

PA 14-151

HB5408

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 15
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THE CLERK:

Yes, Mr. Speaker, good evening. On page 7, Calendar 241, favorable report of the joint standing committee on Energy and Technology, Substitute House Bill 5408, AN ACT CONCERNING TREE TRIMMING.

SPEAKER SHARKEY:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Good evening, Mr. Speaker. I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

The question is on acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir?

REP. D'AGOSTINO (91st):

Thank you, Mr. Speaker. The Clerk should have an amendment, LCO Number 5156. I'd ask that the amendment be called and I be granted leave of the Chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 5156, which will be designated House Amendment "A".

THE CLERK:

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House Amendment "A" LCO 5156, introduced by
Speaker Sharkey, et al.

SPEAKER SHARKEY:

The gentleman has sought leave of the Chamber to summarize. Is there objection? Seeing none, you may proceed with summarization, sir.

REP. D'AGOSTINO (91st):

Thank you, Mr. Speaker. Mr. Speaker, this amendment which is a strike-all is the product of numerous discussions among the electric utilities, among tree wardens, municipal officials, environmental groups, and homeowners. The amendment improves the process for all of those stakeholders to have a role in deciding which trees the utilities can remove and when and how they do so, and I move adoption.

SPEAKER SHARKEY:

The question before the Chamber is adoption.

Would you care to remark?

REP. D'AGOSTINO (91st):

Thank you, Mr. Speaker, just some of the highlights of the bill very quickly. I'll note that the bill does the several things, excuse me, the amendment does several things. It clarifies the rights of those who have a tree entirely on private

property and those who own property adjacent to or abutting to the subject trees in the public right of way. For private owners, it clarifies that absolutely no tree trimming work can occur on their private property without the utility receiving affirmative written consent from the owner. If that doesn't happen at any time, no work occurs.

It specifies the process which by -- by which notice needs to be given to the private property owners or the abutting property owners so that they can object. And it also specifies that they cannot be billed if they object to tree trimming work on their property. Several residents have reported that some vendors had approached them and indicated that they might be billed if the tree fell if they didn't agree to have the tree taken down. That, of course, is not true and this -- this amendment clarifies that.

This also notes that -- that there is now a process in place for that objection. The objection must be decided first by the tree warden and then there will be a mediation process administered by PURA. And PURA retains the ultimate authority to make a final decision on whether a tree should come down and whether the utility, for example, should do stump

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grinding or replanting on the property. With that,
Mr. Speaker, I'll accept any questions. It's a good
bill and it ought to pass.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on House
Amendment "A"? Would you care to remark further on
House Amendment "A"?

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, Mr. Speaker. Good evening.

SPEAKER SHARKEY:

Good evening, madam.

REP. HOYDICK (120th):

Several questions to the proponent of the bill.

SPEAKER SHARKEY:

Please proceed, madam.

REP. HOYDICK (120th):

Thank you, sir.

Representative D'Agostino, could you please go
through the process of identifying how -- how
hazardous trees are identified in a utility zone and
what the process is for an adjoining property owner to
-- to question its removal.

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Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Thank you, Mr. Speaker. And, through you, the process is multifaceted. In the first instance, of course, a private property owner, an adjacent property owner can call in a hazardous or damaged or dying tree to the utility or the tree warden. The tree warden of a municipality, of course, has authority to identify trees as well. And the utilities have vendors that go around and identify trees as well.

Now it's very important to also to point out, Mr. Speaker, as the good representative indicated, that there is a process by which someone who is abutting a tree that is in the public right of way, it is not their tree but their house is next to the tree, that person can lodge an objection to any work being proposed on that tree. And there is a process now that one has to go through before any work occurs on that tree. Through you, Mr. Speaker, the tree warden is the first decision maker, if you will, and if the tree warden agrees with the work that the utility is proposes, the property owner can still appeal that

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decision to a mediated -- a mediation body that will be established by PURA to hear that owner's appeal. And if either party disagrees with that process, they can take it to the next step, to PURA and PURA's decision will be final, whether PURA approves the tree coming down, approves pruning of the tree, or agrees with the owner and agrees that nothing will be done with that tree. So that's the process that one would go through for an objection.

SPEAKER SHARKEY:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, Mr. Speaker.

Rather than make the good representative go through that because it was very difficult to hear, I would like to ask, all I heard was tree warden. But there are many communities that do not have a tree warden, what is the alternative in that case? Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Through you, Mr. Speaker, I'll try to speak a little louder. I'm sorry, Representative. There is a

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process. Every town in the state is required to have a tree warden, as I understand it. So there should be someone in town who is designated to handle these -- these sort of questions. Whether that person is called a tree warden or not, there may be somebody in the public works department or somebody in the mayor's office who has that authority by statute. So every town does have that designated person who will handle those kinds of questions or appeals.

From there you would go through the mediation process established by PURA and then up to PURA eventually if you choose to take it through those steps.

SPEAKER SHARKEY:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, sir, for that answer. I believe I read somewhere in the bill, and by the way I have a different LCO number, so bear with me if I'm citing the wrong lines, that in lieu of the tree warden, isn't the Commissioner of Transportation appropriate? Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Representative D'Agostino.

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REP. D'AGOSTINO (91st):

Thank you, Mr. Speaker, the Commissioner of Transportation would be involved if the tree is near a public highway. In that case, the -- the question would go not to a tree warden of a municipality because, of course, the tree is not on municipal property or municipal public right of way, but on state roads. And in that case the question does go to the Commissioner of Transportation.

SPEAKER SHARKEY:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, sir. And I am looking at line 133 of section 7, and I believe it says public road, public highway, public ground, but it also references the Commissioner of Transportation. Is that correct? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Thank you, Mr. Speaker, again, so this is -- in this section the good representative is referring to, we're talking about where the tree sits in the UPZ, the utility protection zone. And that utility

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protection zone can be on a public road, a public highway, or a public ground. And depending on where it sits in that area, whether it's a public road that's controlled by a municipality or public ground, state ground, or state highway, that's when we would dictate whether or not the objection goes to a tree warden of the municipality or to the Commissioner of Transportation who has the ultimate authority over state roads, public roads controlled by the state.

SPEAKER SHARKEY:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you, sir. Well, regardless of that, I think whether we can dispute this or not as it is written, the good news is that PURA has a docket open, as I understand, that has been suspended until this enactment has -- has been transacted. And in light of the docket which was part of the Public Act 13-298 that we passed last year with regard to tree trimming, I'm hoping that they'll take all the considerations that you've placed in the bill into account when they make their final ruling.

With that, Mr. Speaker, just a few more questions to the proponent. On lines, well, on lines 204 or LCO

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5119, you talked about the mediation session and the 30 day length of time. If you could go through the -- the exact process and the timeline, there's 15 days to file or there's 10 days to object, and there's 30 days of mediation. If you would go through that timeline, I would be most appreciative. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Certainly, and through you, Mr. Speaker, so we start the process with a notice going to the -- the owner. And that notice has to go to the owner 15 days before the utility begins any action. That owner then has 10 days to file an objection with the appropriate body, again the Commissioner of Transportation or more commonly with the tree warden and the utility. I should note here, through you, Mr. Speaker, that the utilities have agreed to establish a dedicated email account by which they will accept these objections. So it will be easier for the -- for members of the public to lodge their objections.

Then the -- the first line, if you will, the tree warden or Commissioner of Transportation has 10 days, I believe, to issue a decision on that objection. If

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that decision is -- if somebody disagrees with that decision, the tree warden or the -- or the utility, they can take it to -- they can elect to take it to the mediation process which shall be held no later than 30 calendar days after receipt of the -- of the appeal by either the utility or the property owner.

And then that can be appealed up to PURA which would have another 30 days. I should note one footnote that a abutting property owner or private property owner can also elect to bypass the mediation process in which case there would be 60 days for PURA to issue its decision. So there's numerous timelines along the way that protect our private property owners rights or abutting property owners rights.

SPEAKER SHARKEY:

Representative Hoydick.

REP. HOYDICK (120th):

Thank you. Thank you to the good representative. Mr. Speaker, many of us remember Tropical Storm Irene, we remember the nor'easter in 2011, we remember Sandy. We were serving constituents who were without power for 8, 10, some people 11 days. We remember the difficulty in realizing that tree trimming was a very, very important part of the utility infrastructure.

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And consequently last year we did work very, very hard on a tree trimming bill, the one that I mentioned before Public Act 13-298, of which includes the docket that PURA has suspended temporarily. In light of that docket and in light of the good recommendations made in this bill, I would encourage my colleagues to support it. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark? Would you care to remark further on House Amendment "A"?

Representative Kupchick.

REP. KUPCHICK (132nd):

Thank you, Mr. Speaker.

I rise in support of this bill. Fairfield like Stratford and like Camden suffered some serious power outages during Sandy. And obviously the tree trimming program was a bit concerning to many individuals in those towns because they're concerned they didn't have input about the tree trimming program. And, unfortunately, I've been hearing a lot about this in the last several months from residents in my district who are very alarmed about not having the input or having some say in how the trees will be cut. So I'm

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very happy to see that this bill has come about. And I know that my constituents will be happy. So I rise in support and I thank the proponent of the bill.

Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark? Would you care to remark further on House Amendment "A"?

Representative Hovey.

REP. HOVEY (112th):

Thank you, Mr. Speaker.

Through you, one question to the proponent of the amendment.

SPEAKER SHARKEY:

Please proceed, madam.

