

Proceeding No.: I.08-11-006  
Exhibit No.: \_\_\_\_\_  
Witness: Don Akau

**DIRECT TESTIMONY OF**

**DON AKAU**

**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 **DON AKAU**  
3 **SAN DIEGO GAS & ELECTRIC COMPANY**

4 Q: Please state your name and title.

5 A: Don Akau. I am the Vegetation Program Manager at SDG&E.

6 Q: What are your responsibilities as Vegetation Program Manager?

7 A: I manage SDG&E's vegetation management activities. My department is  
8 responsible for managing an inventory of vegetation within SDG&E's service territory to ensure  
9 that this vegetation does not encroach within the minimum clearances required by the California  
10 Public Utilities Commission and the Public Resources Code. Specifically, I am responsible for  
11 developing and implementing a vegetation management plan that ensures that SDG&E's  
12 transmission and distribution facilities are in compliance with all existing regulations relating to  
13 required clearances between vegetation and power lines. I am also ultimately responsible for the  
14 automated tree inventory system utilized by SDG&E and SDG&E's contractors to ensure that data  
15 input and system utilization is timely, accurate and complete. I am also responsible for  
16 implementing processes which ensure that my group is responsive to the needs of electric  
17 operations districts relating to tree trimming and vegetation management under routine and  
18 emergency response conditions. My detailed qualifications are appended to this testimony.

19 Q: How long have you been SDG&E's Vegetation Program Manager?

20 A: I have held this position since May 2007. Prior to that, I was the System Forester.  
21 I have been with SDG&E's Vegetation Management department since 1999.

22 Q: How many individuals do you supervise at SDG&E?

23 A: I supervise the Vegetation Management department, which has a staff of 18,  
24 including me. We have 3 Team Leads, 1 Audit Forester, 1 Pre-inspection Forester, 3 Area  
25 Foresters, 2 Pole Brush Contract Administrators, 1 Wood Pole Inspection Contract  
26 Administrators, 2 Systems Analysts, 2 Fire Coordinators and 2 Help Desk Administrators.

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

28 A: I am testifying regarding SDG&E's Vegetation Management Program and,  
specifically, to respond to the CPSD's allegation that something somehow went wrong with

1 respect to SDG&E's inspection and trimming practices regarding the sycamore tree at issue, tree  
2 FF1090. I am also providing testimony regarding the events of October 22, 2007 and my  
3 observations at the Rice Fire scene.

4 Q: Can you provide an overview of SDG&E's Vegetation Management Program?

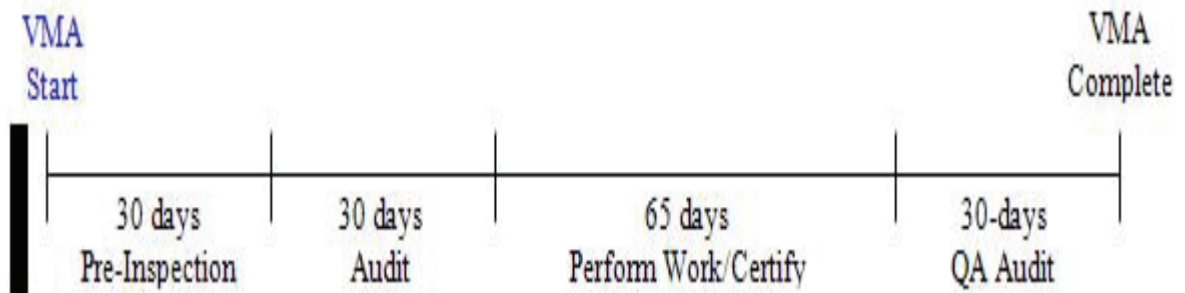
5 A: SDG&E has an established Vegetation Management Program (VMP) to maintain  
6 vegetation clear of SDG&E electrical transmission and distribution facilities in compliance with  
7 state and federal regulations. VMP activities include pre-inspections, audits, tree pruning, tree  
8 removal, pole brushing, and quality assurance to ensure year-round compliance of SDG&E  
9 facilities. VMP governs the inspection and maintenance of approximately 400,000 inventory  
10 trees and poles along approximately 6,702 miles of overhead distribution lines and approximately  
11 1,767 miles of overhead transmission lines. The majority of VMP work is performed by  
12 contractors such as Davey Resource Group (pre-inspections) and Davey Tree Surgery Company  
13 (trimming) and is administered and managed by SDG&E staff. For the last several years,  
14 SDG&E has spent approximately \$18 million per year on its tree program and \$3 million per year  
15 on its pole brush activities. VMP records are maintained in the Vegetation Management System  
16 (VMS), an electronic inventory database that contains vegetation records such as Tree History  
17 Reports and pole data history. VMS is used by SDG&E to update and issue work orders to VMP  
18 contractors, and VMP contractors update vegetation records in VMS during the course of their  
19 work.

