Ohio Public Utilities Commission

Case No.: 09-0920EL-REN

AFFIDAVIT

State of OHO :

(Town) ss.

County of MAHONING :

TERRENCE J, MCGRTHY, Affiant, being duly sworn/affirmed according to law, deposes and says that:

- 1. I am the duly authorized representative of TMI Phoenix.
- 2. I have personally examined and am familiar with all information contained in the foregoing application, including any exhibits and attachments, and that based upon my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete.
- The facility has obtained or will obtain and will maintain all required local, state and 3. federal environmental permits.
- I am aware that there are significant penalties for submitting false information, including 4. the possibility of fine and imprisonment.

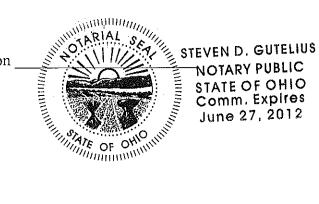
T. J. McLowk PRESIDENT Signature of Affiant & Title

Sworn and subscribed before me this 23 day of <u>NOVEMBER</u>, 2009 Month/Year

Signature of official administering oath

STEVEN D- GNAELINS / NOTARY Print Name and Title PUBUC

My commission expires on ____



This foregoing document was electronically filed with the Public Utilities

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in

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Summary: Affidavit Executed Affidavit electronically filed by Mr. TERRY J MCCARTHY on behalf of TMI Investments LLC and McCarthy, Terrence J. Mr.