

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



FILED

06-27-11
04:59 PM

William R. Sarale, Julie Ann Sarale, Julie
Ann Sarale as Trustee of the James J.
Cavalli Testamentary Trust, and July Ann
Sarale, as Trustee of the Eva M. Cavalli
2007 Trust,

Complainants

vs.

Pacific Gas & Electric Company (U39E),

Defendant

C1106024

Case (C). _____

Attachment #2 – Written Comments

**WRITTEN COMMENTS FOR PUBLIC UTILITIES COMMISSION
HEARING IN
Matter R.08-11-005
Santa Cruz, California
March 10, 2009**

PG&E Claims that General Order 95 requires them to Trim Trees to a 20 foot clearance which is not what the GO 95 says and which has resulted in the destruction of three acres of what were crop producing walnut trees.

Background. My wife and I farm 50 acres on which our families have grown walnut trees in northern San Joaquin County beneath PG&E's power lines for 87 years. Before 2004, PG&E periodically trimmed the trees beneath its low-hanging 115kV lines to a height of approximately 17 feet, the trimming distance which complied with PUC trimming regulations and allowed the trees to produce crops. In the Fall of 2004, without prior warning, PG&E cut trees beneath the belly of its lines to a height 10 feet effectively destroying the trees' ability to produce crops and, over our protest, followed in 2005 and in years since, cutting trees as low as seven feet. Newspaper articles and photos which I took, which show the destroyed trees are attached as Exhibit 1 to these comments. We asked PG&E for either legal justification or payment for the destruction. Neither legal authority nor compensation was provided. The 'legal' justification offered by PG&E was that PUC regulations, specifically General Order 95 and other unspecified regulations, mandated the new, 2004, destructive level of cutting. It also claimed a written easement which it said allowed them do whatever it wanted, i.e., to destroy as much vegetation as they want. I have received letters like the ones attached as Exhibit 2 every year since 2005 from PG&E .

I checked GO 95 and it had not been changed as to trimming clearances since 1996. Rule 35 and Appendix E provides for minimum clearance at all times of 19 inches and at time of trimming of 10 (not 20) feet. I also got my hands on a letter from Zee Wong of your Utilities Safety Branch of May 18, 2001 (Exhibit 3) to PG&E which clarified to PG&E that these were minimum trimming clearances at time of trimming. I also tried to find any other regulations as was stated by PG&E in their letter. My wife sent a request for information to CAISO to get their

regulations and CAISO said the information was private and that they could not release it without PG&E's consent – which has not been given. CAISO's response to our regulations (Exhibit 4) indicates that CAISO has not issued any regulations, but just approves what PG&E says it is going to do – and will not tell anybody what that is. PG&E's December 3, 2008 written comments in this matter that the PUC should not regulate them because the CAISO is doing so at III A. are misleading because CAISO is not regulating anything. It is my understanding that FERC does not issue regulations on lines under 200kV, so looks like the only regulation that actually regulates or controls trimming is GO 95. If the PUC does not regulate PG&E, nobody will.

I sued PG&E to stop the over trimming and lost the case because the Court said it had no jurisdiction to hear the case. I know that the PUC has ruled that they do not have jurisdiction to hear over trimming cases either and has sent people making claims for over trimming damages to the courts. You and I realize my damages claims are not the PUC's problem, and I will appeal the trial court decision and try to get my cases heard in Superior Court where it belongs. . In the meantime it looks like nobody is controlling PG&E, that PG&E is misrepresenting information given to the growers as to what GO95 says, and I am fearful that they will be trying to change GO 95 in this proceeding to legalize what they have been doing outside the law. If you are going to revise GO 95, I ask that you consider the following:

1. GO 95 should make it clear that Rule 37 does not apply to agricultural tree clearances and that Rule 35 does not authorize trimming beyond minimums specified and that if a Utility wants to trim further, they need to pay for the excess damage they cause.

Rule 25 of GO 95 establishes minimum trimming limits and is silent about what is done beyond those limits. The Zee Wong letter made it clear that the PUC did not want to get into regulation of trimming beyond those limits and PUC decisions have reaffirmed that PUC does not want to get into the question of destruction done by trimming beyond those limits. PG&E has taken advantage of this silence by claiming that GO 95 authorizes its trimming beyond those limits. Their letters to growers at Exhibit 2 talk about Rule 37, which PG&E knows does not apply to vegetation clearances. When I confronted PG&E with the trimming rules in Rule 35 and the Zee Wong letter they respond with double-talk. If GO 95 went a step

beyond saying "this is the minimum" and specified that utilities were responsible for damage cause by excess trimming, it would protect a lot of trees and growers.

2. GO 95 should forbid a Utilities Deliberate Misrepresentation of What the Order Says about Trimming Clearances.

Please refer to the documents attached at Exhibits 1 and 2, in which PG&E refers to Rule 37 instead of Rule 35 and represents that its trimming to a distance of 20 feet is required by GO 95. This is false. A lot of growers in my area believed it and gave up protesting the destruction of their trees. PG&E is regulated and should not be allowed to misrepresent the Order when doing so results in damage to property.

3. GO 95 Should be Made a Little Easier to Read.

I tried to determine what the minimum clearances were under Rule 35 and gave up. Appendix E is clear, but I had to get help to understand the minimum clearance tables which require several cross-references and end up basing the clearances on pin separation distances. I admire how the PUC came up with these formulas because they base the clearance on the line voltages, but they are not usable by a property owner or grower who is trying to figure out if he has been had. I would suggest that the clearances could be set forth in a page or two of simple lookup tables. I realize that the Order was written by engineers for engineers, but farmers have to use it.

Summary. It is not difficult to figure out what PG&E has been doing since 2004. It is trying to save money by a new approach to vegetation management which is to eliminate the vegetation. By over trimming down to seven feet PG&E knows it will destroy the economic value of the crop bearing trees – it even had the nerve to say as much in its annual "we're coming out to destroy your trees" letter (at Exhibit 2 letters). Faced with a choice between having acres of useless trees and PG&E's offer to buy an easement which permits the elimination of the trees entirely, the grower, particularly the small grower, goes for whatever PG&E offers. Its better than nothing. The problem is that PG&E has been telling the growers that the PUC has authorized, even mandated, PG&E's destruction. The PUC may not be able to stop the destruction, but clarification of GO 95 might help

with controlling the deceit. In reading this you might conclude that we are upset. If so, you are right. We feed our family based on what I can grow and Julie's working part time and PG&E's illegal cutting has hurt our income – and our family – since 2004. The lost production in 2007 alone amounted to over \$10,000. For PG&E this is nothing; for a big grower it is not much; but for a small grower it means a lot. I realize that the PUC will not help me with my claim for damages, but by clearly spelling out in GO 95 that PG&E and other utilities are not authorized by that order to destroy as much as they want of growing crops and ordering that it not misrepresent the Order to the public, it could prevent others from being damaged or deceived as we have been, as well as many other farmers in our area.

DATED:

WILLIAM R. SARALE

JULIE ANN SARALE

Our Orchard Prior
to 2004 PG+E
"Tree Trimming"

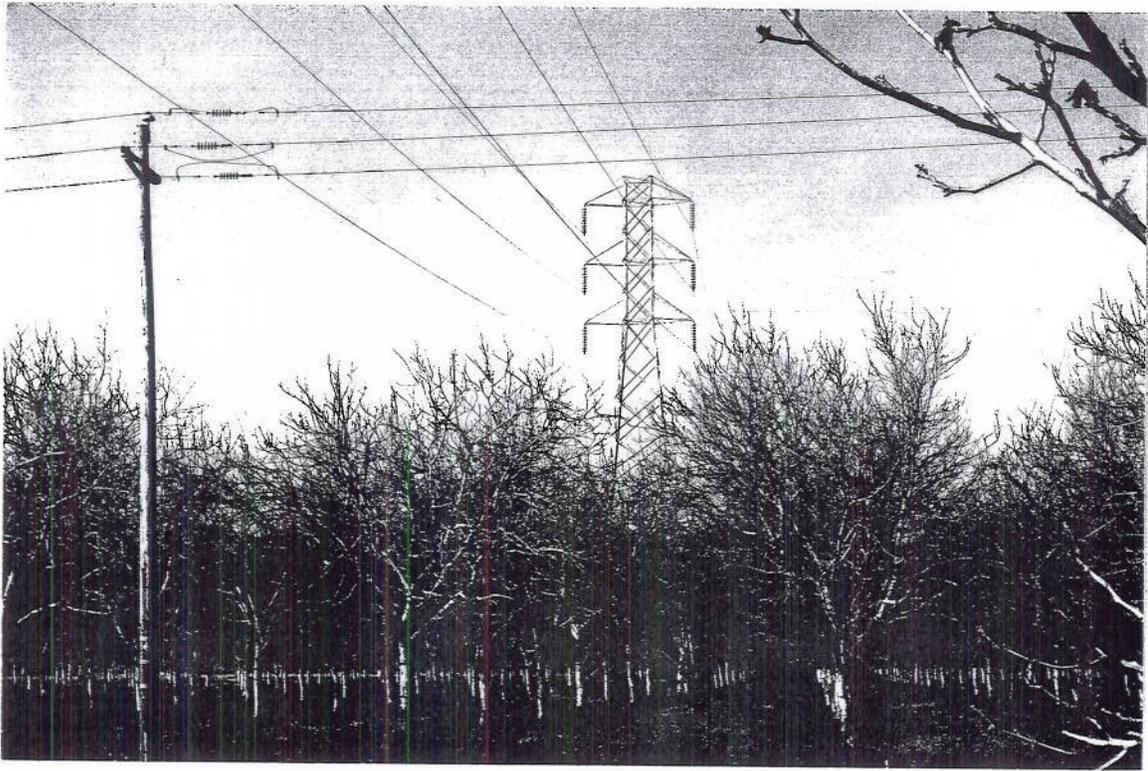


EXHIBIT 1

(9 pages)₅



Our Orchard After

P.G. + E. Tree "trimming"