20 SDG&E's service territory is sub-divided geographically into 133 Vegetation Management  
21 Areas ("VMA"). Each VMA is inspected, pruned, and audited annually according to a master  
22 schedule (the Vegetation Management Master Cycle). The VMA cycle is defined as the time  
23 between two consecutive scheduled inspection activities in the same VMA. The annual VM  
24 activity schedule is as follows:

- 25 • Tree and pole brush inspection of a VMA is completed in a 30-day timeframe  
26 within the Master Schedule.
- 27 • The audit of the Pre-Inspection process is completed within the first month  
28 following the scheduled completion of the VMA pre-inspection.

- Pruning in a VMA commences two months after the start of the pre-inspection. The pruning contractor has a 65-calendar day timeframe to complete all assigned work and certify completion of all required work in the VMA per contractor specifications.
- Pruning and pole brush quality assurance auditing commences immediately after the scheduled completion and certification of work.

Trim/Brush Cycle Time Line:



SDG&E has a procedure in place whereby trees can be trimmed outside the routine schedule and on a priority basis when necessary – the “Memo” procedure. As outlined in SDG&E's Tree Pre-inspection Procedures, a “Memo Tree” is a tree “pruned outside routine schedule because it poses an accelerated threat to the high voltage electrical facilities (i.e., closer than minimum clearance requirements).” Memo trees are trees that are out of compliance with minimum clearance requirements or otherwise meet SDG&E’s criteria for trimming on a priority time frame. Memo trees are classified as “Same Day” (whereby the trimming is completed that day or the next); “Next Day” (whereby the trimming is completed the next day); or “Grouped” (whereby the trimming is completed within two weeks).

For six consecutive years, SDG&E has been recognized as a Tree Line USA® Utility. This program recognizes public and private utilities throughout the nation that demonstrate practices that protect and enhance America’s urban forests. Qualification for the certification includes industry standard quality tree care, annual worker training, and tree planting and public education. Additionally, in 2006, the North American Electric Reliability Council (NERC) recognized SDG&E’s program as an “Example of Excellence” for vegetation management. Also,

1 in September 2007, Cal Fire and SDG&E conducted a joint inspection of SDG&E's vegetation  
2 management and pole brushing program. During the three-day inspection of SDG&E facilities in  
3 the Northern area of San Diego County (which is where the Rice Fire area is located), only two  
4 potential Public Resource Code § 4293 violations were noted in connection with the inspection of  
5 1600 poles (a near-perfect compliance rate), and all noted violations were abated and in  
6 compliance by October 11, 2007. Cal Fire stated in a memorandum regarding the inspection:  
7 "Overall, SDG&E has done an outstanding job of trimming the vegetation from the power lines  
8 and brushing around the poles. SDG&E has been very helpful towards this project and views the  
9 entire project as an 'independent evaluation' of their vegetation management, maintenance  
10 program once again. SDG&E continues to support future inspections in the State Responsibility  
11 Areas of San Diego County, as well as through out the year." I am attaching a copy of the Cal  
12 Fire memorandum as Exhibit 1 to this testimony.

13 Q: You referenced SDG&E's Tree Pre-inspection Procedures – are Davey Resource  
14 Group pre-inspectors made aware of those procedures?

15 A: Absolutely. All Davey Resource Group pre-inspectors receive a copy of and are  
16 trained on SDG&E's Tree Pre-inspection Procedures.

17 Q: What are the relevant vegetation clearance requirements relating to distribution  
18 lines, such as the lines at issue in the Rice Fire?

19 A: The relevant clearance requirements are set forth in General Order 95, Rule 35  
20 (which applies to all power lines) and Public Resources Code § 4293 (which applies to power  
21 lines in State Responsibility Areas, such as the Rice Fire area). Where there is overlap between  
22 these two regulations, the most stringent requirements apply. Here, that is Public Resources Code  
23 § 4293, which requires a radial clearance of 4 feet between vegetation and 12 kV conductors, such  
24 as the power lines at issue. General Order, Rule 35 requires a radial clearance of 18 inches.  
25 (Rule 35, Table 1, Case 13.)

26 Q: Does either General Order 95, Rule 35 or Public Resources Code § 4293 require an  
27 electric utility to trim direct overhang?

