

Citizens **A**dvocating **R**esponsible **E**nergy  
**CARE**  
**Communicator**

Volume Two, Number 5

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**CARE warns landowners  
 It's NOT Over !  
 Do not sign !**

Under the law, FirstEnergy representatives are permitted to enter properties along the approved route to conduct survey operations. **Even if the Ohio Supreme Court rules against CARE, no actual construction work can proceed until the company has acquired easements from 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 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 cash for the Defense Fund to pay the considerable expense of last year's efforts to defeat the OPSB application as well as the cost of the Supreme Court appeal. Nearby is a listing of scheduled activities in the rest of 2009, and all of 2010. CARE members greatly appreciate the way the Geauga community, not to mention our many good friends elsewhere, has supported its various fundraising efforts. We are counting on you to hang in there with us throughout the coming year.

**IT'S A DATE**

2010

**JANUARY**  
 23 - Ethnic Dinner

**FEBRUARY**  
 4 - CARE Regular Meeting  
 19 - Fish Fry  
 26 - Fish Fry

**MARCH**  
 4 - CARE Regular Meeting  
 5 - Fish Fry  
 12 - Fish Fry  
 19 - Fish Fry  
 26 - Fish Fry

**APRIL**  
 1 - CARE Regular Meeting  
 2 - Fish Fry  
 22-25 Maple Festival

**MAY**  
 6 - CARE Regular Meeting  
 13-14-15 - CARE Garage Sale  
 22 - Fundraising event & Drawing for Vacation Cash

**JUNE**  
 3 - CARE Regular Meeting  
 tba - Turkey Dinner or BBQ

**JULY**  
 1 - CARE Regular Meeting  
 4 - Ice Cream at Thompson

**AUGUST**  
 5 - CARE Regular Meeting

**SEPTEMBER**  
 2-6 - Great Geauga County Fair  
 9 - CARE Regular Meeting \*  
 25 - Clam Bake

**OCTOBER**  
 2-3 - Huntsburg Pumpkin Festival  
 7 - CARE Regular Meeting \*

**NOVEMBER**  
 4 - CARE Regular Meeting  
 20 - Ethnic Dinner and drawing for Holiday Cash

**DECEMBER**  
 2 - CARE Regular Meeting  
 \* NOTE - NOT OUR USUAL DAY

**eBay sellers can share with CARE**

Any eBay seller can use eBay Giving Works to donate 10% to 100% of their item's final sale price to CARE, and get a credit on their Insertion and Final Value fees. (The minimum for eBay Motors sellers is 1%). With the item description for every listing that benefits CARE, buyers will see a banner with information about the CARE, a link to our eBay Giving Works page, and the percentage of the final sale price the seller is donating.

When your listing sells, eBay will credit back your Insertion and Final Listing Fees by the same percentage you donated. Giving 50% of your item's final sale price? You'll get back 50% of your fees. Giving 100%? You get back all of your Insertion and Final Value Fees.

Not set up to list with eBay? No Problem! Call To have your item picked up. We will photograph and list it for you! Jim Galm, 216-346-0782 or Randy Bennett, 440-479-3392.

Check CARE's website at [www.caregeauga.org](http://www.caregeauga.org) for more info.

**Those fabulous DiFranco fish fries coming soon**

It's that time of year again. You've waited all winter, and your patience is about to be rewarded. Citizens Advocating Responsible Energy (CARE) is sponsoring an unprecedented **SEVEN** DiFranco Fish Fries this season! The Friday dates in February are: the 19th and 26th; in March the 5th, 12th, 19th, and 26th; plus Friday, April 2.

We'll be serving from 5 to 7:30 p.m. at the Montville Community Center located at 9755 Madison Road (Rt. 528), Montville, Ohio 44064, just south of US-6

The all-you-can-eat dinner includes dessert, and is priced at \$8.50 for adults; \$4.00 for children K thru 6th Grade. Pre-School children dine FREE

Carryout service will be available for stay-at-homes

**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, February 7, 2010.  
 Find us on the Web at [www.caregeauga.org](http://www.caregeauga.org)**

**CARE CONTACTS**

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Citizens Advocating Responsible Energy

