

FILE

THE PUBLIC UTILITIES COMMISSION OF OHIO

CASE NO. 08-1247-EL-CSS

Charles R. Ogle and Melanie A. Ogle

against

American Electric Power/Ohio Power Company

Rebuttal to Answer of AEP/Ohio Power

AEP/Ohio Power states in their Answer dated November 25, 2008 that our "sole basis" ... AEP/Ohio Power apparently did not review in detail the entire complaint. The request for a stay on further construction was just the beginning of our complaint and their non-compliance with the township moratorium was just the most recent action by AEP/Ohio Power.

In addition, their Answer states "attempts to halt all construction of telecommunications facilities, wind turbines and public utility lines, for a twelve month period". The township moratorium does not attempt to halt the construction of public utility lines. A copy of the township moratorium was previously attached to the formal complaint and is a simple one-page legal document.

Next, AEP/Ohio Power tells the Commission why we are seeking action by the Commission against them.

We, in fact, filed a nuisance complaint against AEP/Ohio Power in Hocking County Common Pleas Court, Case No. 07 CV 0264, which was filed well before construction began on the tower, and was dismissed by Judge T. Gerken, who should have recused himself from any decisions, as his attorney brother, C. Gerken, was employed by AEP/Ohio Power in opposition to us in the eminent domain case, as well as having served as an attorney for AEP/Ohio Power in a previous case known to us involving a vehicle/injury incident in Good Hope Township, Hocking County, Ohio in 2004. Case No. 07 CV 0264 has since been in appeals and a subsequent request for stay was filed following the beginning of construction on the telecommunications tower in October, 2008.

The status of Hocking County Common Pleas Court, Case No. 07 CV 0264 is not a reason as to why we are seeking action by the Commission against AEP/Ohio Power.

We believe a "stay", for wanting of more precise terminology which may be preferred by the Commission, is within the Commission's jurisdiction pending the investigation and examination of allegations and complaints by us.

This is to certify that the images appearing are an accurate and complete reproduction of the case file document delivered in the regular course of business.
Technician SM Date Processed DEC 03 2008

RECEIVED-BOOKETING DIV
2008 DEC -3 PM 12:11
PUCO

20

We are not "seeking to have the Commission enforce a township ordinance through injunctive relief" as stated by AEP/Ohio Power in their Answer. We are, however, requesting that the Commission direct AEP/Ohio Power to comply with all laws in the State of Ohio, which happens to include laws of Good Hope Township.

AEP/Ohio Power states that we are "private citizens and have no standing" to do basically anything in regard to this situation. We do not understand their definition of "private citizens". Do they write the laws and/or are above the law? Do they have a vote in the election process? We understand they are considered a "public utility". Who then is the "public"? Would that not be us? They are taking our "private" land for their benefit, does that not allow us "standing"? They came knocking on our door, they are interfering with the use and enjoyment of our private land and our lives, does that not allow us "standing"? We are two of millions of people who use their electricity in our lives at work and other locations, which makes us the "public" use of their "utilities", does that not allow us "standing"? We are two voters in the state of Ohio who choose candidates who vote on legislation which govern the "public utilities", does that not allow us "standing"? Do we not have "standing" because we have the right to notify authorities of any incidences or violations? PUCO's call log should reflect several complaints made by other residents of Good Hope Township in regard to the violation of the moratorium as well.

The eminent domain proceeding by AEP/Ohio Power against us as previously stated in our complaints, was specifically for the purpose "to determine whether or not there is a public necessity for the proposed easement", not to determine whether or not the telecommunications tower is or is not a "public utility" owned and operated by AEP/Ohio Power. Judge Simmons' entry approved by Charles A. Gerken, attorney for AEP/Ohio Power, stated necessity was for the "proposed telecommunications tower".

AEP/Ohio Power stated in then Answer to the PUCO that "a Moratorium was sent to Respondent's counsel in the eminent domain action". The township moratorium was not a part of the eminent domain action.

We never stated in our complaint that the "moratorium was effective against Respondent." We in fact, have stated that "construction has continued".

"Respondent maintains that this is not a telecommunications tower". The following information and attached documents prove otherwise.

Evidence to Support Claim of AEP/Ohio Power's
Fully Intended Purpose as a "Telecommunications Tower"

Witness can attest to the use of the words "critical" and "customers" by AEP/Ohio

Power in regard to the tower. Witness can attest to AEP/Ohio Power stating the tower was only to be approximately 150' tall when questioned about its height. Witness can attest that they were told by Christopher Cline that we would not even be able to see the tower from our home. Said witness can be available for a PUCO hearing.

The language of "telecommunications tower" or "cell tower" were never objected to by AEP/Ohio Power in the trial court or any related proceedings in Hocking County Common Pleas Case No. 07 CV 0124.

Attached is a copy of a recent threatening letter dated November 21, 2008 from AEP/Ohio Power (Attorney Brian L. Buzby) aimed at Good Hope Township Trustees and their lawful moratorium. Good Hope Township is a small, rural township located in a small, less than economically flourishing, county. A threat made by the largest electricity corporation in the United States employing a national lawyer firm could indeed be intimidating.

