

Madeira City Managers Report, February 26, 2018, This Was a Bogus Report Very Specifically Stating That the Ohio Public Utilities Commission Instructed Duke Energy to Relocate an Electric Pole Located on Railroad Avenue, at the Expense of Duke Rate Payers. Madeira Council Members Instructed Manager Moeller to Demand that Duke Energy also Pay For New Curbs and Other Railroad Avenue Construction.

CITY MANAGER REPORT

Thomas W. Moeller

February 26, 2018

Page 2 of 3

- **Resolution No. 10-18. Authorizing the City Manager to Enter into an Agreement with Magistrate Brian Redden for Madeira Mayor's Court.** This legislation authorizes an increase in compensation for Mr. Redden from \$275/session to \$300/session. **Recommend Approval.**

OLD AND NEW BUSINESS

- **Railroad Avenue Utility Pole Relocation.** I have placed this item under NEW Business. Duke Energy has contacted us regarding their plans to relocate the utility pole and underground service that is presently encumbering the former B&B Mower site. The PUCO has determined that Duke Energy must relocate the overhead and underground services even though there is no project planned for the site as of yet. We met with Duke's engineers to discuss the work and it may be implemented. There are two phases/tasks to the project. The first is the relocation of the street curb and sidewalk for approximately 50 feet in front of the B&B Property. I have discussed this with the City Engineer and he has provided a cost estimate of \$8,000 to do this phase. We would engage a contractor such as Prus Construction, Adleta Construction or Ford Development to this work for us. I would solicit a quote from each to determine the best contractor for the work. The City Engineer has determined that there is still 20 ft. of pavement/roadway remaining which allows for 2 way traffic on Railroad Avenue between the relocated curb and the edge of the parking area for the Railroad Depot on the south side of the street. We may paint a centerline in this location to guide traffic through this area.

The second phase is the underground service to the transformer that serves the Hosbrook House and Muchmore House. Once the new pole is installed (after the curbs are installed), then the conduit to the base of the pole to a point in our parking lot (approximately 110 linear feet) needs to be installed to remove the short portion of underground conduit that is presently on the B&B site. This is work that our Service Department can easily perform. Service Department personnel met with the Duke engineer this past week to discuss. Duke would be on site to assist. Our out of pocket costs would be for the plastic conduit (~ \$1000) and some asphalt restoration in the parking lot. Per one suggestion from City Council, I also asked about potentially connecting the electric service to the transformer from Miami Avenue. The Duke engineer indicated that may very well be possible. It would require us (probably a contractor) to install the plastic conduit from the pole at the Miami Avenue entrance to A Tavola along the property line. By rerouting the feed from Miami, we would open up the parking area of the two houses for potential future construction or development. I hope to have information for this re-routing in time for Monday's Council meeting. I would ask City Council for a motion to direct the City Manager to seek cost estimates for the curb and sidewalk work so we can move forward with the bid process.

- **Salt Update.** To date, we have used approximately 450 tons. Unless we have any more storm events, we will need to take delivery of the remaining 550 tons to meet our contractual obligations with Compass Minerals. The Service Department personnel indicated we can fit the remaining salt volume in our dome with the use of a conveyor (which we have used in the past) to maximize our capacity. The employees are also considering fabricating a solid door to replace the existing chain link gate; the solid door will allow more salt to be loaded through the roof hatch.

Public Records Request, February 25, 2018. This Document was left at Madeira City Hall at 8:30 A.M. While Enroute to the P.U.C.O. in Columbus Ohio. Manager Moeller Confessed (my word) that the P.U.C.O Reference was Not Truthful, email dated 2/26/2018. Letter Dated 2/26/2018 Addressed to Madeira City Council Read at Council Meeting. Email from Duke Energy dated 2/27/2018.

Mr. Thomas Moeller
City Manager, City of Madeira

February 25, 2018

Mr. Moeller

Please reference section 149.43 of the Ohio Revised Code titled "Availability of public records, for inspection and copying" regarding the following request.