REP. HOVEY (112th):

Thank you, sir. Through you, am I understanding this correctly that now in order for a utility to trim a tree they have to get a written permission from the homeowner? Through you, Mr. Speaker.

SPEAKER SHARKEY:

Representative D'Agostino.

REP. D'AGOSTINO (91st):

Through you, Mr. Speaker, two types of homeowners, Mr. Speakers. We have the person who has a tree that is entirely within his or her private property. For that homeowner, their utility must receive affirmative written consent otherwise it is trespass. So they must receive affirmative written consent from that private property homeowner.

For someone whose property abuts a tree in the public right of way, that is where the objection process I articulated would come into play. The person receives notice that the tree in front of their house but not on their property is coming down, they can object to that, and we go through the process. So the written consent part is only required from the private property owner, the person who has that tree solely within their private property.

SPEAKER SHARKEY:

Representative Hovey. .

REP. HOVEY (112th):

Thank you, Mr. Speaker.

And I thank the good gentleman for his answers.

SPEAKER SHARKEY:

Thank you, madam.

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Would you care to remark? Would you care to
remark further on House Amendment "A"?

If not, let me try your minds, all those in favor
of House "A" please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay.

The ayes have it. The amendment is adopted.

Would you care to remark? Would you care to
remark further on the bill as amended? Would you care
to remark further on the bill as amended?

Representative Orange.

REP. ORANGE (48th):

Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this bill. I
think that it's been very well thought out, a very
well thought out process. And we all can remember the
storms that ripped through our state that took the
power from all of our constituents. And I just want
to tell a little story. A couple of years ago my
husband signed a paper to have a tree taken down. And
when I got home he told me about how he signed the
paper for the tree to come down. And I said, well,

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which one? He showed me the tree, and, of course, oh, the tree, the poor tree. And he said it's not really a good tree, this is a good thing.

And several days later, the tree was tagged and the tree cutters were down the road working their way up Standish Road in Colchester. And we were expecting a storm. And I kept looking at them thinking, you know, if they could only just get here and get this tree. And they didn't get as far as our tree. So that night we heard the crack that the tree makes as it begins to weaken and fall. And sure enough the tree fell over the line, took the transformer out, and the whole neighborhood was without power. And everyone knew whose tree it was. So I just wanted to share that story because even though we -- we don't all like cutting trees and pruning and that kind of thing, sometimes it really needs to be done. So I urge passage of the bill. And once again I think that the bill, it sounds good to me. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Would you care to remark? Would you care to remark further?

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The distinguished Minority Leader, Representative
Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker.

For purposes of wrap-up, I think it's a good
bill. It ought to pass.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark? Would you care to
remark further on the bill as amended?

If not, staff and guests to the well of the
House, members take your seats, the machine will be
open.

THE CLERK:

The House of Representative is voting by roll.

The House of Representatives is voting by roll. Will
members please return to the Chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members
voted? Will the members please check the board to
make sure your vote is properly cast. If all the
members have voted, the machine will be locked and the
Clerk will take a tally.

Will the Clerk please announce the tally.

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THE CLERK:

House Bill 5408 as amended by House "A".

Total number voting 146

Necessary for passage 74

Those voting Yea 138

Those voting Nay 8

Those absent and not voting 5

SPEAKER SHARKEY:

The bill as amended passes. The Chamber will
stand at ease.

(Chamber at ease.)

SPEAKER SHARKEY:

Will the House please come back to order.

Will the Clerk please call Calendar 285.

THE CLERK:

House Calendar 285 on page 35, favorable report
of the joint standing committee on Appropriations,
Substitute House Bill 5562, AN ACT CONCERNING SPECIAL
EDUCATION.

SPEAKER SHARKEY:

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THE CHAIR:

(President Pro Tempore in the Chair.)

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, I believe that there, Senator Slossberg was looking for a point of personal privilege. Okay, we'll skip that now at this point. So, of the bills marked previously as Go, Mr. President, we might start with an item on Calendar Page 25, Calendar 560, House Bill 5408 from the Energy and Technology Committee.

THE CHAIR:

Thank you, Senator Looney. Miss Clerk.

THE CLERK:

On Page 25, Calendar Number 560, House Bill 5408 AN ACT CONCERNING TREE TRIMMING.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Mr. President. Mr. President. I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the House.

THE CHAIR:

You may proceed.

SENATOR DUFF:

Thank you, Mr. President. Mr. President, I had this bill down pat about eight hours ago, so I'm going to do my best now to explain the bill.

What it does is, it extends a little bit of what we did last year in the Comprehensive Energy Strategy for tree trimming. It's an important bill to many of our

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members in the Legislature. It basically sets up and adds a little bit to what we did last year, as I said, sets up a mediation process for the utilities and tree wardens and customers. If there is a disagreement, it adds an affirmative consent. It adds a permit process for tree trimming. It adds a stump grinding provision if necessary, and it also adds a dedicated e-mail for, if there are objections so that the utilities can get those directly.

Mr. President, I think that the bill is balanced. It is reasonable. It has come a long way from where we started, and I believe it will give confidence to ratepayers across the state so that when there is tree trimming, it is done in a fair and balanced manner, in a way that does protect our infrastructure. It keeps the lights on. But also does it in a way that keeps our state as beautiful and as precious as we've always had it.

Thank you, Mr. President. I urge passage of the bill.

THE CHAIR:

Thank you, Senator Duff. Is there comment or discussion? Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. Some questions to the proponent, through you, please.

THE CHAIR:

Excuse me, Senator Chapin?

SENATOR CHAPIN:

Some questions to the proponent, through you, please.

THE CHAIR:

You may proceed. Thank you.

SENATOR CHAPIN:

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Thank you, Mr. President. You had indicated that this bill, this Amendment before us would require written affirmative consent. Is that different than what was worked out last year? Through you, Mr. President.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Mr. President. Yes, it is. There is now a process where utilities cannot just trim. They have to have the affirmative consent of the owner of the property, which does make it different. Where now they can, if they don't like it, the plan by the utility they could either say no, or they can also modify. There's an opportunity as well. Through you, Mr. President.

THE CHAIR:

Thank you, Senator Duff. Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President, and again, through you. So if they say no, is that the end of the story or does the utility have some opportunity to try to make the case of the tree could disrupt service? Through you, Mr. President.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Mr. President. Mr. President, through you, as we had done last year, we're modifying this a little by adding another step in where if the utility company and the customer cannot come to a conclusion, the tree warden, they can go to the tree warden. If that doesn't work, then the tree warden, the customer, the utility company can go through mediation. Then, if that doesn't work, they can go to PURA and PURA can act as a final, they can have mediation through PURA

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as well. Through you, Mr. President. So there's a number of different steps that I believe will give customers and ratepayers a greater confidence in the process.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And again, through you, as I recall there's a vegetation management zone, I believe we call it, and I think that may be eight feet each way on each side of a utility wire. I assume that the electric company would have some sort of easement, so would this apply, would the affirmative consent be required only on private property, or if my lawn may actually fall within the town's jurisdiction, yet it's still my lawn, would affirmative consent be required there as well? Through you, Mr. President.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Yes, that is my understanding. Through you.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And again, through you, and would this apply, is there a minimum size tree that this would apply to? Would it also apply to limbs and branches? Through you, Mr. President.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

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Thank you, Mr. President. On Line 94 it already has existing that says, printing and removal of trees, shrubs or other vegetation that pose a risk to the reliability of the utility infrastructure.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And again, through you, I think earlier versions may have included both a requirement for stump grinding as well as a re-planting of trees to replace the ones that were taken down.

Through you, Mr. President, are those provisions still in the Amendment before us?

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Mr. President, through you, they are not.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And again, through you, I do believe I heard you mention some mediation process for stump grinding. How does that take place? There's no requirement for stump grinding, but the homeowner or the private property owner could require it through a mediation process? Through you, Mr. President.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

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Yes. That is correct. Through you, Mr. President. There is a process in which PURA can establish stump grinding and they would recover those costs through the FMCC charges.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And again, through you, so would there be additional costs to the utilities, and if so, does that get passed on to the ratepayers? Through you, Mr. President.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Mr. President, through you, yes.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. And do we have any idea of knowing how much those costs may be? Through you, Mr. President.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Mr. President. Through you, we do not.

THE CHAIR:

Senator Chapin.

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SENATOR CHAPIN:

Thank you, Mr. President. But those costs, I assume, would somehow be reviewed, I again, would also have to assume by PURA. Through you, Mr. President.

THE CHAIR:

Senator Duff.

SENATOR DUFF:

Thank you, Mr. President. Through you, yes, that would be established through the Public Utility Regulatory Authority.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Mr. President. I thank the good Chairman for his answers.

Mr. President, the bill before us, the amendment before us, is a revision of what we accomplished last year in our Comprehensive Energy Strategy. I understand that since that time there have been some issues identified in various areas where people were not really happy with the process we had set in place last year.

I do think that many towns, including the ones I represented, felt that what we had in place last year was actually beneficial when it came to reliability of electricity, but I think the version before us addresses some of the concerns that have been raised since we passed that, and I think what we have before us tonight is reasonable, I think it's measured and I would encourage my colleagues to support it. Thank you, Mr. President.

THE CHAIR:

Will you remark further? Will you remark further on the bill before us? Senator Crisco. Senator Crisco.