The letter states "the tower must be owned or used by a public utility engaged in the provision of telecommunications services". The evidence we present is clear that the public utility is engaged in telecommunications services.

The letter also states "the tower must be located in an area zoned for residential use", etc. All of Good Hope Township is unincorporated, in other words, residential, and Good Hope Township Trustees' "Declaration of Intent Resolution re: Township Zoning" effective November 13, 2008, satisfies the zoning requirement in accordance with ORC 519.03.

We have attached a copy of just one of the many maps and documents prepared by AEP/Ohio Power and submitted to the court in Case No. 07 CV 0124, Hocking County Common Pleas Court in regard to eminent domain for electric lines across our property, which quite legibly uses the terminology "telecommunications tower".

In addition, copies from the www.aeptowers.com website are attached, which also reveal their intent. This same website is also evidence that the ability of AEP/Ohio Power to place antenna structures on existing transmission poles/towers is common practice. There are two transmission lines that run through this part of Good Hope Township, Hocking County, one on each side of US 33 near enough to the location of the Donaldson Road tower.

As previously outlined in our complaint and for AEP/Ohio Power's "want of knowledge", there are several other existing towers in the area on which only one cell carrier each is currently maintained. A copy of a county engineering department map is attached for reference.

Also attached is a copy of an internet research page that indicates information which was provided to the Federal Communications Commission for the registration of the subject tower. The "Owner" listed is "Ohio Power Company" with the address of "Attn: Telecommunications, 1 Riverside Plaza, Columbus, Ohio 43215".

A copy of a recorded "Easement" with Cline, et al. is attached as evidence of AEP/Ohio Power's own admission that the tower is intended for more than just radio communications for their trucks. Note the usage of the language "cell carriers".

The Commission ought to be very interested in viewing the unrecorded Lease Agreement between AEP/Ohio Power and Christopher Cline, et al., which presumably would tell the rest of the story. We request this document be brought to light for review in this matter.

If this AEP/Ohio Power project, as they have asserted, is a public utility project, then why does the PUCO not have the authority to delay the project until conflict has been resolved?

One must ask AEP/Ohio Power why this tower is necessary and "critical" all of a sudden?

How long has there been a dead zone in this area?

Who are "customers"?

Why all the fuss and expense for an electric company's truck radio communications tower that was never "critical" before the age of cellular and broadband wireless technologies?

This tower is located near US 33, a major thoroughfare from Columbus, Ohio, to the southeastern part of the state, with a newer bypass around Lancaster and another bypass under construction around Nelsonville. The Hocking Hills where we have lived our lifetimes is a tourist hotspot. AEP/Ohio Power and other telecommunications companies and a few landowners could care less how they destroy the rural scenic landscape for the rest of us. (Follow the money.)

If the AEP/Ohio Power tower on Donaldson Road is solely for the business of the electric company and not a for-profit telecommunications tower as AEP/Ohio Power insists that it is not, then why is AEP/Ohio Power leasing a tower spot?

Why did they not buy the tower property or take it by eminent domain? And why did they not want to treat our acre of "necessary" property for electric service to the tower in the same manner in which they treated the Cline property, with a lease and

monthly payment, complete with escalator clauses for a definite time period?

Christopher Cline, et al. signed an easement and presumably, a lease, for this tower and overhead electric lines on their property. Cline, et al. do not live anywhere near the tower leased property Good Hope Township and therefore, it does not interfere with the use and enjoyment of their property and is not an intrusion into their daily lives, and, it is presumably, a lucrative income for them. This tower does not devalue their property in a way that it devalues nearby properties.

AEP/Ohio Power must not be allowed to do business in the State of Ohio under the pretense of untruths and should not be permitted to violate the Ohio Revised Code and disregard any authority. They must be held accountable in this situation.

Just because AEP/Ohio Power may have an intention to use this tower in part as a disguise of radio communications for their trucks, does not deem this tower any less its fully intended purpose to serve as a for-profit "telecommunications tower", aka "cash cow".

There is a clear misrepresentation and intent by AEP/Ohio Power in regard to the function of the telecommunications tower to the court, the township trustees and now the PUCO, in an effort to secure eminent domain over our land for the the business of a for-profit telecommunications purpose, which is not in compliance with the ORC.

Again, we assert that the electric line would be to nowhere, if not for the for-profit telecommunications tower owned by AEP/Ohio Power and therefore, this eminent domain action is an abuse of power.

They have employed no less than four attorneys to speak their untruths and hide their deceitful and usury business practices against us and the "public".

AEP/Ohio Power's electricity account customers will be subsidizing the electric line and tower construction and facilities of the "installation and operations of a telecommunications tower, which does not supply electricity for light, heat, or power purposes to consumers within this state".

The tower, merely for radio communications for their trucks, is certainly not the "critical" status of which they spoke, nor are they their own "customers" and any dead spot can most certainly be remedied by less drastic and costly means to the visual detriment of our community.

Eminent domain of our property is not a last resort for an unwarranted business of an electricity project as declared by AEP/Ohio Power.