- 1) Please provide any emails, letters, drawings, photos, memos, or any correspondence addressed to or received from the Ohio Public Utilities Commission by any of the following, the Madeira City Manager, The Madeira Law Director, the Assistant Madeira City Manager, The Madeira City Engineer, the Madeira Mayor, the Madeira Vice Mayor, any Madeira City Council member, or any other Madeira City Employee. The subject matter is "the relocation of the Electric Pole located on Railroad Avenue". The request is from January 1, 2017 thru February 26, 2018.
- 2) Please provide any emails, letters, drawings, photos, memos, or any correspondence addressed to or received from Duke Energy, by the Madeira City Manager, the Madeira Law Director, the Assistant Madeira City Manager, the Madeira City Engineer, the Madeira Mayor, the Madeira Vice Mayor, any Madeira City Council member, or any other Madeira City Employee. The subject matter is "the relocation of the Electric Pole located on Railroad Avenue". The request is from January 1, 2017 thru February 26, 2018.

Thank you for your assistance in this matter. I can be contacted, via email consultdoug@cinci.rr.com or Phone 513-240-4348

Sincerely,


Douglas Oppenheimer, madeiramessenger.com

Print

Date: Monday, February 26, 2018 11:34 AM
From: Tom Moeller <TMoeller@madeiracity.com>
To: 'consultdoug (consultdoug@cinci.rr.com)' <consultdoug@cinci.rr.com>
Cc: Council <Council@madeiracity.com>, Lori Thompson <LThompson@madeiracity.com>, Fox, Brian W. (BFox@Graydon.law) <BFox@Graydon.law>, 'bfox@graydon.com' <bfox@graydon.com>, Clark, Michael W (Michael.Clark@duke-energy.com) <Michael.Clark@duke-energy.com>
Subject: Public Records Request - February 26, 2018

Doug:

Per the attached and our phone conversation this morning, the City has not received any documentation or "case number(s)" from the Public Utilities Commission of Ohio (PUCO) regarding Item #1 of your Public Records request. References to the PUCO in my City Manager Report for February 26, 2018 were made in the context of my verbal conversations with Duke Energy representative Michael Clark. As I stated, any matters related to this are between Duke Energy and the PUCO. As such, the City has had no communication with the PUCO. Mr. Clark and I have met at the site to discuss this project. I understand you are visiting with the PUCO in Columbus this morning. If there is an actual case number for this matter, they should be able to provide it to you.

Regarding Item #2, I have a copy of the letter sent by Duke Energy to Jerry Johnson, dated June 13, 2017, regarding their intent to relocate the pole and electric facilities. All other communications between the City of Madeira took place in "face-to-face" meetings with Mr. Clark. You may pick-up the copy of that letter and schematic at my office.

Call me if you have any questions.

Thomas W. Moeller
City Manager
City of Madeira, Ohio
7141 Miami Avenue
Madeira, Ohio 45243

Office (513) 561-7228
Fax (513) 272-4211

tmoeller@madeiracity.com

 winmail.dat

Mayor, Traci Bayer Theis

Vice Mayor, Nancy Spencer

Council Members

February 26, 2018

"The PUCO has determined that Duke Energy MUST relocate the overhead and underground services, even though there is no project planned for the site (B&B) as of yet"

City Manager Moeller is requesting that you, approve a project expending Madeira tax dollars and funded by Duke Energy rate payers".

"The PUCO has determined that Duke Energy MUST relocate the overhead and underground services, even though there is no project planned for the site (B&B) as of yet".

Respectfully Submitted

A handwritten signature in blue ink, appearing to read "Douglas Oppenheimer".

