ND- 2020-27-E
N-D- 2019- 3.E
Email 1

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DeSanty, Tricia

From: Robert Clendenin <clendeninrs@gmail.com>
Sent: Monday, December 7, 2020 11:06 PM
To: Appel, Ross
Cc: Grant, David; TAMMY COGHILL; DANIEL KASSIS; Tecklenburg, John 2; DeCiantis, Frank Clark; Jock Stender; PSC_Commissioner.CWilliams; kronsbergj@charleston-sc.gov; tecklenburgj@charleston-sc.gov; bartelme@postandcourier.com; rbehre@postandcourier.com; newstips@postandcourier.com; wcscdesk@live5news.com; The State Newsroom; Count on WIS; corynne.arnett@dominionenergy.com; carnett@dom.com; rblevins@dom.com; rblue@dom.com
Subject: [External] Re: Trees

Good evening Ross,
I wanted to reach out this evening to provide an update as to some of the conversations that took place throughout the day, as well as say thank you again for your continued support with this situation. I have added a few additional recipients to this chain (hopefully I captured their email addresses correctly) as I am hoping to bring this debacle that continues to unfold to as many people's attention as possible in order to begin to craft a mutually agreed upon path forward. Though I am still hoping for a response from my email earlier today from some of the others included on this email, I wanted to make sure that I kept you up to speed on the actions being taken over here.

For those that have recently been added, Welcome and thank you for taking the time to read this note and at least listen to my concerns. I have included the email string in order to assist in providing the context and background of what we are discussing and the concerns that I am bringing forth. As for the most recent developments, please see below:

- Monday morning -
    - I spoke with David and Mark as they were walking the West Ashley Greenway to review the cutting that occured at the end of last week. This was a conversation that lasted for nearly an hour with the explanation of why the cutting behind AND on my property was so severe. The main explanation being that this was the on-cycle cutting that needed to take place that was not performed during the last cycle, or during any of the off-cycle cuttings that have occured since my wife and I moved into our home in 2016. It was stated that the cutting fell within acceptable standards (more on that shortly) and though drastic, was valid...even the removal of the plants and trees within my fenced yard. I asked for the actual documented standards that are being followed that show where these cuttings were valid to take place, and it was only reiterated that these cuttings were necessary to maintain the powerlines. (This is an interesting point to make because all these cuttings of the trees IN my yard were done by a person in a bucket truck, extended over my fence UNDER the powerlines and/or through the entrance of my yard by hopping a fence.) I want to reiterate this point again, All trees within my yard were able to be cut by the bucket truck extended UNDER the powerlines. I asked about a number of other trees that were cut, others that were not cut, and the level of cutting that took place to some that have no impact on the powerlines whatsoever in the surrounding yards and other houses along the Greenway. It was then mentioned that the areas in question would have to be revisited and additional cutting occur. This is an interesting point to mention as well because when multiple neighbors, as well as myself inquired to speak with the supervisor on Thursday when the cutting was occurring, we were told that the 'bossman' was not present and would not be there until Friday. It was refuted this morning that there was a foreman present on Thursday and Friday, and that the contracted tree company's definition of a bossman and Dominion's differ. If there was a Dominion foreman actively supervising the activity, not sitting in the truck at the end of the Greenway, as Jock has agreed to provide sworn testimony to as well as Mike - my neighbor directly across the Greenway, the new question that arises is why was the work not completed to Dominion specifications the first time and that now upon QA, it is shown that such a

