



Citizens Advocating Responsible Energy
CARE
Communicator

Volume Two, Number 2

May 18, 2009

No matter what you may have heard . . . no matter what you may have read . . .

It's NOT Over!

The back story

Despite the best efforts of CARE members in opposition, the Ohio Power Siting Board on Nov. 24, 2008 granted the application of FirstEnergy Corp. to construct a new 138 kV power line along the corporation's preferred path east of and roughly paralleling Rt. 528 in Thompson, Montville, and Huntsburg Townships. Throughout the previous months, CARE had argued that FirstEnergy's preferred path near Route 528 and its alternate choice along Clay Street were unacceptable because they create new corridors across private properties when suitable corridors already exist elsewhere.

Rehearing refused

Through its legal representatives CARE filed a rehearing application seeking to have the board reconsider its Nov. 24, 2008 decision. On January 26 the board refused the application, disputing CARE's claims that the board improperly delegated its authority to an administrative law judge, relied on information outside the record in reaching its decision and relied on the board's staff report, thus violating CARE's right to due process. At this point CARE's only recourse was an appeal to the Ohio Supreme Court.

CARE appeals

March 13, through its attorneys, CARE turned to the court for jus-

ITS A DATE

MAY
 28-29-30 - Garage Sale II
 (See Story on Page 2)

JUNE
 4 - CARE Regular Meeting
 20 - Turkey Dinner at Montville

JULY
 2 - CARE Regular Meeting
 4 - Ice Cream at Thompson

AUGUST
 6 - CARE Regular Meeting

SEPTEMBER
 10 - CARE Regular Meeting
 26 - Clam Bake Fund Raiser

OCTOBER
 1 - CARE Regular Meeting
 3 - Pumpkin Festival
 17 - Night at the Races *

NOVEMBER
 5 - CARE Regular Meeting

DECEMBER
 3 - CARE Regular Meeting

* new date for this event

tice claiming the OPSB's order and entry were "unlawful, unjust and unreasonable."

Reporting the appeal, the Geauga County Maple Leaf said, "It asks the court to reverse the siting board's prior rulings and remand the matter to the OPSB with instructions to correct six 'errors.' Those errors include CARE's contentions the OPSB:

- Improperly delegated its authority to

render an opinion to its administrative law judge.

- Relied on information outside of the record in reaching its decision.
- Relied heavily on an agency staff report, thereby violating CARE's right to due process.
- Ignored its decision in a 1995 case in which it granted Cleveland Electric Illuminating Co. permission to build a transmission line elsewhere in Geauga County. That project was designed to satisfy the same power supply needs as the new FirstEnergy project. The electric company later abandoned the construction permit.
- Failed to consider the obstructionist tactics of American Transmission Systems Inc. and the Cleveland Electric Illuminating Company, both FirstEnergy companies. This prevented CARE from "fully and adequately preparing" for the Nov. 24 adjudicatory hearing before the board.
- Ignored its own administrative law judge's decision to shield key documents and key witness testimony from the public in violation of Ohio Sunshine Law."

Where are we now?

Under the law, FirstEnergy representatives are permitted to enter properties along the approved route to conduct survey operations, but, even should the Ohio Supreme Court rule against CARE, no actual construction work can proceed until the company has acquired easements from individual property owners.

Jim Galm, CARE's president, is reminding members and residents along the OPSB-approved route: "It's very important to keep our eyes on the ball at this point. FE will be trying to persuade us that the process is over and that signing the easement contract is our only option. Bullroar. The certificate of environmental compatibility and public need that PUCO granted to FE is presently under litigation in the Supreme Court of the State of Ohio, thanks to the undying perseverance of CARE members and the incomparable professional service

CARE meets at 7:30 p.m. on the first Thursday of every month at the Montville Community Center, next to the Fire Station on Rt. 528, just south of US Rt. 6, Montville. Everyone welcome.