competed in field days in Chico, UCDCD and Merced JC with competitions upcoming at Fresno State and Cal Poly – and the floriculture team will also be traveling to UCDCD and Fresno. Wagner said, “Two students stand out from among a group of fine kids: Stacy Arbuckle and Melody Jaime.”

What's Inside...

SPECIAL EDITION:

AGRICULTURE: The Next Generation



- 3 New SJ County sheriff meets SJFB board members
- 15 GWSS find in Napa
- 19 2004 is largest jump in wine exports
- 22 SJFB Annual Meeting scheduled for May 20

WWW.SJFB.ORG

PG&E pruning angers growers

By William West

Farmers are up in arms about the severity of damage created from recent prunings by PG&E contract crews and say they will suffer monetarily from the practice.

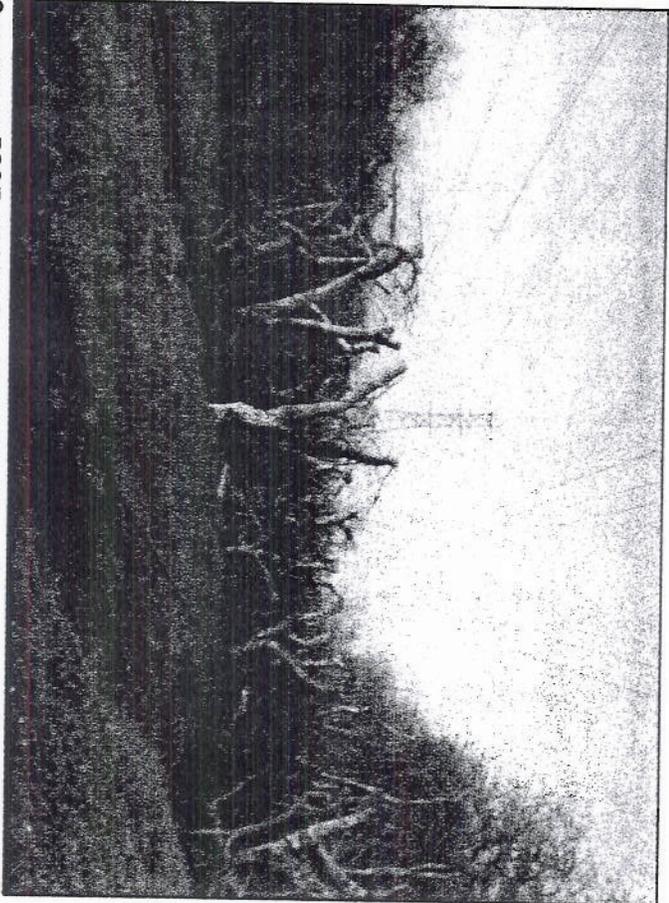
On Copperopolis Road east of Stockton, you will see orchards with scores of severely pruned trees. PG&E expresses understanding, but maintains that public safety and the integrity of the electrical delivery system is at stake, not to mention they own the right of way and by law they have no choice but to cut the trees away from electric lines.

PG&E says the trees must be cut back from nearby electric lines because if branches touch the lines, an arc is created which can start fires and threaten delivery of power to thousands of Californians.

“I’ve been here for 30 years and this is the most severe I’ve seen,” said Frank Debenedeti, walnut grower and member of Diamond Walnut’s board of directors.

Debenedeti, and more than a dozen other nearby growers, hired Floyd Perry, formerly with UC Extension, to take an unbiased look at what

See Pruning, page 14



Growers say PG&E went too far when pruning trees this year and are making claims against the company. The orchard above is just one example along Copperopolis Road.

Trees

Continued from page 1

PG&E had done.

"They butchered those trees," Perry said. "It's the worst I've ever seen. But the idea is to find a middle ground where PG&E can protect their lines from arcing, which they should do, and not destroying the productivity of the trees." Perry lives in the Northern California town of Durham. He has no trees involved in the local dispute.

"PG&E definitely has the right of way," Perry said, "but it was unnecessary to do such a harmful trim. Some of those trees won't produce for at least three years, maybe more. And the way they were cut will cause the trees

to grow much higher and faster than if they had been properly pruned. The scaffold of the tree was just butchered."

The group of farmers is seeking compensation for economic damages from lost crop yield and added expense to protect trees exposed to disease and pest infestation after the chain saws have sliced through them. They have filed claims with PG&E.

"Now we wait," said walnut grower Ray Owing, who is part of the group. "I wish more farmers would get involved in this."

PG&E spokesperson Emily Barnett says the guidelines for pruning are mandated by federal and state law. State Resources Code 4293 and General Order 95 lay out legal requirements that PG&E must meet. To her knowledge, the guidelines haven't been

made more severe.

Each orchard is treated individually in assessing how much cutting needs to be done. For example, walnut orchards will be treated differently than almonds because of growth characteristics. In addition, air temperature can cause an electric line to sag more as it rises, so in the valley where 100 degree days are not unusual, there will be a need for more clearance than in cooler areas. The type of soil affects how fast trees will grow and that is factored into the formula for cutting. PG&E has arborists and foresters who establish the cutting parameters by working out all these factors.

Barnett expressed concern that growers felt they were seeing more drastic and unfair cuts than in the past. She indicated that when notification

is given to the growers for a trimming session, that a contact number for questions is supplied and that PG&E strives to be customer friendly.

Barnett attended a meeting at one grower's orchard in San Joaquin County, accompanied by PG&E foresters and tree-cutting crew chiefs, as well as representatives from Sen. Mike Machado's office.

"Ultimately, farmers do have that opportunity to file a claim with PG&E," Barnett said.

Again expressing regret that some growers are dissatisfied, she also pointed to the fact that PG&E must comply with state and federal laws, must ensure public safety, and had paid for the easements upon which their lines were built.

Sen. Machado's office has gotten involved in trying to mediate between the utility and the growers. Kristi Stauffacher, legislative assistant for the senator, also met with growers together with tree-trimming contractors and legislative folks from PG&E to see if an accommodation could be found to satisfy all parties. This, she said, is difficult, because it is a complex situation.

Speculation about why such severe cutting occurred this year centers around two as yet unsubstantiated causes. First, some figure that PG&E can save money by cutting back more feet than usual, because they won't have to come back as often. Second, new and inexperienced crews came in and indiscriminately took down the valuable growth without regard to accepted tree pruning practices.

Ken Vogel grows walnuts on a ranch near Copperopolis Road that he's had for 40 years. "We've filed a claim with PG&E for our losses. This year is considerably different from previous years. They're pruning limbs off that are up to 8 inches in diameter versus 1 or 2 inches in previous years."

"If there's going to be a different standard," Vogel said, "we need to know. Some trees are cut down so much they will sunburn without a canopy of leaves. And some are cut so much they may actually split. I had 196 trees pruned and my loss is around \$8,000 for this year."

Joe Grant, UC Extension farm advisor in San Joaquin County, outlined some of the affects of the drastic cut-back on the trees.

"They're making cuts that are four to eight inches in diameter on the main scaffold on the tree. They basically mow them off," Grant said. "When you make a heading cut on a branch of any size it grows back, usually straight up. And the harder you cut it, the more you remove, the bigger the branch, then the bigger the re-growth. At the same time, you retard production."

"We think there are better ways to cut these trees to prevent them from getting into the wires and avoid the damage to the growers," Grant said. "There may not be an easy answer that will make everybody happy, but there is some room here to improve outcomes. There needs to be give and take on both sides."

MONEY for AGRICULTURE

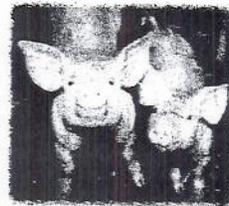


American AgCredit

For over 85 years, we have understood the dedication and hard work involved in the 4-H and FFA programs and salutes the participants who will become the farming community of the future. Keep up the good work!