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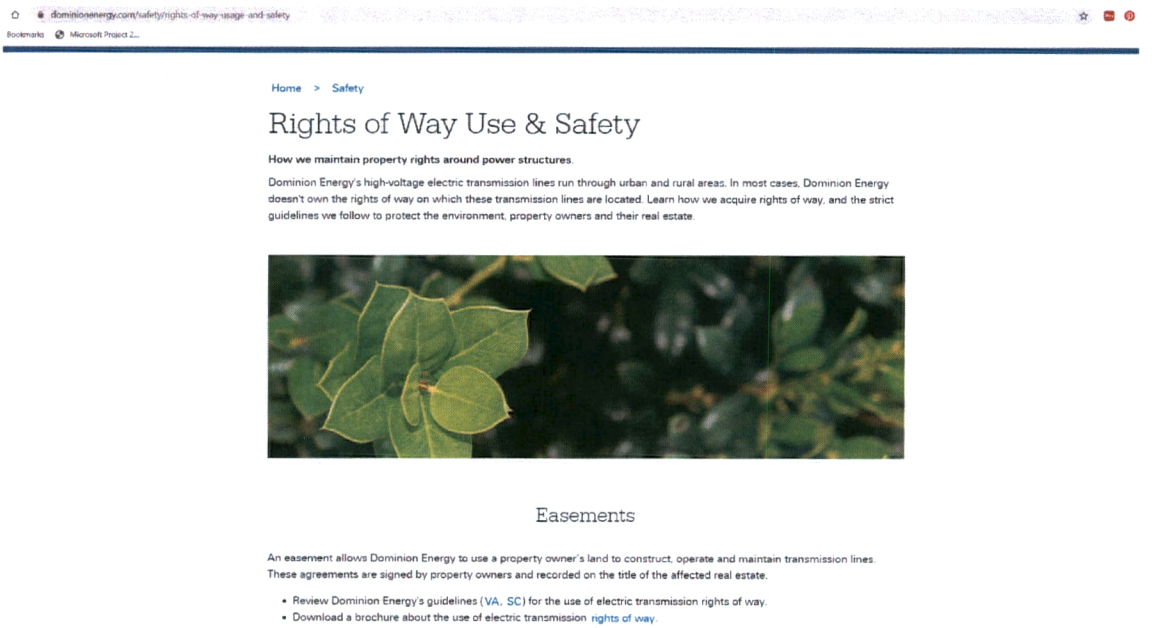
large level of rework is now needing to be completed? Long story short to this point, upon their walkthrough this morning and identification of the massive areas of rework needed, this only supports the claims of my neighbors and myself that the work performed on Thursday was done by an unsupervised, contracted crew, under the instruction to remove all vegetation so that additional cutting/trimming would not be required in the coming years in order to lower the vegetation management expense incurred by Dominion.

- Let's circle back for a moment right now to the point I mentioned above surrounding the standards that were being followed. Upon reviewing the standards that are referenced as being followed and set forth by the IEEE within the 2017 NESC over the weekend, I found that there are multiple regulations surrounding vertical clearances but no mention of what the width of a right-of-way is required to be. Jock, copied on this email, when speaking with David today on the phone was informed that he (David) knows of no place on the web or elsewhere publicly filed that describes the land clearing/tree cutting rules, regulations, and guidelines. The only mention of this on the Dominion website that mentions right of way and easement agreements states that these are agreed upon with the actual property owner and recorded on the title. Though this is a transmission line, there are different stipulations that must be followed, but I was informed this afternoon when speaking with Mark that the horizontal thresholds are Dominion standards, not national regulatory standards. This would then circle back that there would have to be some type of agreement with the property owner and the company since the maintenance occurs in an easement. There is none of the sort on file with the Charleston County Assessor on my property. When reviewing the testimony that Mark gave to the Commission upon the purchase of SCE&G by Dominion, he mentioned that when a customer agrees to the general terms and conditions to receive service, permission is granted to perform required maintenance on easements as to maintain the delivery of electricity. These are general covenants and give no implicit permission to remove trees that fall outside of the direct areas under the powerlines and with no agreement on record between myself (the property owner) and Dominion, the complete removal of the trees in my yard was an overstepping of Dominion's "rights". Graphic inserted below to show information upon Dominion's website.



