

Proceeding No.: A.15-09-010
Exhibit No.: SDG&E-13
Witness: Akau

PREPARED REBUTTAL TESTIMONY OF
DON AKAU
ON BEHALF OF
SAN DIEGO GAS & ELECTRIC COMPANY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

DECEMBER 16, 2016



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1 **PREPARED REBUTTAL TESTIMONY OF DON AKAU**
2 **ON BEHALF OF SAN DIEGO GAS & ELECTRIC COMPANY**

3
4 **I. INTRODUCTION**

5 Q. Please state your name and identify your current position.

6 A. My name is Don Akau. I am the Vegetation Program Manager at San Diego Gas &
7 Electric Company (“SDG&E”).

8 Q. Have you previously submitted testimony in this proceeding?

9 A. Yes, I submitted Prepared Direct Testimony on September 25, 2015. My qualifications
10 were attached to that testimony as Appendix 1.

11 Q. What is the purpose of your rebuttal testimony?

12 A. My rebuttal testimony responds to the Prepared Testimony of Mr. Nils Stannik on behalf
13 of the Office of Ratepayer Advocates (“ORA”) that was submitted in this proceeding on October
14 3, 2016 (“Stannik Testimony”). More specifically, I respond to Mr. Stannik’s testimony
15 regarding the Rice Fire, which he discusses on pages 22-32.

16 Q. Did any of the intervenors who submitted testimony on October 17, 2016 discuss the
17 reasonableness of SDG&E’s actions and decisions leading up to the Rice Fire?

18 A. Not to my knowledge.

19 Q. How is your testimony organized?

20 A. In Section II, I explain that a sycamore tree limb broke and fell onto SDG&E’s
21 conductors, knocking the conductors linked to the ignition of the Rice Fire to the ground. While
22 this broken limb is an undisputed fact, Mr. Stannik nevertheless seeks to divert attention from its
23 role in causing SDG&E’s conductors to break by claiming that SDG&E did not trim the
24 sycamore tree at issue (Tree FF1090) in a timely way. There is no evidence that trimming Tree

1 FF1090 would have prevented the limb from breaking, or avoided the ignition from occurring.
2 Mr. Stannik focuses on the clearance (*i.e.*, the distance between the closest portion of the tree and
3 conductors) between Tree FF1090 and the conductors, but there is no evidence that clearances
4 had anything to do with the fire ignition. Mr. Stannik’s testimony ignores the relevant facts and
5 instead highlights irrelevant (and incorrectly explained) “facts.”

6 In Section III, I discuss why Mr. Stannik’s argument that SDG&E did not trim Tree
7 FF1090 in a timely way is based on an incorrect interpretation of both (a) the meaning of “0 to 3
8 months” to next trim, as reflected in the “Vegetation Management Program Tree Pre-Inspection
9 Procedures” (“Pre-Inspection Procedures”)¹; and (b) SDG&E’s Master Schedule for inspecting,
10 auditing and trimming trees, as reflected in those same procedures.

11 In Section IV, I respond to Mr. Stannik’s allegations regarding the post-fire trimming of
12 Tree FF1090, and I explain that the trimming was done for safety.

13 Finally, in Section V, I respond to Mr. Stannik’s allegations regarding “unexplained
14 discrepancies” in the tree records for FF1090, and I explain that any discrepancies result from the
15 information that was active in the record at the time it was printed.

16 **II. THE SIGNIFICANCE OF THE LIMB THAT BROKE FROM TREE FF1090**

17 Q. Please describe your personal observations related to the scene of the Rice Fire on
18 October 22, 2007.

19 A. On the morning of October 22, 2007, I received a call from SDG&E’s fire coordinator
20 about the Rice Fire. I learned that there were reports of downed SDG&E conductors. I went to
21 the location. Fire crews were already there. There were also some local residents in the area. It
22 was smoky and very windy. I went to where the downed conductors were, and then looked

¹ I attached the Pre-Inspection Procedures that were in effect prior to the October 2007 Wildfires as Appendix 3 to my Prepared Direct Testimony.

1 around to try to determine what had caused the conductors to fall. I looked up in the tree canopy,
2 which was quite dense. I walked around trees near the conductors a few times, trying to get
3 different vantage points. Eventually, I found an area in the canopy where there was an opening,
4 and I could see a small area that appeared to be wood that had either split or broken out. I
5 followed the area where the breakout appeared and saw that a limb from the sycamore tree (Tree
6 FF1090) had broken out and was resting in the canopy of an adjacent oak tree, and there were
7 two conductors underneath the broken limb in the canopy of the oak. The limb had been
8 attached to a larger limb, and I could tell from the angle of where the breakout had occurred and
9 the angle of the branch union that the limb that had broken was originally positioned towards the
10 northeast, growing away from the conductors.

11 After I discovered the broken limb, I took some photographs. The winds were very
12 strong, and Tree FF1090 was blowing back and forth. I called Davey Tree Surgery and
13 requested an emergency crew. I requested that the crew make Tree FF1090 safe for the fire
14 crews and residents in the area, and for the electric crews that would be coming out to restore
15 service on the circuit. Davey Tree Surgery dispatched Dave Kracha and his climber. I instructed
16 Mr. Kracha to clear an area around the breakout in the canopy so that I could take some
17 photographs. I also requested that he remove the broken limb and cut the limb from which it had
18 broken out, just below the breakout point, so that the limb could be preserved. I left the site, and
19 Chris Thompson, an SDG&E Area Forester, took over for me.

20 Q. Have you previously testified about the broken limb?

21 A. Yes, I have discussed it in (1) my Examination Under Oath in the "Investigation on the
22 Commission's Own Motion into the Operations and Practices of San Diego Gas & Electric
23 Company Regarding the Utility Facilities linked to the Witch and Rice Fires of October 2007"

1 I.08-11-006 (Issued November 12, 2008) (“ Witch/Rice OII”);² (2) in my 2009 Witch/Rice OII
2 Direct Testimony;³ and (3) in my Prepared Direct Testimony in this proceeding.⁴ Consistent
3 with my testimony, the Commission’s Consumer Safety and Protection Division (“CPSD”)
4 recognized that “[a] sycamore tree limb broke and fell onto SDG&E’s 12 kV conductors during
5 Santa Ana wind conditions, starting a fire,”⁵ and I am not aware that this fact has ever been
6 disputed. Mr. Stannik mentions the broken limb at one point,⁶ but as I explain below, he never
7 considers what it means in terms of SDG&E’s downed conductors and the fire ignition.

8 In my prior testimony, I have also discussed the fact that I later learned that the tree had a
9 hidden structural defect, which I was able to observe once the limb from which the breakout
10 occurred had been cut down and placed on the ground.

11 Q. Following your site visit on October 22, 2007, did you prepare a diagram of Tree
12 FF1090, the broken limb laying across the conductors and the adjacent oak tree, as they appeared
13 to you on October 22, 2007?

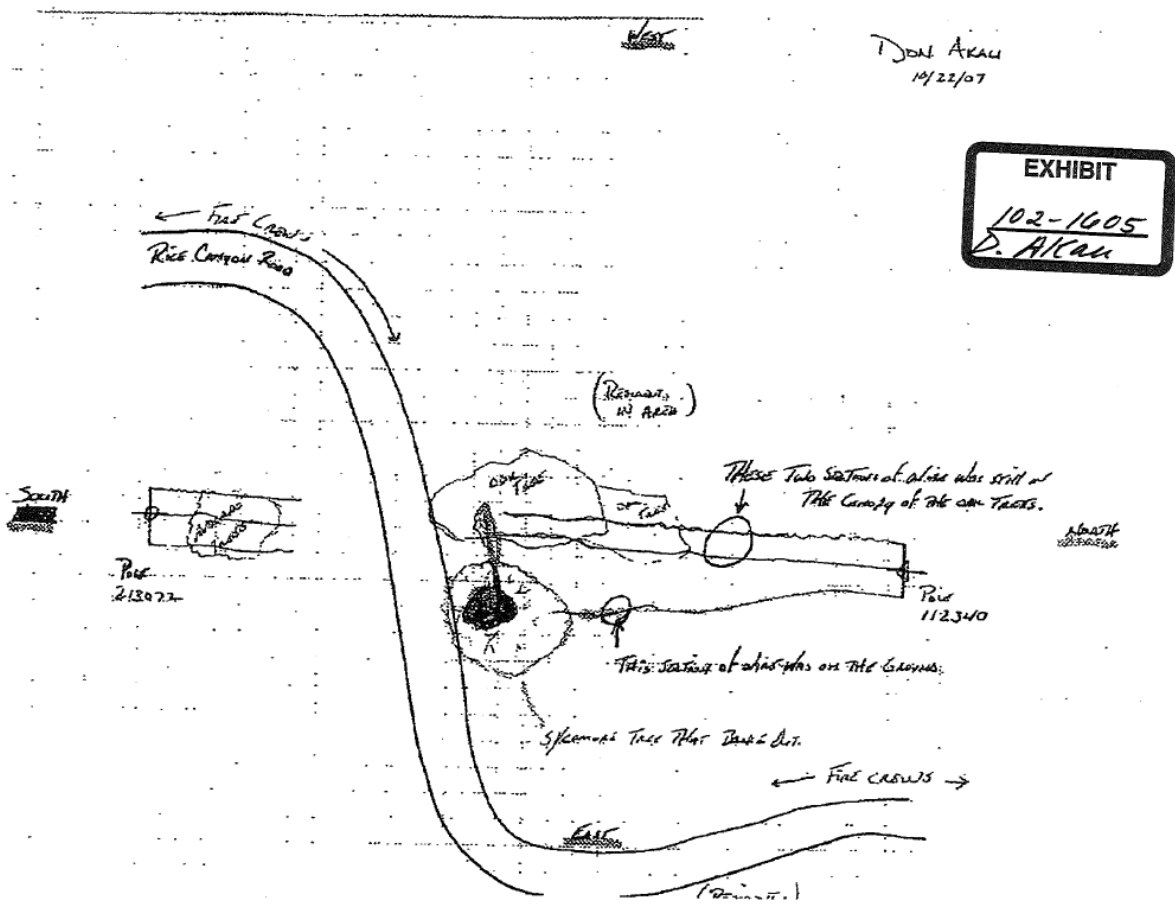
14 A. Yes I did. I have included the diagram as Appendix 1 to this testimony. I have also
15 included the diagram below as Figure 1.