American AgCredit will be there for the farmers of tomorrow with cutting-edge products and services such as:

- ◆ Variable/Fixed Rate Loans
- ◆ Flexible Terms
- ◆ Long Term Mortgage Loans
- ◆ Equipment Loans/Leasing
- ◆ Operating Lines of Credit
- ◆ On-Line Banking



If you own agricultural land and/or are engaged in production of agriculture or ag-related products and services, you are eligible for Farm Credit Financing.



Stockton 931-3770
Toll Free (800) 659-FARM
www.agloan.com
EQUAL OPPORTUNITY LENDER

Continued from previous page

It appears from the guidance provided by the IRS that the bonus depreciation will automatically apply to qualifying property, and it will be necessary to "elect out" of taking the special tax break. Also, you may refer to the IRS Web site (www.irs.gov) for additional information regarding the tax changes resulting from the Economic Stimulus Package of 2008.

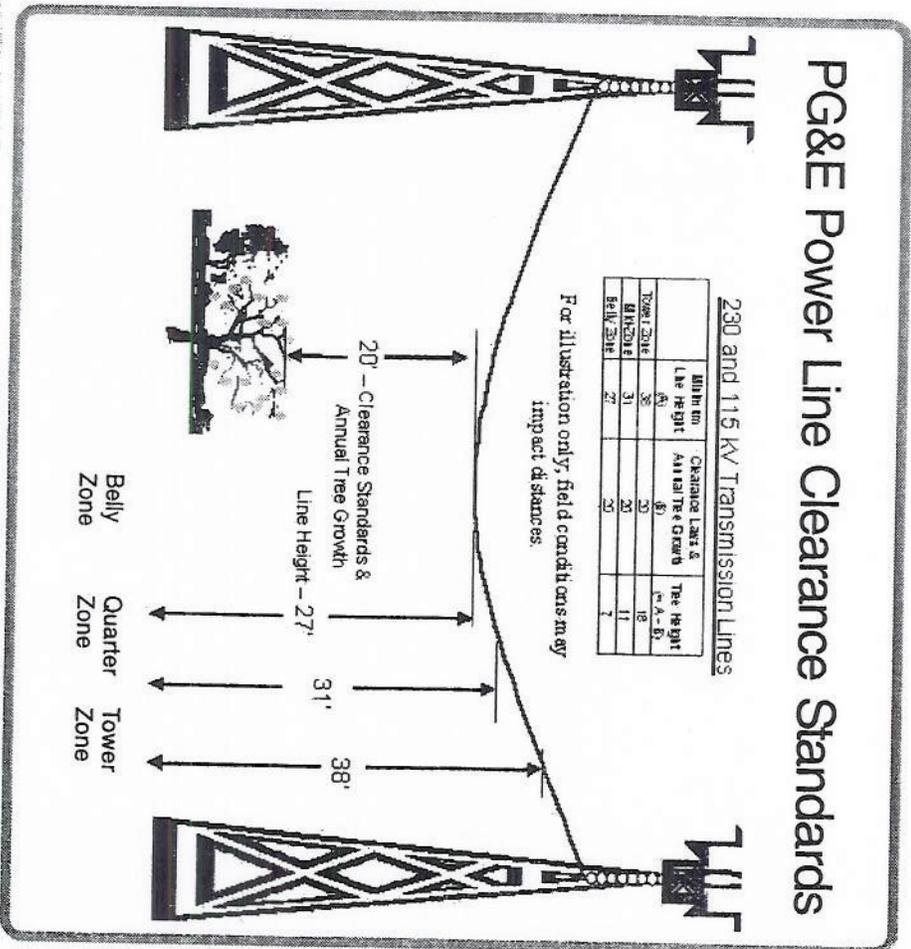
The law also raised the limits on the amount of new productive capital that businesses may exclude from their income as business expenses during 2008. The Internal Revenue Code Section 179 expensing limit jumps to a maximum of \$250,000. Property that often qualifies includes machinery, coolers, office equipment, computers, off-the-shelf computer software, signs, fuel storage tanks, a single purpose agricultural or horticultural structure and livestock. Most passenger automobiles and other property used for transportation are also eligible for 179 deductions.

Land, buildings (except the aforementioned single purpose ag buildings),

for expensing. The law does not change the requirement that expensed investments cannot exceed a business's income to be claimed as a loss; i.e., you cannot expense an item used in a business more than the taxable income from that business.

Previously, the limit on expensable productive capital investments had been \$128,000, reduced (but not below zero) by the amount by which the value of those investments exceeded \$510,000. The law raised those limits to \$250,000 and \$800,000 respectively. By limiting the investment ceiling, Congress attempted to benefit relatively small businesses and only for 2008.

To take advantage of these short-term tax breaks be aware that the applicable dates for the "placed in-service" rules are different for the bonus depreciation allowance and the enhanced expensing amounts. For most calendar year businesses there should be no confusion relative to the 50 percent special depreciation because the property must be placed in service during the 2008 calendar year. If your business is a fiscal year filer, the IRS has developed new



PG&E to trim walnut trees after harvest

Article written by PG&E

Earlier this month, representatives from PG&E met with San Joaquin Farm Bureau President Mike Robinson and Executive Director Bruce Blodgett, and Karen Mills of the California Farm Bureau Federation, to discuss the utility's upcoming walnut orchard trims, taking a positive step to improve communication with the growers and grower associations in San Joaquin County.

PG&E will soon begin marking the walnut trees for post-harvest trims. PG&E's director of the Electric Distribution Maintenance and Vegetation Management Department, Lise Jordan, stated that PG&E wants to be sure growers are adequately notified about this work.

"We intend to explain what we are doing and why we are doing it, and how it will affect the growers' trees," Jordan said. "Growers have voiced their disappointment with previous communication efforts and we have heard them loud and clear."

By way of background, at the beginning of the 20th century, when the first San Joaquin farmers granted transmission line easements to PG&E and most of the lines were installed, San Joaquin County was primarily cultivated with grain or row crops unaffected by the transmission lines.

As years went by, many growers began cultivating their land with walnut

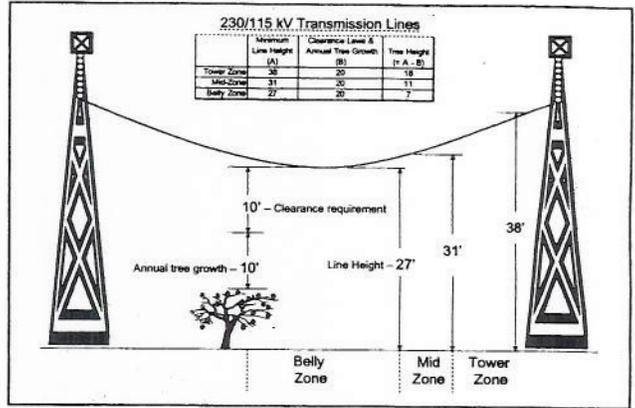
trees, including the land directly under the high voltage electric lines. As the walnut trees continued to grow and mature, serious concerns also grew about clearances between the trees and the electric lines which ensure the safety of the public and orchard workers, and the reliability of the state's electric system.

Stricter enforcement of regulations governing power line clearances has become necessary as the electricity demand in California continues to soar. Just last year, six contacts between walnut trees and high voltage power lines occurred, one of which created a power outage on a 230,000-volt transmission line. Power outages to key transmission lines can and have in the past affected the flow of electricity in the western United States.

"One branch from one tree has the potential to knock out power to the entire western U.S. and we simply cannot allow that to happen," Jordan said.

The California Independent System Operator (CAISO) is responsible for operating the transmission grid in California, and requires all Transmission Owners (such as PG&E) to develop vegetation management procedures to ensure safe and reliable electric service.

PG&E's vegetation management procedures, which have been approved and are enforced by the CAISO, require minimum clearances between vegetation and high voltage power



lines to exist at all times. Other regulations apply to PG&E's vegetation management practices as well.

According to Bob Fratini, PG&E's project manager, growers want to know how the tree work is determined and why so much of the tree must be trimmed in certain locations under the transmission lines. According to Fratini, trims are determined by three criteria: 1) the minimum ground clearance of the electric line; 2) the necessary vegetation clearance between the line and the tree; and 3) the annual growth of the tree. The following diagram depicts how these criteria are applied.

Using these criteria, PG&E's pre-inspectors have begun marking trees for subsequent, post-harvest trims. "To improve communication with the growers about this work, inspectors will attach white cards to the trees planted underneath transmission lines," commented Fratini. "Each card is about 4 inches square and will show information to help inform the grower about the height of the tree after trimming. It will also be used by the tree trimmers to determine exactly how

high to leave the trees." As shown in the diagram, trees planted directly under the "belly" of the high voltage line will be trimmed in a manner that is not expected to leave much room for walnut production.