Douglas Oppenheimer

Print

Date: Tuesday, February 27, 2018 4:26 PM
From: consultdoug@cinci.rr.com
To: Clark, Michael W <Michael.Clark@duke-energy.com>
Subject: Re: Madeira

Mike

Thank for your reply, your email didn't contain any details regarding who is paying for relocating the pole. Could you please send me the details, possibly the correspondence that has been sent to Mr. Moeller detailing who is responsible for paying for the relocation.

Thank You

Doug Oppenheimer/madeiramessenger.com

---- "Clark wrote:

> Hi Doug,

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> I believe there was a mid-quote or misunderstanding in the meeting minutes. The Duke legal department decided that the best course of action was to relocate the pole in question.

>

> Thanks,

> Mike

>

> Sent from my iPhone

>

> > On Feb 27, 2018, at 11:50 AM, "consultdoug@cinci.rr.com" <consultdoug@cinci.rr.com> wrote:

> >

> >

> >

> > *** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

> >

> > Mike

> >

> > I wanted to be sure that you received my email from yesterday including the attached report from Tom Moeller. I am attaching the report again just in case you did not receive it yesterday. Last night there was no action taken during the council meeting regarding Moeller's report. I need to acquire the case number that you have been given from the P.U.C.O, or the documents that acknowledge that "Duke MUST relocate the overhead and underground services". This story is being updated on the Madeira news site, <http://madeiramessenger.com> Page 2. More than a few Madeira business owners and many customers of your company are interested in reading the next part of this story.

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> >

> > Doug Oppenheimer

> > <http://madeiramessenger.com>

> >

> >

> > <RailroadAve pole.pdf.awsec>

>

Tom Moeller

From: Walker, Warren L <Warren.Walker@duke-energy.com>
Sent: Wednesday, May 03, 2017 4:58 PM
To: Tom Moeller
Subject: Pole move

Hi Tom –

I was unable to confirm a PUCO complaint was filed. I may have confused this customer with another but asked several of our legal contacts if we had information regarding a formal complaint. This was the reply from one of my legal resources:

The only case I see in the PUCO docket listing is a recent authorization for I&O RR to begin the installation of RR crossing gates somewhere in Madeira. From this email chain, I couldn't tell whether that might be relevant. It is nevertheless possible that an "informal" complaint could exist, if someone had called the PUCO's call center. There's no way to search for that.

Warren Walker
Duke Energy
Community & Government Relations
139 East Fourth St.
Cincinnati, Oh 45202
o: 513-287-2419
c: 513-659-1417

Tom Moeller

From: Clark, Michael W <Michael.Clark@duke-energy.com>
Sent: Tuesday, May 16, 2017 2:36 PM
To: Tom Moeller
Cc: Walker, Warren L
Subject: RE: Railroad Avenue Pole Relocation

Hi Tom,

I've written a letter with an exhibit drawing that is being reviewed by legal. This will be sent to Jerry Johnson, once I get it back. The letter states that the work will be done concurrently with the construction of the new building, following the typical construction process.

Thanks,
Mike

Mike Clark
Engineering & Construction Planning
513.287.5605



Electric Installers Manual (Redbook)
<https://www.duke-energy.com/business/start-stop-move/electric-service-manual>
Outdoor Lighting Repair Request
<https://www.duke-energy.com/ohio/products/lighting/request-light-repair.asp>

From: Tom Moeller [<mailto:TMoeller@madeiracity.com>]
Sent: Tuesday, May 16, 2017 2:29 PM
To: Clark, Michael W
Cc: Walker, Warren L
Subject: Railroad Avenue Pole Relocation

*** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Good Afternoon Mike:

Checking to see if you have a schedule for submitting permit plans for the pole and underground relocation. Thanks in advance. Happy to meet with you at the site if you have any questions.