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SENATOR CRISCO:

Thank you, Mr. President. Mr. President, I rise in support of this bill. I've had several towns who have been dramatically and literally and fiscally impacted by this and I wish to commend Senator Duff for his leadership on this issue. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Crisco. Will you remark further on the bill? Will you remark further? Senator Duff, I believe I understand that this is not consentable? Is that? If there's no further discussion, the Clerk will announce the pendency of a Roll Call Vote.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.
Immediate Roll Call ordered in the Senate.

THE CHAIR:

Have all Senators voted? Have all Senators Voted? Remind our Senators please stay close to the Chamber this evening. It's going to be fast and furious between now and midnight.

Have all Senators voted? If all Senators have voted, the machine will be closed. Mr. Clerk, please announce the tally.

THE CLERK:

House Bill Number 5408.

Total number voting	35	
Necessary for passage		18
Those voting Yea		35
Those voting Nay		0
Those absent and not voting		1

THE CHAIR:

Thank you. Senator Looney.

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STANDING
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COMMITTEE

March 4, 2014
11:30 A.M.

COMMISSIONER. ROBERT KLEE: Thank you.

REP. REED: Next up is Representative Michael D'Agostino. Welcome, Representative.

REP. D'AGOSTINO: Thank you, Madam Chairwoman and members of the Committee, thank you for giving me the opportunity to testify briefly regarding House Bill 5408 AN ACT CONCERNING TREE TRIMMING. As you know, I represent Hamden's 91st District. It's a single town only. It has a diverse section of neighborhoods from compact walking neighborhoods in the southeast to bucolic farmland in the west.

Part of my district is the Dunbar Hill Neighborhood, which is part of UI's pilot program for tree trimming, and to say that UI's program has caused some consternation and concern in Hamden is a bit of an understatement. The community has really mobilized in response to what UI has proposed to do in Hamden, and of course was proposed to do throughout the rest of its service area.

We've had several community organizations developed in response to this and I note that PURA is planning on being in Hamden on Thursday night for a technical meeting with respect to UI's service area and plans.

So it's with that background that I come before you to note that I certainly strongly support the proposed language that you have before you with respect to moving the burden with respect to whether a tree should come down or not, making it clear in the statute that that burden falls on the utility.

I think that's a wonderful suggestion. I'd urge you to adopt it.

But I am here to respectfully request that you do more. This bill it seems to me is the perfect vehicle for us as Legislators to make some critical and necessary tweaks to the statute, if you will, that we passed last year that refined how the utilities can approach tree trimming.

I know many of you have heard from constituents in Hamden and your towns and throughout the state with respect to the utility's programs. I'm not going to go through all the criticisms of that here today. I wanted to distill that down to a few points.

First of all, no one in my town, I don't think anybody disagrees with the notion that we should be culling back dangerous, damaged and dying trees. That's a necessity and that should be done.

But the eight-foot safety zone, the eight-foot zone that the utilities have, are now implementing where they'll trim and cull trees within eight feet of the power line is a one-size-fits-all approach that does not, I think, take into account the unique nature of every street, town and home in my town and in your towns and throughout the state.

The issues for us as Legislators I think are not aesthetic. They're not just environmental. There are some practical points that have arisen as we've reviewed what the utilities have been planning to do and have seen what they've been doing in our pilot district.

Let me elaborate on that a little bit further. I'm not here just as a Representative. I'm also here as a homeowner. I went outside my house one day and saw the contractor from UI taking down a tree in my neighbor's yard next door.

He had received permission and he asked me if he could also take down one in my yard and I said no.

And I was told by the contractor, not UI, by the contractor, I was told that if I said no and that tree caused a power outage I would be billed for the resulting power outage. This was told to me directly by a contractor.

Now we all know, and everybody in this room knows, that's not true. But it highlights some of the concerns that I'm going to talk about, which is there appears to be a little bit of a disconnect between the utilities and their contractors and how this is being implemented in our towns.

What's been clear as we've met with UI in Hamden with respect to the pilot program, and I want to commend them. We've had a number of meetings with them. They've come out. They've been very receptive. They've talked. They've done their presentations.

But what's been clear as we've seen how they've implemented the pilot in the Dunbar Hill area in Hamden is that they've left this to the contractors, and it is literally the contractor who goes around house to house, street to street and says, this one, this one, this one. UI has one, a certified arborist on staff and he can't be there all the time.

Now the tree warden is supposed to be there as a check, but often the tree warden is overwhelmed by what UI's contractor is proposing.

What's more concerning to me in terms of a management level is, there doesn't seem to be a clear approach to forestation management with

respect, forest management with what they're doing.

In other words, it is again literally that ad hoc, this one, this one, this one approach rather than a comprehensive plan to say in this neighborhood we need to pull back this level, but in this neighborhood we need to do something different, and here's how we're going to replace what we take down if we take down healthy trees.

That's not what we're seeing in the pilot area in Hamden.

So again, I want to commend them for being receptive but it seems to me there needs to be some legislative tweaks made and let me recommend the following, and this is something that we've worked with our local groups to develop as we've heard from UI and seen what they've done.

First, it should be embedded in the statute that written consent, affirmative consent is required from the property owner to remove a purely private tree. That seems like it's common sense, but if you read the current version of the language in General Statute 16-234, that's not what it says.

It says that if UI wants, or the utility wants to cull within the eight-foot zone, they post a notice and if they don't hear an objection within ten days, they can do the work.

Now, there is a distinction, a critical one between a tree that is entirely on private property within that eight-foot zone and one that's in the public right of way, and it seems to me that the basic laws of trespass in this

state dictate that you need affirmative consent to do that work.

Now I want to be fair to UI. They have said exactly that. They said at meetings, we won't do anything with respect to private trees without consent, affirmative consent from the homeowner. But again, that's what they're saying on a corporate level and I have a serious concern about the disconnect with their contractors and it seems to me that with something as basic as private property rights, we should make sure that our legislation is crystal clear when it comes to our homeowners' rights.

So that's just a tweak I think we can make that makes a lot of sense and would be very easy to do with respect to statutory language.

SENATOR DUFF: Representative, can we ask you, thank you. We've got five pages of people who want to speak today --

REP. D'AGOSTINO: Yes.

SENATOR DUFF: -- and we would appreciate if you could kind of, respectfully ask you just to summarize if you can so we can (inaudible).

REP. D'AGOSTINO: I'll run through the bullet points, Mr. Chairman, thank you very much.

Changing the burden of proof in terms of the utility to prove that the tree is in the right of way, that's a change that we think should be made.

Require the utilities to have a direct phone line and e-mail address, which they can take objections, complaints and questions and concerns.

Embed in the statute the tree warden's power to have the final say on trees even if they're historical.

And I think it makes sense for us also to require PURA to do a biennial review of the program so we can see what's working and what's not working.

You've got the rest of my testimony, Mr. Chairman. I appreciate the opportunity for you to give me to speak for at least a couple of minutes here today. Thank you.

SENATOR DUFF: Thank you. We're trying to finish up before dinner. Any questions from members of the Committee? Thank you. Representative.

REP. REED: Thank you. I really don't have a question but at the risk of apologizing for the utilities, which is always a bad position to be put in. You know, I have to remind everyone that we had some really serious storms and major, major, major outages and we actually after the storm response, a commission was put together in alliance with the Energy Committee.

We really cracked down on the utilities because they hadn't been doing the tree maintenance. So I think we're all in a brave, new world of finding our way through and I really appreciate your input and I know we've all heard from constituents as well, but I just wanted to kind of put it into context.

It wasn't a random law that we passed. It was part of a constellation of laws that we enacted in order to do a better job of maintaining the grid and protecting communities from going dark. Thank you, Representative.

REP. D'AGOSTINO: Completely agree, and just to note. I mean, our Hamden mayor, Scott Jackson, sat on those storm panels (inaudible). We're well aware of the impact of those storms.

We're just suggesting, I'm just suggesting some changes that we think will make this work even better as we move forward. So thank you.

REP. REED: Questions?

REP. YACCARINO: I'll be real quick, Madam Chair, thank you.

REP. REED: Oh, Representative Yaccarino.

REP. YACCARINO: Thank you for your testimony. And I live in the next town over from you, Representative D'Agostino and I have to say, I've had to deal with UI many times over this last year with constituents and they've been very responsive. They've always brought an arborist out. We've always met with engineers and contractors and they've never cut anybody's trees down without permission, and many times they've actually made arrangements to leave the trees intact.

So I think a lot of it is communication and I think they've done a lot in a short time. We've asked them to do a lot in this Body, so I think we have to communicate better, but in my town, at least fortunately in our town, North Haven, we've had very good communications with UI. That's all.

SENATOR DUFF: Thank you, Representative. Any other? Thank you, sir.

REP. D'AGOSTINO: I appreciate it.

SENATOR DUFF: Representative Demicco.

dialogue that's occurred there's a lot of complex issues but they're still being developed, so we haven't actually got the system in place yet but we're getting much closer.

REP. MORRIS: If we were to pass this bill as written, is it then conceivable that there could be some costs that could be applied to this after the fact by PURA or someone?

ELIN KATZ: I'm sorry, I'm not following. Costs for PURA of this?

REP. MORRIS: Right. For the approval.

ELIN KATZ: Yeah. Well, you've already previously authorized PURA to go out and develop a system. This one, what I see as a rather technical change is just clarifying that they can take enforcement action against people, not just who might seek authorization and then violate the terms of the authorization, but people who don't seek authorization at all, just sort of, arguably a perverse disincentive to even seek authorization in the first place.

REP. MORRIS: Thank you. Thank you, Mr. Chairman.

SENATOR DUFF: Thank you, Representative. Any other questions? Thank you, Elin and Joe for coming in. Appreciate it.

