



Oregon

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Public Utility Commission

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April 16, 2007

Via Electronic Filing and Hand Delivery

OREGON PUBLIC UTILITY COMMISSION
ATTENTION: FILING CENTER
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RE: **Docket No. AR 514**- In the Matter of a Rulemaking to Amend Vegetation Clearance Requirements for Electric Transmission Lines over 50,000 Volts.

Enclosed for filing in the above-captioned docket is the Public Utility Commission Staff's Initial Comments. This document is being filed by electronic mail with the PUC Filing Center. Courtesy copies are being provided by email to known interested persons.

/s/ Diane Davis

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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 514

In the Matter of Amending Vegetation)	
Clearance Requirements for Electric)	STAFF COMMENTS DATED
Transmission Lines over 50,000 Volts.)	APRIL 16, 2007

The Staff of the Public Utility Commission of Oregon (OPUC) respectfully submits the following initial comments in this rulemaking docket:

This rulemaking is needed to correct an apparent error made in Commission Order No. 06-547 (Rulemaking Docket AR 506 Phase I). In that order, the Commission adopted OAR 860-024-0016(5)(d), which allows the limited intrusion of small branches and new tree growth in established minimum clearances “provided that the vegetation does not come closer than six inches to the conductor.” As drafted, this limited intrusion provision would apply to transmission conductors, as covered by OAR 860-024-0016(5)(a) and (5)(b). PUC Staff believes that none of the rulemaking participants in AR 506 intended this result. This provision was only intended to apply to distribution facilities, as covered in subsection (5)(c). *See* comments by Portland General Electric, the Oregon Joint Use Association and Staff in the AR 506 Phase I record in Attachment A.

It should also be noted that the original intent in creating the Minimum Vegetation Clearance standards in OAR 860-024-0016 was to adopt a new administrative rule similar to the PUC’s existing policy entitled “Tree To Power Line Clearances.” The limited intrusion provision in that policy applied to “Primary distribution lines” only. Provision A2a of the policy, states that “Transmission lines should have a minimum

clearance of ten feet in all directions.” There is no statement in the policy for allowing vegetation limited intrusion near transmission lines.¹

Allowing vegetation to come within six-inches of transmission lines is unacceptable for both safety and reliability reasons. An amended rule is needed now to ensure that operators of electric transmission lines have programs and perform the necessary trimming to ensure that appropriate vegetation clearances are maintained to transmission lines.

To correct this, PUC Staff is proposing a permanent rule change in this docket that would make the limited intrusion provision applicable to only primary distribution conductors, which are energized between 600 to 50,000 volts. The current section (5) in OAR 860-024-0016 needs to be changed to read as shown in Attachment B.

Staff acknowledges that the North American Electric Reliability Corporation (NERC) and the Federal Energy Reliability Commission (FERC) are currently in the process of changing their vegetation clearance standard for transmission lines. This standard will become federal law when adopted by FERC later this year. Staff will review the revised NERC transmission standard when it is finalized and adopted by FERC. PUC Staff is committed to working with interested persons in making the agency's transmission clearance requirements more in conformity with NERC's standard. This would probably result in another rulemaking effort later this year or early next year on this same matter.

/s/ Jerry Murray

Jerry Murray
Senior Utility Analyst
Utility Safety and Reliability

¹ See PUC Staff's Policy entitled "Tree To Power Line Clearances" issued in 1982 and revised in 1987 at <http://www.puc.state.or.us/PUC/safety/trees.pdf>

Attachment A

Note that the limited intrusion provision, currently identified as subsection (5)(d) of OAR 860-024-0016, was considered or proposed by various parties during the AR 506 Phase I proceeding as OAR 860-024-0016(5)(c)(B).² Those parties included the Oregon Joint Use Association, Portland Electric, and PUC Staff. Their comments relevant to this matter are itemized below:

1. OREGON JOINT USE ASSOCIATION's Supplemental Comments to Docket AR 506, Phase I; electronically filed by Christy Monson; received by the PUC on 5/3/06; especially note page 17 (available at website <http://edocs.puc.state.or.us/efdocs/HAC/ar506hac141548.pdf>)
2. PORTLAND GENERAL ELECTRIC COMPANY's Second Round Comments. Electronically filed by Inara K. Scott on May 25, 2006. See page 7, first paragraph; and see page 10, note 5. (available at website <http://edocs.puc.state.or.us/efdocs/HAC/ar506hac134818.pdf>)
3. Comments of Oregon PUC Staff on Division 24 Proposed Rules, dated August 23, 2006. See the second paragraph, associated with proposed rule OAR 860-024-0016 (available at <http://edocs.puc.state.or.us/efdocs/HAC/ar506hac135856.pdf>)

² For the complete AR 506 rulemaking docket summary, which includes hearing and workshop information along with written comments from industry and others (see website: <http://apps.puc.state.or.us/edockets/docket.asp?DocketID=13128>)

Attachment B

(5) Under reasonably anticipated operational conditions, an operator of electric supply facilities must maintain the following minimum clearances of vegetation from conductors:

(a) Ten feet for conductors energized above 200,000 volts.

(b) Seven and one-half feet for conductors energized at 50,001 through 200,000 volts.

(c) Five feet for conductors energized at 600 through 50,000 volts, ~~except~~

(A) Clearances may be reduced to three feet if the vegetation is not readily climbable.

(B) Intrusion of limited small branches and new tree growth into this minimum clearance area is acceptable provided the vegetation does not come closer than six inches to the conductor.