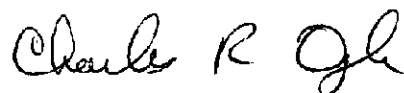
We believe that the PUCO, is in fact, the go-to authority in this matter overseeing AEP/Ohio Power in complying with all laws as set forth in the ORC. We should not have to fight in court depleting all of our savings for principles that are already established by law to protect not only ourselves, but the pocketbooks of electricity customers in the State of Ohio.

The issues we personally have with AEP/Ohio Power are that we do not desire their above-ground electric lines on our property, nor their tower ominously towering over our property and visually impacting the southern view from inside and outside our home for the rest of our lives. They have based all arguments against us and now the township trustees and the PUCO, on lies.

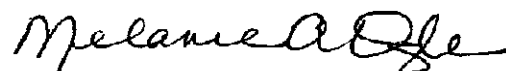
We ask the Commission to examine the deceit and abuse of AEP/Ohio Power and declare that AEP/Ohio Power is most certainly engaging in the business of telecommunications, as it pertains to their tower on Donaldson Road.

We are not asking the Commission to enforce the township moratorium, rather, that the Commission exercise its jurisdiction and authority over AEP/Ohio Power in investigating these allegations and complaints further, and demand that AEP/Ohio Power comply with all laws within the state, as provided for in ORC 4905.06.

Respectfully submitted,



Charles R. Ogle



Melanie A. Ogle

Brian L. Buzby
bbuzby@porterwright.com

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Morris & Arthur LLP
41 South High Street
Suites 2800-3200
Columbus, Ohio 43215-6194

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Toll free: 800-533-2794

www.porterwright.com

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CINCINNATI
CLEVELAND
COLUMBUS
DAYTON
NAPLES
WASHINGTON, DC

November 21, 2008

VIA Fax and Regular U.S. Mail

Larry E. Beal, Esq.
Hocking County Prosecutor
88 S. Market Street
Logan, Ohio 43138

**RE: Hope Township Notice of Violation of 11-17-08
Ohio Power Company**

Dear Mr. Beal:

Please be advised that I represent the Ohio Power Company ("OPC") in this matter and would ask that you direct all further communications about this matter to my attention. I can be reached at 614-227-1995 (office), 614-481-7835 (home), 614-284-6744 (cell), and bbuzby@porterwright.com.

I respond to the Notice of Violation in Accordance with ORC 519.211 that Hope Township mailed to me after November 17, 2008, purporting to put OPC on notice that the communications tower it is installing within Hope Township on Donaldson Road is in "Violation in Accordance with ORC 519.211." I assume from the Notice that the Township contends that OPC is or may be in violation of the Township resolution attached to the Notice dated 11-13-08 declaring a "Moratorium" on certain activities concerning the construction of telecommunications facilities and public utility lines.

The Resolution purports to be based on authority granted to the Township by §519.211, ORC. In point of fact, that statute does not grant such authority and, indeed, specifically denies Township authority in these matters.

§519.211(A), ORC, expressly denies townships the power to do anything with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of a public utility company.¹

¹ Ohio Power Company is an electric public utility as defined in §4905.02 ORC and §4905.03, ORC. This can be confirmed by referring to OPC's Complaint filed in an appropriation action related to this tower, Case No: 07-CV-0124 in the Hocking County C.P. Ct., where OPC properly identified itself in the first paragraph of its Complaint as a public utility engaged in supplying electricity for power purposes, which was admitted by the defendants in the action.

§519.211(B) and (C) create a narrow exception to this rule, but to fall with the exception, the tower must satisfy each of these criteria (among others) -

- the tower must be owned or used by a public utility engaged in the provision of telecommunications services;
- the tower must be located in an area zoned for residential use; and
- the tower's height must exceed the maximum height allowed by zoning restrictions for residential structures.

None of these exceptions apply here -

- the tower in question is not in an area zoned for residential use -- in fact, of course, the area is not zoned at all;
- the tower could not possibly exceed the maximum height for residential structures since there is no maximum height because there is no zoning; and
- OPC is not engaged in the provision of telecommunications services.

Since none of the exceptions to §519.211(A), ORC, apply, it is quite clear that Hope Township has no authority here to attempt to regulate OPC's tower, much less attempt to stop construction through an alleged "Moratorium" declared well after OPC commenced its installation of a fully permitted and lawsuit tower.

I would appreciate your confirming that Hope Township will withdraw its Notice of Violation and will take no further steps to attempt to delay or prohibit OPC's ongoing installation of its tower. If not, OPC is prepared to file suit seeking to declare the Township's alleged moratorium ineffective, to seek an injunction against its enforcement, and to seek any damages incurred due to any improper delay in OPC's installation. We hope, however, that this type of lawsuit will not be necessary.

I might note that, if OPC's installation is delayed in any way, the damages to OPC will be substantial. Rental costs for idle equipment, the cost to reschedule and remobilize the installation crews, and the delays of pushing this work into winter weather would be substantial.