28

1 A: No. These regulations simply require a utility to maintain the required clearance  
2 in all directions, including over the lines. There is no requirement that an electric utility trim or  
3 remove direct overhang that does not encroach within the required clearance.

4 Q: What is SDG&E's policy with respect to trimming direct overhang?

5 A: As set forth in SDG&E's Tree Pre-inspection Procedures, SDG&E has a general  
6 rule that branches directly overhanging the vertical ground to sky plane above conductors should  
7 be listed for trim during the pre-inspection process and trimmed back whenever possible to clear  
8 the vertical plane above the conductors. There are exceptions to this rule – for example, if a  
9 property owner refuses the trimming of the overhanging branches, a tree would be trimmed only  
10 for compliance. To my knowledge, we are one of only a few utilities that trim direct overhang as  
11 a general rule.

12 Q: To your knowledge, was tree FF1090 out of compliance with Public Resources  
13 Code § 4293 or General Order 95, Rule 35 on October 22, 2007?

14 A: No. I believe that tree FF1090 was in compliance with both regulations as of  
15 October 22, 2007. As evidenced in the VMS Tree History Report for tree FF1090 (attached as  
16 Exhibit 2 to this testimony), the Davey Resource Group pre-inspector recorded a clearance of 6 to  
17 7.9 feet for tree FF1090 on July 18, 2007, which is well beyond the required 4 feet of clearance.  
18 Further, Davey Tree Surgery has confirmed in data request responses that General Foreman Jorge  
19 Orellana observed that tree FF1090 was compliant as of October 15, 2007, and that the 4.1-5.9  
20 feet of clearance documented by Davey Tree Surgery with respect to the November 13, 2007  
21 “exception” in the Tree History Report was the clearance observed by Mr. Orellana on October  
22 15, 2007. (I am attaching a copy of Davey Tree Surgery's Response to SDG&E's Data Request  
23 Regarding the Rice Fire of October 2007 as Exhibit 3 to my testimony.) In addition, SDG&E had  
24 no reason to suspect prior to October 22, 2007 that any portion of tree FF1090 had a structural  
25 defect. No such conditions were noted during the July 18, 2007 pre-inspection done by Davey  
26 Resource Group, and several eyewitnesses have confirmed that the tree appeared healthy, with  
27 vigorous foliage. It was not until after the limb failure on October 22, 2007 that an inclusion was  
28 observed.

1 Q: Was FF1090 out of compliance with SDG&E's internal Vegetation Management  
2 Program policies on October 22, 2007?

3 A: No. SDG&E's Vegetation Management Program is driven by a fixed annual  
4 master schedule called the "Vegetation Management Master Cycle" (the "Master Schedule"). Per  
5 the Master Schedule, the vegetation in SDG&E's service territory is inspected on an annual basis  
6 and trimmed as necessary to ensure compliance with General Order 95, Rule 35 and Public  
7 Resources Code § 4293. Tree FF1090 was being addressed in compliance with the Master  
8 Schedule: Tree FF1090 was appropriately listed for trim during the July 2007 pre-inspection  
9 (including trim of direct overhang pursuant to SDG&E's general rule); it was among the trees in  
10 VMA 379 released to Davey Tree Surgery for trimming on September 1, 2007; and it was  
11 scheduled to be trimmed by November 1, 2007. There was no indication at any point in this  
12 process that tree FF1090 should have been addressed on a priority basis outside the Master  
13 Schedule, and nothing recorded in the Tree History Report for FF1090 would suggest that (for  
14 example, it was not flagged as a reliability tree or a hazard). As I describe in more detail at  
15 various places in this testimony, SDG&E has a procedure in place for pre-inspectors or trim  
16 contractors to notify SDG&E when a tree needs to be trimmed on a priority basis (for example, if  
17 the pre-inspector believes that the tree presents a threat to SDG&E's facilities or is out of  
18 compliance) – the "Memo" procedure. The Memo procedure was not used with respect to tree  
19 FF1090.

20 Q: Are you aware that the CPSD has alleged that tree FF1090 should have been  
21 trimmed within three months of July 18, 2007 because the Davey Resource pre-inspector selected  
22 the "0-3 months" drop-down option for "months to next trim" and has since testified that he did so  
23 because he believed tree FF1090 might encroach within 4 feet within three months of his  
24 inspection?

