

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

|   |   |                        |
|---|---|------------------------|
| In the Matter of the Complaint of Jacob | ) |                        |
| Schad, Jr.,                             | ) |                        |
|   | ) |                        |
| Complainant,                            | ) |                        |
|   | ) |                        |
| v.                                      | ) | Case No. 10-790-EL-CSS |
|   | ) |                        |
| Ohio Edison Company,                    | ) |                        |
|   | ) |                        |
| Respondent.                             | ) |                        |

ENTRY

The attorney examiner finds:

- (1) On June 8, 2010, Jacob Schad, Jr. (complainant) filed a complaint against the Ohio Edison Company (Ohio Edison), alleging that Ohio Edison clear cut 90 hemlocks on complainant's property, in violation of both Ohio Edison's easement over complainant's property and the company's vegetation management policy. After Ohio Edison removed the hemlocks, complainant filed an action for conversion of his property in the Ashland County Common Pleas Court, but this action was dismissed on the authority of the Ohio Supreme Court's decision in *Corrigan v. Illum. Co.*, 122 Ohio St.3d 265 (2009). Complainant seeks compensation for the removal of the hemlocks.
- (2) On June 28, 2010, Ohio Edison filed an answer denying the material allegations of the complaint and asserting that its actions complied with all relevant statutes and regulations. Ohio Edison admits that a contractor working on its behalf removed approximately 90 trees, including hemlocks, a juniper, and other brush, from complainant's property. According to Ohio Edison, the vegetation in question was removed, pursuant to its easement over complainant's property as well as its vegetation management policy, because the vegetation had the potential to interfere with the 69 kilovolt transmission line running above it.

- (3) On July 9, 2010, an entry was issued scheduling this matter for a settlement conference on August 26, 2010. The settlement conference was duly held but no settlement agreement or substantive pleadings have been filed. Accordingly, this matter will be scheduled for hearing on December 4, 2013, at 2:00 p.m. in Hearing Room 11-D, at the offices of the Commission, 180 East Broad Street, 11<sup>th</sup> floor, Columbus, Ohio 43215-3793.

It is, therefore,

ORDERED, That the hearing of this matter be scheduled for December 4, 2013, at 2:00 p.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

s/ Richard M. Bulgrin

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By: Richard M Bulgrin  
Attorney Examiner

jrj/vrm

**This foregoing document was electronically filed with the Public Utilities**

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**in**

**Case No(s). 10-0790-EL-CSS**

Summary: Attorney Examiner Entry scheduling a hearing for December 4, 2013, at 2:00 p.m.; electronically filed by Vesta R Miller on behalf of Richard M. Bulgrin, Attorney Examiner, Public Utilities Commission of Ohio