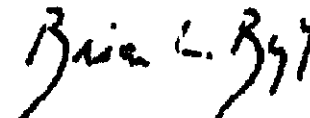
If we can provide you with any further information or you want to discuss any of these matters more fully, please just let me know and we will be happy to provide whatever you need.

While I see no basis for the Township attempting to enforce its Notice of Violation, if the Township does elect to attempt enforcement, I would appreciate your contacting me in advance of any such enforcement activities so that we can respond accordingly. Again, my contact information is set forth above. If for any reasons you cannot reach me, please also feel free to contact Jay E. Jadwin, in house counsel for OPC, at 614-583-7999.

Larry Beal, Esq.
November 21, 2008
Page 3

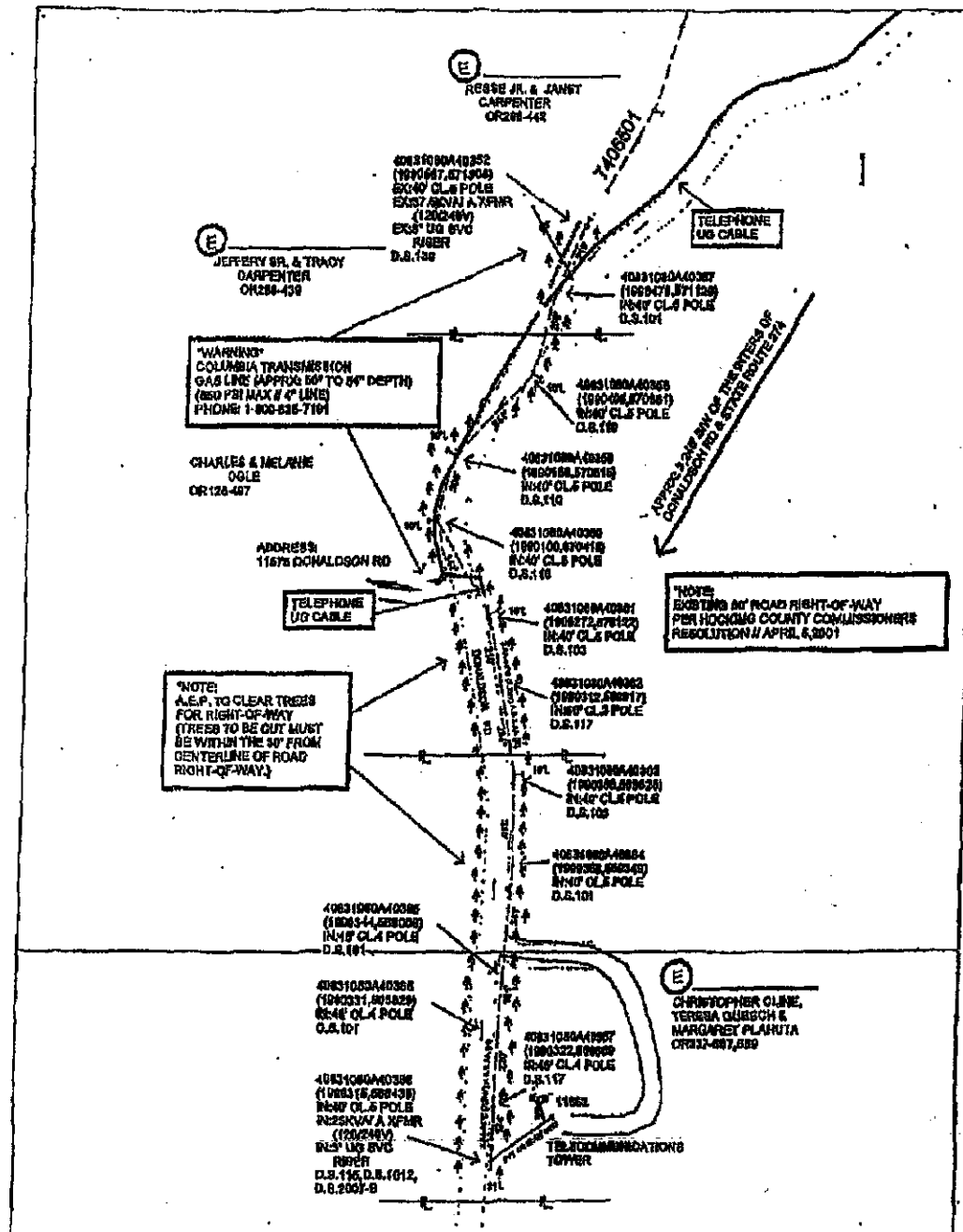
I do appreciate your cooperation in this matter and hope that this communication will resolve this matter. If not, again, I stand ready to provide any other information you might need or discuss these matters more fully. Otherwise, we will assume based on the Township's clear lack of authority in these matters pursuant to §519.211(A) that it will withdraw its Notice and pursue no further activities to enforce it against OPC.

