



Public Utilities Commission

3
17-2267-EL-CSS

Case Number

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

FILE

Formal Complaint Form

NICHOLAS CALO
Customer Name (Please Print)

8386 Cypresswood
Customer Address

Cinti OH 45249
City State Zip

Against

4800-0683-21-6
Account Number

Duke Energy
Utility Company Name

Customer Service Address (if different from above)

City State Zip

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

RECEIVED-DOCKETING DIV

2017 OCT 30 PM 2:41

PUCO

Michael G. Cole
Signature

513-489-6649
Customer Telephone Number

This is to certify that the images appearing are an accurate and complete reproduction of a true and correct document delivered in the regular course of business.
Technician AM Date Processed 10/30/17

October 25, 2017

Public Utilities Commission of Ohio
Docketing Division
180 East Broad Street
Columbus, OH 43215-3793

Dear Representatives of PUCO:

My purpose in writing is to make a formal complaint against Duke Energy of Cincinnati, OH.

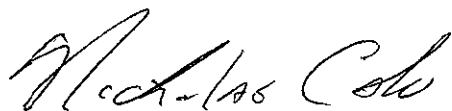
Many homes and apartment buildings in our part of Cincinnati have been built along the right of way of the towers and transmission wires that Duke maintains. These lines and towers are in the backyards of these homes. Up to this point in time, Duke (formerly CGE) trimmed trees to protect the power lines. It also advised homeowners about what types of trees, bushes, and other vegetation could be grown in *the right of way*.

In the past two months, Duke has notified dozens of homeowners in Symmes Township and the City of Montgomery that it is going to clear cut all trees and vegetation in the 100 foot right of way of its towers and transmission wires. Duke is now claiming that it has the right to remove all vegetation (trees, bushes, grasses, etc.) in this right of way. Most disturbing is that Duke plans to spray an herbicide on all areas in the right of way to kill all vegetation. Please keep in mind that these areas are many homeowners' backyards (right up to their back doors) where this toxic spray will be administered. Duke has already undertaken these activities in areas adjacent to Montgomery and Symmes Township.

It is our understanding that Duke is not abiding by the language of the Grant of Easement that is associated with the property. They also are going beyond PUCO requirements as described in Section F (Right of Way Vegetation Management) of Programs for Inspection, Maintenance, Repair and Replacement of Distribution and Transmission Lines – 4901:1-10-27 (E)(1).

We want PUCO to stop Duke from taking these excessive, unnecessary and dangerous actions, by advising it to not remove all of the vegetation in these areas and to not spray the herbicides in the yards of these homeowners.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Nicholas Calo". The signature is fluid and cursive, with the first name "Nicholas" written in a larger, more prominent script than the last name "Calo".

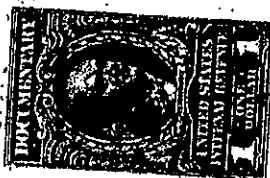
Nicholas Calo
(Customer of Duke Energy- Acct # 4800-0683-21-6)
8386 Cypresswood Drive
Cincinnati, OH 45249
T: 513-489-6649

GRANT OF EASEMENT

FOR AND IN CONSIDERATION OF One Dollar and other good and valuable considerations, the receipt whereof is hereby acknowledged, hereby grant unto The Cincinnati Gas & Electric Company, its successors and assigns, a right of way and easement on hundred (100) feet in width, to construct, erect, operate, maintain, repair, replace and remove towers and all necessary and incidental wires, cables, anchors, grounding systems, counterpoises, fixtures and equipment for the transmission and distribution of electrical energy, ~~in, on, over, through~~ ~~under, repair, replace and remove pipe lines and appurtenances and incidental easements and equipment for the transmission of gas, in, on, over, through~~ and across the following described real estate situate in Section 31, T. 4, E. R. 2, Symmas Township, Hamilton County State of Ohio and being a tract of 45.11 acres, more or less, being Lot 1 of Samuel Arbuckle's Estate and being the same property conveyed to the grantor by deed dated April 27, 1899 and recorded in Deed Book 832, page 191, Hamilton County Recorder's Office.

The center line of the said 100 foot right of way and easement is described as follows:

Beginning at a point in the southeast corner of the above described property; thence in a westerly direction along the south boundary line of said property 203.0 feet to a point and the real place of beginning of the easement herein conveyed; thence from said real place of beginning in a northerly direction turning an angle of 90 degrees 36 minutes to the right 479.25 feet to a point; thence continuing in a northerly direction turning an angle of 3 degrees 17 minutes to the right 705.49 feet to a point; thence continuing in a northerly direction turning an angle of 2 degrees 6 minutes to the left 195.10 feet to a point in the center line of Fields-Ertel Road said point being 155.7 feet west of the northeast corner of said property measured along the center line of Fields-Ertel Road.



together with the right to cut, trim or remove any trees, overhanging branches or other obstructions both within and without the limits of the above described right of way and easement which in the opinion of the grantee's engineers may endanger the safety of or interfere with the construction, operation or maintenance of said system, the right to pile dirt, material and equipment on the surface during periods of construction and maintenance, and the right of ingress and egress over the above described property for the purpose of exercising the rights herein granted.

Said Company, its successors and assigns, shall pay all damages to growing crops, buildings and fences, caused by its employees, agents, licensees, teams or trucks in exercising the rights herein granted.

No buildings or other structures shall be erected within the limits of the above described right of way and easement by the grantor, heirs, or assigns. Grantor, heirs or assigns, shall have the right to cultivate the land within the limits of said right of way and easement in any manner not inconsistent with the rights herein conveyed to the grantee.

If the rights herein granted are not used, at least in part, within twenty-five years from the date of this instrument the same shall become void and shall revert to the then owners of the above described property.

Grantor, full power to convey said right of way and easement and warrant, and will defend the same against all claims of all persons.

WITNESS my hand this 12 day of October, 1950.
Signed and acknowledged in the presence of:

Charles J. Gallace
Harry Kasfir

Ella M Rempler

DATE OF Ohio Hamilton COUNTY, ss: Ella M Rempler
Personally appeared before me, a Notary Public in and for said County,

do acknowledged the signing of the foregoing instrument to be her voluntary act and deed for the uses and purposes therein set forth.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this 12th day of October, 1950.

Notary Public, Hamilton County, Ohio
My Com. Exp. Oct. 4, 1953
ALBERT J. HAVER, RECORDER, HAMILTON COUNTY, OHIO