25 A: Yes.

26 Q: Do you agree with the CPSD's allegations?

27 A: No. The CPSD seems to misunderstand how SDG&E's Vegetation Management  
28 Program works. A pre-inspector's selection of the 0-3 months drop-down option for the "Months

1 to Next Trim” field in VMS does not mean that the tree will be trimmed within three months.  
2 The trimming of the tree is determined by the “Trimming Required” box, not the “Months to Next  
3 Trim” field. If a pre-inspector estimates that a tree will be out of compliance within 0 to 3  
4 months, he or she must select the “Trimming Required” box in VMS, which means the tree will be  
5 listed for trim in that trim cycle, which is driven by the Master Schedule. If a pre-inspector  
6 believes that a tree poses a hazard and should be trimmed on a priority basis, he or she would use  
7 the Memo procedure. The pre-inspector here did not use the Memo procedure for tree FF1090,  
8 and the tree was being appropriately addressed in accordance with the Master Schedule.

9 The purpose of the “Months to Next Trim” category is explained in detail in SDG&E’s  
10 Tree Pre-inspection Procedures, which govern the pre-inspections process performed by Davey  
11 Resource Group. The relevant procedure expressly states that a “Months to Next Trim”  
12 indication does not mean the length of time by which the tree should be trimmed: “Use this field  
13 to estimate how many months will elapse before the tree grows out of compliance. Months to  
14 next trim does not indicate the length of time before the tree will be pruned. Months to next trim  
15 serves two purposes; 1) allows SDG&E to monitor compliance, and 2) helps forecast future  
16 workload.” Davey Resource Group pre-inspectors are trained on the Tree Pre-inspection  
17 Procedures. I am attaching a copy of SDG&E’s Tree Pre-inspection Procedures as Exhibit 4 to  
18 this testimony.

19 Q: Did the pre-inspector select the “Trimming Required” box with respect to tree  
20 FF1090?

21 A: Yes, and the tree was listed for trim in that routine trim cycle.

22 Q: Do you believe that tree FF1090 would have been out of compliance within three  
23 months of the July 18, 2007 pre-inspection?

24 A: No. As set forth in the Tree History Report, the clearances recorded during pre-  
25 inspections were as follows: 8 to 12 ft. as of July 12, 2005; 8 to 9.9 ft. as of July 19, 2006; and 6  
26 to 7.9 ft. as of July 18, 2007. Based on these pre-inspection records, tree FF1090 grew only 2 to  
27 4 feet per year from July 2005 to July 2007. That growth rate is actually indicative of a medium  
28 grower and not a fast grower (which grows 4-6 feet per year). The growth rate for tree FF1090



1 was not changed in VMS, so we would have assumed the tree remained a fast grower. But this  
2 just tells me that tree FF1090 could not have grown more than 2 feet in the three-month period  
3 between July 18, 2007 and October 22, 2007 to encroach within 4 feet of the power lines. Even if  
4 you estimate a “worst case scenario” for a “fast grower,” which is a tree that grows an average of 4  
5 to 6 feet per year, that is a maximum growth rate of only half a foot per month, which would have  
6 resulted in a “worst case” clearance of just under 4 ½ feet, which is in compliance with Public  
7 Resources Code § 4293 and General Order 95, Rule 35. Most importantly, individuals from  
8 SDG&E and Davey Tree Surgery observed that tree FF1090 was in compliance as of October 15  
9 and October 19, 2007, just days before the Rice Fire.

10 Q: Do you believe that anything went wrong with respect to SDG&E’s inspection and  
11 trimming practices regarding the sycamore tree at issue?

12 A: No. As I have described elsewhere in this testimony, the pre-inspection and  
13 trimming proceeded as usual with respect to FF1090 – there was no violation of clearance  
14 requirements or SDG&E’s internal vegetation management policies.

15 Q: You have described SDG&E’s Vegetation Management Areas (“VMAs”). In what  
16 VMA is FF1090 located?

17 A: Tree FF1090 is located in VMA 379, also called “Rainbow 1.”

18 Q: What was the pre-inspection and trimming cycle with respect to VMA 379 in  
19 2007?

20 A: Pursuant to the master schedule for 2007, which is set forth in SDG&E’s  
21 Vegetation Management Master Cycle – Cycle 10, the schedule for VMA 379 was as follows:  
22 The pre-inspection cycle began on July 1, 2007. (As we have discussed, Davey Resource Group  
23 completed the pre-inspection of tree FF1090 on July 18, 2007.) The period for the audit of pre-  
24 inspection activities began on August 6, 2007. The trim cycle began on September 1, 2007,  
25 which is when the trees in VMA 379 listed for trim were released to Davey Tree Surgery for  
26 trimming. Davey Tree Surgery had 60 days, until November 1, 2007, to complete the trimming  
27 of trees listed for trim in this trim cycle and an additional five days to certify the work. I am  
28

1 attaching a copy of SDG&E's Vegetation Management Master Cycle – Cycle 10 as Exhibit 5 to  
2 this testimony.