Very truly yours,


Brian L. Buzby

cc: Hope Township Trustees
Hocking County Sheriff's Department

EXHIBIT A



In LD-Pro® WorkSketch

Name: ROD FRANCIS & TELECOMMUNICATIONS

Address: 11676 DONALDSON RD

Ref: 13767818

Div: Laramie

Case No: Laramie Line

Station No: 4005

Case No: 91

Project:

WOP:

Station Name: HOCKING & DONALDSON

Voltage: 7.2

Map: allhanged

NA:

Phase: A

Grid: NAD83

STALL: 13-POLE 1-PHASE OVERHEAD LINE EXTENSION FOR TELECOMMUNICATIONS TOWER SITE.

Date: 12/1/2004


Plot #: 12167818

Scale: NTS

Drawn By: J. STANLEY

Page: 1 of 1

Plaintiff EXHIBIT A
2 of 3 PAGES



AEP
AMERICAN
ELECTRIC
POWER

AEP Towers

ATTENTION WIRELESS SERVICE PROVIDERS

Let AEP's existing infrastructure and developable properties work for you...

SITES WE HAVE SITES

275,000 transmission and communications towers for collocation. More than 3,000 properties for tower erection.

AEP has some 50 years of experience with microwave communications, operating one of the largest private microwave, and fiber optic, systems in the world. The company introduced mobile radios into its operations in the late 1930s.

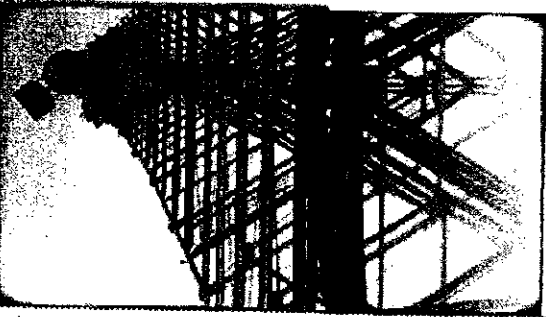
Check out the services and sites AEP offers and how doing business with AEP can make your life easier. AEP is committed to helping wireless service providers meet their coverage needs. AEP has the reach, experience and credibility to provide creative solutions while minimizing visual impacts.

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BENEFITS & SERVICES | **RESOURCES** | **EXISTING TOWERS**

AEP Towers

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BENEFITS & SERVICES | **RESOURCES** | **EXISTING TOWERS**

AEP

Let AEP's INFRASTRUCTURE and PROPERTIES work for You.

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Benefits & Services

Typically, it can take three to six months to complete a project. AEP is committed to shaving time off your project timeline to put you in business fast.

BENEFITS OF COLLOCATION

Integrate your antenna into towers and structures already on the ground and in operation. Wireless service providers have access to AEP's 275,000 existing transmission and communication towers in 11 states - Tennessee, Virginia, West Virginia, Kentucky, Ohio, Indiana, Michigan and Arkansas, Louisiana, Oklahoma, Texas.

With collocation you can minimize community impact, soften local opposition and eliminate wasteful duplication of facilities. AEP is established in hundreds of communities, has established credibility with local and regional zoning and planning bodies and can streamline the permitting process, shorten construction time and get new sites in operation sooner. Collocation is a cost-effective alternative to stand-alone tower construction.

AEP offers turnkey service to design, construct and maintain your facility. AEP has many years of experience in the planning, engineering, construction and maintenance of its own internal microwave, fiber optic and radio communication system. Because AEP properties are often located near utility towers, the zoning approval process can be streamlined.

ANOTHER SOLUTION

AEP has more than 3,000 properties available for lease for new construction of free-standing towers. In many areas where wireless providers need additional coverage, AEP properties provide the ideal location.

Click on the links below to see prospective timelines for three siting possibilities.

[Collocation on Transmission Towers](#)

[Collocation on Telecommunications Tower](#)

[Property for Lease](#)

back to top

[Home](#)



AEP is easy to do business with. The company has standard master collocation agreements with the major wireless carriers.

[→] MANY ARE TOWERS HOST ANTENNAS

- American Electric Power transmission towers currently host more than 125 antennas that belong to other companies.
- AEP communication towers are home to more than 40 antennas of other companies.
- Wireless carriers have built more than 70 towers on other AEP properties.

The guides below make it easy to do business with AEP. See what it takes to join a growing group of customers who have chosen to lease space on AEP's existing structures.

1. Guidelines for Attachment (DOC: 46K)
2. Collocation Application (XLS: 25K)
3. Sample Response (PPT: 747K)
4. Direct Tower Images
5. Fort Worth Tower Images

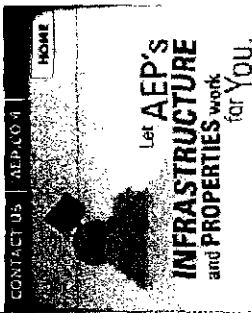
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Home

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Benefits & Services | Contact Us

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AEP **Existing Towers**



We invite your inquiries...

Learn all you need to know to make your tower location decisions.

AEP will provide for your use detailed maps, diagrams and addresses of existing AEP tower sites and other AEP-owned properties.

Take a minute or two to contact us to receive:

- Existing tower sites list
- Master AEP properties list

AEP promises a prompt response with attachments containing spreadsheets and other information about AEP's 275,000 transmission towers, 300 telecom towers and 2,200 substation properties.

