

NC
FILE

09-666-EL-CSS

4

RICHARD L. GOODMAN CO., L.P.A.
A LEGAL PROFESSIONAL ASSOCIATION
720 YOUNGSTOWN-WARREN ROAD
SUITE E
NILES, OHIO 44446
(330) 652-8989
Fax (330) 652-9652
e-mail: rlgoodman1@aol.com

July 29, 2009

FEDERAL EXPRESS NO. 8690 5860 1882

Renee J. Jenkins, Secretary
Public Utilities Commission of Ohio
Docketing Division
13th Floor
180 East Broad Street
Columbus, Ohio 43215-3793

PUCO

2009 JUL 30 PM 2:01

RECEIVED-DOCKETING DIV

Re: **Complaint against Ohio Edison Company**

Gentlepersons:

Enclosed please find an original and ten (10) copies of Complaint Against Ohio Edison Company. Please accept the same for filing.

Also enclosed please find an extra copy of the Complaint which I would appreciate being date stamped and returned to the undersigned in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Very truly yours,
RICHARD L. GOODMAN CO., L.P.A.



By: Richard L. Goodman

RLG/mlc
Enclosures

cc: Raymond M. Delost, Esq.
Jennifer B. Beck, Esq.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician AmJ Date Processed 7/30/09

**BEFORE THE
PUBLIC UTILITIES COMMISSION OF OHIO**

**RAYMOND M. DELOST AND
MARIA E. DELOST
130 LAKESHORE DRIVE
STRUTHERS, OHIO 44471**

Complainants

vs.

**OHIO EDISON COMPANY
76 SOUTH MAIN STREET
AKRON, OHIO 44308**

Respondent.

Case No. 09-666-EL-CSS

RECEIVED-DOCKETING DIV
2009 JUL 30 PM 2:01
PUCO

COMPLAINT AGAINST OHIO EDISON COMPANY

COMES NOW, Complainants, Raymond M. Delost and Maria E. Delost, by counsel, and pursuant to Section 4905.26, Ohio Revised Code, files the instant Complaint alleging that certain acts of Respondent, Ohio Edison Company, relating to tree trimming on the property of Complainants, be determined to be unjust, unreasonable, unjustly discriminatory, unjustly preferential, and in violation of law, and that such tree trimming on the property of Complainants, be determined to be in violation of the rules and regulations promulgated by the Public Utilities Commission of Ohio ("Commission") relating to service furnished by said Respondent, and states, in support thereof:

1. Complainants, Raymond M. Delost and Maria E. Delost, are the owners of real property located at 130 Lakeshore Drive in the City of Struthers, County of Mahoning and the State of Ohio, and customers of Ohio Edison Company.

2. Respondent, Ohio Edison Company, is a public utility, as defined by Section 4905.03(A)(4), Ohio Revised Code, and duly organized and existing under the laws of the State of Ohio.

3. The Respondent, Ohio Edison, was granted a transmission easement over the Complainants' real property located at 130 and Lakeshore Drive in the city of Struthers, and county of Mahoning, Ohio.

4. In the fall of 1986, the Complainants planted a series of white pine trees in such easement to ensure privacy and to enhance the value of their property. These trees intersected and have always been compatible with Respondent's transmission easement.

5. From 1993 through 2005, the Complainants and Respondent engaged in a mutual pattern of maintaining said trees in order to satisfy the Respondent's obligation to provide safe and reliable electrical services to their customers while at the same time to recognize Complainants' right to maintain their property in such a way as to preserve their privacy, the property's aesthetic beauty, and increase the value of the property.

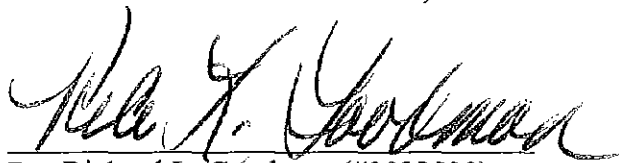
6. On July 1, 2008, Respondent, without notice to Complainants, came onto Plaintiffs' property and cut down several of Complainants' white pine trees.

7. Respondent has threatened to cut down the remaining white pine trees owned by Complainants.

8. Respondent has acted in violation of its Tariff, PUCO No. 11, on file with the Commission, as well as the rules and regulations promulgated by the Commission, the laws existing in the State of Ohio, and accepted industry standards and practices in the electric utility industry.

WHEREFORE, Complainants pray that the Commission find that reasonable grounds exist for the Complaint, that the Commission fix a time for hearing, that the Commission notify Complainants and Respondent, and find that the practices of Respondent relating to tree trimming on the property of Complainants be determined to be unjust, unreasonable, unjustly discriminatory, unjustly preferential, and in violation of law; and that during the pendency of this proceeding that Respondent be refrained from cutting down any additional trees on the property of Complainants.

Respectfully submitted,
RICHARD L. GOODMAN CO., L.P.A.



By: Richard L. Goodman (#0022520)
720 Youngstown-Warren Road
Suite E
Niles, Ohio 44446
(330) 652-8989 Phone
(330) 652-9652 Fax
E-mail: rlgoodman1@aol.com



RAYMOND M. DELOST (#0023788)
JENNIFER B. BECK (#0075892)
3685 Stutz Drive, Suite 100
Canfield, Ohio 44406
Phone No. 330 702-0200
Fax No. (330) 702-0204
E-mail: jbb@zoominternet.net

Attorneys for Plaintiffs
Raymond M. Delost and
Maria E. Delost