

FILE

FAX

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and Facsimile (614-466-0313)*

November 14, 2008

Ms. Renee J. Jenkins
Director, Administration Department
Secretary to the Commission
Docketing Division
The Public Utilities Commission of Ohio
180 East Broad Street
Columbus, OH 43215-3793

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PUCO

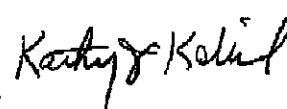
Dear Ms. Jenkins:

Re: *Answer of Ohio Edison Company
Dane L. Mazzitti v. Ohio Edison Company
Case No. 08-1146-EL-CSS*

Enclosed for filing, please find the original and twelve (12) copies of the *Answer* regarding the above-referenced case. Please file the enclosed *Answer*, time-stamping the two extras and returning them to the undersigned in the enclosed envelope.

Thank you for your assistance in this matter. Please contact me if you have any questions concerning this matter.

Very truly yours,



kag
Enclosures
cc: Parties of Record

BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO

Dane L. Mazzitti)	
)	
Complainant,)	
)	
vs.)	CASE NO. 08-1146-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ANSWER OF OHIO EDISON COMPANY

Respondent, Ohio Edison Company ("Ohio Edison" or "Company") submits its Answer to the Complaint filed in the instant action and says that:

1. It is a public utility, as defined by §4905.03(A)(4), O.R.C. and is duly organized and existing under the laws of the State of Ohio.
2. It has at all times acted in accordance with its Tariff, PUCO No. 11, on file with the Public Utilities Commission of Ohio, as well as all rules and regulations as promulgated by the Public Utilities Commission of Ohio, the laws existing in the State of Ohio, and accepted standards and practices in the electric utility industry.
3. With regard to the first unnumbered paragraph of the Complaint, it admits that Company records indicate that Complainant is the customer of record at 2563 West Chocktaw Drive, London, Ohio 43140 (the "Premises") and that certain tree trimming occurred at the Premises in or about the months of August and September, 2008.
4. With regard to the second unnumbered paragraph of the Complaint, it admits that Complainant is a customer of the Company, but denies that either the Company or

its subcontractor, Nelson Tree, has acted in total disregard and/or acted recklessly or excessively when trimming the two maple trees on the Premises. It further avers that such trees (i) are located within a prescriptive easement obtained by the Company; (ii) were growing into a Company distribution line; and (iii) have been trimmed in the past. It also denies that the trunk of either tree is approximately 23 feet from the distribution line and further avers that upon measurement, one tree trunk is approximately 11 feet from such line; the other, approximately 14 feet. Ohio Edison denies all other allegations included in unnumbered Paragraph 2 of the Complaint for lack of information necessary to form a belief as to the truth of such allegations.

5. With regard to the third unnumbered paragraph of the Complaint, it admits that it intends to trim a line of evergreen trees that are located directly under a Company distribution line and further avers that such tree line (i) is located within the prescriptive easement of Ohio Edison; (ii) that the trees in question are growing into the Company's distribution line located within such easement; and (iii) that the trees in question have been trimmed in the past. It denies all other allegations set forth in unnumbered Paragraph 3 of the Complaint for lack of information necessary to form a belief as to the truth of such allegations.
6. With regard to the fourth unnumbered paragraph of the Complaint, it admits that the Company intends to trim a large maple tree located near the same distribution line discussed in paragraph 5 above and further avers that said maple tree is located within the prescriptive easement obtained by the Company and that its branches are growing into said distribution line. It also admits that the Premises, as well as Complainant's neighbor's home are lake front properties. It denies all

other allegations set forth in Paragraph 4 of the Complaint for lack of information necessary to form a belief as to the truth of such allegations.

7. With regard to the fifth unnumbered paragraph (first paragraph on unnumbered page 2 of the Complaint), it denies for lack of information necessary to form a belief as to the truth of all allegations set forth in said paragraph.
8. The allegations set forth in the sixth unnumbered paragraph (second paragraph on unnumbered page 2 of the Complaint) calls for a legal conclusion, thus requiring no response.
9. The provisions of the Ohio Administrative Code quoted in unnumbered paragraph 7 of the Complaint speak for themselves and, accordingly, no response is necessary.
10. The provisions of the Ohio Administrative Code referred to in unnumbered paragraph 8 of the Complaint speak for themselves and the interpretation of the same calls for a legal conclusion, thus requiring no response.
11. It denies for lack of information necessary to form a belief as to the truth of any and all other allegations set forth in the Complaint that were not specifically addressed in this Answer.

FIRST DEFENSE


12. It has at all times acted in accordance with its Tariff, PUCO No. 11, on file with the Public Utilities Commission of Ohio, as well as all rules and regulations as promulgated by the Public Utilities Commission of Ohio, the laws existing in the State of Ohio, and accepted standards and practices in the electric utility industry.

SECOND DEFENSE

13. The Company has a prescriptive easement for the distribution lines located in both the front and side yards of the Premises and that all trees in question are located within said easements, that all trees in question have or had branches growing into the distribution lines and that all such trees have been trimmed in the past.

WHEREFORE, having answered the Complaint and having settlement discussions fail, the Company asks that this matter be set for hearing.


Respectfully submitted,


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On behalf of Ohio Edison Company

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that a copy of Ohio Edison Company's Answer was served upon Dane L. Mazzitti, 7365 Christie Chapel Road, Dublin, OH 43017, by regular U.S. Mail, postage prepaid, this 14th day of November, 2008.



Kathy J. Kolich, Esquire