



# Public Utilities Commission

16-1169-9P- CSS 6

Case Number

Public Utilities Commission of Ohio  
Attn: Docketing  
180 E. Broad St.  
Columbus, OH 43215

2016 MAY 23 PM 5:11

## Formal Complaint Form

PUCO

Jeffrey Hamre  
Customer Name (Please Print)

2873 Clark Shaw Rd.  
Customer Address

Powell Ohio 43065  
City State Zip

**Against**

n/a I am not a Frontier customer.  
Account Number

Customer Service Address (if different from above)

Frontier Communications  
Utility Company Name

City State Zip

Please describe your complaint. (Attach additional sheets if necessary)

Frontier Communications has illegally run underground lines and installed a telephone pedestal on my property without an easement. This constitutes trespassing.

On or about March 15, 2016 I came home from work and found that Frontier Communications had placed a new telephone pedestal in front of my home as part of the Sawmill Parkway Extension project. I was aware that the utilities would need to be relocated as part of the project as I had been contacted by Delco Water Company several months prior. They asked me to sign a new easement (which I did) so that they could relocate the water line across my property 5 feet outside of the county right of way. They contacted me weeks before the work started and gave me a date that they would be started in my yard. I had no such previous notification from Frontier, nor did I agree to an easement allowing them to cross my property or relocate the pedestal onto my property. I was never informed that the pedestal was to be moved at any point in time to its existing location. I should mention that I am not a Frontier Communications customer and my home is not hooked up to their system. I have no home phone and get my cable/internet through Time Warner Cable.

Previously the pedestal was located within 10 feet of the edge of the roadway. The pedestal was moved straight back from the road approximately 40 feet to it's new location which is in the center of my front yard. After the road widening is completed, it will sit approximately 30-40 feet from the edge of the roadway. It is an eyesore and significantly reduces the usability of what is left of my yard and the curb appeal of my home. It is already leaning at an awkward angle. I have driven up and down every road in the area, and found no instances where a pedestal was located in the center of a residential property, they are all near a property line or near a driveway.

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

180 East Broad Street  
Columbus, Ohio 43215-3793

Technician Sum

Date Processed

MAY 24 2016

Updated May 19, 2016  
(614) 466-3016  
www.PUCO.ohio.gov



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The next morning (March 16, 2016) I contacted Brian Dilley at the Delaware County Engineer's office and complained about the new location. I was told by him that they had no control over where the utility placed their equipment. I was told they would contact the Frontier project manager and have him call me. The Frontier Communications project supervisor, Chris Avery, contacted me later that morning. I explained my issue and asked that the pedestal be relocated to the edge of the property. I felt it would not be difficult to relocate the pedestal at this point as the wires had not yet been pulled. I was told that they were within their rights to place the pedestal anywhere as they were within the county right of way and had the county's permission. I was told that they could not relocate the pedestal as it would cost too much to change the location of the bore under the parkway.

After thinking about what he said for a while, that didn't make sense. I called him back and asked again. I stated that moving the pedestal to the east side of the property would result in a shorter length bore under the parkway which should, if anything, decrease the cost. (I later realized that the bore under the parkway had already been completed as the conduit was already in my yard) I even offered to pay a portion of the expense of moving the pedestal, within reason. Mr. Avery told me he would come back out and look at it to see what could be done but informed me that he could not do this until March 21 as he was off for an extended weekend. Following this conversation, I went online and filed my initial PUCO complaint #JHAM0316162L.

I heard back quickly from the PUCO representative and explained my complaint. I was told they would contact Frontier and see what could be done. I was later contacted by public relations representative of Frontier to again explain my issue with the location. She stated that she had spoken with Mr. Avery (or his supervisor) and was aware that he was going to review the situation as described above.

I did not hear back from Mr. Avery on the 21<sup>st</sup> so I called him on the 22<sup>nd</sup> and asked what he had determined. I was told that it was too late, the wires had already been pulled and the pedestal was wired in. I found out later from a neighbor that they had actually come out on March 17 (the day after we talked on the phone) and wired in the pedestal. He said that if I wanted it moved it would be at my expense, costing an estimated \$7000.00! Needless to say I felt like I had been lied to and that they had never given any real consideration to my complaint.

Upon further inspection, I realized that the telephone pedestal was located very close to the Delco water line. Knowing that the water line was outside the right of way by at least 5 feet, I suspected that the pedestal might not actually be inside the county right of way. The right of way is 60' from the center line of the existing road. Using a tape measure, I felt that the pedestal was out of the 60' right of way by 2 feet. Since the road was torn up at this point I was not certain so I hired Scioto Land Surveying to come out and tell me for sure. As you will see on the attached survey drawing, they determined that the pedestal is actually 2'3" outside the right of way on my property. This means that at least some portion of the underground wiring to the pedestal is also on my property.



