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RICHARD B. UHLE, JR.  
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(1933-1996)

January 20, 2012

Ohio Power Siting Board  
180 E. Broad Street  
Columbus, Ohio 43215  
Attn: Docketing Division

Re: Mehldahl Project  
Case No: 10-2439 - EL - BSB  
10-2440 - EL - BTX

Dear Sir or Madam:

Enclosed is a copy of the Memorandum I am filing in support of Petition for Rehearing.

We believe that the Board should consider the deficiencies in meeting the requirements, particularly regarding the bat study. We also feel very strongly that the Petitioners should be granted a rehearing on the basis of the fact that the service, notice and conduct of the hearing were insufficient and deprived the Petitioners of their due process rights. Petitioners should not be denied a rehearing based on their lack of intervener status because other parties participated in the proceedings without being granted intervener status.

Thank you.

Very truly yours,



Richard B. Uhle, Jr.  
Enclosures

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BEFORE  
OHIO POWER SITING BOARD

In the Matter of the Application of the City  
Of Hamilton and American Municipal Power,  
Inc., for a Certificate of Environmental  
Compatibility and Public Need for the  
Construction of a Transmission Line in  
Franklin and Washington Townships.

Case No. 10-2439-EL-BSB  
Case No. 10-2440-EL-BTX

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MEMORANDUM IN SUPPORT OF APPLICATION FOR REHEARING

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Petitioners Duane R. Brown and Bethany L. Brown, Gabrae L. Hack and Stephen E. Hack, Michael E. Hack and Easter A. Adkins should be granted leave to pursue a rehearing. Petitioners submit the following issue for consideration:

1. The Staff report indicates that conditions were not met regarding the Indiana Bat Study. The recommended conditions state that the study should have been conducted in May or June. This study was conducted in August. The study appears to have failed to adhere to the recommendations regarding shag bark hickory and the time and duration requirements for the studies. The drought conditions which existed at the time are known to cause the bats to migrate toward large bodies of water and likely made the study flawed.

2. Petitioners were not given sufficient notice and an opportunity for hearing. Conflicting information was given to Petitioners about intervention and the right to speak

at a hearing. The Petitioners have never received official legal notice of the actual project detail. Petitioners have not been advised of the exact location of the power line or proximity to their property. Apparently, the route has been altered and the new route detail has not been provided. Publication of the hearing in the Clermont Sun is legally insufficient due to low circulation.

3. The Columbus hearing was delayed on several occasions and the Hacks were told they could not speak. Any deadlines were never clearly communicated or provided to the Petitioners.

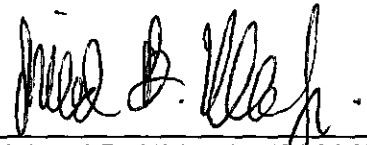
4. The project does not benefit local property owners. The benefit to the community through tax revenue has never been addressed or disclosed. The environmental impact has not been sufficiently explored as the requirements and recommendations were not followed regarding the bat study and investigating environmental effects on the actual route of the line. The Applicants have not disclosed exactly what public interest will be served and local concerns have been ignored. The parties have further evidence to present.

5. On January 6, 2011 Mark Brandenberger told the Hacks that they would be receiving an offer of compensation. No further information was forthcoming from Mr. Brandenberger or AMP or Hamilton. The Petitioners have had no further meetings or offers of any kind. False statements were made about compensation to induce parties to forego participation in the proceedings.

6. Just cause certainly exists for Petitioners to be granted a rehearing. The Applicants intentionally gave false information. They told the Hacks they would be compensated. They made an offer to the Browns and failed to communicate or

negotiate since. The Petitioners were not given an opportunity to present their concerns and the record does not reflect that a full hearing was had on these issues. Petitioners were told by Administrative Judge Willey that the Applicants would not answer questions. The hearing in Columbus lasted twelve minutes and the Petitioners were not given an opportunity to adequately address their concerns or present evidence at any hearing.

OAC 4906-7-17(D) states that a rehearing is required when a party demonstrates just cause and that their interests were not adequately considered. The Petitioners have clearly made such an allegations. Because the Petitioners have alleged and provided evidence of failure of due process, service and the lack of opportunity of a fair hearing the Petitioners should be entitled to a rehearing on the issues raised herein.



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#### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition for Leave to Intervene of Duane R. Brown and Memorandum in Support was served by regular U.S. Mail upon the following parties of record and attorneys on the 20 day of January 2012:

American Municipal Power-Ohio Inc.  
Marc Gerken, P.E., President  
1111 Schrock Road, Suite 100

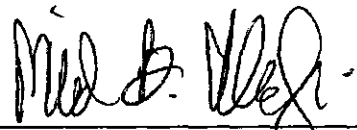
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