-
- Throughout the conversations today, it was referenced multiple times that right of ways that are maintained are 20 feet from the most outward powerline. On the same webpage that the picture above was taken, it also states that the right of way for transmission lines can be 50-500 feet. Again, these are Dominion standards, not regulatory setbacks, and the inconsistencies from what one knowledge base states and what is being communicated by the management currently employed to oversee the cutting taking place continue to show that the cutting taking place is guided by some semblance of structure but is not actually known by the parties responsible for overseeing the work and/or those contracted to

actually complete the work. Is it 20 feet or is it 50 feet? Is it 20 feet because the level of clearing that would be required following the guidelines on the website would be an astronomical expense and be met with pitchforks by the population of Charleston because of the deforestation across the area that would ensue? Graphic inserted below to show the statement on Dominion's website.

dominionenergy.com/safety/rights-of-way-usage-and-safety

Apps Bookmarks Microsoft Project 2...

View a map of the right of way regions, including contact information for the corresponding right of way representatives.

Right of Way Guidelines

Whether the right of way is around a transmission tower or distribution power lines, there are strict guidelines in place for the safety of the public as well as Dominion Energy workers.

Rights of way widths vary, depending on the type power structure as well as factors like the terrain in the area.

- Transmission tower: 50 to 500 feet
  - Distribution power lines: 30 to 50 feet
  - Within the entire width of the right of way, plants may not exceed 15 feet at maturity.
- Within the width of the tower structure, no tree canopies allowed, only short grasses and bushes.
- Tree placement considerations:
  - Trees which are too tall or planted too close to a power structure can fall onto wires, causing a ground arc.
  - If trees are planted within the wire zone, broken wires can fall onto them, causing a fire.
  - Wires swing due to wind and can contact trees planted too close to the structure, causing a ground arc.
  - Tall growing trees or plants near the right of way width may be removed, significantly trimmed, or treated with herbicides periodically by Dominion Energy, depending upon the urban or rural setting of the right of way.

- The above image I want to now pick apart a bit. It states that no vegetation exceeding 15 feet at maturity is allowed anywhere within the width of the right of way. I was informed multiple times today that Dominion does not top certain growth and that smaller saplings and trees will be removed before they are allowed to grow to a problem height. This point is understood and crystal clear. This standard though is not being applied consistently though to all properties that are being cut along the stretch of road between Betsy and Braxton. I have added additional photos to the Google Drive folder that were taken this evening that show that the same types of vegetative growth that was completely removed from my yard was indeed trimmed to avoid contacting the above lines. This is even more interesting as this vegetation is actually closer to the above lines than those removed from within my yard. The application of the "standards" that are being followed is neither consistent, nor is it known, and upon completion of this sentence, the standards are not even truly being followed from one property to another. On the website right above where I took the second snippet, it states that there is a process if I would like to file a request for an encroachment. There was no communication that this level of removal was to be performed, this was acknowledged by Mark on the phone this afternoon, of which if done, I could have filed a request for an encroachment on the non-existent agreed upon easement/right-of-way. This would have at least allowed for my pregnant wife and I to attempt to come to an agreed upon path forward with Dominion. Since this was not done, we are now faced with having to shift our focus from anticipating the arrival of our new baby to the immediate removal of the barrier that provided us some semblance of privacy between our home and the public Greenway. This is no small undertaking as the structural integrity of our fence is tied to so much of the growth that was removed. This is a safety issue due to the swimming pool in our yard and the requirements around maintaining ease of access to it from the outside. With the ease of access that is now granted to our backyard, this also presents a safety concern for our child as someone can easily access our yard and harass, injure, or abduct our small child and easily retreat down the Greenway. If I happen to shift focus for a moment to either of our bulldogs and/or any other activity in the yard for a few moments, this now is a risk that has been elevated due to the removal of the buffer we enjoyed. As mentioned, with my wife being pregnant, her ability to react to any possible intrusion is now limited in a risk-elevated area. This situation was not one that we were budgeting to complete at this time and not one that we wanted to undertake while in the middle of the current pandemic, facing possible utility rate increases, and certainly not while expecting another child.