16

² Examination Under Oath of Don Akau (“EUO of Don Akau”), pp. 16-19.
³ Direct Testimony of Don Akau (Rice Fire), pp. 13-15. I.08-11-006 (June 5, 2009) (“OII Akau Direct Testimony”), pp. 5, 14-15.
⁴ Prepared Direct Testimony of Don Akau, pp. 18-19.
⁵ “Report of the Consumer Protection and Safety Division Regarding the Guejito, Witch and Rice Fires,” P.07-11-007, p. 2. (September 2, 2008)
⁶ Stannik Testimony, pp. 22-23.

1

FIGURE 1: POST FIRE DIAGRAM



2

3 Q. When did you prepare this and for what purpose?

4 A. I prepared the diagram within a week of the Rice Fire. I prepared it because SDG&E
5 typically monitors tree-related outages.

6 Q. Does this diagram correspond to your recollection of the site?

7 A. Yes.

8 Q. Please describe the diagram.

9 A. This is a bird's eye view of the site. The compass direction "West" is at the top of the
10 diagram, "East" is at the bottom, "South" is on the left hand side, and "North" is on the right
11 hand side. The road depicted is Rice Canyon Road. Starting near the upper left, the label above
12 "Rice Canyon Road" in the upper left says "Fire Crews." There is another label of "Fire Crews"

1 in the bottom right of the diagram. That's where fire crews were parked when I arrived on the
2 morning of October 22, 2007.

3 In the middle of the diagram, I drew in the conductors running roughly north-south,
4 between what I have labeled as "Pole 213072" and "Pole 112340." Tree FF1090 is to the east of
5 the conductors, and the oak tree on which the broken limb was laying is positioned to the west of
6 the conductors. To the west of the oak tree (or above it in my diagram), I have written
7 "(Residents in Area)" to indicate where there were residents nearby. Below that, I wrote "These
8 two sections of wire [were] still in the canopy of the oak trees," circling and identifying with an
9 arrow two conductors. Below that (or east), I wrote "This section of wire was on the ground."
10 Consistent with my observations from the scene, two conductors were in the oak tree, and the
11 limb was on top of those conductors, while one conductor was on the ground. Below that, I
12 wrote "Sycamore tree that broke out," and I drew an arrow to the sycamore tree. Between the
13 sycamore and the oak tree, I drew the limb that broke out, which is pointed in a south-west
14 direction.

15 Q. You previously indicated that Mr. Stannik does not acknowledge the significance of the
16 broken limb to the downed conductors and the fire ignition. Please explain what you mean by
17 that statement.

18 A. In his testimony, Mr. Stannik adopts the position that CPSD advanced in its 2009
19 testimony in the Witch/Rice OII. Mr. Stannik tries to divert attention from the broken limb by
20 focusing on whether SDG&E trimmed Tree FF1090 in a timely way. Mr. Stannik testifies that
21 SDG&E was required under its own Vegetation Management Program to trim Tree FF1090 by
22 October 18, 2007 (within three months of the "pre-inspection" that occurred on July 18, 2007),
23 and that by failing to do so, SDG&E violated its own practices and procedures, as well as

1 General Order 95, and that these failures “led directly to the ignition of the Rice Fire.”⁷ Mr.
2 Stannik also asserts that SDG&E violated its own procedures regarding the removal of direct
3 overhang.⁸

4 Q. Do you agree with Mr. Stannik’s conclusion that SDG&E’s failure to trim Tree FF1090
5 by October 18, 2007 “led directly” to the Rice Fire?

6 A. No. I believe that the limb that broke and fell onto the conductors would not have
7 presented a clearance issue or even necessarily been subject to trimming under either SDG&E’s
8 requirements (including with respect to removal of direct overhang) or applicable regulatory
9 requirements.⁹ Thus, I believe Mr. Stannik’s focus on when the tree was required to be trimmed
10 misses the point entirely. And as I discuss later in my testimony, Mr. Stannik’s interpretations of
11 the timeframes and requirements under SDG&E’s Vegetation Management Program are wrong
12 anyway.

13 Q. Does Mr. Stannik refute your claim that the limb was growing away from the power lines
14 onto which it fell?

15 A. No.

16 Q. Does Mr. Stannik present any evidence that the specific limb that broke and fell onto
17 SDG&E’s conductors would have even been subject to trimming?

18 A. No, he does not. It is important to recognize that not every branch or limb on every tree
19 is required to be trimmed. Tree trimming is intended to maintain applicable clearance distances
20 “between the overhead electrical conductors and the closest portion of the tree or brush.”¹⁰ Mr.

⁷ *Id.*, p. 32.

⁸ *Id.*, p. 27.

⁹ Prepared Direct Testimony of Don Akau, pp. 17-18; OII Akau Direct Testimony, pp. 5-6.

¹⁰ Pre-Inspection Procedures, p. 20.

1 Stannik does not make any effort to show that the limb that broke and fell onto SDG&E's
2 conductors was the closest portion of the tree to the conductors (and thus marked for trimming
3 by the Davey pre-inspector), or, as I noted above, was even growing in the direction of the
4 conductors. Nor does he attempt to show that the limb that broke and fell onto the conductors
5 was the direct overhang that the Davey pre-inspector marked for removal, and my opinion is that
6 it wasn't. That is why Mr. Stannik's focus on SDG&E's trimming is simply a distraction from
7 the real cause of the downed conductors, which was a broken limb with a hidden structural
8 defect.

9 Q. Please explain the hidden structural defect.

10 A. Once the tree had been trimmed on October 22, 2007, and the portion of the tree from
11 which the limb had broken out was on the ground, I could see staining on the bark where the
12 limb had been attached to the tree. Such staining indicates what is referred to as included bark.
13 In some cases, included bark is visible because there is swelling in the branch bark ridge, which
14 indicates pressure, but in this instance, it was not visible. That is why I have referred to the
15 problem as a "hidden" structural defect. Many defects aren't visible – particularly when they are
16 high up in a tree canopy and obscured by foliage – and many trees have defects, which often
17 cannot be seen until there is a branch or other structural failure. In the Witch/Rice OII
18 proceedings, Ronald Matranga, another certified arborist, testified that it would have been very
19 difficult to determine whether the limb had included bark from the ground, and that there was no
20 evidence that Tree FF1090 was diseased.¹¹

21 Q. Does Mr. Stannik present any evidence to refute your claim that the limb had a hidden
22 structural defect?

¹¹ "Direct Testimony of Ronald Matranga, San Diego Gas & Electric Company (Rice Fire)," I.08-11-006, June 5, 2009, pages 3-5. See Appendix 2.

1 A. No.

2 Q. Does SDG&E's Vegetation Management Program inspect trees for structural defects or
3 limbs that may break even when those trees do not present a clearance encroachment problem?

4 A. Yes. In addition to our policies and procedures for maintaining applicable regulatory
5 clearances, SDG&E's Vegetation Management Program specifically requires that inspections
6 look for what we refer to as "Reliability Trees," which are trees that "pose a threat to the safe and
7 reliable delivery of electricity" and that "have the potential to fail completely or drop limbs onto
8 powerlines." Reliability Trees "may be located inside or outside of the utility right of way, and
9 may or may not require pruning for compliance with clearance requirements."¹² No structural
10 defects were noted by Davey during the July 18, 2007 pre-inspection, and as I said, it was not
11 until after the limb failure that the included bark was observed.

12 **III. ORA'S INTERPRETATION OF SDG&E'S TREE TRIM PROCEDURES**

13 Q. According to Mr. Stannik, SDG&E was "unreasonable" and "negligent" because it did
14 not trim Tree FF1090 within the timeframe recommended by the Davey Tree pre-inspection
15 contractor as specified in SDG&E's own procedures.¹³ Do you agree with that assertion?

16 A. No, I do not. This testimony by Mr. Stannik is based on two major errors. First, Mr.
17 Stannik's interpretation of what it means when a pre-inspector selects "0 to 3 months" in the
18 months to next trim field is wrong, as explained in subsection A below. Second, Mr. Stannik
19 either does not understand or ignores how our Vegetation Management Program activities are
20 actually scheduled, as explained in subsection B below. These errors show that there is no

¹² *Id.*, p. 30.

¹³ Stannik Testimony, pp. 22-28.

1 support for his testimony that SDG&E did not follow its own procedures, or that SDG&E
2 ignored the trimming recommendation of its contractor.

3 **A. 0 to 3 Months to Next Trim**

4 Q. According to Mr. Stannik, the pre-inspector who inspected Tree FF1090 on July 18, 2007
5 “indicated in SDG&E’s vegetation management system that the tree should be trimmed within
6 three months (by October 18, 2007) by selecting a digital dropdown choice of ‘0 to 3 months’ in
7 the ‘Months to Next Trim’ field of SDG&E’s vegetation management system.”¹⁴ Do you agree
8 with this assertion?

9 A. No.

10 Q. Why not?

11 A. Because Mr. Stannik is wrong about what the selection of “0 to 3 months” means in the
12 context of SDG&E’s Vegetation Management Program.

13 Q. Please explain what it means when a pre-inspector selects “0 to 3 months.”

14 A. SDG&E uses a Vegetation Management System (“VMS”) – which is a database – to
15 manage its activities. As described in the Pre-Inspection Procedures, the VMS “is a software
16 application designed to record various layers of tree data and graphic images within a dynamic
17 inventory of vegetation having the potential to grow into or fall into SDG&E electric power lines
18 and facilities.”¹⁵ Each pre-inspector updates the information contained within certain fields in
19 the VMS database based on their evaluation of the tree on site.

20 One of the fields is called “Months to Next Trim,” and the pre-inspector can choose 0-3,
21 3-6, 6-9 months, etc., from the dropdown menu. Presumably, based on the field title (“Months to
22 Next Trim”) Mr. Stannik incorrectly believes that the selection of 0-3 months means that the

¹⁴ Stannik Testimony, p. 23.

¹⁵ Pre-Inspection Procedures, p. 8.

1 trimming will take place within 0-3 months of the pre-inspection.¹⁶ But the actual instructions
2 regarding “Months to Next Trim” that the pre-inspectors are required to follow shows that Mr.
3 Stannik’s interpretation is wrong. Those instructions state that the pre-inspector should:

4 Use this field to estimate how many months will elapse before the
5 tree grows out of compliance. *Months to next trim does not*
6 *indicate the length of time before the tree will be pruned.* Months
7 to next trim serves two purposes; 1) allows SDG&E to monitor
8 compliance, and 2) helps forecast future workload.¹⁷

9 So if a pre-inspector were to select 0-3 months, as happened on July 18, 2007, that would mean
10 that the trimming would happen in the upcoming trim cycle in the Master Schedule which, as I
11 explain below, means it would happen in the trim cycle taking place between September and
12 November of 2007.

