

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Carl)	
N. Lukehart,)	
)	
Complainant,)	
)	
v.)	Case No. 09-916-EL-CSS
)	
Ohio Power Company,)	
)	
Respondent.)	

ENTRY

The Commission finds:

- (1) On October 7, 2009, Carl Lukehart (Complainant) filed a complaint against the Ohio Power Company (Ohio Power or the company), alleging that, *inter alia*, Ohio Power's vegetation management policy is unjust and unreasonable, that the company failed to follow its rules and regulations on file with the Commission, and that Ohio Power caused damage to his property when conducting vegetation management activities relating to its easement over his property.
- (2) On October 27, 2009, Ohio Power filed its answer to the complaint, denying the Complainant's allegations and asserting that the complaint amounts to an impermissible collateral attack on a prior decision of the Allen County Court of Common Pleas.
- (3) A settlement conference was conducted on January 4, 2010, but the parties were unable to reach a resolution, and the matter was subsequently scheduled for hearing on September 28, 2011.
- (4) On September 2, 2011, Mr. Lukehart filed a letter indicating that he had sold the property in question to the East Ohio Gas Company and wished to withdraw his request for hearing. Accordingly, the complaint should now be dismissed with prejudice, and the record of this case should now be closed.

It is, therefore,

ORDERED, That this complaint be dismissed with prejudice, and the record of this case be closed.

ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


Todd A. Snitchler, Chairman


Paul A. Centolella


Steven D. Lesser


Andre T. Porter


Cheryl L. Roberto

RMB/dah

Entered in the Journal

OCT 12 2011.


Betty McCauley

Betty McCauley
Secretary