"PG&E understands the concerns growers have with the necessary tree trimming work, especially in the belly zone," Jordan explained. "It is unfortunate the trees' growth and nut production are affected by the need to ensure tree clearances are maintained at all times. There is no easy answer and not much flexibility, so it is important that we keep the lines of communication open and flowing."

In response to the growers' concerns and in an effort to provide a viable option to the future lost nut production from the trims, PG&E has developed an Orchard Tree Removal Incentive Program. "PG&E would prefer to have the trees removed from within the easement," Fratini indicated, "and especially underneath the belly zone." Fratini said the financial incentive will consider orchard land value with the easement encumbrance and the number of trees removed.

Vegetation Clearance Regulations

Minimum sustained clearance distances in feet
(Must be maintained at all times)

	60-kV	70-kV	115-kV	230-kV	500-kV
CPUC General Order 95 - Rule 35	1.5	1.5	1.6	2.6	10
CAISO Transmission Maintenance Agreement	4	4	10	10	15
North American Electric Reliability Council (NERC)*	n/a	1.3	2.5	5.1	14.7
California OSHA **	10	10	10	10	16
Federal OSHA **	10'4"	10'8"	12'2"	16	25

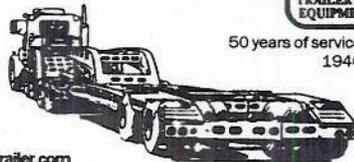
* proposed federal standard expected to be adopted by late 2005
** minimum approach distances for unqualified electrical workers

Note: California Public Resource Code 4293 has additional clearance requirements in forest and wildland areas throughout California

(209) 466-0266



50 years of service hauling equipment
1946-1996



www.murraytrailer.com

1754 E. Mariposa Road • Stockton, CA 95205

Quality Application of Liquid & Dry Fertilizers, Seeds and Pesticides

AIR SPREADERS
Fertilizers, Seeds
Granular Herbicides
Granular Insecticides



LIQUID SPRAYERS
Pesticides
Clear Fertilizers
Suspensions

KUIL BROTHERS

22844 S. Fredricka Rd., Ripon CA 95366 • 209-599-5537 Office • 209-599-7474 Fax
Matt's Mobile 209-631-3505 • Greg's Mobile 209-471-8993

INDUSTRIAL ELECTRICAL

1417 Coldwell Ave., Modesto, CA 95350
Over 40 Years Service
(209) 527-2800

ENGINE & GENERATOR REPAIR

WE SERVICE ALL MAKES OF INDUSTRIAL AND COMMERCIAL ENGINE DRIVEN EQUIPMENT AND GENERATORS

WARRANTY CENTER FOR ONAN, KOHLER AND GENERAC
FIELD SERVICE AND PREVENTIVE MAINTENANCE PROGRAMS ARE OUR SPECIALTY

O O O E
O O O P
P P E P

P O E P
O O Q E
O O P P
P O P P

O O O E
E P E E
P O O E
P O O P
O O O E
E O O E

E O P P
P O O P
O O O P
P P O P
O E P O
E E P P

P P E P
O P O P
P P O P

P P O O
P P P P
E E O P
E P P P
P P P E

E P P E
E O O O
O O O O
P E O P
E P P P

P P P P
P P P P
P E P P

WORS

P P P P
Chair P E P P
Pres. P P P P
L. Dir. P E P P

P P P P
E O O O
P O P P
O P P P
O P O P
P P E P
P E O P
P P P P

P P E E
Pres. P P P P
E P E P
Dept. P P P E
Chair P P P E
P P P P
O O O O

O=Not Excused

The AFBF convention was in Nashville, Tenn., starting the weekend of Jan. 7 through Jan. 10, while the *San Joaquin Farm Bureau News* was at the printer. It is always interesting to see agriculture in other parts of the country, and we were scheduled to go on two tours of the area's agriculture. I will report more on these in the next issue. Tennessee is known for distilleries, and we have included a couple of visits to two of the better known brands. More on this will also be in a later issue.

The Roberts-Union Farm Center suffered a catastrophic fire last year that completely destroyed the building. The Roberts-Union Farm Center was one of the oldest centers in the county, and the only center left that had a functioning center building.

Everyone has asked "Are you going to rebuild?" The

Education has been one of my priorities, and will continue to be a top priority. Not only educating our own members on the benefits of Farm Bureau membership, but also educating the general public about the many benefits that agriculture provides this area.

Membership is also a priority, so if you know someone who is involved in agriculture, but not yet a member, do some strong-arming and bring them in for a San Joaquin Farm Bureau membership.

Now that it is a new year, the state Legislature will be back in session ... perhaps more fun can be expected. On the same note, Congress is also back in session. It can be very enlightening and surprising what can come out of these two bodies that impacts agriculture.

We will continue to work on your behalf - Your dues are hard at work!



From the
**Executive
Director**

By Bruce Blodgett



PG&E tree trimming still an issue for growers

As we enter 2006, we find some of the same issues impacting farmers and ranchers in our county. For our orchard operations under PG&E lines, it's clear that the programs being offered are not meeting their expectations or their needs. Please see the story on page 3 for further details on the latest round of tree trimming problems.

The utility promised a cooperative approach to the fall tree trimming and things may have improved in terms of communication, but in meetings with area growers, we continue to hear the same concerns - why does the utility trim trees into seven-foot stumps and why do they expect us to take a few dollars to eliminate the trees under their power lines?

For some growers, the incentives have proven sufficient. From most of the calls I'm getting, they do not come close to what's needed to adequately compensate them for their losses.

So, what do you want your Farm Bureau to do about this issue?

We have tried to work directly with the utility. While the meetings have been positive, the results on the ground speak for themselves.

PG&E supported tree-trimming standards designed to provide the utmost security when it comes to preventing any contact between their power lines and trees that could lead to a power outage. That's where we get stumps left in your fields where trees once thrived.

If they had consulted with agriculture, maybe those

standards would be different as we would have at least asked the question, how far can you prune and still have a viable and productive tree?

We would have also asked for greater involvement from the University of California crop advisors so we could study and ultimately, come up with standards that work for the utility and for area farmers.

But, PG&E pressed on and used the stigma attached to the past blackouts to support standards that do not work in most orchards.

We understand that nobody wants trees in orchard creating power outages. Such events could endanger workers and family members. But nobody can effectively farm seven-foot walnut trees either. We had hoped to find middle ground by working directly with the utility.

On behalf of the growers in San Joaquin County, we are fully prepared to support legislation to address this problem.

We had hoped for more reasonable standards. Now we may have to ask the state Legislature to bring reason back to this process.

Produced by Exclamation Point Communications
for the San Joaquin Farm Bureau Federation
3290 Ad Art Way, Stockton, CA 95215, (209) 931-4931

President: Mike Robinson
Second Vice President: Phil Brumley

First Vice President: Joe Valente
Executive Director/Publisher: Bruce Blodgett

Editor/Production - Kevin Swartzendruber
Advertising Manager - Debra Crawford
(209) 931-4931

SAN JOAQUIN FARM BUREAU NEWS, publication number 185-880, is published monthly. The subscription price to San Joaquin Farm Bureau members is included in the membership dues of \$125 for voting members, \$75 for sustaining members, or \$200 for business members. Non-profit periodical postage paid at Stockton, CA.
POSTMASTER: Send changes to P.O. Box 8444, Stockton, 95208-0444.

County growers upset at PG&E tree removal offer

By William West

Many growers who were shocked at PG&E's tree trimming regimen last year are dismayed over a new PG&E program that pays growers for tree destruction in the easements under their powerful transmission lines. While a few walnut growers have accepted the offer, many find the money offered is worth less than two years production of the trees in question.

Ken Vogel, who has grown walnuts near Copperopolis Road for 40 years, was offered about \$20,000 on a set of trees that produce about \$12,000 per year.

"Last time I met with those concerned, they felt it wasn't enough money for what they had in the ground," said Kenny Watkins, past SJFB president and newly elected California Farm Bureau second vice president. "But some of the younger guys who have signed up don't have that long-term investment."

Vogel said it doesn't come close to fair compensation. "If they would let us have 15-foot walnut trees, it would work. I could make some money and it would be 15 feet from their lines.

In response to last year's outcry over what many growers termed "butchery," PG&E says it is trying to reach out to farmers with information and better lines of communication. They designed the new program, which is called the Orchard Tree Removal Incentive Program, as part of an effort to ease a tough situation. Their mission is to protect the electric grid against arcing between a walnut tree and a transmission line, which has the potential to cause massive power outages.

The California Independent System Operator (CAISO) has approved PG&E's vegetation management procedures, which include what many farmers regard as severe to disastrous cuts.

"For years we had a good relationship with PG&E," Vogel said. "They used to prune about 10 feet from the

line, but when they started doing 20 feet, it became a problem. Up until last year, it was OK."

To some growers it seems that PG&E is trying to solve a bad management practice with an inadequate buyout. Still, even Vogel is open to the Orchard Tree Removal Incentive Program if it allowed him to plant smaller trees to replace the walnuts.

