

# THE PUBLIC UTILITIES COMMISSION OF OHIO

## IN THE MATTER OF THE COMPLAINTS OF:

TAMMY & KARL ROSS	CASE NO. 17-2186-EL-CSS
DAVID E. SHEWMON	CASE NO. 17-2207-EL-CSS
DAVID & BEVERLY FENTON	CASE NO. 17-2208-EL-CSS
BRETT LEONARD	CASE NO. 17-2209-EL-CSS
TIMOTHY H. JONES	CASE NO. 17-2210-EL-CSS
ERIC OSWALD	CASE NO. 17-2220-EL-CSS
JEREMY & CARINA HENRY	CASE NO. 17-2221-EL-CSS
MELANIE MAUGHLIN	CASE NO. 17-2225-EL-CSS
AMBER & CHRIS FRANCOSKY	CASE NO. 17-2262-EL-CSS
SEAN & EMILY HUNT	CASE NO. 17-2263-EL-CSS
MARY & MICHAEL MENO	CASE NO. 17-2270-EL-CSS
EMMANUEL BLACK	CASE NO. 17-2322-EL-CSS
ELIZABETH VORHOLT	CASE NO. 17-2323-EL-CSS
DAVID & PATRICIA MCLEAN	CASE NO. 17-2324-EL-CSS
JACK C. DAUGHERTY	CASE NO. 17-2330-EL-CSS
JULIA M. & DAVID A. GUY	CASE NO. 17-2369-EL-CSS
TERRI BEAN	CASE NO. 17-2454-EL-CSS
JEFFREY DEATON	CASE NO. 17-2458-EL-CSS
KIMBERELY SALLAH	CASE NO. 17-2504-EL-CSS
KRISTA & MATT WAGNER	CASE NO. 17-2518-EL-CSS
ANGELA MARTIN	CASE NO. 17-2553-EL-CSS
HEATHER WRIGHT	CASE NO. 19-160-EL-CSS

COMPLAINANTS,

v.

DUKE ENERGY OHIO, INC.,

Respondent.

## ENTRY

Entered in the Journal on May 6, 2020

### I. SUMMARY

{¶ 1} The Commission dismisses the complaints filed by the Complainants identified in the caption.

## II. DISCUSSION

{¶ 2} Duke Energy Ohio, Inc. (Duke or the Company) is a public utility, pursuant to R.C. 4905.02, and is, therefore, subject to the jurisdiction of this Commission.

{¶ 3} Pursuant to R.C. 4905.26, the Commission has authority to consider written complaints filed against a public utility by any person or corporation regarding any rate, service, regulation, or practice relating to any service furnished by the public utility that is in any respect unjust, unreasonable, insufficient, or unjustly discriminatory.

{¶ 4} The Complainants identified in the caption for this Entry have filed complaints against Duke from 2017 to 2019. In their complaints, Complainants alleged that Duke is attempting to remove trees on their respective properties without making a determination that the trees actually posed a risk to the safe and reliable provision of electric service and complete removal was necessary. They further alleged that, without such a determination, Duke has no authority to engage in the practice. In each of their individual cases, the attorney examiner granted stays of Duke's vegetation management activities, with respect to the Complainants' properties, during the pendency of their cases.

{¶ 5} By Entry dated January 23, 2020, the attorney examiner directed Complainants to review the decision approving a stipulation in Case No. 17-2344-EL-CSS, which involves Citizens Against Clear Cutting (CACC). CACC are located in a similar geographic area as Complainants, namely in Hamilton County, Symmes Township, Deerfield Township, and the City of Montgomery, Ohio. CACC also made similar allegations as Complainants. In Case No. 17-2344-EL-CSS, we found that the stipulation in question was the product of serious bargaining among capable, knowledgeable parties; benefited ratepayers and the public interest as a package; and did not violate any important regulatory principle or practice. The Commission also found that the stipulation struck an appropriate balance between Duke's efforts to effectively conduct its vegetation management activities along its transmission lines and the ability of property owners to knowledgeably and consistently adhere to guidance from the Company in order to preserve an environment conducive to

conducting those activities, without jeopardizing their ability to enjoy and reasonably landscape their properties. *In re Citizens Against Clear Cutting, et al. v. Duke Energy Ohio, Inc.*, Opinion and Order (Jan. 15, 2020) at ¶¶ 38-41.

{¶ 6} The stipulation in Case No. 17-2344-EL-CSS provided that Duke will offer all complainants who filed complaints related to Duke's vegetation management activities on or prior to the effective date of the stipulation the same settlement benefits offered to CACC under the terms of the stipulation (stipulation at 9). Because of this, the attorney examiner instructed Complainants in this matter to review the terms of the stipulation to determine whether they were satisfied with the terms. In the event they did not agree with the terms, the attorney examiner instructed Complainants to file correspondence in their respective case docket within 60 days indicating that they wished to proceed with their case.

{¶ 7} None of the Complainants filed correspondence indicating that they wished to proceed with their case by March 23, 2020. Consequently, the Commission finds that the Complainants' claims should be dismissed for lack of prosecution. Additionally, we note that Complainants appear to be satisfied by the terms of the stipulation adopted in Case No. 17-2344-EL-CSS. Accordingly, these cases should be dismissed and be closed of record.

### III. ORDER

{¶ 8} It is, therefore,

{¶ 9} ORDERED, That the complaints filed by the Complainants identified in the caption be dismissed. It is, further,

{¶ 10} ORDERED, That a copy of this Entry be served upon all parties identified in the caption of this Entry.

COMMISSIONERS:

*Approving:*

Sam Randazzo, Chairman

M. Beth Trombold

Lawrence K. Friedeman

Daniel R. Conway

Dennis P. Deters

AS/kck

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

**Commission of Ohio Docketing Information System on**

**5/6/2020 4:04:46 PM**

**in**

**Case No(s). 17-2186-EL-CSS, 17-2207-EL-CSS, 17-2208-EL-CSS, 17-2209-EL-CSS, 17-2210-EL-CSS,**

Summary: Entry dismissing the complaints filed by the Complainants electronically filed by Heather A Chilcote on behalf of Public Utilities Commission of Ohio