The next CARE meeting will be Thursday, June 4
Find us on the Web at www.caregeauga.org

CARE CONTACTS

Jim Galm, President jgalm@caregeauga.org 216-346-0782
 Mike Youshak, Vice Pres. myoushak@caregeauga.org - 440-636-5294
 Secretary: *nominations (or volunteers) are open for this position*
 Pat Jonath, Treasurer pjonath@caregeauga.org - 440 636-5153

(Continued on page 2)



Citizens Advocating Responsible Energy

CARE

Defense Fund Campaign

Your dollars will fuel the fight to preserve our countryside

CARE FUNDRAISING GOAL:

\$325,000

RESULTS TO DATE

Funding source	Amount	Qty	Funds raised
Diamond Benefactors	\$ 20,000.00		\$
Platinum Benefactors	\$ 10,000.00	1	\$ 10,000.00
Gold Benefactors	\$ 5,000.00	3	\$ 15,000.00
Silver Benefactors	\$ 2,000.00	12	\$ 24,000.00
Bronze Benefactors	\$ 1,000.00	6	\$ 6,000.00
Other donations	\$ 6,286.74		\$ 6,286.74
Large events	\$ 31,821.00	13	\$ 31,821.00
Small events	\$ 26,238.00	12	\$ 26,238.00
CARE Items	\$ 4,007.00		\$ 4,007.00
From operating funds	\$ 14,000.00		\$ 14,000.00
Total funds raised			\$ 141,422.74
Surplus (deficit)			\$ (183,577.26)

CARE DONOR RECOGNITION

DONOR LEVEL	MINIMUM DONATION	BENEFACTOR GOAL
DIAMOND	\$20,000	3
PLATINUM	\$10,000	6
GOLD	\$ 5,000	10
SILVER	\$ 2,000	16
BRONZE	\$ 1,000	20

CARE DONOR HONOR ROLL

DONOR LEVEL	NAME
DIAMOND	
PLATINUM	Anonymous (1)
GOLD	Jim Galm
SILVER	Pat Jonath Randy Bennett Brian Ross Cyrene Zion Don Hibler Rocco & Mary DiFranco Ed & Sharon Blankenship Anonymous (5)
BRONZE	Dan & Diane Worthington Garey Chalmers & Mary Bennett Anonymous (4)

GARAGE SALE

to benefit the CARE Legal Defense Fund
Thursday, Friday, and Saturday
May 28, 29 and 30, 2009

The sale will be held at the Sykora home, 12391 Madison Rd. (Rt. 528) just south of the center of Huntsburg.

All proceeds benefit CARE's charitable work to preserve and protect our communities.

Questions? Call Pat Jonath, (440) 636-5153.



It's NOT Over!

(Continued from page 1)

and support that we have received from our legal team and their law firm, Taft, Stettinius and Hollister.

Make no mistake friends and neighbors. It's not over."

Meanwhile, CARE members are focusing on the main task at hand, raising funds to strengthen the Defense Fund and cover the considerable legal expense of last year's efforts to defeat the OPSB application as well as the cost of the current appeal to Ohio's high court. On the horizon are the following events:

May 28-29-30 - Garage Sale Fundraiser in Huntsburg.

June 4 - CARE Regular Meeting; all interested persons welcome.

June 20 - Turkey Dinner at Montville Community Center.

July 2 - CARE Regular Meeting; all interested persons welcome.

July 4 - Ice Cream at Thompson.

August 6 - CARE Regular Meeting; all interested persons welcome.

September 10 - CARE Regular Meeting; all interested persons welcome.

September 26 - Clam Bake Fund Raiser.

October 1 - CARE Regular Meeting; all interested persons welcome.

October 3 - Pumpkin Festival.

October 17 - Night at the Races*

November 5 - CARE Regular Meeting; all interested persons welcome.

December 3 - CARE Regular Meeting; all interested persons welcome.

More information is available on CARE's website at www.caregauga.org.

**note new date for this event.*

Garage Sale is May 28-29-30 in Huntsburg

A Garage Sale to benefit CARE will be held 9 a.m. to 5 p.m. on Thursday, Friday and Saturday, May 28, 29 and 30, at the Sykora home, 12391 Madison Road, on the east side just south of Mayfield Road.

Items currently in the sale include a laser printer, TVs, convection oven, lots of baby and small children's clothes, Christmas items, golf pull cart, sewing machine, books, toys, small furniture, commercial glass display case, much miscellaneous, and expecting more to come.

Persons having items to donate are asked to call Barb at 632-0394.