3 Q: Who audits pre-inspection activities?

4 A: SDG&E's contract with Davey Resource Group requires Davey Resource Group to  
5 maintain an internal audit process to test the overall quality of its employees' pre-inspection  
6 procedures, data collection and updates to VMS tree records. At the same time, SDG&E has a  
7 separate contractor (in this case, Western Environmental Consultants, Inc., or "WECI") that audits  
8 the pre-inspections performed by Davey Resource Group. With respect to each pre-inspection  
9 cycle, WECI audits a random sampling of pre-inspections performed; for example, the August  
10 2007 audit sampling included about 15% of the VMA 379 pre-inspections. Any discrepancies  
11 found during the audit process are reported to Davey Resource Group and corrected prior to the  
12 beginning of the trim cycle.

13 Q: When were the last pre-inspections of tree FF1090 prior to October 22, 2007?

14 A: July 18, 2007, July 19, 2006 and July 12, 2005.

15 Q: What were the clearances recorded as a result of those pre-inspections?

16 A: On July 18, 2007, the pre-inspector recorded 6 to 7.9 ft. of clearance. On July 19,  
17 2006, the pre-inspector recorded 8 to 9.9 ft. of clearance. On July 12, 2005, the pre-inspector  
18 recorded 8 to 12 ft. of clearance.

19 Q: Once the trees in VMA 379, including FF1090, were released to Davey on  
20 September 1, 2007, how long did Davey have to complete the trimming of those trees?

21 A: SDG&E issued a work release to Davey Tree Surgery on September 1, 2007 for  
22 VMA 379, allowing it to open the routine trim cycle and generate work packages for the trimming  
23 to be completed in VMA 379 and the other VMAs in that trim cycle. During a routine trim cycle,  
24 Davey Tree Surgery has 60 calendar days to complete the tree trimming and removals and an  
25 additional 5 days to get work certifications to SDG&E. Davey Tree Surgery was proceeding in  
26 accordance with the routine trim cycle schedule for VMA 379 as of October 22, 2007 and had  
27 until November 1, 2007 to complete the trimming in VMA 379.

28

1 Q: To your knowledge, did Davey undertake efforts to trim FF1090 within that time  
2 frame?

3 A: Yes. My understanding is that Davey Tree Surgery had generated a dispatch order  
4 for VMA 379 and would have been completing customer notifications for the trees in VMA 379  
5 within the first few weeks of receiving the work release from SDG&E. Davey Tree Surgery has  
6 also confirmed that Jorge Orellana, one of Davey Tree Surgery's General Foremen, had visited the  
7 site of tree FF1090 on October 15, 2007. My understanding is he subsequently requested that  
8 SDG&E pay for time and equipment ("T&E") for the trimming of direct overhang on that tree.  
9 Pursuant to the contract between SDG&E and Davey Tree Surgery, T&E is work compensated  
10 outside the normal unit rate at an hourly crew rate. Chris Thompson, an SDG&E forester, and  
11 Greg Peck, then a WECI forester, visited the site of FF1090 on October 19, 2007 to evaluate  
12 Davey's T&E request, and determined that SDG&E would pay T&E for a flagging crew on the  
13 road but not for the required trimming because the overhang was slight. When the Rice Fire  
14 ignited on October 22, 2007, Davey Tree Surgery still had ten days to complete the trim by  
15 November 1, 2007, as required by the Master Schedule. To my knowledge, Davey Tree Surgery  
16 never indicated that it would not be able to complete the trim by the end of the trim cycle, so I  
17 have no reason to believe the trim would not have been completed by November 1, 2007.

18 Q: Would Davey Tree Surgery's T&E request relating to tree FF1090 have delayed  
19 the trimming of that tree beyond November 1, 2007?

20 A: I have no reason to believe it would have delayed the trimming beyond November  
21 1, 2007. Davey Tree Surgery did not submit a request for delay with respect to VMA 379 or tree  
22 FF1090, and Chris Thompson or Greg Peck would have gotten back to Davey Tree Surgery  
23 regarding their T&E request in plenty of time for Davey to complete the trimming of tree FF1090  
24 on schedule.