ELIN KATZ: Thank you.

SENATOR DUFF: Next is Rebecca Bombero, followed by Mary Mushinsky, if she's coming up, followed by Bryan Garcia and Brian Farnen, from CEFIA.

REBECCA BOMBERO: Good afternoon. My name is Rebecca Bombero. I am the Acting Director of Parks, Recreation and Trees for the City of New Haven. Recognizing your limited time, I have

HB5408

submitted written testimony that I will refer to, but I am also speaking in support of H.B. 5408 AN ACT CONCERNING TREE TRIMMING and a lot of my comments are similar to those of Representative D'Agostino.

So what I want to do is give you more of the municipal perspective on this. Our department is responsible for protecting the urban canopy. The urban canopy is an important resource and reduces cooling costs, releases storm water runoff, brings beauty to our streets, and especially important in New Haven where we have a very high rate of asthma, it serves as a filter for greenhouse gases, a natural filter.

So our department is going to be responsible for implementing with the municipal side of the enhanced tree-trimming program, which is what UI has proposed coming out of PA13-298.

The bill before you is an important first step in clarifying the appeals process, but we do have a number of concerns. The first being, there are over 30,000 street trees in the City of New Haven.

This eight-year process means that that every year in addition to the approximate 3,700 trees that we're going to have to inspect for the City, there's also going to be a considerable number of private trees where the tree warden, who is a member of my department, will have to preside over a hearing process, a considerable amount of work, and that level of work will probably be echoed at the PURA level.

In addition, what the bill does not include right now, nor does the initial public act is the cost that's going to incur to a municipality in terms of replacing these trees.

The UI proposal does not contemplate replacement of trees, nor does it contemplate the removal of stumps. So those are things that we're looking at right now as a big cost for the city in terms of replacing and enhancing the tree bills, and I'd be happy to answer any questions you guys may have.

SENATOR DUFF: Thank you. We appreciate it. Any questions from members of the Committee? Thank you so much. Representative Mushinsky, Mary, and then after Mary we have Bryan and then we're going to go to the public after that. We'll squeeze everybody in.

REP. MUSHINSKY: Senator Duff and Representative Reed, members of the Committee, I'm Mary Mushinsky representing Wallingford. I'm here in support of House Bill 5172 appropriating funds for the Public Educational and Governmental Programming and Education Technology Investment Account, otherwise known as PEGPETIA, which my colleague Representative Demicco is also supporting.

I believe it was 2013 there was a raid on this fund which raises \$4 million a year from customers and it is supposed to be used for public education and communications. As the budget was in deficit, the fund was swept and I was able to stall it a week or so in the Finance Revenue and Bonding Committee because there were grant recipients who had already been notified they had won their grant but they had not yet received their money and we did change the language to spare grant recipients who were already in the pipeline, and I want to thank the Committee Co-Chairs for helping with that effort.

It is appropriate to restore the use of the fund now that we have a surplus and to use it

**JOINT
STANDING
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**ENERGY AND
TECHNOLOGY
PART 2
479 – 705**

2014

STATEMENT
OF
UNITED ILLUMINATING COMPANY
TO THE ENERGY & TECHNOLOGY COMMITTEE

MARCH 4, 20014

RE:

HB 5408

HB 5408 – AN ACT CONCERNING TREE TRIMMING

Senator Duff, Representative Reed and members of the Energy & Technology Committee. The United Illuminating Company (UI) thanks the Committee for the opportunity to file this statement regarding HB 5408. UI is the electric distribution affiliate of UIL Holdings Corporation headquartered in New Haven, CT.

UI does not oppose nor support the provisions of HB 5408. However, the Company believes that the proposal is not necessary.

In 2013 the Connecticut General Assembly adopted Public Act 13-298 (section 60) to make amendments to the process that utilities, including UI, must follow regarding pruning and/or removal of trees that may interfere with electric distribution facilities. The act allows electric and telecommunications companies to perform vegetation management, including pruning and removing vegetation that jeopardizes utility infrastructure, while retaining compatible vegetation that does not, within a "utility protection zone" (UPZ) to secure the reliability of utility services by protecting wires and other utility infrastructure from trees, shrubs, and other vegetation in the zone.

PA 13-298 also established a process whereby property owners may object to the company's proposed tree trimming or removal under the care and control of the local tree wardens. The appeals process has specific timelines and requirements on the company and the tree warden who must issue a decision on customer objections. The act also allows either the objecting party or the utility to appeal the tree warden's decision to the Public Utilities Regulatory Authority (PURA). The authority may authorize the pruning or removal of any tree or shrub that is the subject of the hearing if it finds that public convenience and necessity require it.

HB 5408 proposes that the burden of proving that public convenience and necessity require such action shall be on the utility. As a matter of practice, the utility would have already presented its evidence to the tree warden in support of its position regarding an objection to trim or remove tree or trees within the UPZ. PURA would, under most circumstances require the Company to provide the same or additional evidence to support the need for a finding that the pruning or removal of any tree is in the public benefit, regardless of the Company or a property owner is appealing the tree warden's decision.

If the Committee has any questions regarding this matter, please contact Carlos M. Vázquez, UIL's Senior Director of Government Relations at 203-521-2455 or Al Carbone at 203-671-4421.

Senator Duff, Representative Reed and members of the Energy & Technology Committee. My name is Roddy Diotalevi and I'm Senior Director of Sales & Marketing for UIL Holdings Corporation (UIL), the corporate parent company of The United Illuminating Company (UI). I thank you for this opportunity to offer these comments in opposition of HB 5412 - An Act Concerning Shared Clean Energy Facilities.

UI opposes the bill for the following reasons:

The bill attempts to create an unregulated retail electricity sales market. The bill has no rules. Anyone with a Class I renewable energy source can sell the energy produced by the facility to "subscribers" at any price. The end result is that any Class I renewable energy source can make retail sales of electricity but without any regulation, rate or otherwise. There are no licensing requirements for the owner or operator of the generating facility. There are no restrictions on the relationship between the facility and its subscribers (aside from minimal disclosure provisions). Indeed, there is no oversight whatsoever over the operations of what would be a newly created retail energy sales market.

There are no customer protections in the bill. There is no mechanism in the bill that protects subscribers, the customers of the shared facility. Energy can be priced by the facility at will. It is more than likely that the price charged for the energy will far exceed the cost to generate. Essentially the shared clean energy facility only has costs associated with generating electricity but the electric distribution company (EDC) bill credit is the EDC full bundled regulated rate. There would be an incentive to price the output at or near the bundled utility rate. There is no governing body to which the subscribers can submit issues, concerns, or disputes in connection with the facility and the manner in which it makes its retail sales of energy. If a retail end user fails to pay the Class I renewable energy facility, there are no protections from termination and no required procedures that the facility must follow to terminate service.

The bill would allow renewable energy facilities to utilize the delivery system of the electric distribution company without compensation. If the bill were enacted, the electric distribution company's delivery system would be used to deliver electricity from facilities to their "subscribers" at no cost to the subscriber or the owner operator of the facility. Indeed, as the bill is constructed the EDC would be paying the "subscribers" not only the cost of the delivery but the entire bundled bill cost per kilowatt-hour. The EDC's system cannot and should not be commandeered, without compensation, for the benefit of the Class I renewable energy source.

The Bill allows "subscribers" to avoid paying their share of the EDC's costs of building and maintaining a delivery system for all users. The bill provides for non-"subscribers" to subsidize "subscribers." An EDC's delivery system must be ready to serve customers at all times. Every generating facility, including Class I renewable energy sources, must shut down for maintenance from time to time and could also have a forced outage at any time. Therefore retail

end users of the shared facility would need to continue to be customers of the EDC even if they were retail customers of a Class I renewable energy source 99% of the time. While the end user might only need to purchase electricity from the EDC 1% of the time – 87.6 hours in a year – the EDC must be prepared to serve that customer 100% of the time, and must build and maintain a delivery system that is adequate to do so. Yet under the Bill, the EDC would be billing the retail end user only a small fraction of the year. During the entire rest of the time, the EDC would be paying the retail end user for the cost of delivery and, as noted above, the renewable energy facility is permitted to use the EDC's transmission and distribution system without paying for that use. While the facility is simply generating energy, the credit that an EDC must provide to a subscriber is a total bundled credit for transmission, distribution, systems benefits charge, conservation and load management charge, etc. The EDC is therefore not recovering the full costs of operating its delivery system. These costs must then be shifted to all other customers (i.e., all other customers are subsidizing the facility and its new market). Until an EDC's rates are adjusted in a rate proceeding to account for this cost shift, the EDC will not be recovering its costs.

The bill raises a host of other legal issues. For example: The bill allows Class I renewable energy facilities to make unlicensed retail sales, and to make retail sales as if the facilities were themselves electric distribution companies – but with no public service obligations and no requirement to invest in delivery infrastructure, other than interconnection with the EDC.

The bill creates winners and losers among the EDC's customers, potentially violating the requirement that rates be not unreasonably discriminatory against any group of customers. The bill creates cost shifts that, if not adjusted for, amount to a taking of the delivery system because the EDC will not have a means-to-recover the costs of operating its system. The Bill enables one class of generators to use the EDC's delivery system without compensation.

If the committee believes that further legal analysis would be beneficial, the Company will be happy to work with the committee and stakeholders to provide an update on legal issues in the coming days. These issues have been considered by PURA and its predecessor DPUC, state and federal courts over the years

UIL thanks you for the opportunity to offer these comments on RB 5412 - An Act Concerning shared clean energy facilities. I will try to answer any questions you may have.