13 Q. If a pre-inspector believed that a tree needed to be trimmed sooner than the next full trim
14 cycle as set forth in the Master Schedule, how would he or she indicate that?

15 A. There are two situations where a tree can be flagged for immediate trimming or removal
16 outside of the usual Master Schedule timeframe or cycle. First, there are Reliability Trees, as
17 discussed in Section 5 of the Pre-Inspection Manual, which I discussed above. Second, there are
18 Memo Trees, as discussed in Section 6 of the Pre-Inspection Manual. Memo Trees are trees that
19 “are non-compliant with minimum clearance requirements and/or fit the Vegetation Management
20 criteria to be pruned within a priority timeframe.”¹⁸ Memo trees are classified as “Same Day”
21 (whereby the trimming is completed that day or the next); “Next Day” (whereby the trimming is
22 completed the next day); or “Grouped” (whereby the trimming is completed within two weeks).
23 Pre-inspectors are required to document Memo Trees on a Memo Sheet. If the pre-inspector had

¹⁶ Stannik Testimony, p. 25.

¹⁷ Pre-Inspection Procedures, p. 20 (emphasis added).

¹⁸ *Id.*, p. 35.

1 believed that Tree FF1090 would pose a threat to conductors sooner than it could be addressed
2 under the trim cycle in the Master Schedule, the pre-inspector would have listed it as a Memo
3 Tree, and trimming would have been expedited to occur prior to the trim cycle.

4 Q. Did the Davey pre-inspector flag Tree FF1090 as either a Reliability Tree or a Memo
5 Tree?

6 A. No he did not.

7 Q. Did Mr. Stannik discuss or reference the procedures for identifying a Reliability Tree or
8 Memo Tree in his testimony?

9 A. No, he did not.

10 Q. Why is that omission significant?

11 A. Because it shows that he does not understand SDG&E's tree trimming procedures.

12 Q. Is Mr. Stannik's theory of "0 to 3 months" a reasonable interpretation of SDG&E's
13 procedures?

14 A. No. Mr. Stannik claims that the three month window for trimming begins on the date that
15 the pre-inspector inspects the tree and indicates that trimming is to be performed. In his view,
16 completion of the July 18, 2007 pre-inspection would mean that trimming is completed within 90
17 days of July 18, which is how he gets his October 18 trimming completion date. If we did things
18 the way Mr. Stannik wrongly assumes, the schedule for trimming each of the more than 400,000
19 trees in our inventory would be based on when each tree was pre-inspected. That would be
20 completely unmanageable because we would not only have to keep track of an enormous number
21 of individual schedules, but we would also have to have our trimming contractors working over a
22 longer period of time, while trimming fewer trees each day. We would also have to make more
23 customer notifications and do more frequent visits to customer property each year. The reason

1 we have a Master Schedule that applies to all trees within a given VMA is to avoid such
2 inefficiencies.

3 Q. Apart from the incorrect interpretation of the meaning of “0 to 3 months”, do you believe
4 that Tree FF1090 would have been out of compliance with the applicable clearance requirements
5 within 0-3 months of the July 18, 2007 pre-inspection?

6 A. No I do not. As set forth in the Tree FF 1090 History Report, which I attached as
7 Appendix 6 to my Prepared Direct Testimony, the clearances recorded during the previous pre-
8 inspections were: (1) 8 to 12 ft. as of July 12, 2005; (2) 8 to 9.9 ft. as of July 19, 2006; and (3) 6
9 to 7.9 ft. as of July 18, 2007. Thus, Tree FF1090 grew only 2 to 4 ft. per year between July 2005
10 and July 2007. That growth rate indicates a medium grower, not a fast grower (which grows 4-6
11 ft. per year). The growth rate thus indicates that Tree FF1090 would not have grown more than 2
12 ft. in the three-month period from July 18, 2007 to encroach within 4 ft. of the powerlines.

13 Even if you assume a worst case scenario for a fast grower, which is a tree that grows an
14 average of 4-6 ft. per year, that is a maximum growth rate of only half a foot per month, which
15 would have resulted in a worst case clearance of just under 4.5 ft., which is in compliance with
16 applicable clearance requirements.

17 In addition, as noted in Davey’s response to SDG&E’s data request 1-2 in the Witch/Rice
18 OII, Davey had observed Tree FF1090 on October 15, 2007 (a week before the Rice Fire) and
19 concluded that the clearance was greater than 4 ft.¹⁹ This supports my conclusion that the Rice
20 Fire resulted from a hidden defect in the tree and had nothing to do with regulatory clearances
21 between the tree and SDG&E facilities.

¹⁹ See Appendix 3.

1 **B. SDG&E’s Vegetation Management Program Master Schedule**

2 Q. Does Mr. Stannik dispute SDG&E’s explanation of how its Master Schedule for
3 Vegetation Management works?

4 A. Yes. He says “SDG&E’s assertion that its tree-trimming timeline could extend beyond
5 the timeframe recommended by an inspector (in the case of Tree FF1090, 0-3 months) via an
6 additional auditing or administrative period is unreasonable.”²⁰ But there is in fact a one month
7 audit period in the Master Schedule that begins when all pre-inspection activities are completed
8 in the relevant area, as is explained in the Pre-Inspection Procedures: “Pre-inspection audit is
9 conducted the first month after the scheduled completion of pre-inspection.” The procedures
10 then state: “Pruning [i.e., trimming] commences two months after pre-inspection. Pruning
11 contractor has a 65-calendar day timeframe to complete all assigned work and to certify VMA
12 per contract specifications.”²¹ Mr. Stannik is simply wrong when he says that “SDG&E’s
13 assertion” about the timeline is “unreasonable” because that assertion is specified in the Pre-
14 Inspection Procedures.

15 Q. Does Mr. Stannik ever criticize SDG&E’s Vegetation Management Program or suggest
16 that the program itself did not comply with applicable regulatory requirements?

17 A. No, Mr. Stannik does not criticize the Vegetation Management Program or contend that
18 the program did not comply with applicable regulatory requirements. I described that program in
19 detail in my Prepared Direct Testimony at pages 3-16. Instead, Mr. Stannik claims that SDG&E
20 violated its own practices, as reflected in its Vegetation Management Program.²² His criticisms,

²⁰ Stannik Testimony, p. 25 (footnote omitted).

²¹ Pre-Inspection Procedures, p. 10.

²² See, *e.g.*, Stannik Testimony, p. 32.

1 however, show that Mr. Stannik does not understand how SDG&E schedules work under its
2 Master Schedule.

3 Q. Please explain the activities under the Master Schedule, and when each of those activities
4 occurs.

5 A. In 2007, as today, there was a four stage process under the Master Schedule, as Mr.
6 Stannik seems to acknowledge:²³ (1) a pre-inspection; (2) a quality assurance audit of the pre-
7 inspection completed within the first month following the pre-inspection; (3) the tree trimming
8 and/or removal work; and (4) a quality assurance audit of the trimming/removal work. As I
9 stated in my direct testimony, the Master Schedule lays out timeframes for each step, as follows:

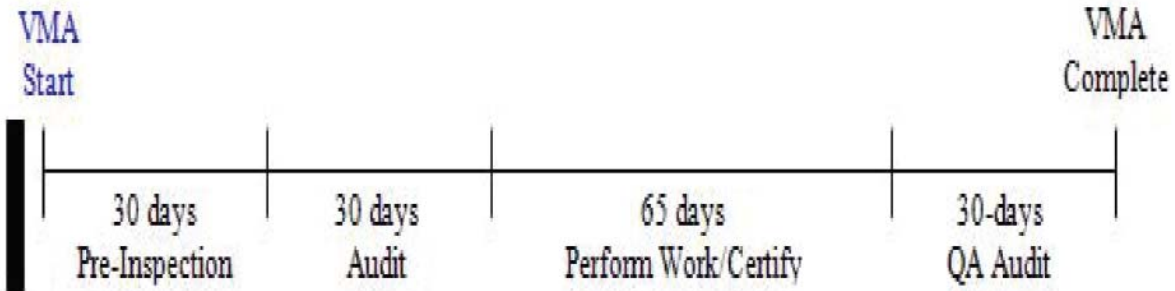
- 10 (1) Pre-inspection is completed within 30 days;
- 11 (2) Quality assurance audit of pre-inspection is completed within the first month after
12 the scheduled completion of the pre-inspection;
- 13 (3) Trimming begins two months after pre-inspection, and the trimming must be
14 completed within 60 days and certified within an additional 5 days; and
- 15 (4) Quality assurance audit must be completed within 30 days following the trimming
16 completion and certification.²⁴

17 In my Witch/Rice OII testimony, I presented a chart to depict this schedule, which I have
18 reproduced below:

²³ Stannik Testimony, p. 24.

²⁴ Prepared Direct Testimony of Don Akau, p. 7. *See also*, Pre-Inspection procedures, p. 10.

Trim/Brush Cycle Time Line:



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Q. Under SDG&E’s Master Schedule, when was Tree FF1090 required to be trimmed?

A. By November 1, 2007.

Q. How do you reach that conclusion?

A. Tree FF1090 was not flagged for expedited trim as a Memo Tree. Thus, under the Master Schedule, pre-inspection of trees within the Vegetation Management Area (“VMA”) where Tree FF1090 was located – VMA 379 – was scheduled to start on July 1, 2007 and be completed by the end of that month. Pre-inspection audit was scheduled to start in August 2007 and be completed by the end of that month. Trimming was scheduled to start in September 2007 and be completed within two months, or by November 1. This is reflected in the VMA Schedule included in the Pre-Inspection Procedures:

FIGURE 2 – TABLE 11.1 FROM SDG&E’S VEGETATION MANAGEMENT PROGRAM TREE PRE-INSPECTION PROCEDURES (MAY 2007)

Table 11.1: VMA Schedule (Northern SDG&E Territory)

VMA	North	VMA Name	Estimated Trees	Pre-inspection Start	Pre-inspection Audit Start	Tree Trim Start	Tree Pruning Finish
378	N E	Pala	1,559	July	August	September	November
379	N E	Rainbow 1	2,736	July	August	September	November

14
15
16

Each of the four stages in the Master Schedule takes place within a distinct window – all pre-inspection takes place in the first 30-day window, all quality assurance audits of pre-

1 trimming activities takes place in the next 30-day window, all trimming and certification takes
2 place in the next 65-day window, and all quality assurance audits of the trimming work takes
3 place in the next 30-day window.

