

FILE

BEFORE  
THE PUBLIC UTILITIES COMMISSION OF OHIO

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PUCO

CHARLES PAQUELET,

Complainant,

v.

OHIO EDISON COMPANY,

Respondent.

Case No. 11-4177-EL-CSS

**ANSWER AND AFFIRMATIVE DEFENSES OF RESPONDENT**  
**OHIO EDISON COMPANY**

Respondent Ohio Edison Company ("Ohio Edison") for its Answer to the Complaint of Charles Paquelet ("Complainant") states as follows:<sup>1</sup>

In response to the first unnumbered paragraph, Ohio Edison responds as follows:

1. Admits that Ohio Edison is a public utility, as defined by Ohio Revised Code Section 4905.03(A)(4), and is duly organized and existing under the laws of the State of Ohio.
2. Admits that Complainant is the customer of record for residential service at 11849 Northcrest St. in Massillon, Ohio 44647.
3. Admits that it uses the Nelson Company as a contractor to trim trees as part of Ohio Edison's vegetation management program.
4. Avers that on or about February 23, 2010, an employee of the Nelson Company trimmed a beech tree (the "Tree") owned by Complainant.
5. Admits that it has filed and received approval from the Commission for its vegetation management protocol, "FirstEnergy Vegetation Management Specifications."

<sup>1</sup> Although Complainant did not present his allegations in individually-numbered paragraphs, Ohio Edison hereby responds to those allegations in paragraph form. As noted in ¶ 14, and pursuant to Rule 4901-9-01(D), O.A.C., Ohio Edison hereby denies generally any allegation not specifically admitted or denied herein.

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6. Admits that it follows the “FirstEnergy Vegetation Management Specifications” and the American National Standards Institute’s “Vegetation Management Specification Manual” (collectively, the “Vegetation Management Guidelines”) as part of Ohio Edison’s general vegetation management policy.

7. Avers that it requires its vegetation management contractors, including but not limited to the Nelson Company, to adhere to the Vegetation Management Guidelines.

8. Denies any remaining allegations contained in the first unnumbered paragraph.

In response to the second unnumbered paragraph, Ohio Edison responds as follows:

9. Denies that it “fail[ed] to comply with either or both of these authoritative guides” in having the Tree trimmed. Ohio Edison avers that the trimming of the Tree was mandated by the Vegetation Management Guidelines because the top branches of the Tree were in contact with an Ohio Edison 7.2 Kv distribution line located on Complainant’s property.

10. Denies that its actions caused “irreparable damage” to the Tree.

11. States that it is without knowledge or information sufficient to form a belief as to the truth of the Complaint’s allegations that the Tree is “unusual and rare” contained in the second unnumbered paragraph of the Complaint and denies those allegations on that basis.

12. Admits that Complainant requested that Ohio Edison replace the Tree, but Ohio Edison denies that it is under any obligation to do so.

13. Denies any remaining allegations contained in the second unnumbered paragraph.

14. Denies generally any allegation not specifically admitted or denied herein, pursuant to Rule 4901-9-01(D), Ohio Administrative Code.

#### **FIRST DEFENSE**

15. The Complaint fails to set forth reasonable grounds for complaint.

## SECOND DEFENSE

16. Ohio Edison at all times has complied with Title 49, Ohio Revised Code; the rules, regulations, and orders of the Commission; and Ohio Edison's tariff.

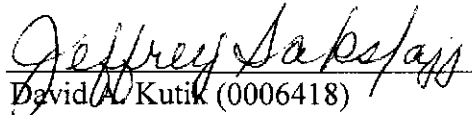
## THIRD DEFENSE

17. Ohio Edison reserves the right to raise additional defenses as warranted by discovery in this matter.

WHEREFORE, Ohio Edison respectfully requests an Order dismissing the Complaint and granting Ohio Edison all other necessary and proper relief.

DATED: July 26, 2011

Respectfully submitted,



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ATTORNEYS FOR RESPONDENT  
OHIO EDISON COMPANY

## **CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing Answer to Complaint was delivered to the following counsel by first class U.S. mail, postage prepaid, this 26th day of July, 2011:

Mr. Charles Paquelet, M.D.  
11849 Northcrest St.  
Massillon, Ohio 44647

Complainant

  
An Attorney For Respondent