Thomas W. Moeller
City Manager
City of Madeira, Ohio



92 S. 4th Street
Batavia, OH 45103

O:513-287-5605
F:513-287-5643

June 13, 2017

Jerry Johnson
RR 1, P.O.Box 43155
Sugar Grove, OH 43155

RE: 7710 Railroad Ave, Madeira

Dear Mr Johnson,

Duke Energy agrees to relocate pole V16-6E and the associated underground cables at no expense to the property owner, as long as the following conditions are met:

1. The relocation will take place concurrently with the construction of the new building.
2. The property owner will coordinate the installation of conduits from the existing transformer (V16-671) to the new transformer, per current Duke standards.
3. The property owner will install conduits from the new transformer location to the relocated utility pole (V16-6E), per current Duke standards.
4. Property owner is responsible for 40% of construction work associated with service for new building per tariff with Public Utility Commission of Ohio.
5. Property owner agrees to sign easement associated with rerouting of new facilities.

Refer to attached Exhibit [A].

If you have any questions, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Clark', with a long horizontal flourish extending to the right.

Michael Clark
Michael.Clark@duke-energy.com
Duke Energy
(513) 287-5605
(513) 287-5643 (Fax)

7141 Miami Avenue
Madeira, Ohio 45243

Office (513) 561-7228
Fax (513) 272-4211

tmoeller@madeiracity.com

Public Records Request Dated
February 26, Hand delivered to
P.U.C.O. in Columbus Ohio. The
P.U.C.O. Found No Evidence
That Mr. Moeller's Report Was
Factual, the Report was
Baseless and Without Merit.

Ohio Public Utilities Commission

P.U.C.O.

180 Broad Street

Columbus Ohio

February 26, 2018

10Am

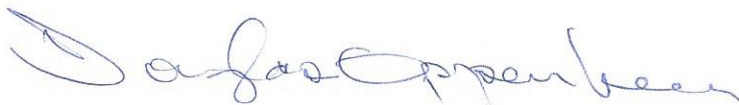
2/26/2018

No Case Number

Please reference section 149.43 Of the Ohio Revised Code titled "Availability of public records, for inspection and copying" regarding the following request.

- 1) Please provide any emails, drawings, photos, memos, or any correspondence exchanged, sent to or received from the City of Madeira Ohio, Madeira City Manager, Assistant City Manager, Madeira City Law Director, Madeira Mayor, Vice Mayor Council Members, or any other Madeira City employee or contractor, and persons employed at the P.U.C.O. The subject matter is the "relocation of Electric Pole Located in Madeira on Railroad Avenue". The date requested is from January 1, 2017 through February 26, 2018.
- 2) Please provide any emails, drawings, photos, memos, or any correspondence exchanged, sent to or received from Duke Energy, John Johnson, Jerry Johnson, or Thomas Powers, and persons employed at the P.U.C.O. The subject matter is "relocation of Electric Pole located in Madeira on Railroad Avenue". The date requested is from January 1, 2017 through February 26, 2018.

Thank you for your assistance in this matter. I can be contacted, via email consultdoug@cinci.rr.com or phone 513-240-4348.



nadeiramessenger.com / Douglas Oppenheimer

Print

Date: Monday, February 26, 2018 2:38 PM
From: Megan.DeLisi@puco.ohio.gov <Megan.DeLisi@puco.ohio.gov>
To: consultdoug@cinci.rr.com <consultdoug@cinci.rr.com>
Cc: PublicRecords@puco.ohio.gov <PublicRecords@puco.ohio.gov>
Subject: Acknowledgment of Public Records Request

Good Afternoon Mr. Oppenheimer,

Please be advised that the Public Utilities Commission of Ohio (PUCO) has received your public records requests related to the "relocation of Electric Pole Located in Madeira on Railroad Avenue."

Your request has been forwarded to the appropriate staff to identify any potentially responsive records and to perform any necessary legal review. In the event that we need additional clarification from you regarding your request, we will attempt to do so as soon as possible. As we discussed this morning, if you could provide us with a case number that would help us in our review. We will provide you with copies of any responsive records within a reasonable period of time.