"It is unclear whether PG&E will allow such a deal, such as planting 11- to 12-foot cherry trees," Vogel said. "Part of their incentive program involves us signing a new easement, which we thought included the possibility of planting cherry trees. Now it is up in the air. We asked their program man (PG&E's Bob Fratini), who is a real cordial fellow, but we haven't heard back from him in over a month."

In the meantime, Vogel's trees have been chopped down to seven-foot stumps, even more drastic than last year.

"It seems like there is a lack of knowledge in the PG&E hierarchy, in some ways," Vogel said. "They do a major cut like they have, and my fast-growing walnuts will storm back even faster, but not with productive growth. Yet they'll have to cut them back again and again. If they did a moderate trim, like they used to, we would both win."

PG&E says it's highly sympathetic to the plight of the growers, but points out that they have state and federal laws with which they must comply. They also said growers were paid originally for the easements where the trees now grow.

The major disconnect between PG&E and the growers is the drastic difference in what is now the standard for tree cutback versus past years. As Vogel pointed out, up until last year there wasn't a problem. Moderate and correct pruning of the tree crowns allowed for production of walnuts and safety for the electric grid. The Orchard Tree Removal Incentive Program is an attempted resolution of that central disagreement. According to many growers, it is a well-intentioned attempt that falls short of reasonable solution.

Fifteenth Annual Wine Tasting of the SJFB Foundation for Agriculture

Friday, March 3, 2006
Elkhorn Country Club • Stockton, CA
7 - 9:30 p.m.



The board of directors of the SJFB Foundation invites you to a special evening of fine wine and food at the Fifteenth Annual Wine Tasting.

Those individuals in attendance will have the opportunity to taste some of the area's finest wines from prestigious vineyards. In addition to the delectable hors d'oeuvres provided by the Elkhorn Country Club, visit with fellow community leaders and support the efforts of agriculture, and support the efforts of the foundation.

Past participants have indicated that their enjoyment of fine local wines has rivaled their enjoyment of the live auction and the vivacious live auction. The live auction features special vintages, gift baskets and specialty items.

Your support of the SJFB Foundation helps the foundation to achieve its year-round goals. The foundation's goal is to fund programs that create the awareness about agriculture in the community. The foundation's efforts include funding \$20,000 in scholarships and providing two annual Agriculture in the Classroom public education efforts at the California State University, Stockton educational efforts.

With the support of our friends in the business and community, the foundation is working to ensure a bright future for the industry that impacts each of our lives in so many ways.

If you would like to participate in this unique event, please send \$50 per person to the foundation. Or, for more information about the foundation, please call us. Reservations are on a first-come, first-served basis...don't miss it!

SJFB Foundation for Agriculture
P.O. Box 8444, Stockton, California
(209) 931-4931

played a lot of competence dealing with water issues."

"Are the exports too much for the Delta? Yes," said Mike Robinson, SJFB Delta Committee chairman. "This issue can't be solved in one special session of the Legislature, despite the media hype to push one proposal: the peripheral canal."

The governor's aides have said he supports a conveyance system that would take needed water flowing south.

Canal costs shift to water users

The new bond plan does one important thing: if there is to be a canal, the cost of building it shifts to those benefiting from it, in particular the Metropolitan Water District of Southern California and California Field Operations, along with Risk Control and Distribution, which generate over \$6.5 billion in premiums. Prior to joining CNA in 2001 she held executive positions with St. Paul Companies (which acquired USF&G Companies), USF&G and Fireman's Fund.

by Senate President Pro Tem Don Perata that would give money to local jurisdictions for storage projects and \$2.4 billion to improve the Delta, but nothing for a new canal.

Legislation not containing a peripheral canal concept is good because, according to the Restore the Delta Web site, any conveyance system could be the element "that will deal the final death-blow to the California Delta."

Dangerous attitudes, ideas surface

Another dangerous attitude has surfaced concerning the Metropolitan Water District, according to Nomellini. "Metro once had the viewpoint that it would work on maintaining the Delta through the Delta to keep it sustainable

and control the pumping so only surplus water is exported."

Originally, only surplus water was exported from the Delta.

State must wake up

The hysteria generated by those claiming a Katrina-like disaster for the Delta is wrong, Robinson said. "New Orleans had a 25-foot storm surge which we don't have here. Our flood danger is from the top down via the down-river flow."

He said it is time for Southern California to "look at other means for obtaining water, such as desalinization, capturing storm runoff, conservation and so forth."

If the canal becomes a reality and Northern California water continues to be shipped southward in unreasonable ways, Robinson said. "The Delta is

1
expert and
Delta Wa-
yone should
and we're
as get local
age and look
vation."
ch as those
ant everyone
want them to
at our ex-
or any type
selection of
d States com-
ty insurance
s president.
ive vice presi-
d operations
h largest in-



FROM PG&E

BY BOB FRATINI

Look up before you plant

As growers consider their 2008 new planting plans, PG&E cautions you to avoid planting beneath electric lines.

Bob Fratini, PG&E's orchard program manager, recommends planting new fruit and nut trees outside and away from the utility easement upon which the electric lines are located. Fratini advises, "Before investing time and money in new plantings, it is important that growers understand the dangers of planting beneath power lines, and the adverse impact upon fruit and nut production utility pruning will eventually have to keep the lines safe." He adds that planting underneath these lines should be avoided.

PG&E is obligated to ensure the safety of the public by maintaining a

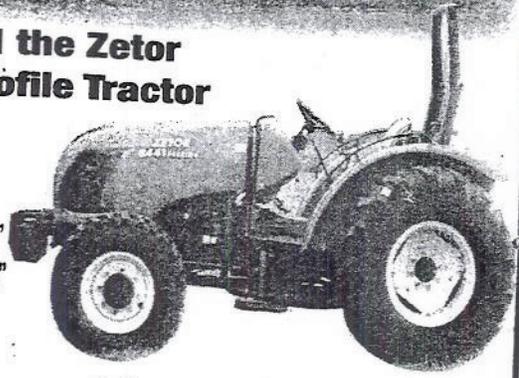
clearance between electric lines and vegetation. Tree-line clearances are mandated by state and federal regulators. Trees planted beneath the power lines will eventually encroach upon the safety clearances and PG&E will be required to prune them.

"For almond and walnut trees, the pruning can be very severe. The amount of pruning must consider maximum electric line sag under emergency loading and extreme ambient temperature, the mandated tree-line clearances, and potential annual growth," explained Fratini. It would not be unusual for trees planted in the center section of the electric line span to be trimmed to less than 10 feet tall, he says.

So before you plant, Fratini recommends contacting him at (916) 781-3110.

Orchards?

and the Zetor Profile Tractor



16"
75"

5"
12"

Roll over protective structure.

ir, drawbar in low position...10"
center-to-center...62.5"
axle...81.5"
veral steps.)

\$29,250

TWY CO. ORCHARD REMOVAL



October 8, 2004

Dear PG&E Customer and Walnut Grower:

This letter is to inform you that PG&E will be inspecting and trimming the trees around the transmission lines in the area. This work will begin with the pre-inspection process, which will involve marking the trees and evaluating the clearance needed. This work is scheduled to start next week. The trimming of the trees will begin as soon as possible after the harvest (late October). All Walnut trees trimmed will be trimmed for a one-year cycle with no exceptions. The trees must stay clear of the lines until we return the following year to trim them once again. This must be done to ensure safety in the orchard and to comply with the PRC 4293. All trees will be trimmed in accordance with industry standards (ANSI Z133). In most cases the cuts will be made on first year re-growth, but in some cases it will be necessary to cut old wood to achieve proper clearance.

They were
→ BACK IN
AUG 05
TO SPOT
TRIM

This letter is your first and possibly only notification of tree work that will be taking place on your property.

APN 091-020-07 In the County Of San Joaquin

If you have any questions regarding our pre-inspection or tree trimming activity, please contact Pat Ziegler at 209-942-1424.

Sincerely,

Paul M. Maben
Vegetation Program Manager

PMM:tdr

cc: Pat Ziegler, Senior Consulting Utility Forester

EXHIBIT 2 (9 pages)



September 7, 2005

William Sarale
4339 Misty Cove Pl.
Stockton, CA 95219

Paul M. Maben
Vegetation Program Manager
Vegetation Management

1108 Murphys Grade Road
Angels Camp, CA 95222

209.736.6644

Dear Mr. Sarale,

As in previous years, PG&E will soon be inspecting your orchard to identify trees in need of trimming around the power lines. Tree trimming will be done as soon as possible after the harvest and will be trimmed for a one-year cycle so that necessary clearances between the trees and the power lines are maintained for the following twelve months, including next year's harvest. This work is essential to ensure the safety of the public and your orchard workers, and the reliability of the electric system to prevent power outages.

