities to leave inappropriate vegetation directly under transmission lines to provide habitat and travel corridors for non-endangered wildlife; as well as to improve the views for passing motorists.
- Bureaucracy associated with federal legislation such as the Endangered Species Act, NEPA, etc. This most often affects the timing of necessary work.
- Numerous local ordinances related to 'tree preservation', 'pruning standards' (often erroneous), 'heritage/historic trees', etc.

It is inconceivable that a municipal parks department, a state transportation department, the US Forest Service or any other similar entity should have the final authority over a utility company managing vegetation in proximity to high-voltage transmission lines, but they do. In fact, any of these and many other local, state and federal government agents have the power to stop a utility crew in its tracks.

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There are seemingly infinite numbers of jurisdictions that influence vegetation management on transmission corridors. Many of these entities make their decisions based upon popular opinion and fear of litigation. In many more instances, individual property owners interfere with critical preventive maintenance, often with the backing of the courts. Even when utilities prevail and are able to do the work needed, there are costly delays which jeopardize the integrity of the grid.

The best hope for a reliable electrical grid is to manage critical lines according to scientific principles and to manage consistently from one utility system boundary to the next. As long as utilities are subject to the inconsistent requirements of multiple masters – few of whom are the least bit qualified to operate an electric system – we are doomed to repeat the events of August 2003.

Sincerely

Robert W Bell  
President, UAA

cc. UAA Board of Directors  
Michael Miller (via e-mail: [michael.miller@ferc.gov](mailto:michael.miller@ferc.gov))

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