

D.C. CITIZENS CAN ENJOY RELIABLE ELECTRIC POWER AND BEAUTIFUL TREES! BUT, WHO SHOULD REFEREE THESE COMPETING INTERESTS?

As People's Counsel for the District of Columbia, the statutory advocate for utility consumers, I want to offer follow up to the recent pieces by William J. Sim, Pepco President, "*Withstanding Storms*" (Oct. 21, 2004) and by Marc Fisher, "*Must Trees Bear Burden for Pepco?*" (Oct. 7, 2004).

Since Hurricane Isabel, I have felt like "*one hand clapping*" in saying: "*It's the trees, stupid!*" As People's Counsel and a D.C. resident, I align myself with those respecting Mother Nature's serendipity and furious storms and enjoy the serenity of a canopy of beautiful, healthy trees. Yet, I also demand safe, adequate and reliable electric service.

Call me Pollyanna, but I believe D.C. citizens can live in a city of beautiful trees without sacrificing the provision of reliable electric service. The public policy challenge is to decide which entity should have the authority and clout to referee these potential competing interests. So what entity would that be?

For OPC, the answer would be the Public Service Commission for the District of Columbia. The Commission, alone, has the plenary authority to enforce the laws requiring Pepco to provide safe, adequate and reliable service to all consumers. Unfortunately, however, the Commission does not have jurisdiction over other District agencies with an interest in the City's trees, such as the D.C. Department of Transportation.

So clearly, this easy answer may not be the best or most pragmatic. So, what to do?

First, let me be clear about one thing. Pepco may not, cannot, and should not be permitted to compromise the legal mandate to provide safe, adequate and reliable service to all D.C. consumers. Should it attempt to do so, then, as People's Counsel, I would take legal action before the Commission. And the PSC, with its authority over Pepco, as well as having to balance the interests of consumers, would have to take appropriate regulatory action.

Having said that, D.C. residents should not have to arm-wrestle with the "Asplundh truck workers" (*You know, the tree guys.*) or negotiate with the City's arborists. These are potentially dangerous situations and still would not guarantee routine and systematic tree "maintenance and management," which reflects sound arboriculture, while adhering to a bottom line of reliable electric service.

Let's be honest. This is a lesser conundrum when vegetation is routinely "maintained and managed." Delay, for whatever reason, means arborists must take drastic and dramatic measures to deal with overgrowth. The results can be aesthetically displeasing. If you don't believe this, I invite you to visit the Rhode Island Avenue, N.E. corridor.

As a People's Counsel living in a post-Hurricane Isabel world, I applaud Pepco's timely efforts to "manage and maintain vegetation." Yet, I know Pepco's "tree trimming tactics" have been viewed as overly aggressive, recently drawing sharp criticism. Pepco's actions have, however, also drawn praise. Some residents believe Pepco's "*vegetation management*" seems but a small price to pay to avoid the scourge of natural disasters or emergencies like Hurricane Isabel.

For others, like the residents who have lived for decades under the friendly canopy of their Northwest neighborhood trees and were quoted in Marc Fisher October 7 column, Pepco has gone too far. The flip side of that coin is reflected in the sentiment of Rhode Island Avenue, N.E. consumers who must now live with an eyesore, the result of delayed "vegetation maintenance and management." These residents are asking "Who mangled our trees, why must we live this, and what can we do now?" In other words, are ugly trees the only answer to reliable electric service?

What is needed is a coherent and comprehensive vegetation management and electric service reliability plan. That plan should provide an inclusive process of all stakeholders: Pepco, D.C. DOT, OPC, PSC and representatives of affected neighborhoods. An independent "referee" is needed to oversee and steward the process of creating a comprehensive plan of action. This referee must have the authority to hold the stakeholders' proverbial feet to the fire. This will ensure accountability and give D.C. citizen-consumers confidence in the process.

A comprehensive plan, required to be filed before the PSC, would allow Pepco to publicly indicate, annually and by neighborhood, how it will "manage and trim vegetation" to ensure system reliability. The plan should provide for notice to affected neighborhoods so as to include and address their concerns and recommendations. Consequently, all stakeholders would have timely notice as to what actions need to be taken.

This approach would provide a comprehensive plan by which Pepco could be held accountable by OPC, the PSC and consumers. District neighborhoods would still have their trees, aesthetically trimmed, and a greater likelihood of electric service after a storm. In other words, no ugly trees and the lights stay on.