We anticipate the pre-inspection work to begin on September 12, 2005 and continue in the San Joaquin Valley for about 8 weeks. We expect actual trimming to take place in early November, subject to your final harvest schedule.

In determining how PG&E trims affected trees, we consider a combination of the following three factors:

- 1) **Minimum ground clearance requirements for high voltage transmission lines.**
We are required by state law to maintain a minimum distance **at all times** between the ground and our high voltage transmission lines in your area. This ground clearance distance is 27 feet for 60,000-, 70,000-, 115,000- and 230,000-volt transmission systems, and 31.5 feet for a 500,000-volt system. The clearance requirements are stated in General Order 95, Rule 37 and Rule 43. Applicable excerpts from these Rules are attached for your convenience.
- 2) **Vegetation clearance requirements for high voltage transmission lines** – For 500,000-volt transmission lines the required clearance is 15 feet; for 230,000- and 115,000-volt lines the clearances are 10 feet; and, for 60,000- and 70,000-volt systems the required clearances are 4 feet.. These clearances are required to be maintained **at all times** to ensure the safety of the public and your orchard workers, and to provide reliable transmission service. Vegetation clearance requirements are contained in PG&E's Transmission Maintenance Agreement, which has been approved and is enforced by the California Independent System Operator (CAISO). Additional information about the CAISO can be found on the internet at www.aiso.com or you can contact us as noted below.
- 3) **Anticipated annual growth of the tree** – In order to ensure vegetation clearances are maintained at all times, we must consider the amount of tree growth that may occur over the course of the year in determining how much of the tree we must trim. Opinions vary on this factor, but experience concludes new walnut tree shoots can grow 10 to 15 feet in a year after a trim. New almond tree shoots can grow up to 10 feet in a year after a trim.

To illustrate the extent of the needed trimming based on these 3 factors, I have enclosed a diagram that shows (1) required ground-to-conductor clearance; (2) the required clearance

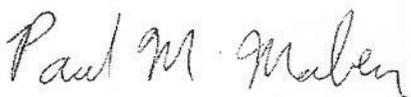
between vegetation and conductor; and (3) the extent of trimming necessary on trees planted underneath the transmission lines. In the "belly zone" of the lines, trees may be trimmed to tree heights of 10 feet and less to provide the necessary clearances. The belly zone is generally determined as 50% of the tower-to-tower span length, measured on either side of the mid-span point. For example, for an 800-foot span, the tower zone would be the first 100 feet, the mid zone would be the next 100 feet and belly zone would be the 200-feet lying equally on either side of the mid-span point. Trees planted outside the belly zone (within the tower and mid zones) will be trimmed, too, but trims will be less severe because the height of the transmission lines gradually rises (greater ground clearance) as they approach the tower. Where possible, trimming will be done in accordance with the industry standard American National Standards Institute A300 Part 1: Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices, Pruning.

I understand the impact these trims will have on the nut production from the trees planted within the belly zone. You and your fellow Valley growers have made this impact abundantly clear over the past several seasons. Yet, I hope you understand these vegetation clearances are necessary and critical to ensure the safety of the public and your orchard workers, and to avoid potentially devastating fires and catastrophic loss of power to the transmission grid in California.

As an option to these annual trims, PG&E has developed a new program for growers which can provide a monetary incentive to allow us to remove the trees underneath the transmission lines. For more information about this program, I would encourage you to contact Bob Fratini at (916) 781-3110.

If you have any questions regarding our pre-inspection or tree trimming activity, please contact Pat Ziegler at (209) 942-1424.

Sincerely,



Paul M. Maben
Supervising Program Manager
Vegetation Management
Stockton-Yosemite Divisions

PMM:tdr
Attachment

cc: Senior Consulting Utility Forester
Bob Fratini



August 16, 2006

William Serale
P.O. Box 7960
Stockton, CA 95267

Dear Mr. Serale,

As in previous years, PG&E will soon be inspecting your orchard to identify trees in need of trimming around the power lines. Tree trimming will be done as soon as possible after the harvest, and will be trimmed for a one-year cycle so that necessary clearances between the trees and the power lines are maintained during the following twelve months. This work is essential to ensure the safety of the public and your orchard workers, and the reliability of the electric system to prevent power outages.

How does PG&E determine how much to trim a tree? PG&E considers 3 factors:

- 1) **High voltage transmission line clearance requirements** – these are included in our Transmission Maintenance Agreement with the California Independent System Operator (CAISO). Information about the CAISO can be found on the internet at www.aiso.com.
- 2) **Minimum ground clearance requirements for high voltage transmission lines** – these are stated in General Order 95, Rule 37. Applicable excerpts from this Rule are attached for your convenience.
- 3) **Anticipated annual growth of the tree** – opinions vary on this factor, but experience concludes new walnut tree shoots can grow 10 to 15 feet in a year after a trim. New almond tree shoots can grow up to 10' in a year after a trim.

Considering these 3 factors, trees planted within the belly zone of the transmission lines will be trimmed to tree heights of 10 feet and less to provide the necessary clearances. I have also enclosed a diagram to generally explain how trims are determined.

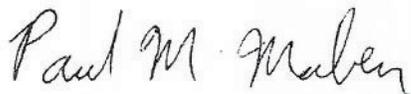
The belly zone is generally determined as 50% of the span length, measured on either side of the mid-span point. For example, for a 1,000' span, the belly zone is determined to be 500', with 250' measured on either side from the mid-span point.

Trees planted outside the belly zone will be trimmed, too, but trims will be less severe because the height of the transmission lines gradually rise (greater ground clearance) as they approach the tower. Where possible, trimming will be done in accordance with industry standards (ANSI Z133).

I understand the impact these trims will have on the nut production from the trees planted within the belly zone. As an option, PG&E has developed a new program for growers which provides a monetary incentive to allow us to remove the trees within the belly zone.

If you have any questions regarding our pre-inspection or tree trimming activity, please contact Bob Fratini at (916) 781-3110.

Sincerely,



Paul M. Maben
Supervising Program Manager
Vegetation Management
Stockton-Yosemite Divisions

PMM:tdr

cc: Senior Consulting Utility Forester
Bob Fratini

Rule 37

Minimum Clearances of Wires above Railroads, Thoroughfares, Buildings, etc.

Clearances between overhead conductors, guys, messengers or trolley span wires and tops of rails, surfaces of thoroughfares or other generally accessible areas across, along or above which any of the former pass; also the clearances between conductors, guys, messengers or trolley span wires and buildings, poles, structures, or other objects, shall not be less than those set forth in Table 1, at a temperature of 60_ F. and no wind.

The clearances specified in Table 1, Case 1, Columns A, B, D, E and F, shall in no case be reduced more than 5% below the tabular values because of temperature and loading as specified in Rule 43.

The clearances specified in Table 1, Cases 2 to 6 inclusive, shall in no case be reduced more than 10% below the tabular values because of temperature and loading as specified in Rule 43.

The clearance specified in Table 1, Case 1, Column C (22.5 feet), shall in no case be reduced below the tabular value because of temperature and loading as specified in Rule 43.

The clearances specified in Table 1, Cases 11, 12 and 13, shall in no case be reduced below the tabular values because of temperatures and loading as specified in Rule 43.

Where supply conductors are supported by suspension insulators at crossings over railroads which transport freight cars, the initial clearances shall be sufficient to prevent reduction to clearances less than 95% of the clearances specified in Table 1, Case 1, through the breaking of a conductor in either of the of the adjoining spans.