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TOWER APPLICATION

Rev. 1
11/5/2008

American Electric Power
1 Riverside Plaza
Columbus OH 43215
Attention: Walter A Sherry

Main: 614-719-2357
Fax: 614-716-1905
e-mail: wsherry@AEP.com

APPLICANT WILL BE CHARGED A NON-REFUNDABLE PROCESSING FEE OF FIVE HUNDRED DOLLARS (\$500.00)
All incomplete applications will be returned and cause further delays

SITE INFORMATION

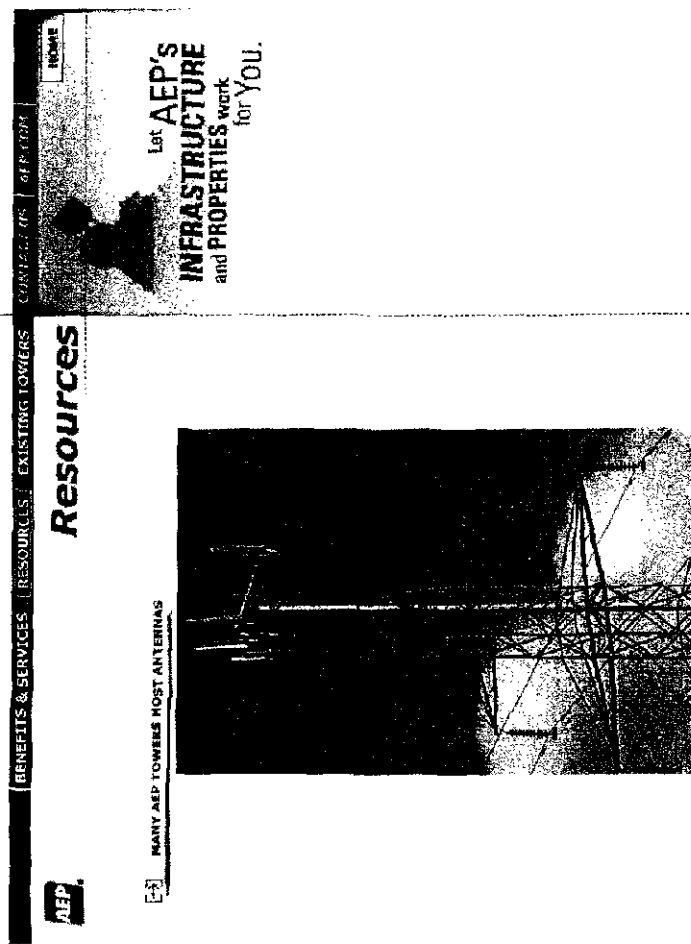
Date: _____ Nearest City/Town: _____ State: _____
Latitude: _____ Longitude: _____

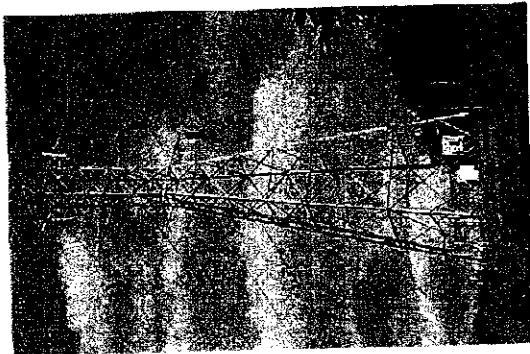
| | |
|---|--|
| Company Name: | |
| Construction Contact: | |
| Legal Contact: | |
| RF Engineer Contact: | |
| Billing Information: | |
| Service Type (Cellular, PCS, SMR, ...): | |

| | |
|------------------------|--|
| Antenna Quantity | |
| Receiver / Transmitter | |
| Manufacturer | |
| Model # | |
| Antenna Weight | |
| Antenna Dimension | |
| Antenna Height C/L | |
| Mount Type/Model | |
| TX Frequency | |
| RX Frequency | |
| Antenna Azimuth | |
| Antenna Gain (dBi) | |
| Station ERP | |
| # of Lines per Antenna | |
| Line Type | |
| Line Diameter | |

| | |
|------------------------|--|
| Equipment Shelter Size | |
| Concrete Pad Size | |
| Building Manufacturer | |

1. No equipment will be allowed in Licensor's building. No exceptions
2. Licensee will be required to have separate power meter.
3. Telephone circuits will be the responsibility of the Licensee, and must have separate point of demarcation from Licensor.
4. Installations must be done in accordance to AEP site standards.
5. Licensee must attach equipment specification / cut sheet if available.
6. Facility will be locked via . . . A) Licensee installed man gate or B) interlocking of Licensee and Licensor locks with a separator chain
7. Licensee must submit construction drawings prior to the start of construction for AEP approval.
8. All coax lines must utilize a Licensee provided cable ladder unless otherwise instructed by AEP.
9. All site activities must adhere to OSHA safety regulation.
10. Licensee must provide 24 X 7 contact name and number for emergency purposes.
11. All sites must be kept in a neat and orderly fashion. All refuse must be removed after construction.





