



6. Robert Smith is restricted as to what he can do in the rear of his home, such as installing a pool close to the house or any other structure because of Ohio Power's primary line.
7. Ohio power is depriving Kathleen Smith and Robert Smith the free use and enjoyment of their property with no basis in "for the public good" which is the basis for any easement on private property, whether it be a government or utility easement.
8. In Robert Smith's discussions with Ohio Power official, Area Distribution Manager Phil Lewis, Mr. Lewis offered to move pole C on the MAP further to the east on Kathleen Smith's property and install another pole in the middle of the field between pole D and C. PHIL LEWIS OFFERED TO MOVE AND INSTALL THESE POLES AT AEP'S OWN EXPENSE. While this might seem a viable solution, it is not. Moving these poles further to the east on Kathleen Smith's land further hinders development of her property and does not solve the problem with the line running across Kathleen Smith's property on the west side of Robert Smith's residence.
9. Robert Smith requested that Ohio Power move their primary line to the County Road 42 right of way between Point D and Point B (approximately 100 yards) on the MAP. This leaves a secondary line between Point B and Point E to service Robert Smith's residence. The line between Points D, C, and E would be eliminated altogether. The new line running between Point D and Point B (100 yards) would partway run down the center of the road thereby avoiding any great impact on the neighbors on the north side of the road or to Robert Smith on the south side of County Road 42. In any case the neighbor's on the north side of the road are subject to the same easement granted by Robert Smith's grandparents to Ohio Power in 1937 for a dollar. There is a sixty foot right of way on County Road 42 for the road and utilities as confirmed by the Jefferson County Surveyor, Phil Lawrence, who can be reached at 740-283-8574.
10. Ohio Power initially refused Robert Smith's request to reroute the primary line along County Road 42 on the grounds that it would affect the neighbors on the north side of County Road 42. After Robert Smith pointed out that the line would essentially run down the middle of the road thereby negating any damage to either side of the road, Ohio Power demanded that Robert Smith pay to have a telephone company pole moved to accommodate their power line which would then be connected to the same telephone pole. This is after Ohio Power expressed their willingness to move a pole and install another pole on Kathleen Smith's property to Kathleen Smith's detriment.
11. Ohio Power is abusing their easement rights granted by the Constitutions of the United States and the State of Ohio. Ohio Power is tying up privately owned property with a RUBE GOLDBERG PRIMARY LINE for no common good reason and hiding behind the cloak of eminent domain granted by the Federal and State governments. When the line was rerouted from Point A to Point D in the 1980's it should have continued to Point B. If that were done then we would not have the abuse that has become so apparent. In questioning Ohio Power, they gave no reason why the primary line essentially rings Robert Smith's home and hinders development of Kathleen Smith's property.
14. Moving the primary line from the Complainants property to the public right of way is in the best interest of Ohio Power as well as the Complainants. Ohio Power will have the potential to gain two new customers when the Complainant sells the two building lots currently restricted by Ohio Power's primary line. Ohio Power will also have access to their lines from the road instead of moving equipment into unpaved areas. Further, Ohio Power will have less trees to trim.

15. Relocation to the public-right-of-way should have been done in the 1980's when all but 100 plus yards of primary line were moved to the public right-of-way along County Road 42. There is no valid reason for Ohio Power's primary line to be inward of the Complainants' property instead of on the public right-of-way. Further, there is no valid reason for Ohio Power to pay to move the line inward of the Complainants property but then refuse to pay to move the line to the public right-of-way. There would be no upgrade in service for the Complainants whether the line is moved inward of the Complainants property or to the public right-of-way.

16. The easement on the Smiths property is no longer necessary because of changed conditions. In 1937 the power line was routed through the Smiths' property because it was the easiest way at the time. County Road 42 was only a gravel road and the Smiths were the only ones living in that area. County Road 42 is now a main, paved road, along which many houses have been built. The easiest route is no longer through the Smiths' property, but along the right-of-way. This is evidenced by the fact that a majority of the primary power line was re-routed to follow County Road 42 in the 1980s. Ohio Power has a responsibility to abandon this easement and return the property rights to the Complainants. The Complainants should not be required to pay to regain their fourth amendment rights because of the arbitrary and capricious manner on which Ohio Power is basing its demands.

17. The complainants request that:

1) The PUCO find that Ohio Power's easement on the Complainant's property is no longer valid because there is a public easement readily available.

2) The PUCO find that Ohio Power is not acting in good faith when Ohio Power will move the primary line inward of the Complainants property with no cost to the Complainants, but insists on passing the costs on to the Complainants to move the primary line to the public right-of-way when the cost is essentially the same

3) The PUCO find that Ohio Power must move the primary line to the public right-of-way on County Road 42;

4) The PUCO find that the cost of moving the primary line, wherever it is moved, be borne by Ohio Power.

Date: February 21, 2014

Respectfully submitted,

Robert Smith — p.p. Kathleen Smith  
**Robert Smith**

Kathleen Smith  
**Kathleen Smith**