If you need any further assistance or have any questions or concerns about these requests, please feel free to contact me, email PublicRecords@puco.ohio.gov, or contact Donald Leming at (614) 644-8955.

Sincerely,

Megan De Lisi

Public Utilities Commission of Ohio
Legal Department
Staff Attorney
(614) 752-7999
PUCO.ohio.gov



This message and any response to it may constitute a public record and thus may be public available to anyone who requests it.

madeiramessenger.com

March 16, 2018

Letter's Forwarded to Ohio
Public Utilities Commission
Expressing madeiramessenger
Concerns and Objecting to
Duke Energy Inappropriately
Completing Railroad Avenue
Construction Work at Rate
Payers Expense.

madeiramessenger.com

Ohio Public Utilities Commission
180 East Broad Street
Columbus Ohio 43215-3793
Megan De Lisi, Staff Attorney

March 5, 2018

Dear Megan

It is my hope that you will direct this correspondence to the appropriate person or persons at the P.U.C.O. The purpose of my letter is to inform the P.U.C.O that the city that I reside in is attempting to transfer the cost of an expensive electric pole relocation from two property owners and a developer, unto the backs of Duke Energy ratepayers and Madeira tax payers. I have provided some, but not all pertinent facts for your consideration.


- 1) The Madeira City Manager, Thomas Moeller provided an official "manager's report" for members of Madeira City Council. This report (attached) dated February 26, 2018 emphatically suggested that the Ohio Public Utilities Commission "has determined that Duke Energy must relocate the overhead and underground services even though there is no project planned for the site as of yet. We met with Duke Engineers to discuss the work and it may be implemented". This statement from Mr. Moeller apparently was a lie.
- 2) When presented with a copy of Moeller's "report" Duke Energy Electrical Facilities Manager Michael Clark, responded that "I believe there was a mid-quote or misunderstanding in the meeting minutes. The Duke legal department decided that the best course of action was to relocate the pole in question". Mr. Clark does not understand the importance of the report from Mr. Moeller, there was no mid-quote, and there were no minutes. Mr. Clark's explanation does nothing to explain Mr. Moeller's statement that references the P.U.C.O. role in commanding that the Energy Company "MUST" relocate the electric pole in question. Several months ago Mr. Clark instructed the city that the pole would not be moved until certain requirements were met and did not exclude the property owners from responsibility for the cost of relocating the pole in question.
- 3) Mr. Moeller states that electric pole in question is encumbering the former B&B Mower site and that there is no project planned. There has been a development plan for the B&B Mower site since the year 2011 and if there wasn't a development plan the pole would not be encumbering the B&B site. This is about the current owners of the vacant

B&B Mower property and a developer refusing to pay for the cost of relocating the electric pole in question, instead wrongly, expecting rate payers and tax payers to assume their responsibility for payment. Mr. Moeller is colluding with the property owners, the developer and Duke Energy.

- 4) It appears that the content put forth in Mr. Moeller's report and the response from Mr. Clark may be an attempt by both Moeller and Clark to totally eliminate the existing "utility encroachments" and needs for multiple easements to and from each of them.
- 5) This is not the first time that the pole in question has been moved, in fact the pole in question was relocated 20 feet in 1996. In 1996 the city of Madeira, Mr. Moeller and the current owners of B&B Mower failed to create proper easements.
- 6) The city of Madeira, Manager Moeller and Duke Energy Electric Facilities manager Mike Clark are all perpetuating a false premise that the Duke Energy rate payers should shoulder the responsibility for the relocation cost because the electric lines are in the air above the front of the B&B building structure. The fact is that the city allowed the front part of the B&B building to be constructed in the "right of way" and beneath the existing electric wires that were already properly in the right of way. All of the involved parties are well aware of the Madeira zoning violations in respect to the misplaced B&B structure.

I am strongly urging and pray that the P.U.C.O. stop the relocation of the electric pole (located on Railroad Avenue) in question and launch an investigation into the conflicting city managers report, and any reasons that would not justify that the relocation cost should be borne by either the B&B property owner's, the developer or both., but certainly not Duke Energy rate payers or Madeira Tax payers.