Ross, you have been awesome through all of this. I mentioned to Mark and David today that I acknowledge the need to maintain the areas surrounding the transmission lines and I am not concerned with any activity that occurs outside my

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fence. I am concerned about only the trees inside my fence, on my property that were impacted. This is all that I want addressed. Since the patterns of cutting have overwhelmingly changed since I first reached out last week, this is taken as an acknowledged overstep on Dominion's part, of which they informed me that they will not address. The admission that the trees were not maintained properly in the last cycle and only cut back during the off-cycle trimmings the past few years, coupled with the lack of supervision of the crew and the overstepping in removing the vegetation from my yard, further strengthens the claims of wrongdoing.I cannot thank you enough though for reading all of this and providing your invaluable assistance working towards a solution. Thank you for all you have done and continue to do for our family and those in our community that have been impacted by this debacle!

Best,
Robert Clendenin
1679 Pinckney Park Drive

Copied Recipients:

- Carolyn "Carolee" Williams - PSC Commissioner, District 1
- John Tecklenberg - Mayor - City of Charleston
- David Grant - City of Charleston
- Jason Kronsberg - City of Charleston
- Clark DeCiantis - City of Charleston
- Tony Bartelme - Post and Courier
- Robert Behre - Post and Courier
- Tammy Coghill - Dominion Energy
- Daniel Kassis - Dominion Energy
- Corynne S. Arnett - SVP - Regulatory Affairs and Customer Experience - Dominion Energy*
- Rodney Blevins - President - Dominion Energy South Carolina*
- Robert M. Blue - President and Chief Executive Officer - Dominion Energy*
- WCSC Live 5 News - Charleston, SC
- WIS-TV News - Columbia, SC
- The State Newspaper - Columbia, SC
- Jock Stender

*Denotes that these recipients' addresses were added by what I was able to find from extensive searches across the internet.

On Mon, Dec 7, 2020 at 1:00 PM Robert Clendenin <clendeninrs@gmail.com> wrote:

Good afternoon Tammy, David, and Ross -

Over the course of the past few days, a number of terms have come up referring to easements, right of ways, maintenance easements, and what is acceptable relating to each. There are types of plants/trees that can grow in certain areas of these different tracts of land and the responsibility for maintaining the different areas falls differently to the respective parties. One thing though that I keep finding when looking over the information on the Dominion website and other legal findings regarding any type of easement, no matter if it is a maintenance easement (which I can't really find any reference to anywhere), a prescriptive easement, or any other type of right of way/easement - there is an agreement in place between the actual property owner(s) and the party seeking/granted the easement. Where is this in this situation? Where is it in the 2017 NESC that states the variances to rights/obligations differ between the different types of powerlines? I can find where vertical clearances are discussed, but where right of way/easement width is discussed is not something that I can find specified. The only continued verbiage anywhere, whether be from the Dominion Energy website and/or any other reference is that the responsibilities and what is done

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in said easement will be agreed upon by the actual property owner and the grantee of the easement. Where are the materials that outline where the utility can remove trees within the easement without coming to an agreement with the property owner and/or compensation being provided for years of negligent work being performed by the utility company? If compensation ever was received, by any owner of this property, why is there no record of it with the deed? Can someone please provide the actual references to any of these questions, please? Also, due to the extreme elimination of privacy and foliage from inside my fence, can someone also please explain how my property value, that has now been diminished, will be reassessed in terms of the tax liability that I have for the coming year?

Thank you,
-Robert Clendenin

On Sun, Dec 6, 2020 at 4:23 PM Appel, Ross <appelr@charleston-sc.gov> wrote:
David/Tammy,

I met with Robert Clendenin this afternoon at his home at [redacted]ark Drive. I was really taken aback by the scope and magnitude of the cutting along the Greenway. Mr. Clendenin's backyard backs up to the Greenway. He and several of his neighbors are very concerned about last week's cuts.

