

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of Buryl Ray Allison,)	
)	
Complainant,)	
)	
v.)	
)	Case No. 12-1546-EL-CSS
American Electric Power Company,)	
)	
Respondent.)	
)	

ENTRY

The attorney examiner finds:

- (1) On May 15, 2012, Buryl Ray Allison (complainant) filed a complaint against American Electric Power Company (AEP). In his complaint, Mr. Allison alleges that AEP trespassed and cut down trees located on his property. Mr. Allison explains that during the Summer of 2011, AEP hired a service to clear trees and brush away from its transmission lines. A stretch of the transmission lines cross Mr. Allison's property. In attempting to clear vegetation from its easement, Mr. Allison contends that AEP removed trees beyond the easement that were located on his property.

Mr. Allison enumerated several concerns, including the following: he was not given notice that trees would be removed; most of the tree removal was unnecessary; and AEP did not remove cut trees and brush from his property. Mr. Allison states that he rejected AEP's offer of \$1,500 as compensation for the loss of trees. Instead, for relief, he demands triple damages.

- (2) AEP filed an answer to the complaint on June 4, 2012. For its answer, AEP alleges that it has a valid easement and has the right to remove trees and brush to ensure safety and the reliability of its transmission lines. AEP acknowledges that it offered the complainant the sum of \$1,500, based on AEP's calculation of the proper timber price for the trees that it cut

from the right-of-way. Asserting that it was fully within its rights to trim and remove trees from the right-of-way, AEP moves to dismiss the complaint.

- (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.

Accordingly, a settlement conference shall be scheduled for July 31, 2012, at 10:00 a.m., in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. 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.

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.

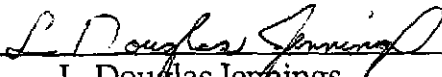
As is the case in all Commission complaint proceedings, the complainant has the burden of proving the allegations of the complaint. *Grossman v. Public Util. Comm.*, 5 Ohio St. 2d 189 (1996).

It is, therefore,

ORDERED, That a settlement conference be held on July 31, 2012, at 10:00 a.m., in Room 1246 in the offices of the Commission, 12th Floor, 180 East Broad Street, Columbus, Ohio 43215. It is, further,

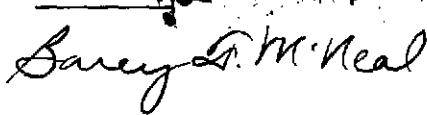
ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO


By: L. Douglas Jennings
Attorney Examiner


gsf/vrm

Entered in the Journal


Barcy F. McNeal

Barcy F. McNeal
Secretary