State of Connecticut
HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE MIKE D'AGOSTINO
 91ST ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
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MEMBER
 EDUCATION COMMITTEE
 FINANCE REVENUE & BONDING COMMITTEE
 GOVERNMENT ADMINISTRATION & ELECTIONS
 COMMITTEE

Energy and Technology Committee Public Hearing
Tuesday, March 4, 2014
Testimony in Support of
HB 5408 An Act Concerning Tree Trimming

Senator Duff, Representative Reed and distinguished members of the Energy and Technology Committee, thank you for the opportunity to submit written testimony on H.B. 5408 *An Act Concerning Tree Trimming*.

I represent Hamden's 91st Assembly District:

- It is a diverse district with compact walking neighborhoods in Whitneyville to bucolic farmland in Dunbar Hill.
- It is in UI's service area: PILOT AREA in DUNBAR Hill Neighborhood
- UI's plans resulted in significant interest and consternation
- Community meetings; several hundred attendees
- An organization, "Hamden Alliance for Trees" formed, some of whom are here today and have contacted Chairwoman Reed.
- PURA coming to Hamden on Thursday for public hearing on its docket concerning utilities' plans.

I wholeheartedly support this piece of legislation and its initiative to clarify that the utility bears the burden of proof, if the utility appeals a tree warden's decision to prevent the utility from culling a tree.

I am here to ask you to do more. The Act is a perfect vehicle for the Legislature to make necessary and critical revisions that will balance the rights of our citizens with the desire to ensure reliable power.

No one, certainly not the Dunbar Hill Residents, disputes the need to trim or remove damaged, dangerous or dying trees that jeopardize the power infrastructure and safety of community.

But the utilities “one size fits all” approach, – an 8ft zone clearing anything, including healthy trees, is drastic and unnecessary and does not take into account the differing nature of **each home, each street, each neighborhood, each town.**

Issues are not just aesthetic and environmental. There is a practical need to revise the laws regarding tree trimming.

- I am not just here as a community representative; I am here as a homeowner with personal experience. **A Contractor told me if I did not agree to the removal, I would be billed for any resulting power outage caused by that tree.**
- What has become clear in our meetings with UI, is that UI leaves tree identification to its contractors.
- There is no on-site oversight as to what the contractors recommend; nor is there any consistent approach to how they identify trees for culling.
- UI has no comprehensive approach to tree management. If it is in the zone – tag, it lets the tree warden decide.

Here are several revisions to the statutory scheme of Sec. 16-234 that my constituency and I respectfully recommend to this Committee:

- I. Require utilities to obtain written consent from property owners for removal of trees on private property.
 - Right of way v. private trees a critical distinction
 - Private affirmative consent NOT currently required by CGS §16-234 (PA 13-298, sec. 60).
- II. Place the burden on the utility to prove that a tree is in the public right of way
 - No consistent definition of public right of way
- III. Require that utilities provide a direct phone line and email account to assigned to handle questions on (and/or objections to) tree trimming and removal
 - **And allow objections to be made via that dedicated phone line and/or a dedicated email account -- both prominently displayed on the notice.**

I am here to ask you to do more. The Act is a perfect vehicle for the Legislature to make necessary and critical revisions that will balance the rights of our citizens with the desire to ensure reliable power.

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- II. Place the burden on the utility to prove that a tree is in the public right of way
 - No consistent definition of public right of way
- III. Require that utilities provide a direct phone line and email account to assigned to handle questions on (and/or objections to) tree trimming and removal
 - **And allow objections to be made via that dedicated phone line and/or a dedicated email account -- both prominently displayed on the notice.**

- IV. Create greater accountability of tree service contractors through the requirement of a performance bond.
- V. Embed in the statute the Tree Warden's power to have final say to a trees fate, based not only on potential hazards, but also to the importance of or historical presence of any given tree in any given neighborhood
- VI. Require PURA to conduct a biannual review and evaluation of utility's the plan, including public comment, to allow for adjustments as needed
- VII. Require utilities to plant a replacement tree for every healthy tree removed, at owner's request; require utilities to grind stumps of removed trees, at owner's request.

These revisions strike the balance between our role as legislators setting policy and PURA's role in overseeing the utilities on a day-to-day basis.

We understand that the storms and power outages we have experienced the past couple of years have been disruptive and even dangerous. It is understandable that we have become reactionary in light of that experience. We blame the utilities, they blame the trees.

But we should not be so reactionary as to completely alter the character of our landscape, our land, our towns, our streets.

Thank you Madam Chairwoman and Mr. Chairmen and Committee members for the opportunity to present testimony.

Sincerely,



Michael D'Agostino
91st District

City of New Haven
Toni N. Harp – Mayor



Testimony Regarding
HB 5408 – AN ACT CONCERNING TREE TRIMMING
Submitted by
**Rebecca Bombero, Acting Director Parks, Recreation and Trees
& Christy Hass, Deputy Director & Tree Warden**
March 4, 2014

Sen. Duff, Rep. Reed, members of the committee. Thank you for the opportunity to comment on HB 5408, An Act Concerning Tree Trimming, which we see as a good first step in recognizing some of the challenges created out of PA 13-298.

Our urban canopy is an important resource that reduces cooling costs, reduces storm water runoff, helps the environment filtering greenhouse gasses, and brings beauty to our streets. Public Act 13-298 amended the statutes as they relate to public utilities and the removal of trees. For those of us in the UI territory, we know that this has translated into the "Enhanced Tree Trimming (ETT) Program" which has sparked considerable concern within our community.

We as a city also have multiple concerns. First, PA 13-298 moved the appeals process of a Tree Warden's decision from Superior Court to PURA for utility trimming. The proposed legislation begins to address this by clarifying that the burden of proof exists with the utility at such hearing, which is a good first step, but must go further to define what PURA must consider as a standard in balancing utility service with environmental, health and community concerns. Second, while the new legislation defines hazard trees, the proposed UI ETT Program does not include the consideration of the health of a tree in its pruning/clearing proposals. The utility intends to propose the removal of all trees within 8 feet of a utility wire – essentially more than fifty percent of all the trees in the tree belt in New Haven over the next eight years. Moreover, the ETT proposal does not include a plan for the replacement of trees, or the removal of stumps which will present a considerable financial burden upon each municipality as we work to preserve and protect our environment.

We have had an introductory meeting with UI surrounding this and other infrastructure projects scheduled for this year. From our initial meeting we understand that UI is still in the planning process, and as you may be aware, a decision on the PURA docket 12-01-10 which will frame this policy has again been delayed, and PURA will hold additional hearings this Thursday. Even without all the details, the City has historically, and will

continue to engage with UI in the review and documentation of trees prior to the decisions for removal. As has been the case with infrastructure projects in the past, the city personnel will walk every circuit that is scheduled for work to identify the trees that UI is interested in targeting for trimming and removal within the tree belt. An initial determination will be made for which trees that the Tree Warden will permit to be trimmed and or removed. The Tree Warden will approach this process with the goal of removing dead, diseased or hazardous trees and protecting healthy trees and the overall urban canopy. No tree will ever be removed without proper notification of residents through postings and due process and review through the Tree Warden hearing process.

We are concerned based on initial conversations that UI will appeal all of these decisions creating a significant administrative burden for both the City and PURA without legislation further clarifying the policy as it relates to unhealthy trees.

This program will represent a significant expense for the City – an expense not contemplated in the legislation or UI ETT Program proposal. While HB 5408 begins to address some of these concerns, we urge you to consider further refining the statute to clarify requirements on process, and add additional removal and replacement requirements that follow the “right tree, right place” policy that the City has utilized for over five years.

We will continue to work to stress the importance of a healthy urban canopy, and thank you for your time and consideration.

Dear Committee Members:

As you know, United Illuminating plans to remove all trees and tree branches extending eight feet from either side of overhead electrical lines from ground to sky, including trees on private property. This plan will go before the Public Utilities Regulatory Authority (PURA) on Thursday night March 6 at 6:30 pm in the auditorium the Hamden Middle school at 2623 Dixwell Avenue

Therefore, I write concerning House Bill 5408 on tree trimming.

Utility companies must be required to obtain written consent from property owners for removal of trees on private property.

It is my understanding that United Illuminating had the state statute on tree cutting quietly rewritten last year. This included the section on tree cutting on private property, but no one seemed to be aware of what was going on.

Before the spring of 2013, state statute required that the utility companies had to notify a property owner by certified letter, if they wanted to cut down a tree on private property. If the property owner did not reply within ten days, it meant the property owner did **not give "consent"**. And the tree could not be cut down!

Under the changes made in the state statute last year, if UI or another utility company wants to cut down a tree on private property, the utility company notifies the property owner by ringing the door bell or leaving a door hanger. (In two meetings held in Hamden on January 13th and 15th, UI explained it would no longer send certified letters to property owners, but ring door bells and leave door hangers.) **If the property owner does not respond within ten days, it means the property owner has given "consent"**. And UI can cut down the tree at will on private property! This new definition of "consent" makes no allowance for a property owner on vacation, away on business, out of the country, in the hospital, etc. So, when a property owner returns home, he or she will find their tree or trees cut down. This can not be allowed to happen. **Utility companies must be required to obtain written consent from property owners for removal of trees on private property.**

Therefore, I request that this issue (utility companies must be required to obtain written consent from property owners for removal of trees on private property) be addressed in Bill 5408

Thank you for your consideration on this issue

John J. Morrison, Vice President
Spring Glen Civic Association
1692 Whitney Avenue
Hamden, CT 06517

Testimony on House Bill 5408**March 2, 2014**

To the Energy Committee:

My wife and I understand that you have filed a bill related to tree trimming and this is to be taken up on Tuesday morning.

