

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of H. R.  
Billups,

Complainant,

v.

American Electric Power Company,

Respondent.

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Case No. 10-515-EL-CSS

ENTRY

The attorney examiner finds:

- (1) The above-referenced complaint was filed on April 16, 2010. In the complaint, H. R. Billups (complainant) stated that the indifference of American Electric Power Company (AEP or company) and the lack of training of its employees led to a \$1,500.00 expenditure on his part. Complainant explained that trees in AEP's right-of-way on his property had grown into the company's distribution lines. Further, after an on-site visit, the company stated that the trees did not qualify for trimming or removal. Complainant stated that he then paid to have most of the trees removed and that, subsequently, AEP offered to remove a single remaining tree free of charge. Complainant stated that, because he was not informed of AEP's plans for tree trimming and removal, he unfairly paid \$1,500.00 to do the work that should have been done by AEP.
- (2) On May 6, 2010, AEP filed an answer generally denying the allegations in the complaint. More specifically, AEP denied that it refused to deal with trees on complainant's property and that those trees were not at-risk at the time of complainant's request for vegetation management. AEP also denied that its actions in assessing the need to trim or remove complainant's trees were unfair or that the company misinformed the complainant about the need to remove trees in the right-of-way at the time requested by the complainant.

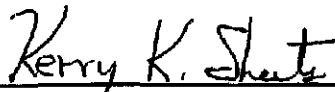
- (3) At this time, the attorney examiner finds that this matter should be scheduled for a settlement conference. The purpose of the settlement conference will be to explore the parties' willingness to negotiate a resolution of this complaint in lieu of an evidentiary hearing. In accordance with Rule 4901-1-26, Ohio Administrative Code (O.A.C.), any statements made in an attempt to settle this matter without the need for an evidentiary hearing will not generally be admissible to prove liability or invalidity of a claim. 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.
- (4) Accordingly, a settlement conference shall be scheduled for June 14, 2010, at 11:00 a.m., in the offices of the Commission, Conference Room 1246, 12<sup>th</sup> Floor, 180 East Broad Street, Columbus, Ohio 43215-3793. 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.
- (5) Pursuant to Rule 4901-1-26(F), O.A.C., the representatives of the public utility shall investigate the issues raised in the complaint prior to the settlement conference and all parties attending the conference shall be prepared to discuss settlement of the issues raised and shall have the requisite authority to settle those issues. In addition, parties attending the settlement conference should bring with them all documents relevant to this matter.
- (6) As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.* (1996), 5 Ohio St.2d 189.

It is, therefore,

ORDERED, That the matter be scheduled for a settlement conference on June 14, 2010, at 11:00 a.m., in the offices of the Commission, Conference Room 1246, 12<sup>th</sup> Floor, 180 East Broad Street, 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

  
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By: Kerry K. Sheets  
Attorney Examiner

  
/vrm

Entered in the Journal

MAY 19 2010

  
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Renee J. Jenkins  
Secretary