



The Public Utilities
Commission of Ohio

Case Number

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

Formal Complaint Form

Charles R. Ogle
Customer Name

Melanie A. Ogle

Against

11575 Donaldson Rd
Customer Address

Rockbridge OH 43149
City State Zip

N/A
Account Number

N/A
Customer Service Address (if different from above)

American Electric Power/
Utility Company Name
Ohio Power Co.

N/A
City State Zip

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

We request and demand a stay on further construction of the telecommunications tower located at 11862 Donaldson Road, Rockbridge, Ohio 43149, owned by American Electric Power/Ohio Power Company, for violation of the Ohio Revised Code in refusing to comply with a Moratorium signed November 13, 2008. (additional sheets attached)

Charles R Ogle

Melanie A Ogle
Signature

740-385-5959
Customer Telephone Number

11/21/08

RECEIVED-DOCKETING DIV

2008 NOV 21 PM 12:45

PUCO

The Public Utilities Commission of Ohio
Ted Strickland, Governor • Allen R. Schreiber, Chairman
180 E. Broad Street, Columbus, Ohio 43215-3792 • An Equal Opportunity Employer and Service Provider

*** TOTAL PAGE.08 ***

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Technician [Signature] Date Processed 11-21-08

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AEP/Ohio Power has caused action of eminent domain for other than the purpose of providing electricity for their own for-profit telecommunications tower. Eminent domain for the purpose of a telecommunications tower is not a right granted under eminent domain in the State of Ohio.

In addition, a Moratorium on the further construction of any telecommunications tower in Good Hope Township by the Good Hope Township Trustees was signed and effective November 13, 2008 and received by AEP/Ohio Power by certified mail on November 19 and 20, 2008, as well as to the tower construction supervisor in person by the Hocking County Sheriff on November 20, 2008.

Construction has continued on the telecommunications tower November 20 and 21, 2008. AEP/Ohio Power is violating the ORC by this action.

Construction on the tower must not be allowed to proceed and must be stopped immediately.

Attorney Charlie Gerken, Logan, Ohio who represents AEP/Ohio Power in the eminent domain proceeding for electric lines told prosecuting attorney, Larry Beal, yesterday that it was not a "telecommunications" tower so ORC would not apply.

Every court document they have filed in the eminent domain case against us states that the electric lines are specifically for their "telecommunications tower" and for no other reason.

They are causing delays by their lies while the tower continues to reach the destination of 350'.

A copy of our previous comments filed with the PUCO over one month ago, and which were ignored, are attached.

It has taken two ^{months} for someone at PUCO to send us a "formal complaint form".

We demand immediate response and immediate action for a stay in further construction of the telecommunications tower owned by AEP/Ohio Power and located at 11862 Donaldson Road, Rockbridge, Ohio 43149.

Charles and Melanie Ogle

Comments previously filed with PUCO & ignored by PUCO

AEP/Ohio Power is abusing the power of eminent domain in the State of Ohio to install above-ground electric lines across our property for the installation, operation and construction of their very own AEP/Ohio Power for-profit telecommunications tower adjacent to our property to the south on Donaldson Road, Rockbridge, Ohio. According to ORC 4905.02, AEP/Ohio Power as a "public utility" only has the right of "eminent domain" for "(4) An electric light company, when engaged in the business of supplying electricity for light, heat, or power purposes to consumers within this state", not for the installation and operations of a telecommunications tower, which does not supply electricity for light, heat, or power to anyone. The corporation for which the utility line is sought and the tower owner registered is one in the same. AEP/Ohio Power representatives have claimed that a new, 350-foot telecommunications tower is "critical" for communications with their trucks all of a sudden and that the installation of the electric line across our property would be to "provide service to the area". They have also acknowledged that the electric line easement is for the purpose of electric service to the tower only. Otherwise, it would be a line to nowhere. AEP/Ohio Power secured a lease for their newly planned telecommunications tower prior to contacting adjacent property owners for an electric line easement. At the www.aeptowers.com website AEP states that "collocation can minimize community impact, soften local opposition and eliminate wasteful duplication of facilities". It is quite clear AEP/Ohio Power is addressing potential customers for collocation on their very own yet to be built telecommunication towers for considerable profit and have no interest in adhering to their own adage by collocating their truck radio antennas on a telecommunications tower owned by another corporation or their own transmission lines already in place. There are already nine (9) existing telecommunication towers within a 4-mile radius of the location of their newly planned tower on Donaldson Road, one of which is owned by New Par and serving only Verizon Wireless less than $\frac{3}{4}$ (three-quarter) mile from this location, also on Donaldson Road, and is currently 306 feet in height. It is intelligible to us that AEP/Ohio Power can collocate their truck radio antennas on that tower in particular, or other existing telecommunication towers in the area without interference. They are indeed soliciting cellular customers for space on their very own newly planned telecommunications tower. It is reasonable to assume then that such collocation would not interfere with their truck radio antennas, the purpose stated by the AEP/Ohio Power representative, for the tower. It is unquestionably not in the best interest of ourselves, nor the community, for AEP/Ohio Power to place yet another telecommunications tower on a scenic ridge in the Hocking Hills, the tallest one yet, and to take our land to do so. The tower would be ominously present from our property and numerous others, even from inside our home. This act by AEP/Ohio Power is without redress, a "public utility" forcing "eminent domain" upon citizens of the State of Ohio for matters other than for "the business of supplying electricity for light, heat, or power purposes to consumers within this state". We have been severely wronged by having to defend against such a complaint and by the cost of legal fees in doing so. We have offered to be agreeable to negotiations of an underground easement as long as we couldn't see their tower from our home. They refused our attorney's request for a balloon test to determine visibility of the tower from our home and filed the eminent domain complaint for overhead electric lines, which is the entire length of our road frontage on both sides criss-crossing back and forth, destroying the natural landscape. Landowners in the opposite direction, denied an easement from that end of the road after discovering stakes through their woods and upon contacting AEP/Ohio Power were left alone. Our electricity has been supplied by photovoltaics (solar panels and batteries) successfully for 18 years, since the AEP/Ohio Power quoted us \$440/month for 4 years and \$220/month minimum there ever after, which would be over \$60,000 by now, with no reimbursements from any subsequent tie-ins after 4 years. We have lost endless hours of emotional enjoyment in our lives, been deprived of previously anticipated savings, tangible purchases and planned agricultural improvements to our property and have had to forego personal activities for more than two years and into the future on a balance of mounting legal fees. We have endured stress to the point of adversely affecting our health in dealing with our right to keep our own peace from being violated by the actions

