BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Complair	nt of	
Dane L. Mazzitti,))
	Complainant,	
v.		Case No. 08-1146-EL-CSS
Ohio Edison Company,))
	Respondent.)
	FNTRY	

The attorney examiner finds:

- (1) On October 3, 2008, Dane L. Mazzitti (complainant) filed a complaint against Ohio Edison Company (Ohio Edison or respondent) concerning allegedly excessive tree trimming at his property at 2563 West Chocktaw Drive, London, Ohio 43140 (premises) in August and September, 2008. Mr. Mazzitti requests that the respondent immediately remove two maple trees which have already been pruned and be held responsible for damaging these trees, and that Ohio Edison be enjoined from any further tree trimming on this property.
- (2) A copy of the complaint was served upon the respondent pursuant to Rule 4901-9-01, Ohio Administrative Code, which filed an answer on November 17, 2008, generally denying all allegations of excessive trimming, and asserting that Ohio Edison has a prescriptive easement for the distribution lines located in both the front and side yards of the complainant's property, that the trees in question are located within such easements, that the trees had branches growing into the distribution lines, and that all such trees have been trimmed in the past.
- (3) A settlement conference was held on December 1, 2008, but the parties have not been able to reach a complete resolution of this complaint.

rnis is accurate document								
Books to	an	-3	 	Date :	Proc	963	ed	 ·

(4) By agreement of the parties, this matter will be scheduled for hearing on Wednesday, May 20, 2009, at 11:00 a.m., at the offices of the Commission, 180 East Broad Street, 11th floor, hearing room G, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That the hearing of this matter be scheduled for May 20, 2009, at 11:00 a.m., at the offices of the Commission. It is, further,

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

THE PUBLIC UTILITIES COMMISSION OF OHIO

•

By:

Richard M Bulgrin Attorney Examiner

gelj ;geb

Entered in the Journal

APR 3 0 2008

Reneé J. Jenkins

Secretary