Douglas Oppenheimer



madeiramessenger.com, (Page 2)

consultdoug@cinci.rr.com

513-240-4348

CITY MANAGER REPORT

Thomas W. Moeller

February 26, 2018

Page 2 of 3

- **Resolution No. 10-18. Authorizing the City Manager to Enter into an Agreement with Magistrate Brian Redden for Madeira Mayor's Court.** This legislation authorizes an increase in compensation for Mr. Redden from \$275/session to \$300/session. **Recommend Approval.**

OLD AND NEW BUSINESS

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Print

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Doug Oppenheimer/madeiramessenger.com

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> >

> > Doug Oppenheimer

> > <http://madeiramessenger.com>

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> >

> > <RailroadAve pole.pdf.awsec>

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Ohio Public Utilities Commission
180 East Broad Street
Columbus Ohio 43215-3793
Megan De Lisi, Staff Attorney

March 15, 2018

Dear Megan

I am including with this letter documents in addition to the letter and documents sent to you, dated March 5, 2018. Since the correspondence of March 5, 2018, I have received the results of a records request from Mr. Thomas Moeller, Madeira City Manager. The enclosed documents are designated as A, B, C, and D. I believe that these documents are important and should be included for your consideration along with the documents previously mailed to the P.U.C.O dated March 5, 2018.

- A) Copy of Records Request dated February 25, 2018, sent to Thomas Moeller, Madeira City Manager.
- B) Copy of correspondence from Warren L. Walker, Community and Government Relations, Duke Energy, advising Madeira City Manager, Thomas Moeller that there were no complaints filed with P.U.C.O. as of May 3, 2018.
- C) Copy of correspondence from Michael Clark, Engineering and Construction Planning, Duke Energy, advising Madeira City Manager, Thomas Moeller that a letter sent to Duke Energy Legal stated that "work would be done concurrently with the construction of the new building" contradicting Moeller's statements in his March 12, 2018 report prepared for Madeira City Council members. (Marked E)
- D) Correspondence from Michael Clark, Engineering and Construction Planning, Duke Energy, advising Jerry Johnson, owner of the B&B Mower

property. Mr. Clark advises Mr. Johnson that Duke Energy will not be responsible for any or much of the elected pole requested relocation.

- E) Madeira City Managers report dated March 12, 2018, stating that city of Madeira has approval, pending final review from Duke Energy's right-of-way department. This report no longer states that the P.U.C.O has instructed Duke Energy that the must relocate the Railroad Avenue Electric pole at Dukes cost.
- F) Madeira City Managers report to Madeira City Council members dated February 26, 2018. In this report Mr. Moeller states that the P.U.C.O instructed Duke Energy as follows, "The P.U.C.O has determined that Duke Energy "MUST" relocate the pole and underground services" Moeller goes on to say that "Our out of pocket cost would only be \$1,000.00". At the council meeting that same evening, (February 26) Moeller was instructed to go back to Duke Energy demanding that Duke Energy also assume responsibility for another \$8,000.00 of related project cost.

Megan, please advise of your actions or of others at the P.U.C.O in this matter.

Sincerely,



Madeiramessenger.com

Douglas Oppenheimer

CITY MANAGER REPORT

Thomas W. Moeller

March 12, 2018

Page 2 of 3

Police Trust Fund, SR-51 DUI Fund and the Police Department Capital Outlay/Equipment in the General Fund. Chief Schaefer is out of town and will not be in attendance; if additional information is needed from him, we do have the opportunity to table this legislation to the March 26th meeting. However, in order to take advantage of the 15% discount, Motorola has placed a deadline of March 31st to approve the contract.
Recommend Approval.