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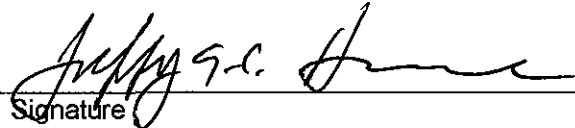
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Since the pedestal and associated cable are outside the right of way and I have granted no easement for the use of my property to Frontier Communications, I feel that they are trespassing on my property. I would formally request that Frontier be required to remove the entire length of the underground cabling and the pedestal from my property and relocate it at least 5 feet onto the county right of way as intended. Considering the miss-information, lack of communication and non-common sense exhibited by Frontier in this matter, I would ask that they also be required to place the pedestal in an appropriate location near or beyond the east edge of my property as this is obviously the common practice for placement of these pedestals.

In lieu of this very expensive remedy, I would still be amenable to an agreement whereby Frontier Communications relocate the pedestal to either edge of my property and I will grant easement so that the underground cable need not be disturbed.

I would also request that Frontier Communications reimburse me for the \$185.00 charged by Scioto Land Surveying to establish the exact location of the pedestal.

  
Signature

740-815-1815

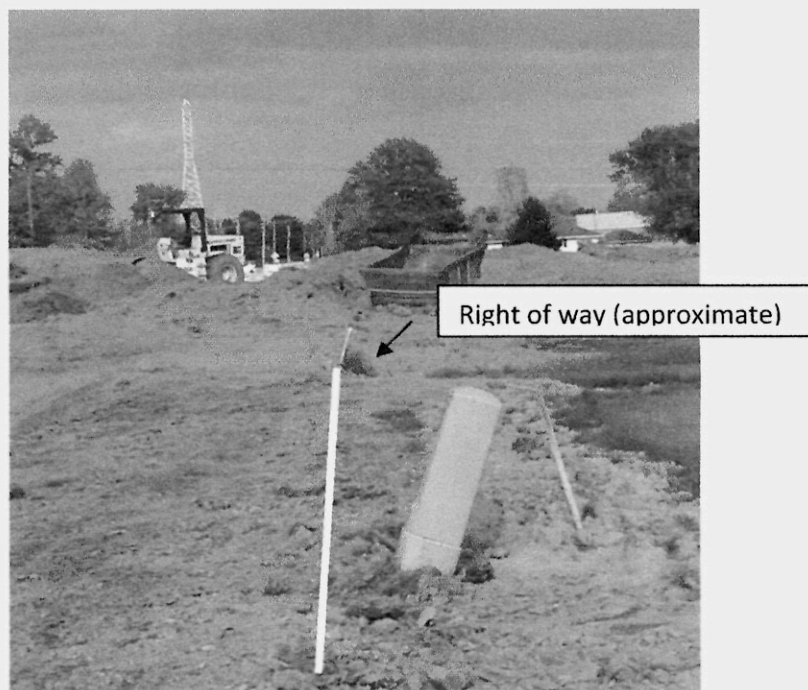
Customer Telephone Number

jhamre6734@aol.com

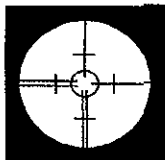
Customer e-mail



Picture shows location of phone pedestal in front of home, the dirt in the foreground is county right of way but will all be grass when completed. As you can see the pedestal will essentially be in the middle of the yard.



Picture shows location in relation to Delco Water line (blue stake) and edge of right of way (orange flagged stake in the center of the frame. Also shows how nice and straight the pedestal is!



# SCIOTO LAND SURVEYING SERVICE, INC.

173 North Sandusky Street

Delaware, Ohio 43015

740.369.7577

karen@sciotolandsurveying.com

## EXHIBIT FOR JEFFREY A. C. & SANDRA ANN HAMRE

PART OF FARM LOT 30, QUARTER-TOWNSHIP 3,  
TOWNSHIP 4, RANGE 19, U.S.M.L.

