

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

| | | |
|---|---|------------------------|
| In the Matter of the Complaint of Raymond |) | |
| and Maria Delost, |) | |
| |) | |
| Complainants, |) | |
| |) | |
| v. |) | Case No. 09-666-EL-CSS |
| |) | |
| Ohio Edison Company, |) | |
| |) | |
| Respondent. |) | |

ENTRY

The attorney examiner finds:

- (1) On July 30, 2009, Raymond and Maria Delost (complainants) filed a complaint against Ohio Edison Company (Ohio Edison), concerning the removal or potential removal of several trees located in an easement adjoining the complainants' property. The complainants allege that the removal of the trees violates Ohio Edison's tariff, the Commission's rules and regulations, Ohio statutes, and accepted standards and practices of the electric utility industry.
- (2) On August 24, 2009, Ohio Edison filed an answer to the complaint along with a motion to dismiss.
- (3) The attorney examiner finds that this case should be scheduled for a hearing beginning July 24, 2013, at 10:00 a.m., at the offices of the Commission, 180 East Broad Street, Hearing Room 11-C, 11th floor, Columbus, Ohio 43215-3793.
- (4) All discovery requests should be conducted in accordance with Rules 4901-1-16 to 4901-1-24, Ohio Administrative Code (O.A.C.).
- (5) Any party intending to present direct, expert testimony should comply with Rule 4901-1-29(A)(1)(h), O.A.C., which requires that all such testimony to be offered in this type of proceeding be filed and served upon all parties no later than seven days prior to the commencement of the hearing.

- (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.*, 5 Ohio St. 2d 189, 214 N.E.2d 666 (1966).

It is, therefore,

ORDERED, That a hearing be held as set forth in Finding (3). It is, further,

ORDERED, That discovery be conducted in accordance with Finding (4). It is, further,

ORDERED, That any party intending to present expert testimony comply with Finding (5). 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

s/ L. Douglas Jennings

By: L. Douglas Jennings
Attorney Examiner

jrj/vrm

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in

Case No(s). 09-0666-EL-CSS

Summary: Attorney Examiner Entry scheduling a hearing on July 24, 2013, at 10:00 a.m., electronically filed by Vesta R Miller on behalf of L. Douglas Jennings, Attorney Examiner, Public Utilities Commission of Ohio