

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complaint of James L. Griffith,)	
)	
Complainant,)	
)	
v.)	Case No. 13-1956-EL-CSS
)	
Ohio Edison Company,)	
)	
Respondent.)	

ENTRY

The attorney examiner finds:

- (1) The above-referenced complaint was filed on September 18, 2013. In the complaint, James L. Griffith (Mr. Griffith or Complainant) alleged that a tree company working for Ohio Edison Company (Ohio Edison) cleared a right-of-way through his property, left a mess of limbs and brush, sprayed a chemical that killed all of the plant life, destroyed a corner property marker, and cut a cherry tree that was three feet from the right-of-way.
- (2) On October 8, 2013, Ohio Edison filed an answer denying the allegations in the complaint.
- (3) A settlement conference was twice scheduled in this case, on November 13, 2013, and January 7, 2014, but was continued each time, because of an illness experienced by Mr. Griffith on November 13, 2013, and because of a water main break that closed the Commission's offices on January 7, 2014.
- (4) On February 13, 2014, a settlement conference was held in an attempt to informally resolve this matter. The parties, however, were unable to reach a resolution of the issues presented in the complaint.
- (5) A hearing was scheduled in this matter on July 29, 2014. Thereafter, by Entry dated July 21, 2014, the hearing was continued in order to take Mr. Griffith's deposition.

- (6) On August 6, 2014, Ohio Edison filed a notice of its intention to take Mr. Griffith's deposition on August 14, 2014.
- (7) On August 21, 2014, Ohio Edison notified the attorney examiner that Mr. Griffith did appear for the deposition and that the case was ready to be re-scheduled for a hearing.
- (8) Accordingly, a hearing in this matter should be scheduled to begin at 10:00 a.m. on October 15, 2014, in the offices of the Commission, Hearing Room 11-C, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793.
- (9) Any party intending to present direct expert testimony should comply with Ohio Adm.Code 4901-1-29(A)(l)(h), 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 commencement of the hearing.
- (10) In Commission proceedings, a complainant has the burden of proving the allegations in the complaint. Thus, at hearing, it shall be the Complainant's responsibility to appear and be prepared to present evidence in support of the complaint.
- (11) Complainant is advised that failure to attend the October 15, 2014, hearing may result in dismissal of his complaint for lack of prosecution.

It is, therefore,

ORDERED, That a hearing in this matter be scheduled for October 15, 2014, at 10:00 a.m., in the offices of the Commission, Hearing Room 11-C, 11th Floor, 180 East Broad Street, Columbus, Ohio 43215-3793. It is, further,

ORDERED, That the terms of this Entry be observed. It is, further,

ORDERED, That a copy of this Entry be served upon each party of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

s/ Kerry K. Sheets

By: Kerry K. Sheets
Attorney Examiner

jrj/vrm

This foregoing document was electronically filed with the Public Utilities

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in

Case No(s). 13-1956-EL-CSS

Summary: Attorney Examiner Entry scheduling a hearing for October 15, 2014, at 10:00 a.m.; electronically filed by Vesta R Miller on behalf of Kerry K. Sheets, Attorney Examiner, Public Utilities Commission of Ohio