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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

William R. Sarale, Julie Ann Sarale, Julie Ann Sarale as Trustee of the James J. Cavalli Testamentary Trust, and Julie Ann Sarale, as Trustee of the Eva M. Cavalli 2007 Trust, Complainants, vs. Pacific Gas & Electric Company (U39E), Defendant.	Case 11-06-024 (Filed June 27, 2011)

ADMINISTRATIVE LAW JUDGE'S RULING RE: UTILITY VEGETATION MANAGEMENT AT THE SARALE ORCHARD PENDING ISSUANCE OF DECISION

On June 27, 2011 the Sarales (Complainants) filed the above-captioned complaint, against Pacific Gas and Electric Company (PG&E or Defendant), claiming excessive trimming of their walnut trees. PG&E owns, operates and maintains two sets of 115kV transmission lines and associated towers which are located on an easement and right of way (granted in 1915) on the Complainants' property. In late 2004 PG&E began trimming the walnut trees located "in the belly zone" of the easement under the transmission line to a height of seven feet or a radial clearance from the transmission lines of up to 20 feet. The Sarales assert that this level of trimming is excessive and is far greater than the level of

trimming during the previous 80 years. The Sarales assert that PG&E's trimming exceeded the 10 foot radial clearance established by the Commission in General Order 95, Rules 35 and 37, Table 1, Case 13.[1]

PG&E argues that its vegetation management program was designed to comply with the rules, regulations and decisions of the Commission and the overlapping requirements of other state and federal agencies. PG&E asserts that when the varying requirements of each of these regulations are synthesized, together with the experiences of transmission owners nationwide with respect to vegetation caused outages, it becomes evident that PG&E is required to trim the walnut trees to a clearance significantly less than the clearance level demanded by the Complainants, or remove the trees, in order to ensure that the trees do not breech the "no grow" minimum clearance zone around the transmission lines and ensure the safe and reliable transmission of power in California.[2] PG&E contends that the land rights provided by its easement allow it to cut and remove trees whenever necessary or proper for the convenient use of its transmission lines.

On October 27, 2011 PG&E agreed to defer routine vegetation management in its easement and right-of-way on the Sarale property until May 1, 2012.

On April 23, 2012, PG&E advised Complainants that the walnut trees growing in PG&E's easement and right-of-way were entering their annual

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[1] Complaint at 5.

[2] PG&E Answer to Complaint at 8.

growth phase and that PG&E would need to patrol the orchard and trim the trees.

On April 27, 2012, a telephonic status conference was held with the Assigned Administrative Law Judge (ALJ) to determine the scope of utility vegetation management that the Commission will allow PG&E to undertake in its easement and right-of-way pending issuance of a final decision in this proceeding.

The parties were instructed to confer and jointly submit a proposed order that would address the issue of tree trimming pending a final decision in this proceeding. The parties were unable to fully agree on a proposed order and each submitted its own proposed order. Having reviewed the two proposed orders:

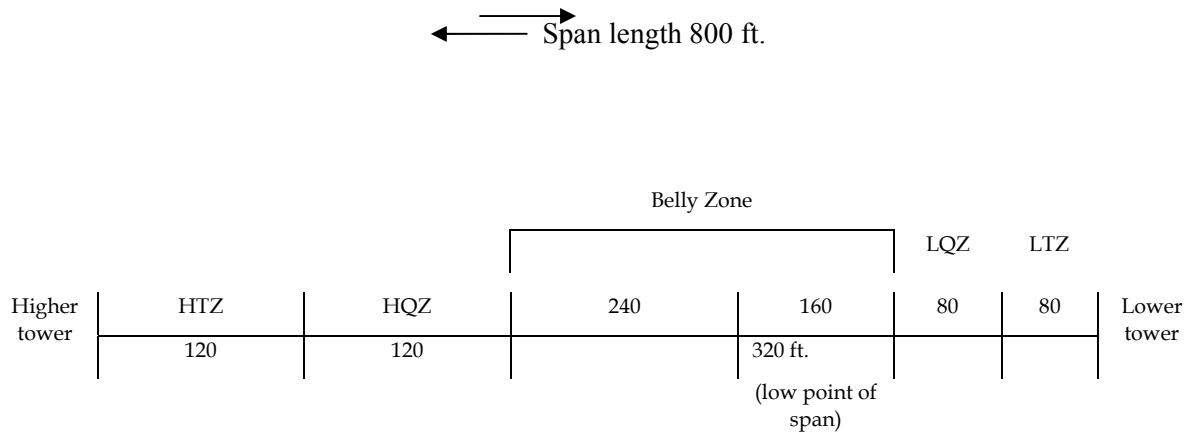
IT IS RULED that:

1. For purposes of this order due to Pacific Gas and Electric Company modifications of towers and transmission line heights:

- the "belly zone" constitutes that area which is approximately 400 feet (50 percent) of the total span length (from one tower to the next tower) and with a center point located approximately 320 feet from the lower adjacent tower;
- the "low quarter zone" constitutes that area which is 80 feet in length which is next to the "belly zone," which is between the belly zone and the "lower tower zone";
- the "low tower zone" constitutes that area which is 80 feet in length which is between the lower tower and the "low quarter zone";
- the "high quarter zone" constitutes that area which is 120 feet in length which is next to the "belly zone," which is between the belly zone and the "high tower zone"; and

- the "high tower zone" constitutes that area which is 120 feet in length which is between the higher tower and the "high quarter zone."

2. The calculation of the location of each of these zones in an asymmetrical span is illustrated by the following schematic (which assumes an 800 foot span with the lowest span point at 320 feet from the lower tower):



3. As to those walnut trees in the belly zones which require trimming, PG&E will trim them to no less than 12 feet in height.

4. As to those walnut trees in the "low quarter zones" which require trimming PG&E will trim them to no less than 17 feet in height.

5. As to those walnut trees in the "high quarter zones" which require trimming, PG&E will trim them to no less than 22 feet in height.

6. As to those walnut trees in the "low tower zones" which require trimming, PG&E will trim them to no less than 27 feet in height.

7. As to those walnut trees in the "high tower zones" which require trimming, PG&E will trim them to no less than 32 feet in height.

8. PG&E will continue to patrol the orchard during the growing season (approximately May through November) on a regular basis to monitor tree growth and is allowed to trim and maintain any tree within the "belly,"

"quarter" and "tower" zones to the heights set forth in sections 3 through 7 of this ruling.

9. Unless otherwise ordered, this Ruling will remain in effect until issuance of a Final Decision in this proceeding. At that time, this Order will be automatically vacated and utility vegetation management at the Sarale Orchard will be conducted as set forth in the Final Decision.

Dated May 24, 2012, at San Francisco, California.

/s/ W. ANTHONY COLBERT
W. Anthony Colbert
Administrative Law Judge