



April 16, 2010

VIA EMAIL

Mr. Jim Crew  
Relicensing Manager  
Alabama Power Company  
600 North 18<sup>th</sup> Street  
Birmingham, AL 35291-8180

Dear Jim:

Per your phone conversation with John Glasier today, the modeling software promised to stakeholders continues to be withheld. Without access to the software we are unable to provide comments at this time and we will advise FERC of this situation.

You have promised access to the modeling information since the fall of 2007, and each time a promised deadline is reached another excuse is used to prevent stakeholder access. At a meeting with the Lake Martin HOBOS during the fall of 2007, you promised access to the data and software at a subsequent meeting that to be held in the spring of 2008. That meeting turned out to be a slide show at your headquarters in Birmingham and no access was offered. Following that meeting there have been three other Study Plan 12(a) meetings at your office and each time further slide shows of more refined graphs have been shown, and each time we have been told that we would be allowed access to the data and software, yet Alabama Power has not furnished the promised information.

As your deadline to meet FERC requirements approaches stakeholders appear to be requesting more information and receiving less or none. We will request that FERC not accept any filings on Study Plan 12(a) until such time as stakeholders have received data and software for the HEC: ResSim modeling and have had adequate time to review the study with the proper tools, and have made any necessary comments.

As you requested, we are able to comment on the portion of 12(a) presented at the March 31, 2010, meeting. Your modeler showed the FEMA flood elevation guidelines on the graphs and the downstream flood modeling data indicated that at each of the studied winter elevations from 480' to 485' river flood level did not reach FEMA flood elevations. This same information should have been shown on the LIDAR aerial photo overlays. While a few downstream stakeholders have expressed their concerns with a higher winter level, approving authorities need to be able to evaluate the proposal in reference to FEMA guidelines. The FEMA flood elevations will show that any flooding downstream will occur in the natural flood plain of the river. Any activity occurring in the flood plain, such as farming, is a risk assumed by the involved property owner.

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*Post Office Box 1030  
Dadeville, Alabama 36853-1030*

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Jim, we appreciate the opportunity afforded stakeholders by FERC and Alabama Power Company to participate in the relicensing process. Our volunteers have many hours and personal expense committed to the successful conclusion of the process. We hope to look forward to the future of Lake Martin.

FOR THE BOARD OF DIRECTORS:

Sincerely,

A handwritten signature in cursive script that reads "Jesse M. Cunningham". The signature is written in black ink and is positioned above the printed name.

Jesse M. Cunningham  
President  
Lake Martin HOBOS<sup>inc.</sup>