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CASE NO. 21-857-EL-CSS

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

RICHARD D. BIHLAJAMA,
Claimant,
v.
THE CLEVELAND ELECTRIC ILLUMINATING COMPANY,
Respondent.

REPLY BRIEF OF CLAIMANT

SUBMITTED BY:
Richard D. Bihlajama
79 Harrington Court
Conneaut, Ohio 44030
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STATEMENT OF ISSUES

It is the desire of the Claimant that the court recognise that a violation of the NESC exists on the property in question (79 Harrington Court, Conneaut, Ohio, 44030) and that the proper resolution is for the Respondent to correct the issue by relocating to a proper right-of-way. In addition, the Claimant should contact the appropriate zoning boards and resolve any fines that may exist. Claimant is not interested in having an easement purchased across the property, as it does not resolve the concern he has for the distribution line, as described below.

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STATEMENT OF CASE

A violation of the NESC was brought before the Public Utilities Commission as the Claimant has concerns to the proximity of the Respondent's transmission line over accessible areas on this property. The line in question is not a service drop and does not feed the Claimant's property.

Council for the Respondent questioned the validity of the Claimant's concerns. Council addressed and questioned the Claimant's use of property, and revealed the lack of a building permit. Council moved to dismiss. Council attempted to establish a right-of-way argument. Council presented a witness to respond to generalized transmission line questions.

The Claimant, being limited in scope to what arguments could be brought forth, was limited to only questioning the Respondent's witness on the safety risk of the high-voltage line over the property in question.

SUMMARY OF ARGUMENT

It is the argument of the Claimant that all testimony and evidence relevant to the points stated in the section below be taken out of consideration by the court when reaching their decision in this case. If all parties adhered to the court's repeated direction of what could not be presented, there would be a state of equality and the only relevance would be the NESC violation, which both parties agree exists, and which party is clearly not permitted to be in the area of the violation.

ARGUMENT

At the outset, both parties were specifically advised that easement concerns and property use were not permitted, which prevented the Claimant from discussing specific equipment belonging to the Respondent, the location of such and why these were relevant to this particular case.

Council attempted to dismiss the Claimant's concern of the violation and also Claimant's concern of the presence of a high-voltage distribution line that runs parallel above it, neither of which have anywhere to fall but on the Claimant's structures in the event of a failure. The existence of other filings does not negate Claimant's concerns for safety.

Council for the Respondent used the prohibited 'property use' to "establish a timeline" which progressed into the discussion and questioning of Claimant's use of property, an opportunity the Claimant was not granted by following the court's direction.

Council also used the prohibited 'easement concerns' when pressuring the Claimant to read a passage from the Respondent's Rights-Of-Way document. Having a right-of-way would insinuate that the powerlines in question are within a

right-of-way (roadway, property line, etc) or, in regard to wires crossing over a property (as is in this case), are within an easement. Another opportunity the Claimant was not granted due to following the court's direction.

Claimant was unsuccessful in attempting to counter that neither location above is the case with regard to the Respondent's power lines.

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