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Charlene Rundo

1922 Mears Avenue • Cincinnati, Ohio 45230 • (513) 232-1794

FILE

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PUCO

June 6, 2007

Docketing Division
The Public Utilities Commission
180 East Broad Street
Columbus, Ohio 43215

Re: Case No. 06-940-GE-CSS

Dear Docketing:

Please find enclosed Complainant's Exhibit 14. This exhibit contains both pages of a two-page e-mail (the first page of which was identified as page 15 of 41 at the PUCO hearing on June 5, 2007). Please add the enclosed exhibit to the other exhibits for this hearing.

I have also sent a copy to Rocco D'Ascenzo, Council for Duke.

Sincerely,

Charlene Rundo

Charlene Rundo

Enclosure

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 ANW Date Processed 6/7/07

Complainant's Exhibit 14

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Subj: RE: 949 Shayler Road
Date: 7/8/2005 1:23:36 P.M. Eastern Daylight Time
From: Mark.Kline@Cinergy.COM
To: CSRundo@aol.com

Charlene: I forwarded this to Dan and asked him to meet with me to discuss. The easement, as you stated, says "cut, trim or remove.....both within or and without...." which in the opinion of the grantee's engineers may endanger the safety of or interfere with...." Tall trees outside the easement are indeed an issue if in the opinion of the experts (Dan Frazier) determine they are safety or maintenance related, and therefore shall be "cut, trimmed or removed." I'm an advocate of yours with regard to the condition the property was left, and also agree with you that [REDACTED] e been [REDACTED]. The easement allows for damages to crops and fences. [REDACTED] replace the fence you have indicated once existed [REDACTED] I'll meet with Dan to discuss the condition of the property and hopefully be able to provide you with a better understanding of what was trimmed and why. This is a utility corridor that is maintained as such and I believe is consistent with both the language in the easement and other like corridors. I'll follow up with you next week regarding these issues.

Mark A. Kline
Sr. Right of Way Specialist
Project Team Lead

From: CSRundo@aol.com [mailto:CSRundo@aol.com]
Sent: Wednesday, July 06, 2005 10:31 AM
To: Kline, Mark
Subject: 949 Shayler Road

To: Mark Kline
From: Charlene Rundo
Subject: 949 Shayler Road
Date: July 6, 2005

Dear Mr. Kline:

This past week I met with Dan Frazier and Tim Sheppard about restoring my field. I was disappointed that negotiations had to begin again and that Dan Frazier did not seem to recognize the agreement you made. That said, there are a couple of further easement issues.

First, Cinergy's easement covers the southernmost 444 feet of the property. Dan Frazier pointed out a tree 600-700 feet north of the property line and ordered the tree trimmed. That tree is outside the easement. This is not a question of easement width, nor is it a question of a few feet.

I am willing as a one-time permission to have Cinergy trim that tree at its expense under my supervision merely because I've wanted to have the tree trimmed anyway. However, this one-time permission (with restrictions) does not constitute an easement.

Second, Dan Frazier picked out a locust tree behind the tree line at the edge of the easement (farther away from the wires) and ordered it trimmed. Dan Frazier gave cutting guidelines similar to the ones

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you provided when you saw the property: *a right to clear a 100-foot width and a right to trim trees outside the 100 feet if they threaten your lines*. In common understanding, the word *trim* implies that the work will not destroy the viability of the trees. As you know, some of Cinergy's "trimming" has killed trees left standing.

Further, the easement actually says, "cut, trim or remove any trees, overhanging branches, or *other obstructions* both within or without the limits of the above described right of way" Tall trees outside the right of way are not obstructions. I still believe that many of Cinergy's cuts exceed both the letter and the spirit of the easement, and I am willing to refer the issue (with pictures) to the Public Utilities Commission if necessary.

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