

Citizens Advocating Responsible Energy  
**CARE**  
**Communicator**

Volume Two, Number 1

March 16, 2009

# CARE takes power line case to the Ohio Supreme Court

## Notice of Appeal filed March 13

"Appellant, Citizens Advocating Responsible Energy ("CARE"), hereby gives notice of its appeal, pursuant to R.C. 4903.11 and 4903.13, to the Ohio Supreme Court, from the Opinion, Order and Certificate of the Ohio Power Siting Board ("OPSB"), entered on November 24, 2008 in OPSB Case No. 07-0171-EL-BTX."

These are the opening words from CARE's notice of appeal filed March 13 with the Ohio Supreme Court.

CARE now has Ohio Supreme Court case number 2009-0481 and the case status is OPEN. The web page for Ohio Supreme Court case number 2009-0481 is on line (visit [www.caregeauga.org/court.html](http://www.caregeauga.org/court.html)). The notice of appeal appeared the same day on the PUCO case docket.

"The next phase in our fight to preserve and protect the cherished communities of northeast Geauga County officially begins now.

"Make no mistake, working together, CARE will prevail in this case before the Ohio Supreme Court," said Jim Galm, president of CARE.

### CARE complains

The appeal states:

"CARE's Application for Rehearing was denied by the OPSB by entry dated January 26, 2009. The OPSB's November 24, 2008 Order, and its January 26, 2009 Entry on

**ITS A DATE**

**MARCH**  
 20 - Fish Fry Fundraiser  
 27 - Fish Fry Fundraiser

**APRIL**  
 2 - CARE Regular Meeting  
 3 - Fish Fry Fundraiser  
 10 - Fish Fry Fundraiser

**MAY**  
 7-9 - Garage Sale  
 7 - CARE Regular Meeting  
 16 - Pasta Dinner Fundraiser and drawing for Vacation Cash prize

**JUNE**  
 4 - CARE Regular Meeting  
 20 - Night at the Races

**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

**NOVEMBER**  
 5 - CARE Regular Meeting

**DECEMBER**  
 3 - CARE Regular Meeting

Rehearing are unlawful, unjust, and unreasonable in the following respects:

"1. The OPSB improperly delegated its authority to render an opinion to the Administrative Law Judge.

"2. The OPSB relied on information outside of the record in reaching its decision.

"3. The OPSB's reliance on the Staff Report violates CARE's right to due process.

"4. The OPSB ignored its previous adjudication in Case No. 95-0600-EL-BTX, in which the OPSB granted to certificate to build an electrical transmission line to satisfy the same electrical need as the instant project.

"5. The OPSB failed to consider that the obstructionist tactics of the Applicants, American Transmission Systems Incorporated and the Cleveland Electric Illuminating Company, prevented CARE from fully and adequately preparing for the adjudicatory hearing.

"6. The OPSB's Order is unlawful and unreasonable because the OPSB ignored the Administrative Law Judge's decision to shield key documents and key witness testimony from the public in violation of the Ohio Sunshine Law.

### Requests reversal

"Accordingly, CARE respectfully submits that the OPSB's November 24, 2008 Order and its January 26, 2009 Entry on Rehearing are unlawful, unjust, and unreasonable and should be reversed by this Court and should be remanded to the OPSB with instructions to correct the errors complained of herein."

### Ruling may wait 'til fall

The *Geauga County Maple Leaf*, in a story published March 19, reports comments by FirstEnergy spokesman Mark Durbin in which he told the *Maple Leaf* that CARE's appeal to the Ohio Supreme Court was not unexpected, and predicted the court would uphold the siting board's decision. A ruling may not come until early this fall because of the various legal matters involved in the case, he further said.

**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, April 2**  
**Find us on the Web at [www.caregeauga.org](http://www.caregeauga.org)**

### CARE CONTACTS

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



Citizens Advocating Responsible Energy

# CARE

## Defense Fund Campaign

Your dollars will fuel the fight to preserve our countryside

### CARE FUNDRAISING GOAL:

# \$254,000

### 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	1	\$ 6,500.00
Silver Benefactors	\$ 2,000.00	1	\$ 20,000.00
Bronze Benefactors	\$ 1,000.00	5	\$ 5,000.00
Large events	\$ 18,410.50	1	\$ 18,410.50
Small events	\$ 9,196.10	7	\$ 5,557.00
From operating funds	\$ 14,000.00		\$ 14,000.00
<b>Total funds raised</b>			<b>\$ 83,106.60</b>
<b>Surplus (deficit)</b>			<b>\$ (170,893.40)</b>

### CARE DONOR RECOGNITION

DONOR LEVEL	MINIMUM 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>	Anonymous (1)
<b>GOLD</b>	Jim Galm
<b>SILVER</b>	Pat Jonath Randy Bennett Brian Ross Cyrene Zion Don Hibler Rocco & Mary DiFranco Ed & Sharon Blankenship Anonymous (3)
<b>BRONZE</b>	Dan & Diane Worthington Garey Chalmers & Mary Bennett Anonymous (4)

### CARE warns Route 528 landowners:

## Do NOT sign !

Even though CARE has appealed to the Ohio Supreme Court to overturn the OPSB ruling granting FirstEnergy the right to construct a new power line along its proposed "overland route," representatives of FirstEnergy/ATSI can be expected to continue contacting landowners along Rt. 528 with a "Right of Way Option" contract, and encouraging them to sign it.

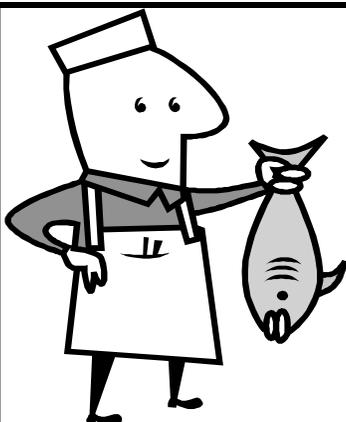
A right of way option means that FirstEnergy/ATSI wants to "lock in" their ability to purchase a right of way through property at some later time, for a pre-determined price. When FirstEnergy/ATSI buys a right of way option, the companies give the landowner a money payment in exchange for the option to buy a right of way easement at some date in the future. The option expires in two years. If FirstEnergy/ATSI exercises its option within two years, it gives the land owner an additional payment and the landowner grants the companies a right of way through his or her property.

This is an extremely unfavorable contract from the landowner's point of view. It is a one-sided agreement that gives the companies free rein, and the land owner almost nothing in exchange. Don't take CARE's word for it — have any attorney read this contract and give their opinion.

Two general rules that apply whenever someone brings you a contract and encourages you to sign it:

Absolutely, positively never, ever sign any contract without having it examined by an attorney that you pay for their services. Free legal advice is worth every cent you pay for it. You are under no obligation to sign any contract until you have had it reviewed and considered the consequences. Most lawyers will provide this service for a nominal fee.

Remember that if someone encourages you to sign a contract, it must benefit them more than it benefits you. The more they want you to sign, the more you probably stand to lose.



## The famous DiFranco Fish Fries are back !

**March 20 and 27, April 3 and 10 at the Montville Community Center 5 to 7:30 p.m.**

**All you can eat dinner includes DESSERT!**  
**\*\$8.50 Adults**  
**Pre-School Children FREE • K - 6th Grade \$4.00**  
**Carryouts available for Stay-At-Homes**