4 In its Investigation Report into the Rice Fire, the California Department of Forestry and
5 Fire Protection explained the Master Schedule in the way I have just described:

6 I did learn the area surround the line which caused the Rice Fire
7 had been inspected in July 2007 for trees which needed to be
8 trimmed. The sycamore tree identified adjacent to Specific Origin
9 Area #2 was determined to be in compliance with no need for any
10 priority work. Davey Tree also inspected the tree and determined
11 the tree to be healthy and in compliance. On September 1, 2007
12 Davey Tree received a full package of scheduled work to be
13 completed in the area, and the work was supposed to be completed
14 prior to November 1, 2007.²⁵

15 Thus, there is no support for Mr. Stannik's testimony that Tree FF1090 was supposed to be
16 trimmed prior to October 18, 2007.

17 Q. How do you respond to Mr. Stannik's claim that SDG&E has been unable to provide
18 documentation showing the date by which FF1090 was to be trimmed under any schedule?²⁶

19 A. That claim is incorrect. First, ORA attached my Witch/Rice OII Direct Testimony to
20 Exhibit ORA-05 to Mr. Stannik's Testimony (ORA Supporting Attachments (Volume 2) Related
21 Testimony), and Mr. Stannik repeatedly refers to that testimony. I discussed the Master
22 Schedule for 2007 in that testimony,²⁷ and I attached the schedule as Exhibit 5 to my Witch/Rice
23 OII Direct Testimony. Second, Appendix 2 to my Prepared Direct Testimony in this proceeding
24 also contains the Master Schedule for 2007. Tree FF1090 is in VMA 379, and the dates for each

²⁵ "California Department of Forestry and Fire Protection Investigation Report," 07-CA-MVU-010502, pp. 16-17.

²⁶ Stannik Testimony, p. 27.

²⁷ OII Akau Direct Testimony, pp. 8-9.

1 activity are shown on the schedule. So I do not understand why Mr. Stannik would say SDG&E
2 has not provided any documentation of the schedule.

3 **IV. ORA'S ALLEGATIONS REGARDING SDG&E'S POST-FIRE TRIMMING OF**
4 **TREE FF1090**

5 Q. Are you familiar with the trimming of Tree FF1090 that took place after the Rice Fire?

6 A. Yes. I was involved in the decisions to trim Tree FF1090.

7 Q. Please describe your involvement in those decisions.

8 A. As I indicated earlier, I called Davey Tree Surgery after I observed the scene on October
9 22, 2007 and requested an emergency tree crew to assist at the scene. I requested that Davey
10 Tree Surgery remove the limb that was lying across the conductors and clear an area around the
11 break-out in the canopy of Tree FF1090 so that I could take some photographs. I also requested
12 Davey Tree Surgery to trim back the broken out limb and cut the limb just below where the
13 breakout occurred so the limb could be preserved.

14 Q. Why did you request Davey to do this post-fire trimming?

15 A. It was important to remove the branch so that SDG&E could get power restored to that
16 circuit. The broken lines could not be safely restrung, and power restored, with a broken limb
17 lying across. I asked Davey to trim the canopy because the winds were blowing very strongly
18 from the east, and I was concerned that the tree could fail again. Given that there were fire
19 agency personnel and local residents in the vicinity, I was worried that another failure of the tree
20 could injure someone. Or another failure could have impacted the remaining SDG&E facilities,
21 and made the restoration job all the more difficult. I did not want to leave an unsafe condition in
22 place.

23 Q. Did any trimming occur in addition the trimming you requested?

1 A. Yes. After I left the site on October 22, 2007, Chris Thompson, an SDG&E Area
2 Forester, took over the site. After the initial trimming was done, Mr. Thompson contacted me
3 and informed me that he determined that the remaining portions of the tree were potentially at
4 risk of failing in the winds and that he instructed Davey Tree Surgery to reduce the height of the
5 tree. I agreed that this was necessary for safety purposes. Mr. Thompson explained this further
6 in his Witch/Rice OII direct testimony:

7 As the trimming progressed and I could see more of the canopy of
8 tree FF1090 and the failure point, I became concerned about the
9 structural integrity of the remaining portions of the canopy,
10 especially with the high winds in the area. I observed that the
11 broken-out leader was part of a co-dominant situation with
12 included bark. This typically occurs when two separate leaders
13 start growing together and pushing against each other as they grow
14 in diameter. As the leaders grow together, a deformity in the union
15 structure forms, encompassing the bark of the two leaders, which is
16 called an inclusion. The other co-dominant leader was still in the
17 canopy, and I know that co-dominant leaders often fail partially or
18 entirely once another co-dominant leader fails. I saw that the
19 remaining leaders in the canopy were significantly bending in the
20 high winds. Once I observed this, I determined that the remaining
21 canopy needed to be reduced in height due to the initial limb
22 failure in order to protect against additional failures. I called Don
23 Akau to inform him that I intended to reduce the canopy. I
24 instructed Dave Kracha to trim the canopy so that it would be
25 below his best estimate of where the power lines had been and
26 would be re-installed. As I just described, I determined that
27 reducing the canopy was necessary to minimize the risk of any
28 additional failures in the tree, and also to ensure public safety
29 because there were ongoing fire suppression efforts in the area and
30 residents in the process of evacuating. The tree was close to the
31 road, and I was concerned that additional failures could cause the
32 road to be blocked or prevent restoration efforts.²⁸

²⁸ “Direct Testimony of Chris Thompson, San Diego Gas & Electric Company (Rice Fire),” I.08-11-006, June 5, 2009, pages 3-5. See Appendix 4.

1 Q. According to Mr. Stannik, SDG&E “has not provided a compelling reason for the need to
2 drastically reduce the height of the FF1090 immediately after the Rice Fire and before any
3 investigators had a chance to assess the scene.”²⁹ Do you agree?

4 A. No. The compelling reason was safety. If the tree had failed in high winds, as Mr.
5 Thompson worried it might, someone could have been injured or worse.

6 **V. ORA’S ALLEGATIONS REGARDING SUPPOSED DISCREPANCIES IN THE**
7 **RECORDS OF TREE FF1090**

8 Q. Mr. Stannik claims that there are “unexplained discrepancies” in various versions of Tree
9 FF1090 records that are “concerning and unexplained by SDG&E.”³⁰ How do you respond to
10 those allegations?

11 A. It seems as though Mr. Stannik is saying that SDG&E deliberately altered records
12 because references to “remove direct overhang” do not appear consistently throughout the three
13 versions of the records they reference. It is not clear what ORA thinks SDG&E would be hoping
14 to accomplish since it has produced all three records at various times.

15 Q. How do you explain the so-called discrepancies?

16 A. Data changes in our database. The database is a continuously updated system, and each
17 time an inspector, auditor, contractor or forester enters or edits information, the data shown on
18 the tree record changes. Whether there is direct overhang on a given tree at a particular time
19 depends on many factors, such as tree height, limb growth, and limb weight, and these factors
20 can also change for reasons such as snow loading (causing trees to flex) and high winds (causing
21 trees to sway). Comments such as “remove direct overhang” are not deleted from the system
22 entirely, but they may be active or inactive based on the inspection condition at the time the

²⁹ Stannik Testimony, p. 30.

³⁰ Stannik Testimony, pp. 30-32.

1 report is printed. When the report is printed, it reflects the live comments. For example, if the
2 direct overhang is removed in a cycle, the comment that pointed to removing the direct overhang
3 won't continue to appear. These three reports were printed at different times, and each report
4 reflects the comments that were active when printed. So, I disagree with the characterization that
5 there are discrepancies. Each record shows the then-current information.

6 **VI. CONCLUSION**

7 Q. Does this conclude your prepared rebuttal testimony?

8 A. Yes, it does.

Appendix 1

Don Akau
11/22/07

EXHIBIT
102-1605
D. Akau

← Fire lanes
Rice Canyon Road

(Reservoir
in Area)

These two sections above were split in
the County of the two tracts.

Approx
112340

Pole
112340

This is status of wharves on the grounds.

Spencer Tree that was cut.

← Fire lanes →

(Reservoir)



Pole
213072

South

Appendix 2

Proceeding No.: I.08-11-006
Exhibit No.: _____
Witness: Ronald Matranga

DIRECT TESTIMONY OF
RONALD MATRANGA
SAN DIEGO GAS & ELECTRIC COMPANY
(RICE FIRE)

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA
June 5, 2009**



1 **DIRECT TESTIMONY OF**
2 **RONALD MATRANGA**
3 **SAN DIEGO GAS & ELECTRIC COMPANY**

4 Q: Please state your name and title.

5 A: Ronald Matranga, Consulting Arborist.

6
7 Q: Can you describe your educational background?

8 A: I attended San Diego State University from 1985 to 1988, where I studied mathematics and
9 education. From 1983 to 1985, I studied general education at Grossmont College. I graduated
10 from high school in 1983. I have participated in continuing education relating to my profession
11 as an arborist since 1991.

12
13 Q: Can you briefly describe your work experience?

14 A: I have more than 25 years experience working with trees in San Diego County. From
15 1983 to present, I have been employed by Atlas Environmental Services, Inc., a company which
16 specializes in tree care. Since 1998, I have been an instructor for a privately offered arborist
17 certification course which helps prepare students for the Certified Arborist exam. Since 1994, I
18 have offered consultation and expert witness services regarding tree issues. Since 1989, I have
19 been the lead field estimator (residential division) of Atlas, diagnosing tree care needs and
20 managing multiple work crews. From 1983-1988, I worked as a field crew member and foreman
21 on various tree care sites.

22
23 Q: What are your professional qualifications?

24 A: I became a Certified Arborist in January 1991 and a Board-Certified Master Arborist
25 (“BCMA”) in February 2007. The BCMA designation is the highest qualification available from
26 the International Society of Arboriculture. I have been a member of the American Society of
27 Consulting Arborists (“ASCA”) since 1994. I graduated from the ASCA Academy in 1999.

28

1 Q: What is the purpose of your testimony in these proceedings?

2 A: I was asked by SDG&E to examine Tree FF1090, including the limb that broke, and to
3 make observations in my capacity as an arborist.