25 Q: Did SDG&E obtain information regarding the clearance between FF1090 and the  
26 closest SDG&E conductor as a result of Davey Tree Surgery's site visit to FF1090 on October 15,  
27 2007?

28

1           A:     Yes. Davey Tree Surgery has confirmed that General Foreman Jorge Orellana  
2 observed that the tree was compliant as of October 15, 2007. Davey has also confirmed that the  
3 4.1 to 5.9 ft. of clearance recorded in the Tree History Report as an “exception” on November 13,  
4 2007 was the clearance observed by Jorge Orellana during his October 15, 2007 site visit.

5           Q:     Are you aware that the CPSD has questioned the credibility of the October 15 and  
6 October 19, 2007 site visits because they were not recorded in SDG&E’s Vegetation Management  
7 Program database, VMS?

8           A:     Yes.

9           Q:     Do you think that is an accurate allegation?

10          A:     No. These site visits would not have been recorded in VMS because they were  
11 done outside the routine vegetation management work included in the VMS Tree History Reports  
12 (which includes pre-inspection and trimming dates). My understanding is that the October 15,  
13 2007 site visit by Jorge Orellana was in advance of the trimming to be completed by Davey Tree  
14 Surgery in that area, and I would not expect to see that advance visit recorded in VMS. Similarly,  
15 I would not expect to see the October 19, 2007 site visit by Chris Thompson and Greg Peck for  
16 purposes of evaluating Davey’s T&E request recorded in VMS. The fact that these site visits  
17 were not recorded in VMS does not mean they did not occur, and I believe that the observations  
18 made by the Davey Tree Surgery General Foreman, SDG&E forester and WECI forester regarding  
19 tree FF1090 are credible and important because they were so close in time to the Rice Fire.

20          Q:     Are there any records of the October 2007 site visits?

21          A:     Yes. My understanding is that Chris Thompson took notes during the October 19,  
22 2007 site visit and that Greg Peck recorded the site visit in his daily log. (Those records are  
23 attached as Exhibits to the testimony being submitted by Chris Thompson and Greg Peck.)

24          Q:     Are you aware that the CPSD has alleged that SDG&E’s failure to trim the  
25 sycamore tree at issue within three months of the July 2007 pre-inspection amounts to a violation  
26 of General Order 95, Rule 31.1 and an unsafe maintenance decision?

27          A:     I have read that allegation in the CPSD testimony, and I disagree with the CPSD.  
28 Tree FF1090 was being addressed in accordance with the Master Schedule for inspection and

1 trimming established by SDG&E's Vegetation Management Program. There were no comments  
2 or reports by the pre-inspector or the trim contractor that indicating this tree should be removed  
3 from the normal routine cycle. As stated above, the "Memo" procedure for trees that need to be  
4 trimmed on a priority basis was not used. There was also no indication that the tree was not in  
5 compliance with all clearance requirements, and, in fact, the pre-inspector reported that the tree  
6 had 6-7.9 feet of clearance – well in excess of clearance requirements – as of July 18, 2007.  
7 There are certainly no General Order 95 requirements or other regulations that I am aware of that  
8 would require SDG&E to trim a compliant tree within 3 months of an inspection.

9 Q: So Davey Resource Group's pre-inspector did not use the Memo procedure  
10 following his pre-inspection of FF1090 in July 2007?

11 A: He did not.

12 Q: Did the pre-inspector make any notes in the Tree History Report for tree FF1090  
13 indicating that tree FF1090 should be trimmed outside the routine trim cycle or that it was a  
14 hazard of any kind?

15 A: No.

16 Q: Is there a growth rate above a fast grower, which grows 4 to 6 feet per year?

17 A: Yes, very fast grower, which describes a tree that grows more than 6 feet per year.

18 Q: Did the pre-inspector change the growth rate of FF1090 from a fast grower to a  
19 very fast grower as a result of his July 18, 2007 pre-inspection?

20 A: No.

21 Q: To your knowledge, did the pre-inspector ever contact anybody at SDG&E to  
22 express any concern regarding tree FF1090 following his pre-inspection in July 2007?

23 A: No.

24 Q: Are you aware that the CPSD is relying on an "exception" trim noted in the tree  
25 history report for FF1090 on November 13, 2007 indicating that the clearance was only 4.1-5.9  
26 feet?

27 A: Yes.

28

1 Q: To your knowledge, does that notation provide information regarding the clearance  
2 with respect to tree FF1090 on November 13, 2007?

