

Bond Case Briefs

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PUBLIC UTILITIES - OHIO

Corder v. Ohio Edison Company

Supreme Court of Ohio - November 12, 2020 - N.E.3d - 2020 WL 6600368 - 2020 -Ohio-5220

Landowners who were organic farmers brought action seeking declaratory and injunctive relief regarding scope electrical transmission line easement, specifically whether electric utility could use herbicides to control vegetation within easement.

The Court of Common Pleas entered a judgment after sua sponte finding that Public Utilities Commission of Ohio (PUCO) had exclusive jurisdiction. Landowners appealed. The Court of Appeals reversed. Utility sought discretionary review.

The Supreme Court held that landowners' action was within subject-matter jurisdiction of common pleas court and was not within PUCO's exclusive jurisdiction.

Landowners' action seeking declaratory and injunctive relief regarding scope of electrical transmission line easement, specifically whether electric utility could use herbicides to control vegetation within easement, was within subject-matter jurisdiction of common pleas court, and was not a matter within the exclusive jurisdiction of Public Utilities Commission of Ohio (PUCO); determination of scope of easement did not depend on PUCO's exercise of its administrative expertise or its review of a public utility's vegetation-management program, but rather required a court to interpret and apply the language of the instrument creating the easement.

When a declaratory judgment action seeks an adjudication of the terms of an electrical transmission line easement to determine respective property rights of a landowner and a public utility, that particular class of case is not within the exclusive jurisdiction of Public Utilities Commission of Ohio (PUCO), but rather may be heard and decided by a court of common pleas.