

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

RECEIVED-DOCKETING DIV  
2008 DEC 15 PM 3:58  
PUCO

Response to Reply Memorandum of AEP/Ohio Power

AEP/Ohio Power continues to state that the PUCO has no jurisdiction in the complaints we have brought forth to the Commission, yet ORC 4905.06 states "The public utilities commission has general supervision over all public utilities within its jurisdiction as defined in section 4905.05 of the Revised Code, and may examine such public utilities and keep informed as to their general condition, capitalization, and franchises, and as to the manner in which their properties are leased, operated, managed, and conducted with respect to the adequacy or accommodation afforded by their service, the safety and security of the public and their employees, and their compliance with all laws, orders of the commission, franchises, and charter requirements."

In order for the PUCO to be permitted time to examine the unlawful, deceit and abuse charges declared by us and for decision of the PUCO to be effective, progress on the AEP/Ohio Power telecommunications tower located at 11862 Donaldson Road, Rockbridge, Ohio and any related electric line construction must be delayed immediately. 100-year old trees cannot be replaced once they are cut down and it is most definitely AEP/Ohio Power's intention to do so very soon.

We request the PUCO not dismiss our complaints, as we have not been afforded appropriate hearings to present all facts, documentation and witnesses to the Commission. We consider such request for dismissal just another bully tactic by AEP/Ohio Power.

AEP/Ohio Power has exhibited total disregard for the law in regard to the Good Hope Township Moratorium, citing to the PUCO that the said tower "is not a telecommunications tower" and to the Hocking County Prosecuting Attorney "OPC is not engaged in the provision of telecommunications services", yet they have provided no proof to the contrary and we have submitted proof previously that they are indeed engaged in telecommunications services and the same is the "critical" purpose for "customers" of their telecommunications tower on Donaldson Road.

AEP/Ohio Power has exhibited total disregard for due process in regard to Case No. 07CV0124, Hocking County Common Pleas Court, by demanding we post a bond of \$500,000.00 to keep them from cutting down our trees, before an appeal that we legally have a right to, can even be filed. And this is all for radio communications for

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.

Technician TM Date Processed 12/15/2008

their trucks in a "dead zone" that's been "dead" forever?

AEP/Ohio Power has exhibited total arrogance and dominance of power by continuing construction of their telecommunications tower, represented to the court as a tower solely for radio communications for their trucks as a public utility, while an appeal waits to be heard in the Fourth District Court of Appeals in Case No. 07CV0264. We reiterate that the judge Thomas Gerken who dismissed the case without a hearing was a brother to an AEP/Ohio Power attorney Charles Gerken and of course, AEP/Ohio Power didn't have the decency to object to such conflict of interest.

In their Reply Memorandum, we note that AEP/Ohio Power does not challenge our proof of "telecommunications tower" documentation, nor do they offer a copy of an unrecorded Lease Agreement between AEP/Ohio Power and Christopher Cline, et al.

We are not asking the Commission "to set aside the decisions of the Hocking County Court of Common Pleas in the eminent domain and the injunction lawsuits" as AEP/Ohio Power has stated. Our complaints of disobedience to the law and deceitful and abusive business practices against electric customers has nothing to do with those cases.

We do, however, point out they made misrepresentations to the court in the eminent domain case for electric lines for a telecommunications tower "which does not supply electricity for light, heat, or power purposes to consumers within this state" rather than solely for radio communications for their trucks.

Again, it was not for the court to decide whether or not AEP/Ohio Power was being truthful in expressing the purpose of the tower, only that a tower was planned to be built for which an easement for electric service was granted.

The false claims made by AEP/Ohio Power, not only to the court, township trustees, prosecuting attorney, the public and the PUCO, are what we ask the Commission to address. If such a ruling on misrepresentation is made by the PUCO, such evidence may have an effect upon the outcome of an appeal of the eminent domain case.

AEP/Ohio Power has engaged in unlawful activity and deceitful and abusive business practices in the State of Ohio, not only against us directly, but against AEP/Ohio Power customers, most of whom are unaware of the deceit and abusive business being contracted into their wallets, to their detriment.

The "installation and operations of a telecommunications tower, which does not supply electricity for light, heat, or power purposes to consumers within this state", nor the electric lines supplying such a facility must not be paid by or an obligation of AEP/Ohio Power electricity customers. But that is clearly what is happening here and we are

two of millions of Ohioans who use their public utility electric service, which certainly allows us standing in this complaint over which the PUCO is given authority to direct AEP/Ohio Power to comply with all laws in the State of Ohio, which includes the laws of Good Hope Township.

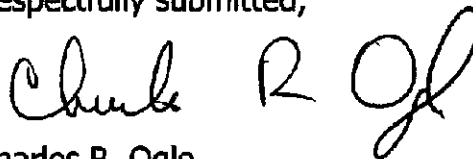
We do not dispute that we, as citizens particularly, have challenged AEP/Ohio Power's unlawful activity, deceitful and abusive business practices in the State of Ohio, because their actions have directly impacted the use and enjoyment of our property and our private pursuit of happiness.

This fact does not negate the unlawful activity and deceitful and abusive business practices by AEP/Ohio Power against other citizens affected who may not have knowledge of the situation, time, resources or energy for which to bring this matter to justice.

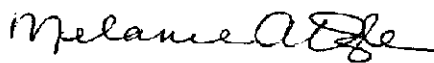
We are not attorneys, obviously, nor have we had any legal guidance in our complaints with the PUCO. We are just ordinary everyday, hard working high-school graduates who expect their government and its bodies to listen, review and fully come to understand the nature of the information and complaints we have brought to their attention and for which we have provided in our submissions.

We look forward to a hearing on these issues.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles R. Ogle". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles R. Ogle

A handwritten signature in black ink, appearing to read "Melanie A. Ogle". The signature is cursive and somewhat stylized, with the first name "Melanie" being the most prominent.

Melanie A. Ogle