3 A: No. Davey Tree Surgery has confirmed that it was not at the site of tree FF1090  
4 on November 13, 2007 and that the “exception” recorded on that date was not intended to indicate  
5 a clearance of 4.1 to 5.9 feet as of November 13, 2007. The 4.1 to 5.9 feet was actually the  
6 clearance observed by Davey during its site visit on October 15, 2009 (which confirms that the  
7 tree was in compliance just a few days prior to the Rice Fire). It is also clear from the Tree  
8 History Report that the CPSD’s interpretation of this “exception” entry is not reasonable. The  
9 clearance with respect to tree FF1090 was 10 to 11.9 feet after the trimming done by Davey Tree  
10 Surgery on October 22, 2007, and 10 to 11.9 feet of clearance was also recorded in connection  
11 with the pre-inspection on January 22, 2008. The clearance could not have been 4.1 to 5.9 feet in  
12 November 2007, which was after the fire.

13 Q: Are you aware that the CPSD is alleging that SDG&E violated Rule 31.1 because it  
14 did not prevent the limb from FF1090 from falling onto SDG&E’s conductors?

15 A: Yes, I am aware of that allegation.

16 Q: Do you believe that SDG&E could have prevented the limb from breaking off and  
17 falling onto the conductors?

18 A: No, because there was nothing reported in the records relating to FF1090 or  
19 anywhere else that would have indicated to SDG&E that there were any problems with this  
20 particular tree. Davey Resource Group did not note any compliance issues or structural defects  
21 during its pre-inspection in July 2007, and the tree had 6 to 7.9 feet of clearance as of July 2007.  
22 Nobody from Davey Tree Surgery or SDG&E observed any problems during site visits on  
23 October 15 and October 19, 2007, and numerous eyewitnesses observed that FF1090 appeared to  
24 be a healthy sycamore tree. Accordingly, I believe SDG&E complied with General Order 95,  
25 Rule 31.1.

26 Q: When did you first learn about the Rice Fire?  
27  
28

1           A:     I received a call from Hal Mortier, SDG&E's Fire Coordinator, on Monday,  
2 October 22, 2007, at around 8:30 a.m. He told me there was a fire in the Rice Canyon Road and  
3 asked me to go to that site and meet up with the SDG&E supporting fire coordinator on site.

4           Q:     What did you do at that time?

5           A:     I left the office and drove to 1548 Rice Canyon Road, as instructed by Hal Mortier,  
6 to meet up with Ron Smith, the Troubleshooter who was called to investigate the report that  
7 SDG&E lines were down in that area. Upon arriving at the location, I contacted Ron Smith by  
8 cell phone to identify his location. I asked Ron to direct me to the location of the downed lines,  
9 which he did. I also contacted Davey Tree Surgery to assist in restoration because I observed  
10 what appeared to be a broken-out limb in one of the trees in the area and that tree appeared to be  
11 unsafe in the winds. I then called Chris Thompson, the Area Forester who manages the SDG&E  
12 service territory in which the Rice Canyon area is located, to relieve me at the site and monitor the  
13 Davey crew because I needed to leave to survey the fire perimeter.

14          Q:     Can you describe the scene at the Rice Fire site when you arrived on October 22,  
15 2007?

16          A:     It was unusually windy that morning. I would say the winds were the strongest I'd  
17 experienced in that area. There were wind gusts swirling the trees in the area. I could see that  
18 the fire had burned west of Rice Canyon Road, and I saw fire crews in the area working hard to  
19 suppress the fire along the road. As I got close to tree FF1090, I saw that power lines were  
20 down – one wire was on the ground and two wires were hanging in the canopy of an oak tree. I  
21 also noticed the sycamore tree at issue, FF1090, because the extremely high winds were blowing  
22 the tree back and forth from east to west. After careful observation, I also noticed that there was a  
23 break-out in the sycamore canopy. I stepped back from FF1090 and took some photographs and  
24 video of tree FF1090 and the downed lines.

25          Q:     What did you observe with respect to the broken-out limb in tree FF1090?

26          A:     I noticed that a broken-out limb in tree FF1090 had fallen across the power lines.  
27 The broken-out limb was still attached to the tree. Based on where the break-out occurred and the  
28 angle of the branch union, it appeared to me that the sycamore limb that had broken out was

1 originally positioned towards the northeast, growing away from the power lines. As such, I  
2 believe that limb would likely not have been trimmed in the routine trim cycle.