OLD AND NEW BUSINESS

- **Preliminary Goal Setting Report.** I have placed this item under Old Business. We should plan to discuss the preliminary report provided to you last week and come to consensus as to the priorities/project rankings. A final report (if changes from the preliminary report are needed) will then be prepared and published.
- **Public Works Committee.** We have several topics pending for the committee. Please check your schedules for times/dates. The topics include: Municipal Building Plaza, Street Program Update, and Water Line Replacement Update. Regarding waterline replacements, we are taking a step back and doing further analysis of which waterlines should be replaced as a precursor to repaving the street. We are not as confident as we would like to be regarding the information we have received from Indian Hill Water Works. Based on discussions we have had with the Budget and Finance Committee, and the concerns about future funding for waterline work, we are re-evaluating our schedule for replacing mains ahead of pavement work. The City Engineer's office is assisting with this evaluation. We will be providing this information in the next 60 days to both the Public Works Committee and the Budget and Finance Committee.
- **Comprehensive Plan Update.** The Planning Commission met this week to finalize its recommendation for the consultant. Council Member Adrien will report on the discussions. As well, a copy of the DRAFT meeting summary is included in the council packet. The Commission asked that I reach out to several of the communities who used MKSK and Envision for planning work. Both consultants received very positive recommendations/references. One reference that came in late for Envision was from the former city administrator for Fairport Harbor, Ohio. Envision did a Downtown Plan. Rebecca Corrigan is now the Twp. Administrator for Olmstead Twp., Ohio. She intends to hire Envision for their Comp Plan because she was so pleased with their efforts in Fairport Harbor. She spoke very highly of their team.
- **Railroad Avenue Pole Relocation Update.** As noted in last week's report, it appears we have approval, pending final review from Duke Energy's right-of-way department, to serve the transformer in back of the Hosbrook and Muchmore Houses underground from Miami Avenue. This would replace the existing underground service to the transformer from Railroad Avenue. Once we receive final approval, we will be obtaining costs from several contractors to do the "direct bore" installation of the conduit so Duke Energy can pull the new wires from the street to the transformer.

Tom Moeller

From: Walker, Warren L <Warren.Walker@duke-energy.com>
Sent: Wednesday, May 03, 2017 4:58 PM
To: Tom Moeller
Subject: Pole move

Hi Tom –

I was unable to confirm a PUCO complaint was filed. I may have confused this customer with another but asked several of our legal contacts if we had information regarding a formal complaint. This was the reply from one of my legal resources:

The only case I see in the PUCO docket listing is a recent authorization for I&O RR to begin the installation of RR crossing gates somewhere in Madeira. From this email chain, I couldn't tell whether that might be relevant. It is nevertheless possible that an "informal" complaint could exist, if someone had called the PUCO's call center. There's no way to search for that.

Warren Walker
Duke Energy
Community & Government Relations
139 East Fourth St.
Cincinnati, Oh 45202
o: 513-287-2419
c: 513-659-1417

Tom Moeller

From: Clark, Michael W <Michael.Clark@duke-energy.com>
Sent: Tuesday, May 16, 2017 2:36 PM
To: Tom Moeller
Cc: Walker, Warren L
Subject: RE: Railroad Avenue Pole Relocation

Hi Tom,

I've written a letter with an exhibit drawing that is being reviewed by legal. This will be sent to Jerry Johnson, once I get it back. The letter states that the work will be done concurrently with the construction of the new building, following the typical construction process.

Thanks,
Mike

Mike Clark
Engineering & Construction Planning
513.287.5605



Electric Installers Manual (Redbook)
<https://www.duke-energy.com/business/start-stop-move/electric-service-manual>
Outdoor Lighting Repair Request
<https://www.duke-energy.com/ohio/products/lighting/request-light-repair.asp>

From: Tom Moeller [<mailto:TMoeller@madeiracity.com>]
Sent: Tuesday, May 16, 2017 2:29 PM
To: Clark, Michael W
Cc: Walker, Warren L
Subject: Railroad Avenue Pole Relocation

*** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. ***

Good Afternoon Mike:

Checking to see if you have a schedule for submitting permit plans for the pole and underground relocation. Thanks in advance. Happy to meet with you at the site if you have any questions.