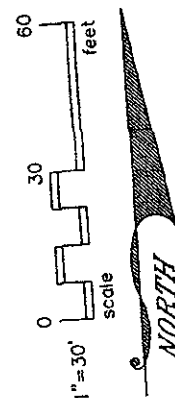
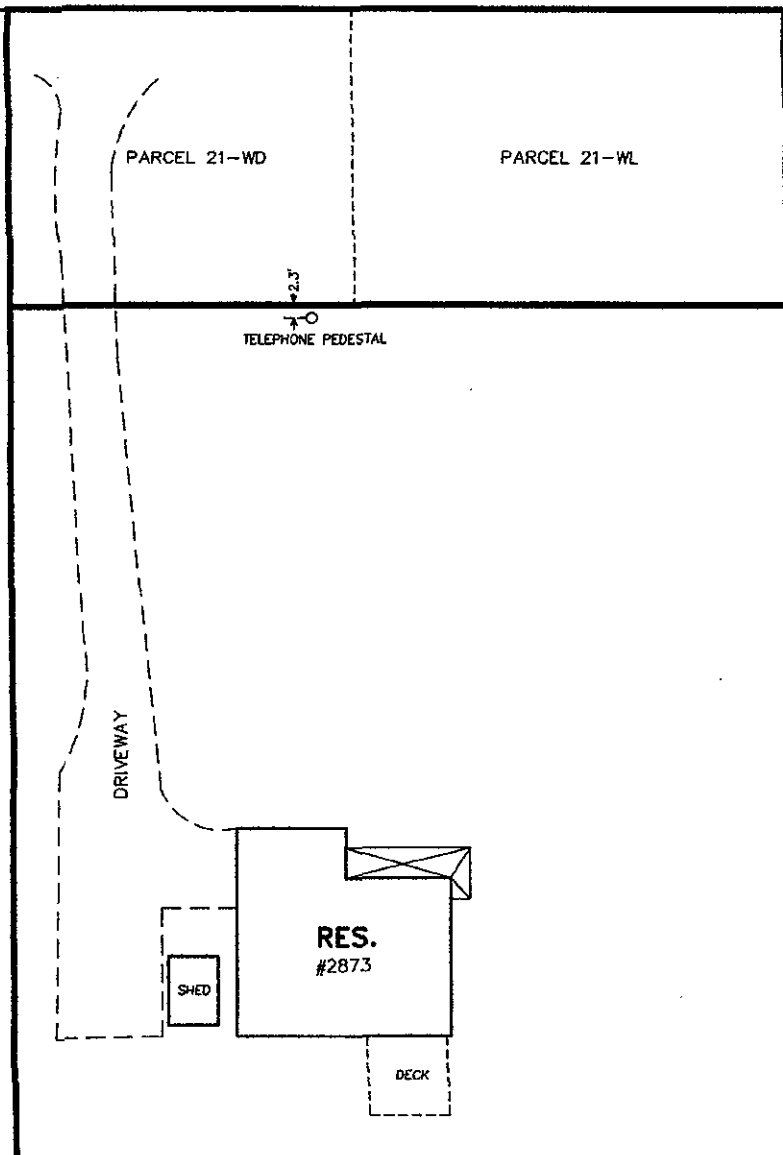
LIBERTY TOWNSHIP, DELAWARE COUNTY, OHIO

ORIGINAL 1.492 Ac.

O.R.V. 468, PAGE 696

TWP. RD. 139

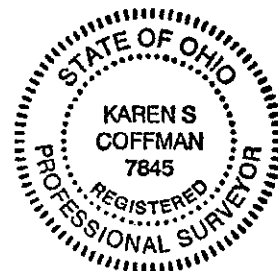
CLARK-SHAW ROAD



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED IN THE FOREGOING TITLE CAPTION AND THAT SAID SURVEY AND SKETCH ARE ACCURATE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. ROAD RIGHT-OF-WAY IS ASSUMED AND SHOWN FOR ILLUSTRATIVE PURPOSES ONLY UNLESS OTHERWISE NOTED. EASEMENTS, RESTRICTIONS AND RIGHT-OF-WAY, IF ANY, NOT LOCATED UNLESS NOTED.

KAREN S. COFFMAN, SURVEYOR  
Registration No. 7845

MAY 12, 2016  
DATE OF SURVEY



SCIOTO LAND SURVEYING  
SERVICE INC  
173 N SANDUSKY ST  
DELAWARE, OH 43015



## INVOICE

**BILL TO**  
Hamre

**INVOICE #** 15634  
**DATE** 05/18/2016  
**DUE DATE** 05/28/2016  
**TERMS** Net 10

ACTIVITY	QTY	RATE	AMOUNT
Survey to locate telephone pedestal at 2873 Clark-Shaw Road, Liberty Township, Delaware County, Ohio	1	185.00	185.00

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**BALANCE DUE** **\$185.00**