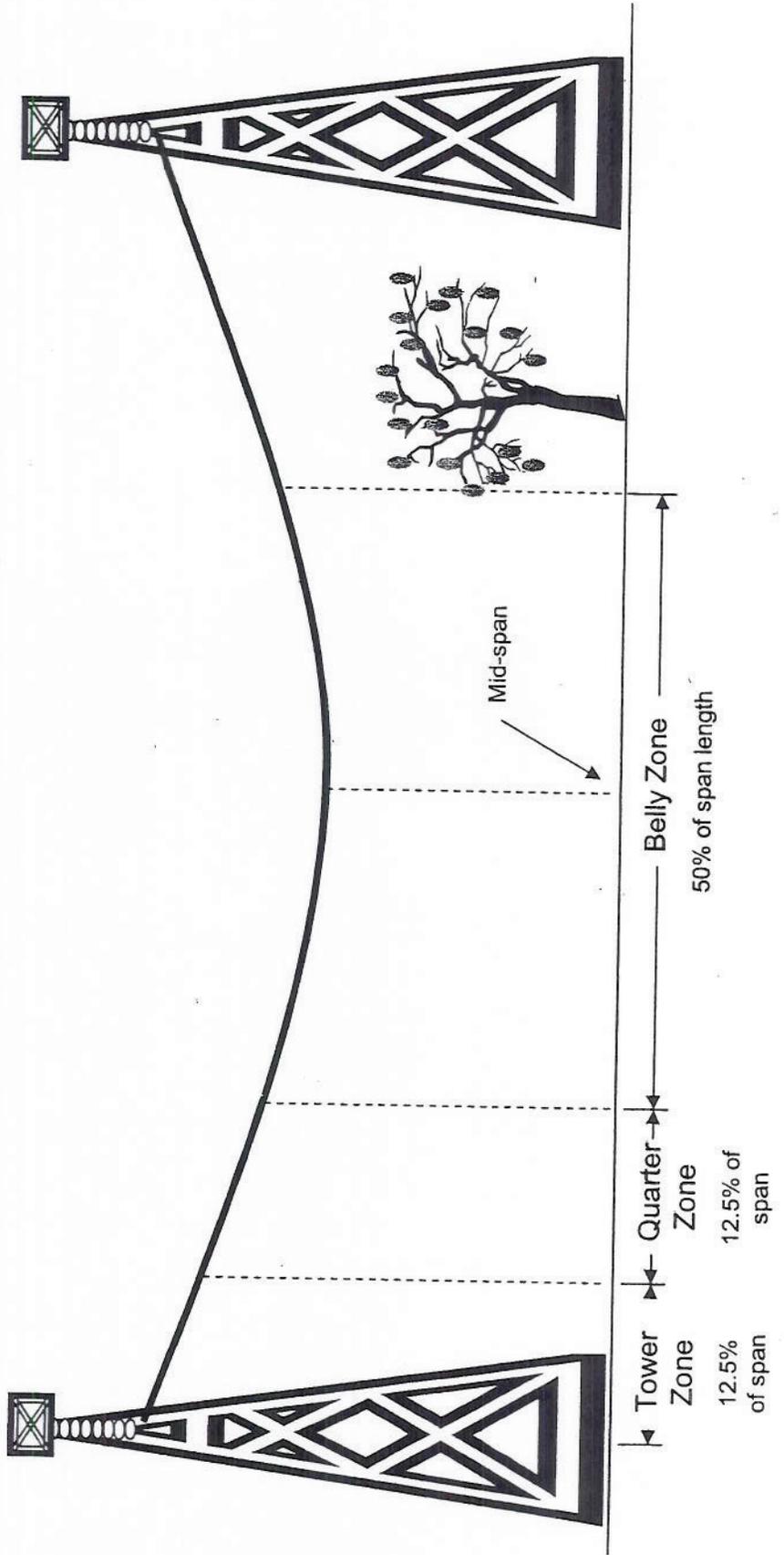
Where conductors, dead ends, and metal pins are concerned in any clearance specified in these rules, all clearances of less than 5 inches shall be applicable from surface of conductors (not including tie wires), dead ends, and metal pins, except clearances between surface of crossarm and conductors supported on pins and insulators (referred to in Table 1, Case 9) in which case the minimum clearance specified shall apply between center line of conductor and surface of crossarm or other line structure on which the conductor is supported.

All clearances of 5 inches or more shall be applicable from the center lines of conductors concerned.

Note: Modified January 8, 1980 by Decision No. 91186, March 9, 1988 by Resolution E-3076; and November 6, 1992 by Resolution SU-15, September 20, 1996 by Decision 96-09-097 and January 23, 1997 by Decision 97-01-044.

Transmission Lines

Vegetation Zones





August 24, 2007

William Serale
P.O. Box 7960
Stockton, CA 95267

Dear Mr. Serale,

As in previous years, PG&E will soon be inspecting your orchard to identify trees in need of trimming around the power lines. Tree trimming will be done as soon as possible after the harvest, and will be trimmed for a one-year cycle so that necessary clearances between the trees and the power lines are maintained during the following twelve months. This work is essential to ensure the safety of the public and your orchard workers, and the reliability of the electric system to prevent power outages.

How does PG&E determine how much to trim a tree? PG&E considers 3 factors:

- 1) **High voltage transmission line clearance requirements** – these are included in our Transmission Maintenance Agreement with the California Independent System Operator (CAISO). Information about the CAISO can be found on the internet at www.caiso.com.
- 2) **Minimum ground clearance requirements for high voltage transmission lines** – these are stated in General Order 95, Rule 37. Applicable excerpts from this Rule are attached for your convenience.
- 3) **Anticipated annual growth of the tree** – opinions vary on this factor, but experience concludes new walnut tree shoots can grow 10 to 15 feet in a year after a trim. New almond tree shoots can grow up to 10' in a year after a trim.

Considering these 3 factors, trees planted within the belly zone of the transmission lines will be trimmed to tree heights of 10 feet and less to provide the necessary clearances. I have also enclosed a diagram to generally explain how trims are determined.

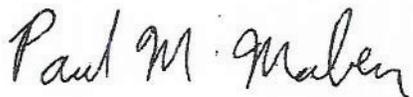
The belly zone is generally determined as 50% of the span length, measured on either side of the mid-span point. For example, for a 1,000' span, the belly zone is determined to be 500', with 250' measured on either side from the mid-span point.

Trees planted outside the belly zone will be trimmed, too, but trims will be less severe because the height of the transmission lines gradually rise (greater ground clearance) as they approach the tower. Where possible, trimming will be done in accordance with industry standards (ANSI Z133).

I understand the impact these trims will have on the nut production from the trees planted within the belly zone. As an option, PG&E has developed a new program for growers which provides a monetary incentive to allow us to remove the trees within the belly zone.

If you have any questions regarding our pre-inspection or tree trimming activity, please contact Bob Fratini at (916) 781-3110.

Sincerely,



Paul M. Maben
Supervising Program Manager
Vegetation Management
Stockton-Yosemite Divisions

PMM:tdr

cc: Senior Consulting Utility Forester
Bob Fratini

STATE OF CALIFORNIA

GRAY DAVIS, Governor

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3206

May 18, 2001

Alynn Delisle, Director
Vegetation Management
Pacific Gas & Electric Company
Mail Code H15G
PO Box 770000
San Francisco, CA 94177-0001

Dear Ms. Delisle:

The California Public Utilities Commission's (Commission) Utilities Safety Branch (USB) has oversight on utilities' compliance with electrical facilities safety standards such as General Order 95. Proper tree trimming to insure public safety and service reliability is important to the Commission. We frequently receive reports of fires, service interruption, and even injury or death attributed to trees growing into or falling on Pacific Gas & Electric Company's (PG&E) lines.

Rule 35 of General Order (GO) 95 requires:

"Where overhead wires pass through trees, safety and reliability of service demand that tree trimming be done in order that the wires may clear branches and foliage by a reasonable distance. The minimum clearances established in Table 1, case 13, measured between line conductors and vegetation under normal conditions, shall be maintained. (Also see Appendix E for tree trimming guidelines.)"

The clearances established in Table 1 are minimum clearances that may not be reduced for any reason including tree growth. Appendix E recognizes this fact and specifies minimum clearances at time of trimming which are greater than the clearances in Table 1 Case 13. When trimming trees, PG&E should avoid permanent damage to the trees and ensure that the amount of trimming accomplished matches the rate of growth of the species and growing conditions. GO 95, Appendix E, entitled Guidelines to Rule 35, also recognizes this fact and notes that "Vegetation management practices may make it advantageous to obtain greater clearances than those listed below."

General Order 165 establishes inspection cycles for electric distribution facilities. It requires inspection of overhead conductors and cables every year in urban areas and every two years in rural areas. Therefore, when pruning trees in urban areas sufficient clearance must be established to prevent the tree from growing closer than the minimum clearance in one year. A greater amount of trimming must be done in rural areas since trees must be

prevented from growing back for two years. When administering the tree-trimming program, PG&E should follow these guidelines. If you have any questions please feel free to contact me at (415) 703-4712.

Sincerely,



Zee Wong, Acting Chief
Utilities Safety Branch
Consumer Services Division



March 3, 2009

Via E-Mail and U.S. Mail

Charles E. Keen, Esq.
Geiger, Coon & Keen LLP
311 East Main Street, Suite 400
Stockton, California 95202

Re: Request for Information

Dear Mr. Keen,

I am writing on behalf of the California Independent System Operator Corporation (the ISO) in response to the request for information dated December 31, 2008 from Julie Ann Sarale, and the "notice of appeal of denial of request for records," dated February 19, 2009.

The ISO's Information Availability Policy (the "Policy") provides that the ISO's records be made available to the public unless they are confidential. Documents that are available under the Policy should be transmitted by email whenever practicable. Policy § 6.1. Records that are considered confidential under the Policy include "[r]ecords that contain information required to be kept confidential . . . by any tariff or agreement accepted by FERC for filing and currently in effect." See Policy § 4.3.2. In addition, the ISO is precluded from disclosing "[r]ecords that refer to commercially sensitive matters, disclosure of which may affect the competitive position of the Corporation's market participants . . .". See Policy § 4.3.6. "In the event of reasonable doubt as to whether the Corporation should make a third party's records available," the request must be referred directly to the third party. Policy § 5.3. Finally, the Policy provides that when a request seeks documents maintained by a government agency, the ISO may refer the requestor to the agency for the information. See Policy § 4.2.2.