4

5 Q: Did you visit the site of the Rice Fire? When?

6 A: Yes. I visited the site on 11-21-07.

7

8 Q: Did you examine tree FF1090 during that visit? What type of tree is it?

9 A: Yes. It is a *Platanus racemosa* (California Sycamore).

10

11 Q: Had it been trimmed at that time? Did you take pictures?

12 A: It had been reduced in height, with all the upper foliage removed. I took approximately
13 16 photos while on site.

14

15 Q: What observations did you make about FF1090 during your visit?

16 A: I noted the tree genus and species, and diameter at standard height (4.5 feet above grade) of
17 41 inches. I observed the overall setting of the area; specifically that the tree was on the bank of a
18 seasonal creek bed area and that FF1090 was consistent with a naturally occurring, native tree.

19 I observed that based on the size of the finish reduction cut at that time and its proximity to
20 the height of the wires the tree was growing at a total height which would have exceeded that wire
21 height. I observed live foliage on the remaining parts of FF1090 and some heat damaged foliage.
22 I observed the lower trunk of the tree had fire scars from ground level up to approximately 5 feet
23 above ground level. I observed that the remaining structure of the tree appeared to be average for
24 the species.

25

26 Q: Did you examine the limb that allegedly fell onto the power lines? When? Where?

27 A: Yes. I examined a portion of that limb on 11-19-07 at the El Cajon SDG&E facility.

28

1 Q: What observations did you make about the size of the limb?

2 A: I observed that the limb was consistent with *Platanus racemosa*. I observed that it was
3 4.6 feet in length with a “bottom” diameter of 14 inches and a “top” diameter of 13 inches and
4 9.5 inches.

5
6 Q: Did you make observations about decay or rot on the limb?

7 A: I observed there were no visible areas of decay or rot in any of the inner wood and no
8 visible areas of decay or rot on the trunk/ bark.

9
10 Q: Did you make further observations about the limb?

11 A: I observed it was a section of tree that contained a codominant arrangement and included
12 bark. The length of the bark inclusion was 18 inches on one side and 23 inches on the other side.
13 Codominant stems or branches are forked stems or branches of equal or nearly equal size in
14 diameter and relative importance that are lacking a normal branch union. Bark inclusion (aka
15 included bark or embedded bark) is a pattern of development where bark becomes embedded in a
16 crotch between a branch and a trunk or between codominant stems. Included bark is considered a
17 structural defect and causes a weak structure.

18
19 Q: Did you also include review photographs of FF1090? Which ones? When were they
20 taken?

21 A: I have reviewed hundreds of photographs. They are from: Consultant A taken 10-29-07,
22 11-1-7, 11-2-07; Consultant F taken 10-29-07, 11-5-07, 11-8-07, 11-19-07; Cossart taken 10-22-
23 07, 10-23-07, 10-24-07; Lyle taken 10-22-07, 11-19-07, 11-20-07; Orellana taken 10-15-09;
24 Consultant L taken 10-30-07, 11-1-07; C. Thompson taken 11-6-08; M. Daleo taken 11-6-08. My
25 understanding is that all of these photographs were available to CPSD. I have also reviewed my
26 own photographs taken 11-19-07 and 11-21-07. I have reviewed photographs of FF1090 before,
27 during, and after pruning on 10-22-07.

28

1 Q: Did you review other documents?

2 A: Yes, other documents I reviewed included various SDG&E/CPUC correspondence,
3 SDG&E's Vegetation Management Program Tree Pre-inspection Procedures, and "Information for
4 Tree FF1090."

5
6 Q: Did you determine why the limb broke on October 22, 2007?

7 A: I determined that the limb broke due to the failure of a codominant structure with included
8 bark.

9
10 Q: Based on your review of the evidence, would you expect an inspector to be able to
11 determine whether the limb had bark inclusion from the ground? Why?

12 A: In my opinion it would have been difficult or very difficult to observe the bark inclusion
13 from the ground. In my estimation, the section of the tree with the bark inclusion was as much as
14 70-80 feet above ground level. FF1090 was surrounded by numerous mature oak trees with full
15 canopies below the level of the wires. To see through those canopies in the winter, when FF1090
16 was dormant, and obtain a clear look at the portion of the tree that failed would be difficult in my
17 opinion. To see through those canopies in the summer, when FF1090 was in full leaf, and
18 observe bark inclusion would be very difficult in my opinion.

19
20 Q: Is a limb with bark inclusion considered diseased? Is a tree with a bark-included limb
21 considered diseased?

22 A: Included bark is not considered a disease. A tree with a limb or limbs with bark inclusion
23 is not considered diseased.

24
25 Q: What would you look for to determine whether a tree was diseased?

26 A: Evidence of disease presence includes enlarged, stunted, or rotted tissue or tree parts.
27 Excessive sap dripping may indicate infected branches or trunks. Leaves or stems that become
28 spotted, stunted, swollen, discolored, distorted, or wilted may indicate disease. Any tree part

1 which appears to be abnormal for the species might also indicate disease.

2

3 Q: Did you see any evidence that tree FF1090 was diseased? Were any of those signs of
4 disease present here?

5 A: I observed no evidence of disease on either FF1090 when I made my site visit or on the
6 section of tree when I made my physical examination. I have observed no sign of disease on any
7 of the parts of FF1090 I have seen either personally or through photographs.

8

9 Q: Were you able to determine where the subject limb was located on tree FF1090?

10 A: In my opinion, the subject limb was in the upper third of the tree crown, up to 20-30 feet
11 above the wires.

12

13 Q: In what direction was the subject limb growing with regard to the power lines?

14 A: Both of the codominant stems were growing at an undetermined angle away from the
15 wires. This is observed in the cross section of the "top" of the limb that allegedly fell onto the
16 power lines. Reaction wood is clearly visible in the cross section. When a main stem is growing
17 at an angle away from the vertical, it produces reaction wood to counteract the lean. In broad-
18 leafed trees, such as FF1090, reaction wood is termed tension wood and forms on the upper
19 surface of stems and trunks. It exerts an internal contraction that attempts to and tends to pull the
20 trunk toward the vertical angle of growth. This shows itself in the more narrow annual rings on
21 the top of such a stem, and wider annual rings on the bottom.

22

23

24

25

26

27

28

CURRICULUM VITAE
Ronald (Ron) L. Matranga

PERSONAL DATA:

Year/Place of Birth:	1966, San Diego, CA	Status:	Married, two children
Work Address:	9032 Olive Drive Spring Valley, CA 91977	Home Address:	9159 Single Oak Drive Lakeside, CA 92040
Work Phone:	(619) 463-1707 ext. 115	Home Phone:	(619) 443-5041
Cell Phone:	(619) 954-6190	E-mail:	ron@atlastree.sdcoxmail.com

QUALIFICATIONS:

2007 – Present	<u>Board-Certified Master Arborist</u> International Society of Arboriculture Champaign, Illinois (Certified Arborist 1991-2007)
1999 – Present	<u>Consulting Arborist</u> Member, American Society of Consulting Arborists Rockville, Maryland A.S.C.A. Academy Graduate, 1999

EDUCATION:

On – Going: Continuing education through attendance of seminars and lectures.

2008 Attendance

~A.S.C.A. Annual Conference	Tucson, AZ
~19 th Annual P.T.C.A. Seminar	San Diego, CA
~Selecting, Planting, and Maintaining Trees Following the ANSI, ISA and Accepted Industry Standards	Brea, CA

2007 Attendance

~A.S.C.A. Annual Conference	Nashville, TN
~Risk Assessment for Trees	Anaheim, CA
~18 th Annual P.T.C.A. Seminar	San Diego, CA
~I.S.A. Annual Conference	Honolulu, HI
~Spring Pest Control Seminar	San Diego, CA
~Wildfire Education	San Diego, CA

2006 Attendance

~A.S.C.A. Annual Conference	Napa, CA
~17 th Annual P.T.C.A. Seminar	San Diego, CA
~Palm Research Symposium	San Diego, CA
~Identifying, Treating, and Managing Hazardous Trees	Brea, CA

2005 Attendance

~A.S.C.A. Annual Conference	Palm Springs, CA
~16 th Annual P.T.C.A. Seminar	San Diego, CA
~Western States Palm Seminar	Brea, CA

2004 Attendance

~A.S.C.A. Annual Conference Philadelphia, PA
~15th Annual P.T.C.A. Seminar San Diego, CA
~Integrated Pest Management Workshop San Diego, CA

2003 Attendance

~A.S.C.A. Annual Conference Lake Tahoe, NV
~14th Annual P.T.C.A. Seminar San Diego, CA

2002 Attendance

~13th Annual P.T.C.A. Seminar San Diego, CA

2001 Attendance

~ A.S.C.A. Annual Conference San Diego, CA
~ 12th Annual P.T.C.A. Seminar San Diego, CA
~ Trees for Urban And Suburban Landscapes U.C. Riverside

2000 Attendance

~ Eucalyptus Pest Management U.C. Riverside
~ Fall Arboriculture Seminar, University of California San Diego, CA
~ WCISA Annual Conference Maui, HI
~ The Ecology of Arboriculture Arcadia, CA
~ 11th Annual P.T.C.A. Seminar San Diego, CA
~ Trouble Shooting in the Landscape U.C. Riverside

1999 Attendance

~ Pruning Urban Trees for Safety, Health and Aesthetics U.C. Riverside
~ 10th Annual P.T.C.A. Seminar San Diego, CA
~ A.S.C.A. Academy Newport, RI

1998 Attendance

~ Western Tree Management Symposium Arcadia, CA
~ Sustainable Tree Care Conference UCLA
~ Selecting, Planting, and Caring for Palm Trees U.C. Riverside
~ Trees and Development Los Angeles, CA

Note: ~ Continuing education from 1991 to 1998 achieved, details not listed

1985 – 1988 San Diego State University
Mathematics, Education

1983 – 1985 Grossmont College
General Education

EMPLOYMENT EXPERIENCE:

1983 – Present	ATLAS ENVIRONMENTAL SERVICES, INC.
1998 – Present	<u>Instructor For Arborist Certification Course</u> Develop and present combination lecture and slide presentation of specific course material to prepare students for Certification exam.
1994 – Present	<u>Consultation, Expert Witness, Professional Evaluation</u> Perform site visits, assessments, and evaluations. Provide professional information to clients and attorneys, produce reports, give depositions and trial testimony.
1989 – Present	<u>Lead Estimator</u> Identify and diagnose tree care needs including: pruning, disease and infestation problems, and hazard reduction analysis. Manage multiple work crews. Provide in-house training for Certified Tree Worker's Program; Western Chapter I.S. A.
1983 – 1988	<u>Field Experience</u> Acted as crew member and foreman providing tree identification, knowledge and application of proper pruning standards, as well as job site evaluation (traffic control, pedestrian and / or property hazards, etc.)

