

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE COMPLAINT OF
CARLYLE REID**

COMPLAINANT,

CASE NO. 17-2212-EL-CSS

v.

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on February 13, 2020

I. SUMMARY

{¶ 1} The Commission grants Complainant's request to dismiss.

II. DISCUSSION

{¶ 2} Duke Energy Ohio, Inc. (Duke or the Company) is a public utility, pursuant to R.C. 4905.02, and is, therefore, subject to the jurisdiction of this Commission.

{¶ 3} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 4} On October 25, 2017, Carlyle Reid (Complainant) filed a complaint against Duke, alleging that Duke is negatively impacting property values in Symmes Township and the city of Montgomery by clear cutting and obliterating all trees located within a 100-foot right-of-way under transmission wires.

{¶ 5} On November 14, 2017, Duke filed an answer. In the answer, Duke denied the allegations made by Complainant. Additionally, it set forth affirmative defenses including that Complainant lacks standing to assert any claims.

{¶ 6} By Entry dated May 8, 2018, the attorney examiner scheduled a settlement conference in this matter. Complainant did not appear for the settlement conference.

{¶ 7} By Entry dated July 11, 2018, the attorney examiner granted a stay in this case, allowing Duke to prune trees to create a 15-foot clearance distance between trees and the nearest transmission line in order to ensure safe and reliable service but otherwise halting other vegetation management activities.

{¶ 8} On August 17, 2018, Complainant filed a request to dismiss. In the request, Complainant indicated that he did not wish to proceed with his complaint against Duke. Further, Complainant indicated that Duke could continue to perform necessary tree work on his property.

{¶ 9} Upon review of Complainant's request to dismiss, we find that the request is reasonable and should be granted. Accordingly, this case should be dismissed and be closed of record.

III. ORDER

{¶ 10} It is, therefore,

{¶ 11} ORDERED, That Complainant's August 17, 2018 request to dismiss the complaint be granted. It is, further,

{¶ 12} ORDERED, That a copy of this Entry be served upon each party and interested person of record.

COMMISSIONERS:

Approving:

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

AS/mef

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