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These interconnections result in even greater reliability of electric service – not only for AEP's customers, but for the tens of millions of customers served by the electric companies over much of the eastern half of the United States.

The backbone of AEP's transmission network is its 2,100 miles of 765 kV lines, stretching over six states. In 1969, AEP was the first electric company in the country to research, develop, build and operate such lines, and today the company has more miles of 765 kV lines transmission in service than all other U.S. electric utilities combined.

What Does a 765 kV Line Look Like?

The Jacksons Ferry-Don 765 kV transmission line crosses the Blue Ridge Parkway in Floyd County, Va. AEP used the topography of the land, and selective right-of-way clearing practices to obscure the view of the power line for Parkway travelers. By not cutting the right of way near the road, and by creating the Parkway in a bend, it is difficult for travelers to notice the line.



The Jacksons Ferry-Don 765 kV transmission line crosses the Blue Ridge Parkway in Floyd County, Va.

What are AEP's Power Line Routing Philosophies?

AEP strives to build power lines that are acceptable solutions to meeting the region's growing need for reliable electricity. The first step in reducing the disturbance caused from power line projects is a global level. The company tries to find the best power line corridors with the least impact on people and the environment. AEP reviews publicly recorded data on environmental, cultural and historic resources at this level. Once broad corridors are identified, company officials release that information and incorporate valuable public input. AEP then applications to construct facilities with the appropriate state agencies responsible for transmission line projects. During the regulatory process, AEP continues to gather additional public input from the state process and work with property owners to define the proposed corridor. If the state agency determines that a project is subject necessary for the public good and identifies a project corridor, AEP works with individual property owners to locate the power line right-of-way on individual properties.

What is AEP's Right-Of-Way Compensation Philosophy?

AEP believes that property owners should be treated fairly and made whole for property encumbered by a transmission line project. This simple premise has helped AEP to successfully negotiate more than 95 percent of the transmission line rights of way that it owns. AEP's eminent domain authority is the exception, rather than the rule when it comes to acquiring rights of way.

How Does AEP Build an EHV Line?

Once AEP obtains approval to construct a facility it begins acquiring rights of way. Initial clearing starts, followed by constructing tower foundations, erecting transmission towers, stringing conductors and insulating, and installing equipment to incorporate the new facility into the electric power grid. AEP/DOE/EPRI/EPRI of the construction of the Wyoming-Jacksons Ferry 765 kV project.



Construction of the Wyoming-Jacksons Ferry 765 kV project.

What New Transmission Line Technologies Are Being Used by AEP?

AEP is a pioneer in electric transmission. A history of cutting edge advances in technology, including development and installation of 765 kV transmission lines, the highest voltage, most efficient transmission lines in the country, continues today. The latest 765 kV technology is a new substation configuration that cuts another mile from the project to half that of earlier generations of 765 kV lines.

Why 765 kV Power Lines?

• Ownership Info

| | | | | |
|-------|----------|-------------------------|----------|---------------------|
| Rep | Company: | American Electric Power | Address: | Not Recorded |
| | Contact: | Service Corporation | | |
| | Phone: | Barbara Russell | | |
| | Email: | (918)599-2104 | | |
| Owner | Company: | Ohio Power Company | Attn: | Telecommunications |
| | Contact: | Not Recorded | Address: | 1 Riverside Plaza |
| | Phone: | (918)599-2104 | | Columbus, OH, 43215 |
| | Email: | barussell@aep.com | | |

• Tower Characteristics

| | | | |
|-------------------|---------|----------------------|---|
| Registration #: | 1247538 | Ground Elev: | 1085.0 feet |
| Structure Type: | Tower | Height Of Structure: | 330.1 feet |
| Status: | Granted | Overall Height: | 1435.1 feet |
| Date Constructed: | NA | Structure Address: | Donaldson Road, 1.4 Miles South of Rockbridge, OH |

• History

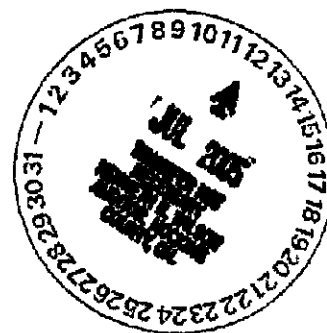
| Purpose | Status | Date | Addtl Info |
|---------|---------|------------|------------|
| New Reg | Granted | 03/11/2005 | --- |

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Ohio Power Company (AEP)

NOTE: FCC confirmed height of Ohio Power Company tower is registered to be 350 feet in height

EASEMENT



In consideration of the sum of \$1.00 Dollar, and other valuable consideration paid by Ohio Power Company, an Ohio corporation ("Grantee"), the receipt of which is hereby acknowledged, Christopher Cline, Teresa Gubsch and Margaret Plahuta, brother and sisters, whose address is 6060 Post Road, Dublin, Ohio 43017 ("Grantors"), hereby grant to said Grantee, its successors, assigns, lessees and licensees, an easement to construct, operate, repair, enlarge, replace, add facilities to, operate, and maintain a communications tower, utility lines, antennae, supporting ground facilities, cabinets, buildings, generators and appurtenant equipment over, upon, under, and across the following described lands situated in the County of Hocking, State of Ohio, and being a part of the Good Hope Township in Section 26, Township 13, Range 18, and recorded in Deed Volume 155, Page 448, Hocking County Recorder's Office (the "Premises").