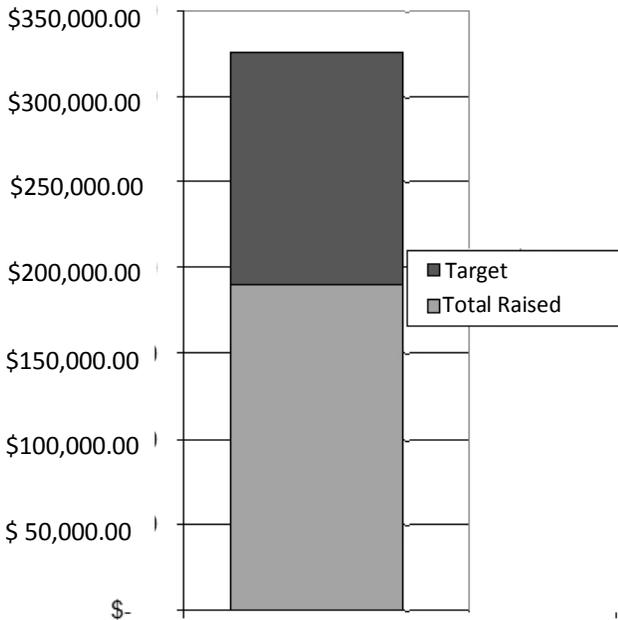
# CARE

## 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	\$ 20,000.00		\$
Platinum	\$ 10,000.00	3	\$ 30,000.00
Gold	\$ 5,000.00	1	\$ 5,000.00
Silver	\$ 2,000.00	11	\$ 22,000.00
Bronze	\$ 1,000.00	7	\$ 7,000.00
Other donations	\$ 19,061.99		\$ 19,061.99
Fundraising events & items	\$ 83,369.47		\$ 83,369.47
Membership Dues	\$ 23,510.00		\$ 23,510.00
<b>Total funds raised</b>			<b>\$ 189,941.46</b>
<b>Surplus (deficit)</b>			<b>\$(135,058.54)</b>

### DONOR RECOGNITION

DONOR LEVEL	MIN. DONATION	BENEFACTOR GOAL
<b>DIAMOND</b>	<b>\$20,000</b>	<b>3</b>
<b>PLATINUM</b>	<b>\$10,000</b>	<b>6</b>
<b>GOLD</b>	<b>\$ 5,000</b>	<b>10</b>
<b>SILVER</b>	<b>\$ 2,000</b>	<b>16</b>
<b>BRONZE</b>	<b>\$ 1,000</b>	<b>20</b>

### CARE DONOR HONOR ROLL

DONOR LEVEL	NAME
<b>DIAMOND</b>	
<b>PLATINUM</b>	Layer Zero Power Systems, Inc. Anonymous (1) Jim Galm
<b>GOLD</b>	Pat Jonath
<b>SILVER</b>	Don Hibler Randy Bennett Brian Ross Cyrene Zion Rocco & Mary DiFranco Ed & Sharon Blankenship Anonymous (5)
<b>BRONZE</b>	Dan & Diane Worthington Garey C. Britt Townsend Harry L. Davis III Chal & Mary Bennett Anonymous (3)

## SUPCO hearing to be held Tuesday, Jan. 26

Next Tuesday, January 26, 2010, 9 a.m. The Supreme Court of Ohio will hear oral arguments in CARE's case, "In the Matter of the Application of American Transmission Systems, Incorporated, and The Cleveland Electric Illuminating Company for a Certificate of Environmental Compatibility and Public Need for the Geauga County 138 kV Transmission Line Supply Project, Case no. 2009-0481 Appeal from Order of the Ohio Power Siting Board".

The Oral Argument Preview has been published on the Web at <http://tinyurl.com/yzcf439>

Those not able to travel to Columbus to the Court will be able to watch the session live, via streaming video feed direct from the courtroom! The Supreme Court of Ohio is broadcast over the Internet, so no one needs to miss CARE's day in court.

The link to the live video is: <http://www.supremecourt.ohio.gov/videostream/flash.asp>

A good idea would be to test the link, making sure that your computer and browser are set up properly.

The court will decide the following issues :

\* Did the Ohio Power Siting Board (OPSB) violate its duty to conduct an independent review of evidence heard by an administrative law judge (ALJ) regarding the proposed location of a new electric power service line in Geauga County when the board voted without debate at its first meeting following the adjudicatory hearing to adopt a final order in the case that had been prepared by the ALJ?

\* Did rulings by the ALJ initially sealing documents submitted by the applicants for a power siting certificate prior to the adjudicatory hearing on that application violate the state's Public Records Act, and did the judge's delay in unsealing those documents deprive parties opposing the application of adequate time to prepare responsive testimony and evidence?

### After the hearing

At the conclusion of oral argument, the court will meet in private to consider the case. At that meeting, the court will vote (usually in order of seniority, starting with the least-senior Justice). Once the votes are tallied, the Chief Justice will assign one of the Justices to write the opinion for the majority. It is circulated, as is any dissenting opinion, and other justices sign on (or write their own concurring or dissenting opinions.)

The process usually takes at least one to two full months, and often takes up to six months. If the case is reversed, FirstEnergy can file a motion to reconsider—granted only in the rarest of instances.

### If CARE wins

Once the reversal is final, the next step will depend on what the court rules. If the court buys our entire argument and enters judgment in favor of CARE, then the case is over. If Perry-Hanna is a guide, FirstEnergy will then come in with a different (or slightly different) route and try again. And we go from there.

If the court reverses on the procedural ground—i.e. that the ALJ did not have the authority to issue the opinion for OPSB, two possibilities exist. First, the court could direct that a new hearing be held, in which case we'd be back at the adjudicatory hearing stage. Second, the court could rule that the hearing was OK, but that the ALJ should write a report and recommendation to the OPSB based on that evidence. CARE should then be given the chance to argue against that report to OPSB before OPSB issues its own opinion. But, since OPSB rulings are almost never appealed, we have very little to guide us at this stage.

We are opening some fairly new trails.