Date Filed: October 27, 2026

**Witness: John P. DiPaola-Tromba, Sean D. Redding and Jenna Turner**
**Request from: Office of Education, Outreach, and Enforcement**

**Question:**

(STORM VEGETATION REMOVAL) Provide copies of all policies, procedures, guidance, statutes, or regulations, that details the Company's obligations for the removal of vegetation caused by a storm event. As part of the response, identify if the Company is permitted to perform vegetation removal and then bill the costs to the property owner or municipality.

**Response:**

The removal of damaged vegetation caused by a storm event is an industry-wide practice utilized to return the electric distribution system to the pre-storm reliable state and minimize the possibility of subsequent storm-related outages from damaged trees and limbs.

Please refer to EOE-383, Attachment 1, at page 56, where PURA addresses post-storm activities in Docket No. 11-09-09, stating,

> "The Liberty Report found that CL&P has a good plan for conducting post-storm activities and performed well in all respects. The Authority determines that none of its findings or conclusions with regard to post storm activities issues are contradicted by the record in this proceeding. Thus, the Authority adopts the findings, conclusions and recommendations of the Liberty Report with regard to post storm activities."

Please refer to EOE-383, Attachment 2, at page 179.

The Liberty Report emphasizes "that there are three primary post-event activities, ramp-down, clean-up, and post-event critiques." The Liberty Report further elaborates that "clean-up is performing patrols, tree trimming, and line repairs as required to restore facilities to a reliable state.

Specifically in reference to the storm response activities within Docket No. 11-09-09, the Liberty Report states, "CL&P performed a thorough post-storm analysis for Irene and the October storm. This included contracting the assessment of approximately 17,000 miles of its overhead electric distribution system. This assessment involved a visual inspection from ground level of wires and poles, and the identification of vegetation management issues such as hazard trees. About 30 survey teams performed this work. Work continued to correct all items on a priority basis."

Please refer to EOE-010, Attachment 7, at page 52, where the Company outlines the damage assessment process and, more specifically, the Post-Event Survey (emphasis added): This assessment is performed after-restoration but prior to releasing resources and is intended to identify any remaining work to restore the system to its normal configuration. It also includes the identification and documentation of any remaining Electric System debris or other hazards that require attention and services where temporary repairs were made to restore power.

Please refer to Exhibit CLP-STORM-1, at page 58, lines 7-17: "Toward the end of the restoration process, the Company used tree-clearance vendors to conduct "sweeps" of circuits to remove trees and limbs posing an imminent hazard. This effort reduced the number of service interruption recurrences during the final stage of the restoration process, thereby reducing the frequency with which both tree and line resources needed to revisit circuits to remove hazard trees and limbs that had subsequently become entangled in the Company's facilities and to re-restore power. This proactive approach (as opposed to a reactive approach of waiting for power outages to recur) helped reduce overall storm costs by reducing the number of return visits line crews had to make to areas that already had their power restored."

Regarding whether "the Company is permitted to perform vegetation removal and then bill the costs to the property owner or municipality," please refer to EOE-383, Attachment 3, at page 24. In Docket 12-01-10, the Company stated that "[PA 14-151] did not specifically address tree owner responsibility and liability for trees that cause damage to the Company's facilities." The Company further contended that, "public and private tree owners should be responsible for maintaining their trees within the rights of way and should be held responsible for resulting claims should their successful objection to line clearance work result in tree failure and damage."

The State Vegetation Management Taskforce ("SVMTF"), "concurred with the Company regarding trees on private property that have potential to fail and impact public safety and the SVMTF recommended that those trees be maintained by the owners of those trees."

PURA recognized that, "damage from trees located on private property adjacent to utility infrastructure remains problematic since these trees are not under the control of the utilities except for the branches that overhang the [public Rights-of-Way]." PURA's position was that "participation by private property owners would lead to improved reliability, safer roads, less cleanup costs and faster restoration."