of AEP/Ohio Power. The subject electric lines and telecommunications tower will depreciate our property immensely. AEP/Ohio Power is abusing the power of eminent domain and the Ohio Revised Code states that the PUCO has general supervision over them as to compliance with all laws. Why should we have to deplete our life savings to (possibly) keep them from doing this? Thank you for your immediate attention to this complaint as we hope it will be addressed by your office as soon as possible. We request a written response from Chairman Alan R. Schriber before November 15, 2008.
cc: Governor Ted Strickland Senator Tim Schaffer and Representative Dan Dodd.

**GOOD HOPE TOWNSHIP BOARD OF TRUSTEES
HOCKING COUNTY, OHIO
MORATORIUM**

adopted and effective date: 11-13-08

WHEREAS, pursuant to the Ohio Revised Code, townships have the power to enact zoning laws, including restricting areas used for commercial entities, for the health, safety, welfare, comfort, and peace of the citizens of the township, in accordance with ORC Section 519.211,

the Good Hope Township Board of Trustees hereby places a temporary moratorium within the boundaries of the unincorporated area of Good Hope Township on the following:

A temporary moratorium is imposed on the construction and installation of telecommunications facilities to include, but not limited to, radio, cell phone, mobile phone, wireless phone, or PCS antenna towers, and any further use and development of property for such new towers; and/or changes to height or structure other than regular maintenance of any pre-existing telecommunications facilities previously completed and in operating condition prior to the effective date of this resolution, for a period of twelve (12) months from the date of adoption of this resolution, or until such time as the Good Hope Township Board of Trustees cancels or revokes this moratorium by further resolution.

A temporary moratorium is imposed on the construction and installation of wind turbine facilities and any further use and development of property for such new turbines; and/or changes to height or structure other than regular maintenance of any pre-existing wind turbine facilities previously completed and in operating condition prior to the effective date of this resolution, for a period of twelve (12) months from the date of adoption of this resolution, or until such time as the Good Hope Township Board of Trustees cancels or revokes this moratorium by further resolution.

A temporary moratorium is imposed on the above-ground construction and installation of public utility lines, notwithstanding, ongoing construction or installation of public utility lines, without the written consent of all landowners over whose real property such utility lines would cross and the written consentual agreement of the Good Hope Township Board of Trustees, for a period of twelve (12) months from the date of adoption of this resolution, or until such time as the Good Hope Township Board of Trustees cancels or revokes this moratorium by further resolution.

The Good Hope Township Board of Trustees purpose in initiating this moratorium is to allow time for the Good Hope Township Zoning Commission to develop a comprehensive plan to submit to the Good Hope Township Board of Trustees, the Hocking County Planning Commission, to hold public hearings and to present a Good Hope Township Zoning Resolution Proposal to the electorate of Good Hope Township, all procedures of which are intended to insure the installation of said facilities and utilities in a manner that is expeditious, maximizes services, and benefits the community, while simultaneously minimizing adverse visual impacts and reducing the potential for adverse physical damage to adjacent properties.

Robert V. Little 11-13-08

Mike Sping VP

Harley E. Moss