3 Q: What discussions did you have with Davey on October 22, 2007 regarding the  
4 trimming of FF1090?

5 A: As I stated, I called Davey Tree Surgery when I arrived at the scene to request that  
6 an emergency tree crew be dispatched to assist at the scene. I spoke with Dave Faasua, the Davey  
7 Tree Surgery General Foreman who generally dispatches emergency crews. I requested an  
8 emergency tree crew with a 70 foot lift to assist in making tree FF1090 safe for the fire crews and  
9 residents in the area and for the electrical crews that would be coming out to begin the restoration  
10 of service. Davey Tree Surgery dispatched David Kracha and his climber. Once they arrived, I  
11 spoke with Dave Kracha about the necessary trimming to make tree FF1090 safe. I asked that he  
12 first clear an area around the break-out in the canopy of tree FF1090 so that I could take some  
13 photographs of the break-out area. I also requested that he trim back the broken-out limb and cut  
14 the limb just below where the break-out occurred so that the limb could be preserved. Once I had  
15 taken photographs of the break-out area and before any additional trimming was done, I left the  
16 site to survey the fire perimeter, and Chris Thompson took over the site.

17 Q: Are you aware that the CPSD has alleged that the trimming of FF1090 on the day  
18 of the fire, October 22, 2007, was excessive?

19 A: I am aware of that allegation, and I disagree. Tree FF1090 was compromised due  
20 to the limb failure, and I concluded that it was hazardous in the extremely windy conditions in the  
21 area. I was very concerned about the safety of the fire crews in the area and the residents walking  
22 throughout the area trying to assist in putting out small fires. I was also very concerned about the  
23 safety of the line crews that would be coming out to restore service in the area, and with the  
24 possibility of another break-out if the tree was left as it was. I determined that the broken-out  
25 limb needed to be removed to make the tree safe, but I requested that it be removed in such a way  
26 as it would be preserved (the portion that failed). After I left the site, Chris Thompson contacted  
27 me and informed me that he had determined that after the broken-out limb was trimmed back, the  
28 remaining portions of the tree were potentially at risk of failing in the winds and that he had



1 instructed Davey to bring down the height of the tree. I agreed that making the tree safe was the  
2 priority.

3 Q: To your knowledge, were any efforts undertaken to preserve the broken-out limb  
4 from FF1090?

5 A: Yes. I informed Chris Thompson and the Davey Tree Surgery crew that the  
6 sections above and below the limb break-out point needed to be preserved for further  
7 investigation. My understanding is that this was done and that the wood was piled in one  
8 location. Within a day or two of the fire, I met SDG&E claims representatives at the site to try to  
9 reconstruct the portion of the limb where the break-out had occurred. We were able to  
10 reconstruct the limb and marked it with a permanent marker so it was clear which portions went  
11 where. We then loaded the wood into an SDG&E claims truck and my understanding is that it  
12 was locked in a secure evidence storage room.

13 Q: Were any photographs or videos of the Rice Fire scene taken on October 22, 2007?

14 A: Yes. I took photographs before and during a portion of the trim and also some  
15 video of the tree swaying in the extreme winds. My understanding is that these photographs and  
16 the video have been provided to the CPSD.

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1 **QUALIFICATIONS**

2 My name is Don Akau. My business address is 8330 Century Park Court, CP33,  
3 San Diego, California, 92123-1550. I am employed by San Diego Gas & Electric Company  
4 (“SDG&E”) as the Vegetation Program Manager – Construction Services and have held this  
5 position since 2007. In this role, I oversee the vegetation management operations of SDG&E’s  
6 distribution and transmission system. This includes pre-inspections, tree trimming and removal  
7 and pole brushing operations in accordance with California Public Utilities Commission  
8 regulations, Federal Energy Regulatory Commission regulations and the California Public  
9 Resource Code. I also manage the Wood Pole Test & Treat Inspections for new and existing  
10 distribution and transmission wood poles. I joined SDG&E in 1999 to help implement an in-  
11 house vegetation inspection program and have held a variety of positions of increasing  
12 responsibility since that time. Prior to serving as Vegetation Program Manager, I was the System  
13 Forester and managed SDG&E’s tree trimming contracts. I also served as an Area Forester (in  
14 2003), managing the tree trimming contractor for the northern portion of SDG&E’s service  
15 territory. I hold an International Society of Arboriculture (“ISA”) Certification and Utility  
16 Specialist Certification (since 1995). I am also a member of the Forest Area Safety Task Force  
17 (F.A.S.T.) Committee which was created in 2003 to address dead, dying and diseased trees in our  
18 forested lands. I serve as a voting member of the Fire Safe Counsel of Greater San Diego. I also  
19 volunteer my time to various organizations that help to educate the general public and third-party  
20 contractors on electrical awareness and fire awareness and prevention.

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