PROFESSIONAL ASSOCIATIONS:

2002 – Present	Board of Directors, Professional Tree Care Association of San Diego
1999 – Present	American Society of Consulting Arborists
1991 – Present	International Society of Arboriculture
1986 – Present	Professional Tree Care Association of San Diego (Charter Member)

MISCELLANEOUS:

Conduct walking tours of historical tree districts:	Mission Hills	1993, 2000
	Coronado	1995

Manage tree related Question / Answer Forum via Internet Web Site.

Act as qualified judge for Certified Tree Worker examinations.

Act as qualified judge for Certified Landscape Technician examinations.

Act as qualified observer for Certified Arborist examinations

Invited speaker for:

- California Association of Nurserymen - San Diego County Chapter
- San Diego County Master Gardeners Home Gardening Seminar
- Mira Costa Horticulture Club
- Professional Tree Care Association of San Diego
- Ted Stamen Seminars
- California Arborist Association
- Western Chapter, ISA
- John Deere Landscapes Seminars

Appendix 3

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Investigation on the Commission's Own Motion)
into the Operations and Practices of San Diego)
Gas & Electric Company Regarding the Utility)
Facilities linked to the Witch and Rice Fires of)
October 2007)
)

Filed
Public Utilities Commission
November 6, 2008
San Francisco Office
I.08-11-006

**DAVEY TREE SURGERY COMPANY RESPONSE TO SAN DIEGO GAS &
ELECTRIC COMPANY'S DATA REQUEST REGARDING THE RICE FIRE OF
OCTOBER 2007**

Randy W. Gimple
David Bona
Lynde Selden III
353 Sacramento Street, 16th Floor
San Francisco, CA 94111
Telephone: (415) 391-3911
Facsimile: (415) 391-3898

May 27, 2009

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

Investigation on the Commission's Own Motion)
into the Operations and Practices of San Diego)
Gas & Electric Company Regarding the Utility)
Facilities linked to the Witch and Rice Fires of)
October 2007)
)

Filed
Public Utilities Commission
November 6, 2008
San Francisco Office
I.08-11-006

**DAVEY TREE SURGERY COMPANY RESPONSE TO SAN DIEGO GAS &
ELECTRIC COMPANY'S DATA REQUEST REGARDING THE RICE FIRE OF
OCTOBER 2007**

Davey Tree Surgery Company responds to San Diego Gas & Electric Company's Data Request Regarding the Rice Fire of October 2007, as follows:

Request 1-1

Did DAVEY TREE SURGERY view TREE FF1090 on October 15, 2007?

Response to Request 1-1

Yes.

Request 1-2

If DAVEY TREE SURGERY viewed TREE FF1090 on October 15, 2007, please (i) identify the individuals who viewed TREE FF1090 on October 15, 2007; and (ii) state the clearance between TREE FF1090 and SDG&E's conductors as observed by DAVEY TREE SURGERY on October 15, 2007.

Response to Request 1-2

- (i) Jorge Orellana.
- (ii) The clearance between the tree and conductors was greater than that required by Public Resources Code section 4293.

Request 1-3

Please provide a full and complete explanation of the entry by DAVEY TREE SURGERY in the TREE HISTORY REPORT for TREE FF1090 of an “Exception” under the category of “Pruning History,” which indicates an “Exception” as to “Pruning Performed,” a “Clearance” of 4.1 to 5.9 ft. and a “Pruning Date” of November 13, 2007. This explanation should include at least the following information:

- a. When this “Exception” was entered by DAVEY TREE SURGERY in the TREE HISTORY REPORT;
- b. The reasons why a November 13, 2007 “Pruning Date” was noted by DAVEY TREE SURGERY with respect to this “Exception”;
- c. Whether DAVEY TREE SURGERY was at the site of TREE FF1090 on November 13, 2007; and
- d. Whether DAVEY TREE SURGERY is representing that it observed a clearance of 4.1 to 5.9 ft. with respect to TREE FF1090 as of November 13, 2007.

Response to Request 1-3

The Exception Form for Tree FF1090 was signed and dated November 13, 2007. Pursuant to SDG&E procedures, where a tree is scheduled for trimming but not trimmed, the VMA which includes that tree may not be closed out without an SDG&E Exception Form being executed. The entry “Exception” under the column heading “Pruning Performed,” on the document entitled Information for Tree FF1090, and the 11/13/2007 date under the heading on “Pruning Date,” were not intended to indicate that any pruning was performed on 11/13/2007. Rather, the 11/13/2007 date is the date that the Exception Form was executed. The reason an Exception Form was executed for Tree FF1090 was because, due to the Rice Canyon Fire and the work that was performed at the direction of SDG&E immediately thereafter, Tree FF1090 was not trimmed in the regular course of work, thus making it an “exception.” Therefore, the Exception Form was completed on 11/13/2007 to note that Tree FF1090 was an exception, which was required in order to close out VMA 379.

The observed clearance of 4.1 to 5.9 feet refers to the clearance observed by Mr. Orellana on October 15, 2007.

Request 1-4

Please provide a copy of all DOCUMENTS describing a timeline or schedule for the trimming of vegetation in SDG&E Vegetation Management Area ("VMA") 379 in connection with the tree trim cycle that began on September 1, 2007.

Response to Request 1-4

Davey Tree Surgery Company is aware of only the attached scheduling document and scheduling parameters in its contract with SDG&E, which was previously provided to SDG&E.

CARLSON, CALLADINE & PETERSON LLP



By _____
RANDY W. GIMPLE
Attorneys for DAVEY TREE SURGERY
COMPANY

Appendix 4

Proceeding No.: I.08-11-006
Exhibit No.: _____
Witness: Chris Thompson

DIRECT TESTIMONY OF
CHRIS THOMPSON
SAN DIEGO GAS & ELECTRIC COMPANY
(RICE FIRE)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA
June 5, 2009



1 **DIRECT TESTIMONY OF**
2 **CHRIS THOMPSON**
3 **SAN DIEGO GAS & ELECTRIC COMPANY**

4 Q: Please state your name and title.

5 A: Chris Thompson. I am an Area Forester at SDG&E. My detailed qualifications
6 are appended to this testimony.

7 Q: Are you familiar with the sycamore tree in the Rice Canyon area with SDG&E Tree
8 ID FF1090?

9 A: Yes.

10 Q: What is the purpose of your testimony in these proceedings?

11 A: I visited the site of tree FF1090 on October 19, 2007, just a few days before the
12 Rice Fire occurred. I am providing testimony regarding that site visit and also regarding the
13 events of October 22, 2007 and my observations at the Rice Fire scene.

14 Q: Was anybody else present for that site visit on October 19, 2007?

15 A: Yes. My Assistant Area Forester at that time, Greg Peck, who was employed by
16 Western Environmental Consultants, Inc. ("WECI").

17 Q: Can you describe the circumstances of the October 19, 2007 site visit?

18 A: I visited the site of tree FF1090 at the request of Davey Tree Surgery to determine
19 if time and equipment ("T&E") billing was appropriate for the trimming of that tree. T&E is
20 work compensated at an hourly crew rate as opposed to the contract unit rate and can be requested
21 by the contractor when it believes additional compensation is warranted (e.g., for work that
22 requires traffic control or special equipment, or in difficult access areas). T&E requests require
23 review and approval by me and/or my Assistant Area Forester. My recollection is that Davey
24 Tree Surgery had raised the T&E request relating to tree FF1090 at the October 16, 2007 weekly
25 General Foremen's meeting, and that they requested T&E for trimming the overhang. On
26 October 19, 2007, I was doing a ride-along with Greg Peck. We were headed out to Rice Canyon
27 Road to investigate an outage, so I suggested that we stop at tree FF1090 on the way to evaluate
28 Davey's T&E request. We parked just off Rice Canyon Road, on a dirt access road to the north of
Rice Canyon Road. I walked along the dirt access road and looked at tree FF1090 but could not

1 see the entire canopy from that area. The tree appeared to be healthy, with dense foliage. I then
2 walked out onto Rice Canyon Road and observed the canopy of the tree, looking for any
3 significant, structural overhanging branches. I observed that the overhanging branches were just
4 small limbs and that the overhang was slight, so I determined that T&E billing was not warranted
5 for trimming the overhang. I believe I was at the site for about 5 or 10 minutes that day.

6 Q: Do you have any record of the site visit on October 19, 2007?

7 A: I took notes during the site visit on a tree trim map given to me by Davey Tree
8 Surgery. I am attaching a copy of this map with my notes as Exhibit 1. I wrote down the
9 following observations regarding my October 19, 2007 site visit: “10-19-07 small limbs just over
10 pri[mary], can trim w/ 70’ Lift. T+E for flag crew only.” These notes refer to my observation
11 during the October 19, 2007 site visit that the overhanging limbs on tree FF1090 were small limbs
12 just over the lines, so I did not think T&E billing was warranted for trimming the slight overhang.
13 The notes also reference my determination that SDG&E would approve T&E for a “flag crew”
14 based on my observation that the tree is near a double-blind corner and the crew would need to
15 block a lane of traffic to access the tree with a 70-foot lift truck. I should clarify that I did not
16 write the note that states “REMOVE DIRECT OVERHANG” with an arrow toward the tree – that
17 was written on the map when Davey gave it to me.

18 Q: When you observed tree FF1090 on October 19, 2007, do you recall noting any
19 concerns about the tree?

20 A: No. I observed the tree that day to determine if it had the kind of significant
21 branching overhanging the lines that would warrant T&E billing, and I determined that it did not
22 and that the overhang could be trimmed in the normal scope of work by Davey Tree Surgery. I
23 had not communicated this to Davey Tree Surgery prior to the start of the Rice Fire because our
24 site visit was on Friday (October 19, 2007), and the Rice Fire ignited in the early morning hours of
25 the following Monday (October 22, 2007).

26 Q: To your knowledge, had Davey been out to the site of tree FF1090 prior to making
27 the T&E request?

28

1 A: I know that somebody from Davey Tree Surgery had already been out to the site of
2 tree FF1090 when they raised the T&E request, but I do not know on what date. I believe
3 somebody from Davey Tree Surgery may have actually showed me photographs of the tree when
4 they raised the T&E request.

