



(attached) grants the right to "cut and remove from the above-described right of way and the lands of [then property owner] adjoining the same on either side, any trees, overhanging branches, brush, undergrowth, or other obstructions which might endanger the safety or interfere with the erection, maintenance, operation, or use of said towers, crossarms, fixtures, wires, or cables ..."

4. While erroneously claims that the trees "do not present vertical issues with the lines involved," Complainant admits that the "trees in question are on the outer edge of a right of way." OP clearly has a legal right to trim and remove trees in the right of way and has an established practice of trimming and removing trees such as those in question.
5. The Commission is well aware of the regulatory requirements for service reliability and safety to avoid tree contact with lines and the critical need for efficient vegetation management, especially as it relates to transmission lines such as the line in question.
6. The trees in question are primarily white pine, a fast-growing and troublesome species of tree to be located near a transmission line.
7. Representatives of OP met with the Complainant in an attempt to mutually resolve the dispute, offering to pay the customer \$500 for the wood from the trees and advising the customer about what trees would be appropriate for planting in such close proximity to the right of way.
8. OP has tree crews in the area and plans to proceed with the tree trimming and removal activities on Complainants' property within weeks of filing this answer.

### **MOTION TO DISMISS**

1. OP is fully within its rights to trim and remove trees within the easement and OP breached no legal duty owed to Complainants.
2. Complainants failed to state reasonable grounds upon which relief may be granted.
3. Complainant has not identified any Commission rule or regulation that it believes OP has violated.

WHEREFORE, OP respectfully requests that the instant action be dismissed.

### **CONCLUSION**

Having fully answered, OP respectfully moves this Commission to dismiss the Complaint of Robert Houghton for failure to set forth reasonable grounds for the complaint and to deny Complainant's request for relief.

Respectfully submitted,

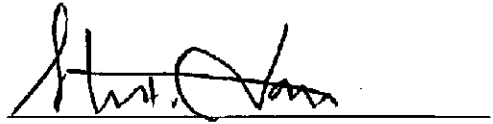


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Attorneys for Ohio Power Company

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Answer and Motion to Dismiss of Ohio Power Company was served by First-Class United States Mail, postage prepaid, upon Complainant Robert Houghton at the address listed below on this 29th day of June, 2010.

A handwritten signature in black ink, appearing to read "Robert Houghton", is written over a horizontal line.

Robert Houghton  
2404 Bur Oak N.E.  
Canton, Ohio 44705