Contrary to the assertions in the February 19 notice of appeal, the ISO responded to your initial request for information, presented in an email dated November 17, 2008, with an email providing you with a link to the publicly-available documents and an explanation of how that link was responsive to your request. A copy of that email exchange is attached (Attachment A). This initial response by the ISO provided you with documents that included the complete ISO Transmission Maintenance Standards, which were responsive to your subsequent requests for these maintenance standards. In addition to the documents provided to you via email link on November 26, the ISO is attaching documents responsive to your other requests of December 31.

When we talked on or around December 18, I advised you of my understanding the ISO is prohibited from disclosing information regarding maintenance practices of individual utilities. There are two separate reasons for this. First, these practices are expressly protected as confidential under the Transmission Control Agreement, which is a tariff approved by the Federal Energy Regulatory Commission ("FERC") (and which you received via the ISO's November 26 email). Section 26.3 prohibits the ISO from releasing "information and materials that constitute valuable, confidential, and proprietary information, know-how, and

Exhibit 4

25

Charles E. Keen, Esq.
March 3, 2009

trade secrets belonging to" a transmission owner. (The ISO's tariff sheets covering this provision are attached). The Transmission Control Agreement expressly designates "Maintenance Practices" as "confidential." See Section 1 on Sheet 139-140 (in attached pages). Second, each transmission owner has its own maintenance standards, which reflect its own unique "equipment, operating conditions, and environmental conditions," Sheet 142 (attached), and which are generally kept confidential from the other transmission owners. The ISO protects these records as confidential third party documents and does not disclose them absent written authorization from the third party. See Policy § 5.3.

The ISO's responses to the specific information requests are as follows:

1. *Every maintenance standard related to vegetation management adopted by CAISO pursuant to Public Resources [sic] Code § 348 since formation of CAISO.*

The ISO provided the link to the ISO Transmission Maintenance Standards (Appendix C of the Transmission Control Agreement) via email on November 26, 2008. There are no further documents responsive to this request.

2. *Every maintenance standard related to vegetation trimming adopted by CAISO pursuant to Public Resources Code § 348 since formation of CAISO.*

The ISO provided the link to the ISO Transmission Maintenance Standards (Appendix C of the Transmission Control Agreement) via email on November 26, 2008. There are no further documents responsive to this request.

3. *Every maintenance standard related to vegetation removal adopted by CAISO pursuant to Public Resources Code § 348 since formation of CAISO.*

The ISO provided the link to the ISO Transmission Maintenance Standards (Appendix C of the Transmission Control Agreement) via email on November 26, 2008. There are no further documents responsive to this request.

4. *Every maintenance standard related to vegetation management which are subject of the request for cooperation by landowners made by Vice President Laura Mantz in the second paragraph of her letter dated November 6, 2008, a copy of which is attached for your reference at Exhibit "A" to this request.*

The ISO provided the link to the ISO Transmission Maintenance Standards (Appendix C of the Transmission Control Agreement) via email on November 26, 2008. There are no further documents responsive to this request.

5. *Every maintenance standard related to trimming of vegetation which are subject of the request for cooperation by landowners made by Vice President Laura Mantz in the second paragraph of her letter dated November 6, 2008, a copy of which is attached for your reference at Exhibit "A" to this request.*

Charles E. Keen, Esq.
March 3, 2009

The ISO provided the link to the ISO Transmission Maintenance Standards (Appendix C of the Transmission Control Agreement) via email on November 26, 2008. There are no further documents responsive to this request.

6. *Every maintenance standard related to vegetation removal which are subject of the request for cooperation by landowners made by Vice President Laura Mantz in the second paragraph of her letter dated November 6, 2008, a copy of which is attached for your reference at Exhibit "A" to this request.*

The ISO provided the link to the ISO Transmission Maintenance Standards (Appendix C of the Transmission Control Agreement) via email on November 26, 2008. There are no further documents responsive to this request.

7. *Every document received by CAISO from PG&E or its agents or attorneys which was in any way related to the letter of Vice President Laura Mantz of November 6, 2008, a copy of which is attached for your reference at Exhibit "A".*

The ISO is providing documents that fit this description, as follows: a presentation delivered by a PG&E representative at an April 17, 2008 meeting of the Transmission Maintenance Coordinating Committee, and e-mails from representatives of PG&E, which are stamped 0001 – 0044.

8. *Every document (other than those documents excepted from production under para 4.3.1, 4.3.3, and 4.3.5 of CAISO Information availability policy dated October 22, 1998) which is any way related to purpose, content, or issuance of the letter of Vice President Laura Mantz of November 6, 2008, a copy of which is attached for your reference at Exhibit "A".*

See response to item 7. In addition, the ISO is providing minutes of the Transmission Maintenance Coordinating Committee in 2008, a memorandum presented at the July meeting, external communications related to the development and posting of the November 6, 2008 letter, and the e-mail exchange that you initiated in November 2008. These documents are stamped 0045 – 0082. The ISO has withheld preliminary drafts, notes and memoranda pursuant to Policy § 4.3.1, including internal drafts and communications related to the development and posting the November 6, 2008 letter, and internal drafts and notes that were generated in response to your inquiries. Some of these withheld documents are also privileged communications (see Policy § 4.3.4).

9. *Every maintenance standard related to vegetation management, trimming, or removal including but not limited to North American Electric Reliability Standards approved by the Federal Energy Regulatory Commission to which transmission owners are subject which standards are referred to in the request for cooperation by landowners made by Vice President Laura Mantz in the first paragraph of her letter dated November 6, 2008, a copy of which is attached for your reference at Exhibit "A" to this request.*

With respect to the ISO Transmission Maintenance Standards, please see the response to item 1. The NERC Standards are rules approved by FERC, and are available from FERC (www.ferc.gov; many but not all standards are available in Docket No. RM06-16). A complete set is also available through NERC at http://www.nerc.com/files/Reliability_Standards_Complete_Set_1Dec08.pdf.

Charles E. Keen, Esq.
March 3, 2009

10. *Every description of maintenance practices related to vegetation management submitted by PG&E to CAISO pursuant to para 2.3 Appendix "C" CAISO FERC Electric Tariff No. 7, a copy of which is attached for your reference at Exhibit "B" to this request, for the years 1999 through 2007 inclusive.*

Documents responsive to this request are protected from disclosure as confidential under Section 26.3 of the Transmission Control Agreement, which is a FERC-approved tariff (see Policy § 4.3.2), and because they are commercially sensitive (see Policy §4.3.6). On March 3, 2009, the ISO referred the request to PG&E pursuant to section 5.3 of the Policy. The ISO will take no further action unless and until PG&E authorizes the release of the records.

11. *Every document relating to maintenance practices related to vegetation management relating to PG&E or submitted by PG&E to CAISO pursuant to para 5.2.1.1 Appendix "C" CAISO FERC Electric Tariff No. 7, a copy of which is attached for your reference at Exhibit "B" to this request, for the years 1999 through 2007 inclusive.*

Documents responsive to this request are protected from disclosure as confidential under Section 26.3 of the Transmission Control Agreement, which is a FERC-approved tariff (see Policy § 4.3.2), and because they are commercially sensitive (see Policy §4.3.6). On March 3, 2009, the ISO referred the request to PG&E pursuant to section 5.3 of the Policy. The ISO will take no further action unless and until PG&E authorizes the release of the records.

12. *Every document relating to complaints of excess trimming relating to PG&E for the years 1999 through 2007 inclusive.*

The ISO does not possess documents that fit this description.

13. *Every description of maintenance practices related to vegetation management submitted by SDG&E to CAISO pursuant to para 2.3 Appendix "C" CAISO FERC Electric Tariff No. 7, a copy of which is attached for your reference at Exhibit "B" to this request, for the years 2002 through 2007 inclusive.*

Documents responsive to this request are protected from disclosure as confidential under Section 26.3 of the Transmission Control Agreement, which is a FERC-approved tariff (see Policy § 4.3.2), and because they are commercially sensitive (see Policy §4.3.6). On March 3, 2009, the ISO referred the request to SDG&E pursuant to section 5.3 of the Policy. The ISO will take no further action unless and until SDG&E authorizes the release of the records.

The February 19 Appeal

The Policy provides the right to appeal "any request that is denied" to the ISO Board of Governors. The February 19 letter is an appeal of "refusal to provide the records." The next meeting of the ISO Board of Governors will be March 26 and 27, 2009. Your appeal has been placed on the agenda.

This letter denies your requests numbered 10, 11, and 13. You also have a right to appeal those determinations if you act within 30 days.

Charles E. Keen, Esq.
March 3, 2009

If you have any questions or if I can provide other assistance, do not hesitate to call me at (916) 608-7015.

Sincerely,



Daniel J. Shenkwiler
Assistant General Counsel – Corporate

Attachments