Mr. Clendenin's property has most impacted. Per the attached picture (with the swimming pool) he has long enjoyed a vegetative buffer between his property and the Greenway. That buffer, which emanated from his property, was completely removed last week. To make matters worse, the crews came onto his property (behind his fence) and chopped several trees down to the stumps (pictures attached). I understand Dominion needs to keep its lines clear, but it seems to me that this round of cutting went over the top.

To Dominion's credit, it does appear that the cuts further down the Greenway (towards downtown), made after last week's complaints, are more reasonable and appropriate.

David, I appreciate your looking into this tomorrow. I would appreciate an update once you've had a chance to assess these cuts in light of the applicable industry standards and the City's agreement with Dominion. I think it is critical for us all to be on the same page before cuts take place and that there is proper oversight of the crews at all times - not just after the work takes place.

Finally, I want to use this opportunity to get a clear sense of Dominion's plans for the rest of the Greenway headed towards downtown. The folks in Parkwood/Farmfield, Byrnes Downs, and Old Windermere will be livid if similar cuts are experienced down that way. Let's continue to work together, keep the lines of communication open, and come up with a plan of action that acknowledges residents while allowing appropriate trimming.

Thanks again everyone. If you have any questions, please let me know.

Ross Appel, Esq.
City of Charleston Councilmember (District 11)
80 Broad St. | Charleston, SC 29401
[redacted]
appelr@charleston-sc.gov

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City of Charleston

From: Grant, David <grantd@charleston-sc.gov>
Sent: Friday, December 4, 2020 3:03 PM
To: TAMMY COGHILL <tammy.coghill@dominionenergy.com>; Appel, Ross <appelr@charleston-sc.gov>
Cc: DANIEL KASSIS <daniel.kassis@dominionenergy.com>; Tecklenburg, John 2 <TECKLENBURGJ2@charleston-sc.gov>; DeCiantis, Frank Clark <DECIANTISF@charleston-sc.gov>
Subject: RE: Trees

All,

I have made time on Monday to go by and review this. Mark Branham and I already had a meeting set for Tuesday morning to review the Dominion pruning plans for 2021.

I have been silent since I have not been able to go by and see the work yet.

Thanks!

Have a good weekend!

C. David Grant | Park & Tree Administrator/Urban Forester
City of Charleston | Department of Parks
823 Meeting St. | Charleston, SC 29403
O:
grantd@charleston-sc.gov | www.charleston-sc.gov

City of Charleston

From: TAMMY COGHILL <tammy.coghill@dominionenergy.com>
Sent: Friday, December 4, 2020 1:28 PM
To: Appel, Ross <appelr@charleston-sc.gov>
Cc: Grant, David <grantd@charleston-sc.gov>; DANIEL KASSIS <daniel.kassis@dominionenergy.com>; Tecklenburg, John 2 <TECKLENBURGJ2@charleston-sc.gov>
Subject: Re: Trees

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Thanks for staying in touch. As you know tight, heavily wooded corridors like these combined with our highest voltage lines do require safeguarding at the most stringent requirements we must meet for reliability and safety. By its very nature that generates more interest, especially on such a well-used and attractive trail. Our forester went by the site yesterday to review the cuts at that specific address and will be following up with the homeowner. I don't know what you mean about impact to private property owners and will call you for follow-up there. Many owners don't realize when their plantings are in or encroaching on an easement or right of way and subject to these reliability and safety measures. Perhaps that is the matter at hand with those calls.

If a resident has a specific site they want us to follow up on, their best bet is to call the Customer Service number with the address and their contact information. That creates a work order for the forester so there is a record and full customer contact info. I don't have access to customer records myself.

The clearance work sometimes exposes an unhealthy tree that in the public interest needs to come out. These can look extreme as well, once the diseased limbs are removed but that is just an interim step. We will continue to coordinate with the City on removal of any trees that are diseased or otherwise not healthy.

We are also reviewing all the current Greenway work beyond just Mr. Clendenin's address and will follow up with the tree crews if we see anything out of line with the national utility clearing standards.