This issue was not resolved in Docket 12-01-10, rather PURA recommended that the SVMTF address the issue should it be reconvened; however, the Company is prohibited from recovering damages from an objecting property owner when vegetation causes an outage or damages the electric distribution system, per CT G.S. § 16-234 subsection (c)(1), which states (emphasis added):

> "In conducting vegetation management, no utility shall prune or remove any tree or shrub within the utility protection zone, or on or overhanging any public road, public highway or public ground, without delivering notice of the proposed vegetation management to the abutting property owner or private property owner. Such notice shall include the option for the abutting property owner or private property owner to consent, in writing, to such proposed pruning or removal, object to such proposed pruning or removal or modify such proposed pruning or removal. The notice shall include instructions regarding how the recipient may object in accordance with subdivision (3) of this subsection. **Such notice shall also include a statement that if a person objects to the proposed pruning or removal, and such tree falls on any utility infrastructure, such person shall not be billed by the utility for any resulting damage**. If requested by an owner of private property, the utility, municipality or the Commissioner of Transportation, as appropriate, shall provide such owner with information regarding whether a tree or shrub to be pruned or removed is in the public right-of-way or whether such tree or shrub is on such owner's private property."

Referencing common law, please refer to EOE-383, Attachment 4, at page 1, where the Connecticut General Assembly Office of Legislative Research ("OLR") summarizes The Law of Torts 390 (5th ed., 1984) (emphasis added): *"According to Prosser and Keeton, under the traditional common law rule a landowner owes no duty to those outside of his premises to remedy conditions of purely natural origin on his land, even if the conditions are highly dangerous or inconvenient to his neighbors. This rule is reflected in the Restatement (Second) of Torts, Sections 363 and 840."*

Expanding on the Restatement of Torts, Section 363, please refer to EOE-383, Attachment 5, at pages 4-5, where the Connecticut General Assembly OLR summarizes 2016-2017 Connecticut Superior Court case law (emphasis added):

*2016 Case*

"*The defendant cited to the Restatement (Second) of Torts, § 363 (1965), which provides that, other than in certain situations involving public highways, "neither a possessor of land, nor a vendor, lessor, or other transferor, is liable for physical harm caused to others outside of the land by a natural condition of the land." The Restatement specifies that the "natural condition of the land" includes the natural growth of trees."*

*"The court ruled in favor of the defendant, rejecting the plaintiffs' arguments that the Restatement is outdated. It referenced other Connecticut cases which cited to the Restatement in other contexts. The court noted that the tree on the defendant's property clearly fit within the Restatement's definition of "natural condition of land"."*

2017 Case

*"The defendant moved for summary judgment on the ground that it owed no duty of care to the insured because the tree was a naturally occurring feature of the land. The defendant cited to the Restatement (Second) of Torts, § 363."*

*"The court granted the defendant's motion for summary judgment. The court cited favorably to the [2017 Case] (described above). It concluded that there was nothing in the pleadings to suggest that the tree was "anything more than a natural condition upon the defendant's land" and thus, the Restatement applied."*

The Connecticut General Assembly OLR also summarizes subsequent legislation voted out by the Judiciary Committee in 2015-2017 (H.B. No. 5602; H.B. No. 5258; H.B. No. 5655) in EOE-383, Attachment 5, on pages 5-6, that may have imposed liability based on notification to a property owner requiring a licensed Arborist's documented inspection. Referring specifically to H.B. No. 5602, the provisions did not apply to trees on land owned by political subdivisions of the state (e.g., municipalities). From the Company's understanding, all successive bills and other similar legislative attempts to impose liability on a property owner for a hazard tree failure resulting from a natural condition have failed.

While H.B. No. 5602, H.B. No. 5258, and H.B. No. 5655 may have imposed liability with notification to a property owner, requiring a licensed Arborist's documented inspection, had they not been voted out, the Company would still not have been able to bill a notified property owner post-objection if a tree causes damage to the electric distribution facilities per CT G.S. § 16-234 subsection (c)(1).