As Executive Committee members of the Hamden Alliance for Trees, a group that has formed to deal with the issues surrounding the United Illuminating's ETT plan and the work of PURA in deciding how this will play out in our town and neighborhoods we have been very active in trying to get a more balanced approach to this issue.

Suffice to say, we are very worried in general about the wholesale removal of trees as will happen should U.I. have their way.

We would hope and encourage you to consider strong language when it comes to regulating something as important as the *public* resources that our street trees are.

With that in mind, we would suggest the following ideas, as key components to any legislation:

1. Insist on biannual review and evaluation of the plan, including public comment, to allow for adjustments as needed
2. Require utilities to obtain written consent from property owners for removal of trees on private property
3. Improve the definitions of what is a hazardous tree and require each tree to be assessed by utilizing the International Society of Arboriculture (ISA) *Basic Tree Risk Assessment Form* or similar industry-wide system. (see attached PDF)
4. Require utilities to plant a replacement tree for every tree removed
5. Require utilities to grind stumps of removed trees
6. Require that utilities provide a direct phone line to a customer service representative assigned to handle questions on (and/or objections to) tree trimming and removal
7. Create greater accountability of tree service contractors through the requirement of a performance bond
8. Allow a Town or municipalities Tree Warden to have final say to a trees fate, based not only on potential hazards, but also to the importance of or historical presence of any given tree in any given neighborhood.

Bob Pattison
Susan Sternberg
21 Barrett Street
Hamden, CT 06517
203-449-2710

ISA Basic Tree Risk Assessment Form

Client _____ Date _____ Time _____
 Address/Tree location _____ Tree no. _____ Sheet _____ of _____
 Tree species _____ dbh _____ Height _____ Crown spread dia _____
 Assessor(s) _____ Time frame _____ Tools used _____

Target Assessment

Target number	Target description	Target zone			Occupancy rate 1 - rare 2 - occasional 3 - frequent 4 - constant	Practical to move target?	Restriction practical?
		Target within drip line	Target within 1 x Ht	Target within 1.5 x Ht.			
1							
2							
3							
4							

Site Factors

History of failures _____ Topography Flat Slope % Aspect _____
 Site changes None Grade change Site clearing Changed soil hydrology Root cuts Describe _____
 Soil conditions Limited volume Saturated Shallow Compacted Pavement over roots % Describe _____
 Prevailing wind direction _____ Common weather Strong winds Ice Snow Heavy rain Describe _____

Tree Health and Species Profile

Vigor Low Normal High Foliage None (seasonal) None (dead) Normal _____% Chlorotic _____% Necrotic _____%
 Pests _____ Abiotic _____
 Species failure profile Branches Trunk Roots Describe _____

Load Factors

Wind exposure Protected Partial Full Wind funneling _____ Relative crown size Small Medium Large
 Crown density Sparse Normal Dense Interior branches Few Normal Dense Vines/Mistletoe/Moss _____
 Recent or planned change in load factors _____

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown LCR _____% Cracks _____ Lightning damage
 Dead twigs/branches _____% overall Max dia. _____ Codominant _____ Included bark
 Broken/Hangers Number _____ Max. dia. _____ Weak attachments _____ Cavity/Nest hole _____% circ
 Over-extended branches Previous branch failures _____ Similar branches present
 Pruning history Dead/Missing bark Cankers/Galls/Burls Sapwood damage/decay
 Crown cleaned Thinned Raised Conks Heartwood decay _____
 Reduced Topped Lion-tailed Response growth _____
 Flush cuts Other _____

Main concern(s) _____

Load on defect N/A Minor Moderate Significant _____

Likelihood of failure Improbable Possible Probable Imminent _____

— Trunk —

Dead/Missing bark Abnormal bark texture/color
 Codominant stems Included bark Cracks
 Sapwood damage/decay Cankers/Galls/Burls Sap ooze
 Lightning damage Heartwood decay Conks/Mushrooms
 Cavity/Nest hole _____% circ Depth _____ Poor taper
 Lean _____ Corrected? _____

Response growth _____

Main concern(s) _____

Load on defect N/A Minor Moderate Significant

Likelihood of failure Improbable Possible Probable Imminent

— Roots and Root Collar —

Collar buried/Not visible Depth _____ Stem girdling
 Dead Decay Conks/Mushrooms
 Ooze Cavity _____% circ.
 Cracks Cut/Damaged roots Distance from trunk _____
 Root plate lifting Soil weakness

Response growth _____

Main concern(s) _____

Load on defect N/A Minor Moderate Significant

Likelihood of failure Improbable Possible Probable Imminent

Testimony on House Bill 5408

March 3, 2014

To Whom It May Concern:

This is testimony regarding House Bill 5408 -- An Act Concerning Tree Trimming.

I support the idea in your proposed bill and agree that the burden of proof for tree trimming or removal should fall upon the Utility. Additionally, please consider the following proposals that will help protect our trees, our neighborhoods, and the environment:

- Require utilities to obtain written consent from property owners for removal of trees on private property
- Require utilities to give one month's notice to Abutting Property Owners -- via certified mail -- for proposed removal of trees on public property, with clear instructions on how to object
- Allow the local Tree Warden to have final say as to whether a tree is removed
- Do not allow healthy trees to be removed or overly trimmed
- Require Utility to grind stumps of removed trees
- Require Utility to plant a replacement tree, as close as possible to the old one, for each tree removed
- Create greater accountability of tree service companies by requiring a 100% performance bond
- Require Utility to provide a direct phone line to a customer-service representative assigned to handle questions and/or objections regarding tree trimming or removal

Thank you for your consideration,

Jill Nathanson
Member, Hamden Alliance for Trees
Co-founder, Save Hamden Trees

54 Glendower Road
Hamden, CT 06517
203-687-8277

Testimony on House Bill 5408

Dear Energy Committee,

As a resident of New Haven, I am extremely concerned about what I see as a broad-brush approach in the Electric Utility's plan for enhanced trimming. In walking my own neighborhood, I was astonished. I read the utility plan and then walked several blocks with a tape measure, checking to see which trees would be eliminated following the document the utilities have written. My lovely neighborhood will be decimated as dozens of trees are either completely eliminated whether they are healthy or not, and many more will be trimmed so drastically that they may become unstable and dangerous. I suggest the following as a way to require the Utilities, UI and CL&P, to rethink their plan which takes no notice of the value that a healthy urban forest gives to a city and a neighborhood, such as increased property values, attractiveness, shade in summer (including lower air conditioning expenses!), and (amazingly!) controlling speed on streets! Studies have shown that drivers drive more slowly on streets with mature trees! In addition, I suggest the following:

1. There is nothing in the UI plan for annual review. I suggest semiannual review, including public comment and adjustment. This should be the responsibility of the Utilities, and results should be public published in a timely manner.
2. Utilities say it is enough to send a letter notifying property owners of plans to cut or trim. If home owners don't respond, that means the utility has their approval. What if letters are lost, incorrectly addressed, or people have moved and there are new owners? What if a property is a rental and the landlord doesn't care, but the tenants do? Do tenants have no chance to have input? I think utilities should have to get written approval, not just silence, to proceed.
3. In New Haven, there is a process for removing trees, including the New Haven arborist. This power should not somehow go to the utilities. A city should have the right to control its urban forest, including on city streets.
4. UI's document says they will grind stumps and replace trees, but only at their discretion. I think they should be expected and required to grind and replace, and the city and home owners should have some say in what the replacements are. UI only wants to follow a "right tree, right place" policy, but that seems to be limited to small ornamentals, some of which are not native or attractive, and will not grow to be mature, beautiful, shade-giving trees.
5. It's very hard to get through to the utilities on the phone, and emails are often not answered. There should be a direct, customer line, manned by enough people to provide someone to speak with for questions or complaints, within a reasonable wait period.
6. Local contractors should be given a chance to participate. I've spoken with a couple of local contractors who were not given a chance to bid on any of the work. Some have not heard that an out of state company from New York was given the work, which will total tens of millions of dollars, which I think should stay in CT, helping provide badly needed jobs and keeping more of

the money in CT. Also, there should be an annual performance review of how the trimming and cutting is going.

Last: Apparently, electric utilities are guaranteed a particular profit by the state. As a result, they surely should be held to a high standard of performance not only in how they deliver electric service, but also in terms of transparency with the public.

Yours,

Bill Kaplan
President, Ronan-Edgehill Neighborhood Association
43 Autumn St.
New Haven, CT
203-787-5652

Testimony on House Bill 5408

Dear Connecticut Legislators:

I think trees are one of Connecticut's most valuable assets. Any legislation passed about how utility companies interact with trees should:

1. Insist on biannual review and evaluation of the plan, including public comment, to allow for adjustments as needed
2. Require utilities to obtain written consent from property owners for removal of trees on private property
3. Improve the definitions of what is a hazardous tree and require each tree to be assessed by utilizing the International Society of Arboriculture (ISA) *Basic Tree Risk Assessment Form* or similar industry-wide system.
4. Require utilities to plant a replacement tree for every tree removed
5. Require utilities to grind stumps of removed trees
6. Require that utilities provide a direct phone line to a customer service representative assigned to handle questions on (and/or objections to) tree trimming and removal
7. Create greater accountability of tree service contractors through the requirement of a performance bond
8. Allow a Town or municipalities Tree Warden to have final say to a trees fate, based not only on potential hazards, but also to the importance of or historical presence of any given tree in any given neighborhood.