Thomas W. Moeller
City Manager
City of Madeira, Ohio



92 S. 4th Street
Batavia, OH 45103

O:513-287-5605
F:513-287-5643

June 13, 2017

Jerry Johnson
RR 1, P.O.Box 43155
Sugar Grove, OH 43155

RE: 7710 Railroad Ave, Madeira

Dear Mr Johnson,

Duke Energy agrees to relocate pole V16-6E and the associated underground cables at no expense to the property owner, as long as the following conditions are met:

1. The relocation will take place concurrently with the construction of the new building.
2. The property owner will coordinate the installation of conduits from the existing transformer (V16-671) to the new transformer, per current Duke standards.
3. The property owner will install conduits from the new transformer location to the relocated utility pole (V16-6E), per current Duke standards.
4. Property owner is responsible for 40% of construction work associated with service for new building per tariff with Public Utility Commission of Ohio.
5. Property owner agrees to sign easement associated with rerouting of new facilities.

Refer to attached Exhibit [A].

If you have any questions, please do not hesitate to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Clark', with a long, sweeping underline.

Michael Clark
Michael.Clark@duke-energy.com
Duke Energy
(513) 287-5605
(513) 287-5643 (Fax)

7141 Miami Avenue
Madeira, Ohio 45243

Office (513) 561-7228
Fax (513) 272-4211

tmoeller@madeiracity.com

Address To Madeira City Council
Dated March 12, 2018 Explaining
The Fraudulent Statements in City
Manager Moeller's Report Dated
2/26/2018. This Address also
Corrected Inaccurate Comments
from Various City Council Members.

Address to Madeira City Council March 12, 2018

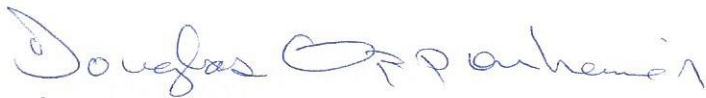
While in attendance at the most recent City Council meeting, the meeting of February 26, 2018 our city manager, Mr. Moeller presented his city managers report. Mr. Moeller stated in that report that the Ohio Public Utilities Commission “has determined that Duke Energy “Must” relocate the overhead and underground services even though there is no project planned for the vacant B&B Mower site” Apparently Mr. Moeller was less than truthful when conveying this false information to City Council and the community at large. Is there an explanation for the erroneous report?

At that same meeting, my friend, Councilman Gehring stated that Electric lines were improperly located over the top of the B&B Mower structure, on Railroad Avenue, and Mr. Gehring stated further that the Electric Utility Company, Duke Energy should be financially responsible for the entire project proposed for Railroad Avenue including the relocation of the Electric pole, construction of required curbs, and the installation of new underground service. There is substantial and clear evidence that Mr. Gehring comments were incorrect, and in fact neither Duke Energy Rate payers nor Madeira Tax payers should be responsible for the cost of any part of the aforementioned work.

The facts are clear that the front showroom added to the B&B Mower structure, (formally a residence) was allowed by our city to be

constructed on the Madeira City Right of Way. The Utility pole and all electric lines supported by the pole in question were on and above the city of Madeira right of way. The B&B Mower showroom was constructed illegally according to applicable zoning and building codes that were in effect. Any underground conduits and services were approved under the current city managers watch, also apparently contrary to Madeira requirements in effect at the time of approvals. Madeira Tax payers and Duke Energy ratepayers should not be financially responsible for any part of the proposed work.

Submitted and orally presented at 3/12/2018 City Council meeting

A handwritten signature in blue ink that reads "Douglas Oppenheimer". The signature is written in a cursive style with a large initial 'D' and 'O'.

Douglas Oppenheimer