The tower, antennae, supporting ground facilities, cabinets, buildings, generators and appurtenant equipment (the "Equipment") shall be constructed within the area indicated as "Easement Area" on Exhibit "A". The Equipment shall remain the property of the Grantee or its licensees or lessees and shall be removed if the Grantee desires to release this easement or upon termination of the initial or extended term. Grantee will be permitted to sublet one (1) collocate on the tower space within the easement area. This collocate will be reserved for any Public Safety Agency. If additional collocates are requested by the Grantee (cell carriers), then this request will require further negotiations and approval by Grantor must be obtained prior to any hookup.

Grantee shall have at all times, the right of ingress to and egress from the Easement Area for the purpose of construction, maintenance and removal. Ingress and egress shall be over a thirty (30) foot wide strip of land as shown on the attached Exhibit A and hereinafter referred to as the "Access Lane." Grantee will improve the Access Lane by grading, filling, and/or the application of a gravel or stone base. Grantee agrees to periodically maintain the access lane within reason, but shall not be required to stone or gravel the entire access lane after the initial construction has been completed. The lane surface shall be of sufficient width for vehicular access, but in no event shall exceed thirty (30) feet in width, except that fill needed to improve the lane may extend beyond the 30 feet. Grantor will be permitted to use access lane at all times.

Grantee shall also have the right to install electric lines and communication lines, whether overhead or underground, upon the Premises for the purpose of providing electric and communications service to the Equipment.

200500003396
Filed for Record in
HOCKING COUNTY, OHIO
SANDRA K LEACH-HUNT
07-12-2005 At 08:42 am.
EASEMENT 68.00
DR Book 339 Page 298 - 304

Grantee shall have exclusive control over the Easement Area and shall be permitted to grade, fill, fence and improve the Easement Area. Grantee shall further be permitted to erect a gate across the Access Lane. If said gate is erected, it will be locked at all times. Grantee may remove any and all trees, shrubbery and vegetation as necessary within the Easement Area, the Access Lane, and along the electric distribution and communication lines. There will be no removal from the Grantors property of any top soil from the easement area. All trees that have been cut down that are not chipped will have their roots removed and stacked neatly near the existing access road.

Grantee shall pay for damages to the stock, crops, fences, or structures of the Grantor caused by Grantee, its employees or contractors while engaged in the construction or maintenance of the Equipment, the Access Lane or the utility lines serving the Equipment.

Grantor shall not engage in any activity or place any object upon the Premises that interferes with the Equipment or is inconsistent with the rights herein granted.

Grantee shall indemnify and hold harmless Grantor from all damages and from all claims and causes of action for personal injury, including death, and damages asserted against Grantor resulting from the Grantee's negligent use of the Premises, except for such damages arising out of Grantor's negligence.

Grantor has full power to convey this right-of-way and easement, and warrants and will defend the same against all claims by any persons. This easement shall extend to and be binding on the undersigned, Grantor, its heirs, executors, administrators, and assigns, and the same shall extend to said Grantee, its successors, and assigns.

Grantee shall pay all utilities attributed to the operation of the Equipment and appurtenant facilities. Grantee agrees to resolve any technical interference problems resulting from the construction of said tower with other equipment located on the above referenced lands. In the event the easement is no longer used for a Communication facility, Grantee will promptly, and at no cost to the Grantors, remove all equipment, restore the site to its original condition and execute a record of release of the easement.

This instrument expresses the entire agreement between the parties, and the agent securing this grant has no authority to bind Grantee by any verbal representation or promise not herein expressed.

Witness their hands this 21 day of June, 2005.

Signed and acknowledged in the presence of:

By: Christopher Cline
Christopher Cline

By: Deborah P. Cline
Deborah P. Cline

By: Teresa Gubsch
Teresa Gubsch

By: Richard M. Gubsch
Richard M. Gubsch

By: Margaret Plahuta
Margaret Plahuta

By: Michael P. Plahuta
Michael P. Plahuta

State of Ohio)

) SS:

Hocking County)

Before me, a Notary Public in and for said county and state, personally appeared the above named Christopher Cline, Deborah P. Cline, Margaret Plahuta, Michael P. Plahuta, and Teresa Gubsch and Richard P. Gubsch who acknowledged that they did sign the foregoing instrument and that the same is their free act and deed.

In Witness Whereof, I have subscribed my name and affixed my official seal this 21 day of June, 2005.

Jennifer S. Jones
Notary Public
Commission expires _____



OFFICIAL SEAL
JENNIFER S. JONES
Notary Public, State of Ohio
My Commission Expires
September 4, 2007

This instrument was prepared by Land Management Section, Ohio Power Company.