

THE PUBLIC UTILITIES COMMISSION OF OHIO

IN THE MATTER OF THE COMPLAINTS OF
KIM WIETHORN, KAREN DABDOUB, JEFF
AND LINDA SIMS, FRED VONDERHAAR,
DONALD AND NANCY JACOB, JAMES
JOHNSON, MAJID QURESHI, KEITH
DONOVAN, JULIE REYNOLDS, JOHN LU,
ROBERT SCHNEIDER, AMANDA SACHS,
JOHN HASSELBACK, LAWRENCE HUG,
DENNIS MITMAN, NICOLE HICIU, JASON
MAYHALL, JAMES AND SHELLEY HOYER,
THERESA REIS, GARY BALSER, DAVID SIFF,
CARRIE AND DAN GAUSE, PHYLLIS WAHL,
SUSAN FALICK, JERRY AND LOU ULLRICH,
DAN AND VICKI KEMMETER, KIM
CARRIER, ANTHONY AND MARY BETH
ANDREWS, DAN AND MICHELE REECE,
DELORIS REESE, DARRELLE REESE,
RICHELLE SCHIMPE, JULIE CARNES, TODD
AND MICHELLE BACON, PATRICIA LOHSE,
DENNIS BAKER, JENNY AND CHARLIE
GAST, ROBB AND KATHLEEN OLSEN,
NANCY STEINBRINK, JOHN AND BARBARA
COLLINS, JONATHA MACKEY, VALERIE
VAN IDEN, AND THE SYMMES TOWNSHIP
TRUSTEES,

COMPLAINANTS,

v.

CASE NO. 17-2344-EL-CSS

DUKE ENERGY OHIO, INC.,

RESPONDENT.

ENTRY

Entered in the Journal on November 28, 2017

{¶ 1} Complainants originally filed a complaint on November 14, 2017, against Duke Energy Ohio, Inc. (Duke). Complainants are located in Hamilton County, Symmes Township, Deerfield Township, and the city of Montgomery, Ohio. Complainants allege

that Duke is attempting to remove trees on their property without making a determination that the trees actually pose a risk to the safe and reliable provision of electric service and complete removal is necessary. They further allege that without such a determination, Duke has no authority to engage in the practice.

{¶ 2} Along with their complaint, Complainants also requested that the Commission issue a stay of the implementation of Duke's vegetation management plan as it relates to the Complainants' properties and stay the clear cutting and removal of trees and vegetation on the Complainants' properties during the pendency of the complaint. Complainants indicated that the stay is necessary because Duke could commence clear cutting trees as soon as November 15, 2017. The attorney examiner granted Complainants' motion to stay on November 16, 2017.

{¶ 3} On November 22, 2017, Complainants filed a motion to amend their complaint and an expedited request to extend the stay. In the motion, Complainants state that several more residents of Hamilton County, Symmes Township, Deerfield Township, and the city of Montgomery, Ohio have expressed a desire to join the proceeding in order to protect their properties and the communities where they reside. These residents also request that the stay previously granted in this matter be extended to them.

{¶ 4} The attorney examiner finds that Complainants' motion is reasonable and should be granted. Accordingly, the additional Complainants listed in the motion are hereby permitted to join this proceeding. Moreover, until further notice, Duke should stay its vegetation management plan and stay the clear cutting and removal of these additional Complainants' trees and vegetation on their properties during the pendency of this complaint.

{¶ 5} Moreover, the attorney examiner renames the caption of this proceeding with the caption currently adopted by Complainants.

{¶ 6} It is, therefore,

{¶ 7} ORDERED, That the additional Complainants' request to join this proceeding is granted and the caption of this proceeding is hereby updated. It is, further,

{¶ 8} ORDERED, That the additional Complainants' request to stay the clear cutting of trees on their properties is granted. It is, further,

{¶ 9} ORDERED, That Duke should stay its vegetation management plan and stay the clear cutting and removal of the additional Complainants' trees and vegetation on their properties during the pendency of this complaint. It is, further,

{¶ 10} ORDERED, That the case caption be amended as noted in this Entry. It is, further,

{¶ 11} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

/s/ Anna Sanyal

By: Anna Sanyal
Attorney Examiner

jrj/vrm

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in

Case No(s). 17-2344-EL-CSS

Summary: Attorney Examiner Entry granting the additional Complainants' request to joint the proceeding and request to stay the clear cutting of trees on their properties; electronically filed by Vesta R Miller on behalf of Anna Sanyal, Attorney Examiner, Public Utilities Commission of Ohio