

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of)
Dane L. Mazzitti,)
)
Complainant,)
)
v.) Case No. 08-1146-EL-CSS
)
Ohio Edison Company,)
)
Respondent.)

ENTRY

The attorney examiner finds:

- (1) On October 3, 2008, Dane L. Mazzitti (complainant) filed a complaint against Ohio Edison Company (Ohio Edison or respondent) concerning allegedly excessive tree trimming at his property at 2563 West Choctaw Drive, London, Ohio 43140 (premises) in August and September, 2008. Mr. Mazzitti requests that the respondent immediately remove two maple trees which have already been pruned and be held responsible for damaging these trees, and that Ohio Edison be enjoined from any further tree trimming on this property.
- (2) A copy of the complaint was served upon the respondent pursuant to Rule 4901-9-01, Ohio Administrative Code, which filed an answer on November 17, 2008, generally denying all allegations of excessive trimming, and asserting that Ohio Edison has a prescriptive easement for the distribution lines located in both the front and side yards of the complainant's property, that the trees in question are located within such easements, that the trees had branches growing into the distribution lines, and that all such trees have been trimmed in the past.
- (3) By agreement of the parties, this matter will be scheduled for a settlement conference on Monday, December 1, 2008, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, hearing room B, Columbus, Ohio 43215-3793.

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- (4) The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. Therefore, the parties should bring with them all documents relevant to this matter. An attorney examiner from the Commission's legal department will facilitate the settlement process. However, nothing prohibits either party from initiating settlement negotiations prior to the scheduled settlement conference. If a settlement is not reached at the conference, the attorney examiner will conduct a discussion of procedural issues. Procedural issues for discussion may include discovery dates, possible stipulations of facts, and potential hearing dates.

It is, therefore,

ORDERED, That a settlement conference be scheduled for December 1, 2008, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, hearing room B, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That a copy of this entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: Richard M. Bulgrin
Attorney Examiner

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geb

Entered in the Journal

NOV 20 2008



Renee J. Jenkins
Secretary