

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

William Witt,)	Case No.: 14-0388-EL-CSS
)	
	Complainant,	
)	
vs.)	<u>ANSWER OF OHIO EDISON</u>
)	<u>COMPANY</u>
Ohio Edison Company,)	
)	
	Respondent.	
)	Denise M. Hasbrook (0004798)
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)	(willing to accept service by email)
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)	
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)	<i>Ohio Edison Company</i>

Respondent, Ohio Edison Company (“Ohio Edison”) for its Answer to the Complaint of

William Witt states as follows¹:

¹ Although Complainant includes “FirstEnergy” in the caption of the Complaint in parenthesis, the sole Respondent formally named is operating company, Ohio Edison Company.

In response to the unnumbered, preamble paragraph, Respondent states as that: It lacks information or belief as to the truth of the allegations in the first sentence of the preamble paragraph of the Complaint and, therefore, denies the same. Respondent admits that Ohio Edison informed Complainant that it was planning to remove vegetation on or after March 3, 2014 through its contractor, Asplundh Company, in order to maintain transmission lines that traverse the property under an Easement attached hereto as Exhibit A. The Answering Respondent denies the remaining allegations in this paragraph.

1. In response to the first numbered paragraph of the Complaint, Respondent states that it is without knowledge or information as to whether the trees were planted under the supervision of the Ohio Department of Natural Resources, Division of Forestry as a certified tree farm and, therefore, denies the same. It denies that any such certification of the property as a tree farm prevents Ohio Edison from removing trees according to the Ohio Edison's Transmission Vegetation Management Program as set forth in the programs for inspection, maintenance, repair, and replacement of transmission and distribution circuits and equipment as required under O.A.C. Rule 4901:1-10-27(E) (the "Plan") and the FirstEnergy Transmission Management Contractor Specifications dated January 1, 2012 (the "Specifications") (collectively the "TVM Program"). The remaining allegations in this paragraph are denied.

2. Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations in numbered Paragraph 2 of the Complaint and denies the same. It also denies that permission or notification is required to the state of Ohio under the statutes cited therein. Respondent is not required to obtain the Summit County Soil and Water Conservation District's permission prior to removing trees because such regulations apply only to the owner of the land. The remaining allegations in this paragraph are denied.

3. In response to numbered Paragraph 3, Respondent admits that the City of Hudson has adopted Ordinance Nos. 1014.08 and 1014.99 but denies that the Ordinances have any applicability or that they prohibit Respondent's vegetation management activities herein. Permission from the Hudson Department of Public Works to remove trees is only required if the property is "an industrial commercial lot of record." The remaining allegations in this paragraph are denied.

4. In response to numbered Paragraph 4, Respondent denies the allegations. Vegetation was permitted to be removed by the Easement that is attached hereto as Exhibit A and Respondent's TVM Program. Respondent likewise denies that a huge brush pile left by Asplundh from seven trees created an unhealthy fire hazard in the Easement and in the remainder of the tree farm. The remaining allegations in this paragraph are denied.

5. The allegations in the final paragraph of the Complaint, including the prayer for relief, are denied.

FIRST DEFENSE

6. The Complainant fails to set forth reasonable grounds for the Complaint.

SECOND DEFENSE

7. Ohio Edison has at all times complied with Title 49 of the Ohio Revised Code: The Rules, Regulations and Orders of the Commission and Ohio Edison's Tariffs.

THIRD DEFENSE

8. Ohio Edison has lawfully complied with its rights to remove vegetation from the property under its Easement and TVM Program.

FOURTH DEFENSE

9. The statutes and ordinances cited in the Complaint are not applicable to Ohio Edison's actions herein.

FIFTH DEFENSE

10. To the extent that Complainant challenges the validity or effect of the Easement, the PUCO lacks subject matter jurisdiction.

WHEREFORE, Respondent, Ohio Edison Company respectfully requests an order dismissing the Complaint and granting it all necessary and proper relief.

Respectfully submitted,

/s/ Denise M. Hasbrook

Denise M. Hasbrook (0004798)
Emily Ciecka Wilcheck (0077895)
Carrie M. Dunn (0076952)

*Attorneys for Respondent,
The Ohio Edison Company*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by ordinary U.S. Mail this 18th day of April, 2014 and that the PUCO's e-filing system will electronically serve notice of filing of this document on the following parties:

Anthony A. Cox, Esq.
118 W. Streetsboro St., #95
Hudson, OH 44236-2711
Attorney for Complainant

Respectfully submitted,

/s/ Denise M. Hasbrook
Denise M. Hasbrook (0004798)
Emily Ciecka Wilcheck (0077895)
Carrie M. Dunn (0076952)

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Case No(s). 14-0388-EL-CSS

Summary: Answer of Ohio Edison Company electronically filed by Mrs. Denise M. Hasbrook
on behalf of Ohio Edison Company