Thank you.

Heather Jessen
63 Ogden St.
New Haven, CT 06511

HB 5408

Please support all of the requests made by Hamden Alliance for Trees. I am an active member of my Democratic Town committee and my local civic association. I do not want PURA to make unilateral decisions regarding my trees in my town. PURA and the utilities have gone too far in the direction of favoring utilities and not the citizens of CT. Thank you for your consideration of this matter.

--

Elaine M. Dove
137 Santa Fe Ave.
Hamden, CT 06517
203-288-5095

To Energy Committee:

Regarding the 'notice' section of House Bill 5408 we very urgently recommend that Utilities (UI) be required to obtain written consent from property owners for removal of trees on private property.

Before spring of 2013 UI was required to notify a property owner by letter if UI wanted to cut down a tree on private property. If the property owner did not reply within ten days the answer was NO. The property owner did not give consent. And UI could not cut down the tree.

Now if UI wants to cut down a tree on private property UI notifies the property owner by ringing the door bell or leaving a door hanger. If the property owner does not respond within ten days the answer is Yes. NO reply means the property owner has given "consent". And UI can cut down the tree at will on our property. This new definition of "consent" makes no allowance for a property owner in the hospital, on vacation, away on business, out of the country, etc. So we could return home to find our tree or trees cut down, without ever having the opportunity to give "consent". This is a violation of our rights as property owners. UI and its contractors must be required to notify us of their intent to cut down any tree on our property by mail. When there is no response to that letter then we as property owners do NOT give consent.

We urgently recommend that Utilities be required to obtain written consent from property owners for removal of trees on private property. This requirement must be written into the notice section of House Bill 5408 (tree trimming). The language must be revised to provide property owners the appropriate opportunity to make our interests known so we will not be ignored by UI and its contractors which is too easy with the current process as it has been written.

We urge you to represent our interests, as voters and property owners, as well as the interests of the utility companies.

Carol T and Sanford J. Schreiber

Carol T. Schreiber
15 Charlson Lane
Hamden, CT 06517
203-287-1512
drschreiber@comcast.net
cschreiber@aya.vale.edu

Testimony for March 4th hearing Re House bill 5408

3/3/14

To Whom It may Concern:

My name is Diane Hoffman, I reside at 190 Wilmot Rd. Hamden CT 06514

I am submitted this testimony for the March 4th hearing Re House bill 5408.

I am writing to strongly request that the following conditions be incorporated into this Bill.

1. A biannual review and evaluation of the utilities' plans, including public comment, to allow for adjustments as needed
2. Require utilities to obtain written consent from property owners for removal of trees on private property - this is critical and currently NOT required in the statute.
3. Improve the definitions of what is a hazardous tree and require each tree to be assessed by utilizing the International Society of Arboriculture (ISA) Basic Tree Risk Assessment Form or similar industry-wide system.
4. Require utilities to plant a replacement tree for every tree removed
5. Require utilities to grind stumps of removed trees
6. Require that utilities provide a direct phone line to a customer service representative assigned to handle questions on (and/or objections to) tree trimming and removal
7. Create greater accountability of tree service contractors through the requirement of a performance bond
8. Allow a Town or municipalities Tree Warden to have final say to a trees fate, based not only on potential hazards, but also to the importance of or historical presence of any given tree in any given neighborhood.

I believe these conditions are necessary to ensure that the Bill that is approved protects the rights of private property owners and protects the environmental, societal and economic benefits trees provide to all of us

In order to accomplish those goals there must be accountability and a commitment to timely, reliable and accurate communication.

Thank you for your attention and consideration.

Sincerely,

Diane Hoffman

Member - Executive Committee of The Hamden Alliance for Trees

HB 5408

The following is a list of requirements that are being submitted by the Hamden Alliance for Trees (HAT). I agree with them and request that they be included in legislation (HB 5408) that is being proposed and that relates to the handling of Connecticut trees:

1. Insist on biannual review and evaluation of the plan, including public comment, to allow for adjustments as needed
2. Require utilities to obtain written consent from property owners for removal of trees on private property
3. Improve the definitions of what is a hazardous tree and require each tree to be assessed by utilizing the International Society of Arboriculture (ISA) *Basic Tree Risk Assessment Form* or similar industry-wide system.
4. Require utilities to plant a replacement tree for every tree removed
5. Require utilities to grind stumps of removed trees
6. Require that utilities provide a direct phone line to a customer service representative assigned to handle questions on (and/or objections to) tree trimming and removal
7. Create greater accountability of tree service contractors through the requirement of a performance bond
8. Allow a Town or municipalities Tree Warden to have final say to a trees fate, based not only on potential hazards, but also to the importance of or historical presence of any given tree in any given neighborhood.

Thank you,
Ann Diamond
596 Prospect St
Apt. C-3
New Haven, CT 06511
(203) 562-4408

Testimony regarding House Bill 5408 - Tuesday, Mar 4 Hearing

To whom it may concern:

I understand the Legislative Committee on Energy will hold a hearing on a possible bill on Tree Trimming (AAA Tree Trimming) on Tuesday, March 4, 2014. This is a very important issue for the state of CT for both environmental and economic reasons. I respectfully ask that the following items be considered for inclusion in this bill, and that this bill remain active:

-Insist on biannual reviews and evaluations of the UI and CL&P tree trimming/vegetation management plans, including public comment, to allow for adjustments as needed

-Require utility companies to obtain written consent from property owners for removal of trees on private property

-Require utility companies to plant a replacement tree for every hazardous tree removed

-Require utility companies to grind stumps of removed trees (and not on an ad hoc basis)

-Require that utility companies provide a direct phone line to a customer service representative assigned to handle questions on (and/or objections to) tree trimming and removal

-Create greater accountability of tree removal service contractors by requiring a performance bond

Sincerely,

Lisa Kleintjes Kamemoto

Resident of Hamden, CT

And Executive Committee member of Hamden Alliance for Trees

Testimony on House Bill 5408

Please require utilities to obtain written permission from homeowner prior to cutting trees, plant replacement trees and remove stumps. Please consider carefully what is a hazardous tree and reevaluate the program at least once a year if not more often.

Stephen Grossman
17 Greenway Street
Hamden Ct 06517

House Bill 5408

I'm writing today as a 36 year resident of the Whitneyville section of Hamden, a neighborhood where street trees are vital. Please consider including in House Bill 5408 the following requirements:

- 1 - written consent from homeowner for tree removal by the utilities
- 2 - stump grinding by the utilities
- 3 - a performance bond for work done by the tree pruning/removal company

Sincerely,

Janet Kazienko
Member of Whitneyville Gardening Club
Whitneyville Civic Association
Hamden Alliance for Trees



Connecting people to the land since 1895

16 Maiden Road
Rockfall
Connecticut 06481-2961
Tele 860-346-TRIP
www.ctwoodlands.org

Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association

Public Hearing Subject Matter	Position
<u>RAISED BILL 5408</u> : AN ACT CONCERNING TREE TRIMMING.	No Position

Co-Chairs Duff, Reed, and Members of the Energy & Technology Committee:

The Connecticut Forest & Park Association (CFPA) is the first conservation organization established in Connecticut (1895). CFPA has offered testimony before the Legislature on issues such as sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation for over 115 years.

Today, I am here to testify on Raised Bill 5408, but I note that CFPA has not yet developed a position on this bill because we imagine it may change significantly depending upon the final decision rendered by PURA in docket #12-01-10 ("PURA Investigation into the Tree Trimming Practices of Connecticut's Utility Companies") which is still open.

At this early stage, I want to register my interest in the subject matter of Raised Bill 5408 and make a few points for the record:

1. As a recommendation from the Governor's Two Storm Panel, DEEP appointed a State Vegetation Management Task Force (Task Force) consisting of representatives from the electric and telecommunications utilities, municipal tree wardens, private arborists, department of public works representatives, conservation organizations, and forestry experts from DEEP, the Ag Experiment Station, the Department of Transportation, and the USDA Forest Service. This Task Force presented its recommendations on this matter in its Final Report published in August, 2012. I served as the chair of this Task Force and believe the Final Report represents a model for the collected expertise being involved when considering an important topic such as the management of street and roadside trees that both impacts and benefits citizens directly in so many ways.
2. As a follow-up to the Task Force report, members of the Task Force united to negotiate Section 60 of Public Act 13-298 last year. We believe 13-298 has merit and deserves an opportunity to show that it can work.
3. As mentioned above, PURA is working on its final decision for docket # 12-01-10 that should consider Section 60 of 13-298.
4. If the final decision of 12-01-10 requires that there be additional legislation on this important issue, I hope that you will involve the Task Force in providing input and expertise to help shape a well-rounded outcome.

Thank you for the opportunity to testify. I would be glad to respond to any questions you may have.

March 3, 2014

Good afternoon. Please accept the testimony below for the hearing tomorrow on AAC Tree Trimming, HB 5408.

Many thanks.

Amanda Kallenbach
Member, Hamden Alliance for Trees
Member, Hamden Land Conservation Trust
Member, New Haven Bird Club

42 Carroll Road
Hamden, CT 06517
P. 203-889-2770

With regard to the "Enhanced Tree Trimming" plan being proposed by the state's utilities, I hope that you will consider the following deeply-held concerns. The healthy survival of Connecticut's treescape, and its citizenry, is at stake.