5 Q: To your knowledge, was the October 16, 2007 weekly meeting with Davey Tree
6 Surgery the first time Davey raised the T&E request relating to tree FF1090?

7 A: Yes.

8 Q: Do you have any documents relating to the October 16, 2007 meeting with Davey
9 Tree Surgery?

10 A: Yes. I received a copy of the “Davey Tree Schedule” dated 10/16/2007 at the
11 meeting. I am attaching a copy of this document as Exhibit 2 to this testimony. My handwritten
12 notes appear on the document. Underneath the table, I noted Davey Tree Surgery’s T&E request
13 relating to tree FF1090. My notes refer to the relevant Vegetation Management Area (“VMA
14 379”), the address associated with the tree (“1548 Rice Canyon Rd”), the tree ID (“FF1090” –
15 syc” indicates the tree species as a sycamore), and the nature of Davey Tree Surgery's request.
16 My notes indicate that we were to “Review FF1090 (Syc) for T+E for overhang poison oak.”
17 This was not an emergency request from Davey Tree Surgery, so there was no urgency to visit the
18 site and view the tree. I took these notes to help me remember what to look for when I went out
19 in the field to review the tree.

20 Q: When did you first learn about the Rice Fire?

21 A: I believe it would have been by a blast page on my cell phone.

22 Q: Did you go to the site of the Rice Fire on October 22, 2007?

23 A: Yes. I received a call from Don Akau, SDG&E’s Vegetation Program Manager,
24 asking me to come to the Rice Fire site. I do not recall exactly what time I arrived at the site, but
25 it would have been around mid-morning.

26 Q: What did you understand to be your responsibilities at the Rice Fire site on October
27 22, 2007?

28

1 A: Don Akau instructed me to supervise the Davey Tree Surgery crew on-site because
2 he had to leave. Don instructed me to make sure that the Davey crew cleared the area around the
3 power lines so that the lines could be safely restored and to preserve the downed power lines if
4 possible. Don also instructed me to preserve the limb that had broken out of tree FF1090 because
5 he believed it may have been involved in the fire.

6 Q: Please describe the timeline of events on the day of the fire, October 22, 2007.

7 A: I met up with Don Akau about ¼ mile away from the site, and we discussed my
8 instructions for taking over the site. I then drove to the site to supervise the Davey Tree Surgery
9 crew. When I first arrived at the site, Dave Kracha and his climber were there from Davey Tree
10 Surgery. A second crew, James Crowley and his helper, arrived later to assist with traffic control.
11 I saw that the power lines in the area were down but the joint-user facilities were not. I also saw
12 that a large leader had broken-out from tree FF1090 and was laying across the area where the
13 power lines would have been and into another tree on the opposite side of the power lines. A
14 leader is a substantial tree limb that is part of the canopy structure. It was very smoky and several
15 cuts had already been made on the tree by the Davey crew.

16 As the trimming progressed and I could see more of the canopy of tree FF1090 and the
17 failure point, I became concerned about the structural integrity of the remaining portions of the
18 canopy, especially with the high winds in the area. I observed that the broken-out leader was part
19 of a co-dominant situation with included bark. This typically occurs when two separate leaders
20 start growing together and pushing against each other as they grow in diameter. As the leaders
21 grow together, a deformity in the union structure forms, encompassing the bark of the two leaders,
22 which is called an inclusion. The other co-dominant leader was still in the canopy, and I know
23 that co-dominant leaders often fail partially or entirely once another co-dominant leader fails. I
24 saw that the remaining leaders in the canopy were significantly bending in the high winds. Once
25 I observed this, I determined that the remaining canopy needed to be reduced in height due to the
26 initial limb failure in order to protect against additional failures. I called Don Akau to inform him
27 that I intended to reduce the canopy. I instructed Dave Kracha to trim the canopy so that it would
28 be below his best estimate of where the power lines had been and would be re-installed. As I just

1 described, I determined that reducing the canopy was necessary to minimize the risk of any
2 additional failures in the tree, and also to ensure public safety because there were ongoing fire
3 suppression efforts in the area and residents in the process of evacuating. The tree was close to
4 the road, and I was concerned that additional failures could cause the road to be blocked or prevent
5 restoration efforts.

6 My recollection is that the Davey crew could not reach the top of the tree with the 70-foot
7 lift to remove the final leader in the canopy, so they wanted to climb the tree to secure a rope to
8 use as a tip line. I was concerned about that because of the high winds in the area and the
9 potential that the canopy could fail or break-out again, injuring the crew members, so we agreed to
10 tie off the remaining top of tree FF1090 to another tree so that the remaining leader could be
11 removed. Ultimately, the canopy of tree FF1090 was reduced so that the tree height was below
12 the height of the power lines (as estimated by the Davey crew). Once the trimming was
13 completed, we placed the wood trimmed from tree FF1090 on the far embankment opposite Rice
14 Canyon Road and cleaned up the site as best we could. Randy Lyle of SDG&E arrived at the site
15 at some point during the trimming. I turned the site over to Randy and called Don Akau to let
16 him know that I was leaving. The Davey Tree Surgery crews followed me out of the area.

17 Q: Based on your observations on October 19, 2007 or October 22, 2007, did tree
18 FF1090 appear to be healthy?

19 A: Yes, the tree appeared to be healthy. There was dense foliage on the tree and the
20 broken-out leader.

21 Q: What do you recall about the weather conditions at the Rice Fire site on October
22 22, 2007?

23 A: I recall that there were extremely high wind gusts. I observed that the winds were
24 bending the vegetation in the area and causing branch break-outs in other trees in the area as well.

25 Q: Were there any other individuals in the area while tree FF1090 was being trimmed?

26 A: As I mentioned, there were fire crews and property owners and residents.

27 Q: Were any other trees in the Rice Fire area trimmed on October 22, 2007?

28

1 A: An oak tree adjacent to tree FF1090 was also trimmed because it had a broken
2 branch as a result of the work done on FF1090.

3 Q: Were any steps undertaken to preserve the portions of FF1090 that were trimmed?

4 A: Yes. As stated above, the wood removed from tree FF1090 was placed on the far
5 embankment opposite Rice Canyon Road on October 22, 2007. I visited the site the next day and
6 contacted Don Akau to see if he wanted me to request that a Davey crew collect the wood. He
7 instructed me to tag the wood with a note identifying it as SDG&E property, which I did. A day
8 or so later, I went back to the site and worked with Don to reconstruct the broken-out leader from
9 the preserved portions of the wood. He marked the wood so that it could be easily reconstructed
10 again, and we then loaded the wood into an SDG&E claims truck.

11 Q: To your knowledge, were any photographs or videos of the Rice Fire site taken on
12 October 22, 2007? Who took photographs and what was photographed?

13 A: Yes. I took photographs and so did Don Akau (he also took some video of the
14 area). My understanding is that these photographs have been provided to the CPSD.

15 Q: Do you agree with the CPSD's allegation that the trimming of tree FF1090 on
16 October 22, 2007 was excessive?

17 A: No. Safety was my first priority. I determined in an emergency situation that the
18 tree needed to be trimmed after the first leader had failed, in order to prevent any more of the tree
19 from failing in the high winds and potentially falling onto the lines in this span again once service
20 had been restored. San Diego was experiencing extreme Santa Ana wind conditions and a
21 county-wide fire catastrophe at that time, and I believe we undertook appropriate measures to
22 ensure the safety of firefighters, other individuals in the area and SDG&E crews working on safely
23 restoring service to customers. It's easy to "second guess" decisions on a hindsight basis.
24 However, I believe that I exercised good judgment in my determinations regarding trimming tree
25 FF1090 on October 22, 2007, and steps were taken to preserve the broken-out limb so that it could
26 be examined in any investigation.

27
28

1 **QUALIFICATIONS**

2 My name is Chris Thompson. I am employed by San Diego Gas & Electric Company
3 (“SDG&E”) as the Northern Area Forester for the Vegetation Management Department. My
4 business address is 8315 Century Park Ct, CP22C, San Diego, California 92123. I received a
5 Bachelor of Science degree in Forest Resources and Conservation with a specialization in Urban
6 Forestry from the University of Florida in 2001. I am a Certified Arborist with the International
7 Society of Arboriculture (“ISA”). I have held various positions throughout my 20 years of
8 experience in Arboriculture, including Climber for Thompson Tree Service, Climber and Foreman
9 for Farrens Tree Surgeons, Foreman and General Foreman for Asplundh Tree Expert Company,
10 Pre-Inspector for Gainesville Regional Utilities and Davey Resource Group, and Supervisor of
11 Right-of-Way Maintenance for Tampa Electric Company. I have been employed by SDG&E
12 since 2006. In my current capacity, I am responsible for overseeing the vegetation management
13 activities of Davey Tree Surgery Company in the northern area of SDG&E’s service territory. In
14 addition, I field customer and internal/external stakeholder requests.