I'll call you shortly for further discussion on the private property comment.

Tammy

Thank you,
Tammy Coghill

From: Appel, Ross <appelr@charleston-sc.gov>
Sent: Friday, December 4, 2020 9:58:08 AM
To: TAMMY COGHILL (Services - 6) <tammy.coghill@dominionenergy.com>
Cc: Grant, David <grantd@charleston-sc.gov>; DANIEL KASSIS (DESC Trans Distribution - 7) <daniel.kassis@dominionenergy.com>; Tecklenburg, John 2 <TECKLENBURGJ2@charleston-sc.gov>
Subject: [EXTERNAL] Re: Trees

This is an EXTERNAL email that was NOT sent from Dominion Energy. Are you expecting this message? Are you expecting a link or attachment? DO NOT click links or open attachments until you verify them

Tammy,

Good morning. I wanted to follow up on the tree work going on along the Greenway down 17. My phone has been ringing off the hook this morning, and folks are extremely upset by the scale of the cutting and the debris. I am told there are impacts to private property as well.

Can you please provide me with an update?

Thanks,

Ross Appel, Esq.
City of Charleston Councilmember (District 11)
80 Broad St. | Charleston, SC 29401

appelr@charleston-sc.gov

City of Charleston

From: TAMMY COGHILL <tammy.coghill@dominionenergy.com>
Sent: Thursday, December 3, 2020 3:19 PM
To: Appel, Ross <appelr@charleston-sc.gov>
Cc: Grant, David <grantd@charleston-sc.gov>; Saia, Michael J <SaiaM@charlestoncpw.com>
Subject: RE: Trees

CAUTION: This email originated outside of the City of Charleston. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Councilman. I've shared this with our Forester and asked that he review the safeguarding work in that area in particular. He coordinates routinely with David Grant at the City, so I will get back with you as soon as they've had a chance to put eyes in the field as well. David may choose to respond to you directly as well, as your man in the field, with his perspective.
Tammy

From: Appel, Ross <appelr@charleston-sc.gov>
Sent: Thursday, December 3, 2020 1:19 PM
To: TAMMY COGHILL (Services - 6) <tammy.coghill@dominionenergy.com>
Cc: Grant, David <grantd@charleston-sc.gov>; Saia, Michael J <SaiaM@charlestoncpw.com>; Robert Clendenin <clendeninrs@gmail.com>
Subject: [EXTERNAL] Fw: Trees

This is an EXTERNAL email that was NOT sent from Dominion Energy. Are you expecting this message? Are you expecting a link or attachment? DO NOT click links or open attachments until you verify them

Tammy,

I hope you're doing well. I am forwarding an e-mail and photos from Robert Clendenin over on Pinckney Park Drive. He is reporting some substantial tree cutting and collateral impacts along this stretch of the Greenway. Can you please provide us with an update? Also, please pass along my request to make sure the subcontractors are looking out for their impacts to residents.

Thanks so much.

Ross Appel, Esq.
City of Charleston Councilmember (District 11)
80 Broad St. | Charleston, SC 29401
T
appelr@charleston-sc.gov

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City of Charleston

From: Robert Clendenin <clendeninrs@gmail.com>
Sent: Thursday, December 3, 2020 1:11 PM
To: Appel, Ross <appelr@charleston-sc.gov>
Subject: Trees

CAUTION: This email originated outside of the City of Charleston. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Ross,
Thank you for taking my call earlier today. Please see the pictures attached to show the work being done along the Greenway near Pinckney Park Drive. This is between Betsy and Braxton.

These pictures show the trees being mauled, cut to the ground, and debris. I also am including a picture from earlier this year that shows the comparison of what was there vs what is there today.

Please do not hesitate to reach out if you have any questions or concerns.

Best,
Robert Clendenin -

1679 Pinckney Park Dr, Charleston, SC 29407

Photos.zip

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error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

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