1. The utilities' plans should be reviewed and evaluated at least biannually to allow for adjustments as needed. Public comment should be solicited.
2. Require utilities to obtain written consent from property owners for removal of trees on private property – this is critical and currently not required.
3. Improve the definitions of what is a hazardous tree and require each tree to be assessed by utilizing the International Society of Arboriculture (ISA) Basic Tree Risk Assessment Form or similar industry-wide system.
4. Require utilities to plant a replacement tree for every tree removed.
5. Require utilities to grind stumps of removed trees.
6. Require that utilities provide a direct phone line to a customer service representative assigned to handle questions on (and/or objections to) tree trimming and removal.
7. Create greater accountability of tree service contractors through the requirement of a performance bond.
8. Allow tree wardens to have final say on the fate of trees in their respective jurisdictions.

To whom it may concern:

As a resident of one of Hamden's urban neighborhoods, I am very concerned about UI's "enhanced tree removal plan." With that in mind, I would like to encourage you to include the following in House Bill 5408:

- adequate publicity of and time for public comment on utility tree removal plans to allow for adjustments in accordance with citizens' concerns
- requirement of written consent from property owners for removal of trees on private property
- require each tree to be assessed by utilizing an industry-approved system, not one of a utility's own creation
- require planting of replacement trees where desired by property owners
- ensure greater accountability of tree service contractors through the requirement of a performance bond
- give municipalities the ability to refuse tree removal
- require utilities to provide a direct phone line for customer service assigned to handling questions and issues regarding tree trimming and removal

Thank you for your attention to this issue important to our neighborhoods.

Kathy Czepiel
Hamden

Dear Legislators.

We are very concerned with the taking down of trees without property owner consent. We ask that you consider the recommendations developed by the Hamden Alliance for Trees in any tree trimming bill, as follows:

1. Provision of biannual review and evaluation of tree trimming plan, including public comment, to allow for adjustments as needed
2. Requirement that utilities to obtain written consent from property owners for removal of trees on private property
3. Full provision of definitions of what is a hazardous tree and require each tree to be assessed by utilizing the International Society of Arboriculture (ISA) *Basic Tree Risk Assessment Form* or similar industry-wide system (see attached PDF)
4. Requirement that utilities to plant a replacement tree for every tree removed
5. Requirement utilities to grind stumps of removed trees
6. Requirement that utilities provide a direct phone line to a customer service representative assigned to handle questions on (and/or objections to) tree trimming and removal
7. Requirement of a performance bond to provide greater accountability of tree service contractors
8. Provision to Allow a Town or municipalities Tree Warden to have final say to a trees fate, based not only on potential hazards, but also to the importance of or historical presence of any given tree in any given neighborhood

Thank you,

Judy Clark

64 Woodlawn Street
Hamden, CT 06517-1337
fmcb_warbler@yahoo.com
March 3, 2014

To: Members of the Energy Committee
Re: House Bill 5408

Like many Connecticut residents, my husband and I are very concerned about the disastrous impact on our town's quality of life and property values that the felling and extensive trimming of trees by the power company (UI) could have. I believe that your committee can play an important role in preventing that disaster.

I have contacted the commissioners at PURA and many other state and local officials about many of our concerns. This letter expresses some further thoughts about this important matter. I respectfully request that you take them into account when working on House Bill 5408.

Please include the following protections against excessive tree removal and trimming in House Bill 5408:

1. **Criteria** for determining whether a given tree should be removed should include the **importance of the tree to the neighborhood and to the adjacent property owner**, not merely the position of the tree in relation to power lines.
2. **Removal of trees on private property should require written consent from the property owners**. Notification with a right to object is NOT enough! Lack of a dissenting response to a notice should not be construed as agreement to the removal: **"silence" is NOT consent**. Property owners may be away for extended periods of time, or may be ill; notices may be delivered to the wrong address -- once in a while we receive mail for other addresses -- and one cannot assume that misdelivered mail will reach its intended recipient.
3. **Proposed removal of trees in the strip between the sidewalk and the street should require detailed consultation with the property owner whose yard is adjacent to that strip.**

If the beautiful horse chestnut tree in front of our house were removed, It would have a major impact on my life. I need to park under it in hot weather, and it beautifies the neighborhood when it is full of pink blossoms. That tree was a gift from a forester and I consider it a family treasure. Since ours is the power-line side of the street, I'm especially worried about what might happen to that tree during an intensive tree-removal program.

It is important for decision makers to realize that wholesale removal of street trees on the power-line side of a street would disproportionately affect the quality of life and property values of property owners on that side of the street.

4. If a property owner and the power company disagree about removal of a street tree, the municipal tree warden should have the final say about whether the tree will be removed.

5. There should be a clear definition of what a hazardous tree is, so that non-hazardous trees are not cut down or pruned more drastically than necessary.

We should value non-hazardous street trees that provide wildlife habitat and thus give people a chance to observe wildlife. I would hope that there are non-hazardous street trees that have some dead wood, or holes that have occurred when limbs fell off, and that such trees will be retained.

Last winter we were delighted to find a Screech Owl using a hole in the street tree in front of our neighbor's house. As far as I can remember, that tree weathered last year's storms without significant damage, and I don't believe that it contributed to the only power outage we experienced in connection with those storms.

6. Power companies engaged in tree removal and trimming should maintain a customer service line with a real person answering the phone, so that customers can ask questions and register objections.

7. Tree-removal/trimming plans should be reviewed periodically, with opportunity for public input, so that adjustments based on experience can be made.

8. Power companies should be required to plant a tree for every tree removed, and for many reasons species that will provide shade should be included in lists of acceptable species for replanting.

Thank you for your consideration of these points. I look forward to finding out what House Bill 5408 looks like.

Sincerely,

Florence S. McBride

Florence S. McBride

Regarding a bill to address tree trimming in Connecticut:

The environmental, economic and aesthetic benefits that old, large canopy producing trees must not be overlooked. These types of trees in particular do a better job than small ornamental or newly planted trees at sequestering carbon, mitigating storm water runoff, lowering air and asphalt temperatures, and providing habitat and food for birds and animals. I encourage that the following be adopted in a bill addressing tree trimming:

- Require that utility companies provide adequate consultation with homeowners and the community at large before conducting any tree removal program.
- Allocate funds and resources to towns and tree wardens that will help facilitate inventory and identification of trees.
- Provide funding and resources to replant all trees removed.
- Require utilities to grind stumps of removed trees in the public right of way.
- Hold utility tree service subcontractors accountable through the requirement of a service bond.

The intersection of trees and electric distribution wires is a complex issue that requires nuance and sensitivity to the many different types of neighborhoods found throughout Connecticut. My hope is that a bill addressing tree trimming will take into account the many benefits that our neighborhood and roadway trees provide and allocate the resources needed to manage and protect them.

Thank you,
Susan Sternberg
21 Barrett Street
Hamden, CT 06517

Testimony of Barbara McCarthy
Before the Energy and Technology Committee

In Support of

H.B. 5410 AAC GAS COMPANIES' COST RECOVERY OF LOST AND UNACCOUNTED FOR GAS

H.B. 5409 AAC HYDRAULIC FRACTURING WASTE

Submitted by
Barbara McCarthy
March 4, 2013

Senator Duff, Representative Reed, and members of the Committee,

Thank you for the opportunity to comment in support of HB 5410, An Act Concerning Gas Companies' Cost Recovery of Lost and Unaccounted for Gas, and HB 5409, An Act Concerning Hydraulic Fracturing Waste. Both bills address problems in the natural gas industry that damage our environment.

HB 5410 seeks to incentive gas companies to repair pipeline leaks that are allowing methane to escape into our atmosphere. I don't think it's fair that gas companies can charge me for gas I'm not even using. The greenhouse gas potential of methane alarms me and I think Connecticut needs to do more to combat it

HB5408
SB237

Currently, natural gas distribution companies are allowed to charge customers for the cost of unlimited "lost and unaccounted for gas," much of which is gas that escapes through small leaks throughout the distribution system.

Companies are only required to fix leaks that threaten public safety, and since they can recover the cost of

leaked gas, they have no incentive to repair non-hazardous leaks. This is troubling on two fronts:

1. Customers are made to bear the cost of gas they are not using; and
 2. Methane has truly dangerous global warming potential—it is 56 times stronger than carbon dioxide over a 20-year period and 21 times stronger over a 100-year period.
- HB 5410 would address these problems by limiting gas companies' ability to recover the cost of lost gas, which provides an incentive to fix leaks; over time, this will cut greenhouse gas emissions and reduce the cost of gas.

A similar bill has been in effect in New York State since the 1990s; the New York Public Service Commission estimates it saves consumers in that state \$48 million a year.

HB 5409 would classify fracking fluid as hazardous waste, closing a loophole in federal law that's allowed it to remain unregulated. I care about the safety of our wells and aquifers, and don't want toxic fracking waste polluting Connecticut's groundwater. I don't think private gas companies should be able to make Connecticut their dumping ground for toxic waste. The regulatory approach in HB 5409 and similar bill

HB 5308 is a positive step, but not sufficient on its own. It would still allow the fluid to be stored and treated in Connecticut. The complete ban in SB 237, before the Environment Committee, is a more comprehensive solution to protect Connecticut's waters and public health.

Please support both HB 5410 and HB 5409. Thank you for your consideration.

Sincerely,

Bebe McCarthy
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