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EXHIBIT 1

IA 379) Tree Trim

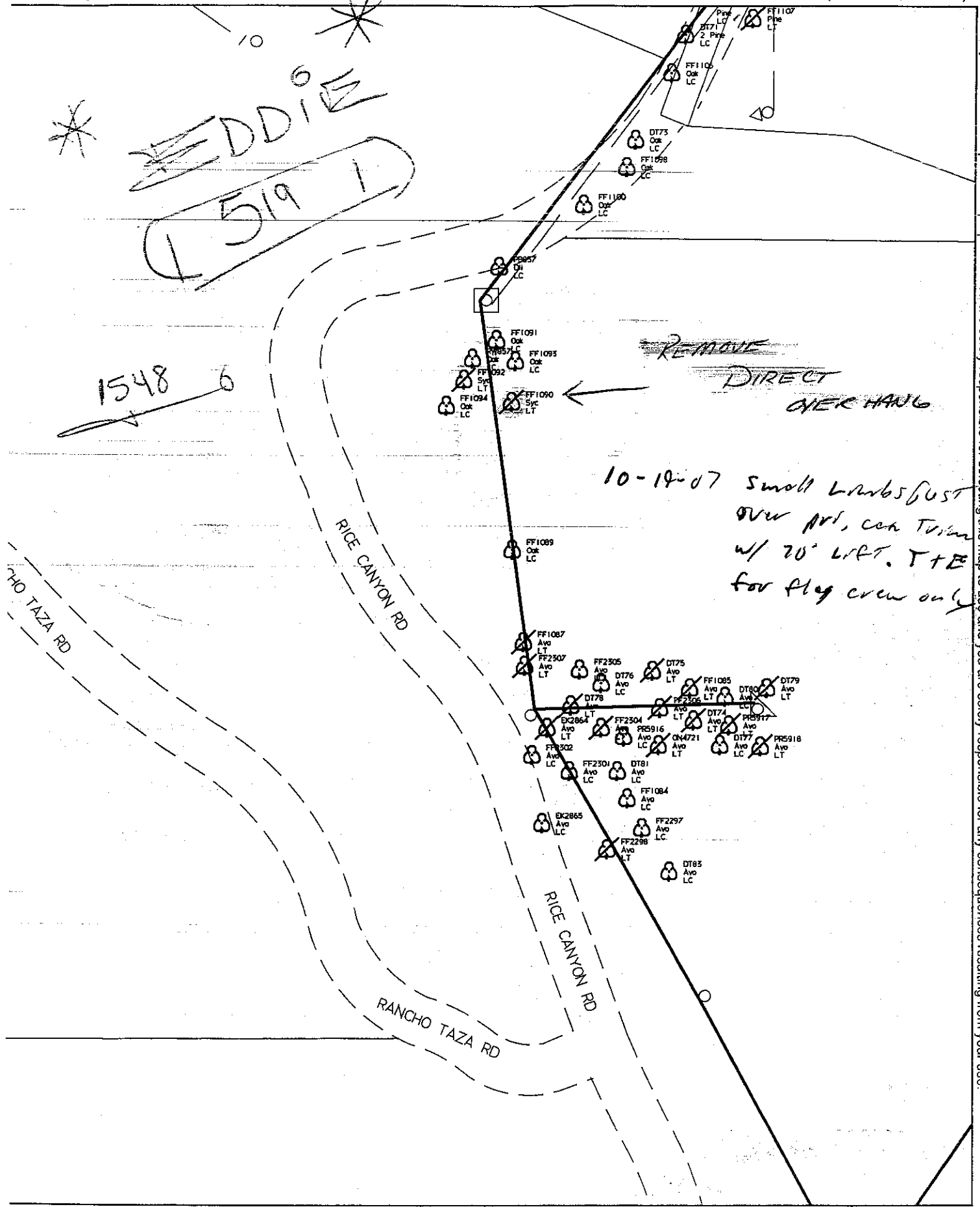
(1727291,449725)

EDDIE
1519

1548

REMOVE
DIRECT
OVER HANG

*10-19-07 Small Limbs just
over prt, can trim
w/ 20' lift. T+E
for fly crew only*



SDG&E is providing this map to you as a courtesy. SDG&E does not represent that the information contained herein is accurate. SDG&E disclaims all warranties, express or implied, including the warranty of fitness for a particular purpose. You are solely responsible for selecting this map to use and you are solely responsible for any consequences resulting from your use.



A Sempra Energy utility

Tree Work Order Form

Tree ID



Month	Day	Year	Crew ID	Clearance	Tree Information From VMS
<input type="radio"/> Jan	0	<input type="radio"/> 06	0	<input type="radio"/> 0.0 to 2.0 ft.	Address: 1548 RICE CANYON RD FALLBROOK, CA 92028 Poles: P213072 - P112340 TB: 998J7 Lat/Long: 33.39861 N Num Units: 1 117.14473 W Climb or Lift: Both Species: Sycamore DBH: 36.0 - 41.9 Voltage: P Traffic Ctrl: Yes
<input type="radio"/> Feb	1	<input type="radio"/> 07	1	<input type="radio"/> 2.1 to 4.0 ft.	
<input type="radio"/> Mar	2	<input type="radio"/> 08	2	<input type="radio"/> 4.1 to 5.9 ft.	
<input type="radio"/> Apr	3	<input type="radio"/> 09	3	<input type="radio"/> 6.0 to 7.9 ft.	
<input type="radio"/> May	4		4	<input type="radio"/> 8.0 to 9.9 ft.	
<input type="radio"/> Jun	5		5	<input type="radio"/> 10 to 11.9 ft.	
<input type="radio"/> Jul	6		6	<input type="radio"/> 12.0 to 14.9 ft.	
<input type="radio"/> Aug	7		7	<input type="radio"/> 15.0 to 19.9 ft.	
<input type="radio"/> Sep	8		8	<input type="radio"/> 20.0 to 30.0 ft.	
<input type="radio"/> Oct	9		9		
<input type="radio"/> Nov					
<input type="radio"/> Dec					

Chemical

SK26

OUST

GLN4

PF2

Accord

Property Notes:
Beware of Dog(s); Matt Jane 760 723-4157;

Equipment

Split Dump

Crane

Standard Lift

70 ft. Lift

100 ft. Lift

Tree Notes:
Poison oak; Remove direct overhang;

NOTIFY off 10.10.07

Work Completed

Pruned

Partial Pruning

No Trimming Required

Removed - Must add Ticket ID and DBH (Fill out Removal ID Below and DBH Above)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Refused - Must add Ticket ID (Fill Out Refusal ID Below)

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

DBH - FOR REMOVAL USE ONLY!

0 to 2.9 in. 36 to 41.9 in.

3 to 7.9 in. 42 to 47.9 in.

8 to 12.9 in. 48 to 53.9 in.

13 to 17.9 in. 54 to 59.9 in.

18 to 23.9 in. 60 to 80 in.

24 to 35.9 in.

Crew Type

CMP Crew

Climbing Crew

Cleanup Crew

Lift Crew

Extended Lift Crew

Stump Removal Crew

Tree Removal Crew

100 ft. Lift Crew

Field Foreman

Groundsman

Crew Time Spent

	Hours	Minutes
0	<input type="radio"/> 0	<input type="radio"/> 0
1	<input type="radio"/> 1	<input type="radio"/> 1
2	<input type="radio"/> 2	<input type="radio"/> 2
3	<input type="radio"/> 3	<input type="radio"/> 3
4	<input type="radio"/> 4	<input type="radio"/> 4
5	<input type="radio"/> 5	<input type="radio"/> 5
6	<input type="radio"/> 6	<input type="radio"/> 6
7	<input type="radio"/> 7	<input type="radio"/> 7
8	<input type="radio"/> 8	<input type="radio"/> 8
9	<input type="radio"/> 9	<input type="radio"/> 9

Time and Equipment Conversion

Convert to T&E (Time and Equipment)

Crew Count

1

2

3

Crew Time Category

Regular Time

Overtime

Double-Time

Per Diem

EXHIBIT 2

DAVEY TREE SCHEDULE
CYCLE 10

10-16-07 Meeting
Crews: 26 & memo

#	VMA NAME	SDGE START	Work Released	Printed	Work Completion		Cert. Issued	LTs	Added Trees	Est. Comp	Notifier	General Foremen		Tree Trimming % Scanned	Remaining
					Due	Completed						Foreman	Foreman		
360	Pauma Valley 1	9/1/07	8/27/07	8/28/07	11/1/07	11/5/07		1584			Shari	J. Orellana	95%	74	84
378	Pala	9/1/07	8/27/07	8/28/07	11/1/07	11/5/07		338			Shari	J. Orellana	60%	-	134
379	Rainbow 1	9/1/07	8/27/07	9/6/07	11/1/07	11/5/07		1152			Shari	J. Orellana	44%	570	640
388	Rainbow 2	9/1/07	8/27/07	9/7/07	11/1/07	11/5/07		873			Shari	J. Orellana	28%	506	625
701	San Clemente	9/1/07	8/27/07	8/28/07	11/1/07	11/5/07		827	109 C.A. includes City		Simi	R. Willis	85%	121	124
702	Dana Point 1	9/1/07	8/27/07	9/7/07	11/1/07	11/5/07		389	includes City		Simi	R. Willis	94%	24	25
703	San Juan Capistrano	9/1/07	8/27/07	9/7/07	11/1/07	11/5/07		790			Simi	R. Willis	63%	759	292
707	Laguna Hills	9/1/07	8/27/07	9/6/07	11/1/07	11/5/07		216			Simi	R. Willis	64%	44	77
708	Dana Point 2	9/1/07	8/27/07	9/6/07	11/1/07	11/5/07		178	includes City		Simi	R. Willis	24%	120	136
752	Ortega	9/1/07	8/27/07	8/28/07	11/1/07	11/5/07	10/9/07	93			Simi	R. Willis	100%	0	0
361	Pauma Valley 2	10/1/07	9/26/07	10/1/07	12/1/07	12/5/07		831			Simi	R. Willis	0%	-	2,137
364	Couser Canyon 1	10/1/07	9/26/07	10/5/07	12/1/07	12/5/07		1,561			Shari	J. Orellana	0%	-	831
370	Palomar Mtn 2	10/1/07	9/26/07	10/12/07	12/1/07	12/5/07		504			Shari	J. Orellana	0%	-	1,561
375	Palomar Mtn 1	10/1/07	9/26/07	10/12/07	12/1/07	12/5/07		682			Shari	J. Orellana	0%	-	504
607	Oceanside North 1	10/1/07	9/26/07	10/8/07	12/1/07	12/5/07		692			Simi	R. Willis	0%	-	682
611	Oceanside South	10/1/07	9/26/07	9/27/07	12/1/07	12/5/07		741			Simi	R. Willis	0%	-	692
616	Oceanside North 2	10/1/07	9/26/07	10/1/07	12/1/07	12/5/07		870			Simi	R. Willis	0%	-	741
															870
															5,881

VMA 378

1548 Rice Canyon Rd - Review FF1090 (5yr) for THE for over hanging position
 VMA 703 - * Shari Holbrook told cust. at 774 Rainbow crest what trees need trim (to trim himself). Asked D. Foley to talk to her and bring documentation to Davey
 32701 Ali P02 ST. - Refusal - Cust don't want 3 walnuts trimmed. *Gave To G Peck
 32011 Del Obispo ST. - Refusal - Bird of Paradise won't hold. *Gave To G. Peck
 VMA 708 - * VMA 702 + 708 may have some City of Dana trees scanned NTR by accident

33781 Alcazar Dr. - Signed bubble NTR (FC1578), Talk w/ OC district to change to Triplex
 * Asked Davey to review OC VMA's for Doc tails (incorrect CT clearances) before certing. Found several locations where trees were CT'd with non-compliant clearances.