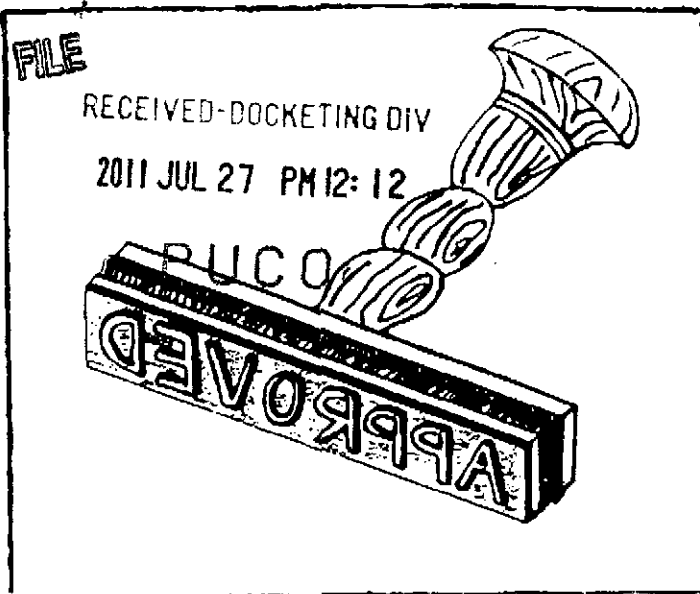




JULY 25, 2011
BRETT A HEFFNER
3429 STEIN ROAD
SHELBY, OHIO 44875
419 632 3845

TO: DOCKETING DIVISION
PUCO-OPSB
180 EAST BROAD STREET
COLUMBUS, OHIO 43215
RE: PETITION FOR LEAVE
TO INTERVENE
CASE # 10-2865-EL-BGN

GREETINGS,

PURSUANT TO OHIO ADMINISTRATIVE CODE 4906-7-04
(A)(2)(a), I, BRETT A. HEFFNER, PETITION THE BOARD FOR
LEAVE TO INTERVENE ON THE FOLLOWING GROUNDS:

FEDERAL 1603 CASH GRANTS WHICH WILL BE UTILIZED
EXTENSIVELY BY THE DEVELOPER PUT ME, MY NEIGHBORS,
OUR CHILDREN AND GRANDCHILDREN IN DEBT. THE
LEGISLATURE CHOOSES TO IGNORE THE GRIEVOUS
BURDEN IT PLACES UPON ITS CITIZENS, MAKING IT
NECESSARY TO FIGHT THE SPECIFIC EXPENDITURES OF
BORROWED MONEY ON A CASE BY CASE BASIS. THIS IS
ONE SUCH CASE. THOUGH ANY CITIZEN BY THIS
ARGUMENT COULD AND SHOULD BE INCLUDED AS AN
INTERVENOR, TO THE BEST OF MY KNOWLEDGE I
ALONE AM ASKING LEAVE TO INTERVENE ON THESE
GROUNDS.

OHIO RENEWABLE MANDATES FORCE ME, MY
NEIGHBORS, OUR CHILDREN AND GRANDCHILDREN
TO PURCHASE POWER FROM THESE SOURCES WITHOUT
OUR CONSENT AND AT ARTIFICIAL PRICES. THOUGH
ANY OHIO ELECTRIC CONSUMER COULD AND SHOULD
BE INCLUDED AS AN INTERVENOR ON THESE GROUNDS,

(1)

CONT'D

This is to certify that the images appearing are an
accurate and complete reproduction of a case file
document delivered in the regular course of business.
technician Date Processed 7/27/11

JULY 25, 2011

I KNOW OF NO ONE WHO IS PETITIONING LEAVE TO INTERVENE ON THESE GROUNDS.

THE PUBLIC, WHICH INCLUDES ME, IS THE ONLY RESOURCE TO DETERMINE THE ACCURACY OF THE APPLICATION. THE APPLICATION WAS ACCEPTED AS COMPLETE THOUGH IT CONTAINS NUMEROUS ERRORS OF FACT. THE BOARD WAS ALERTED TO SOME OF THESE ERRORS, AND RESPONDED THAT ARGUMENTS OF FACT WILL BE ADDRESSED AT THE PUBLIC AND ADJUDICATORY HEARINGS. TYPICALLY NO ANSWERS ARE GIVEN AT THE PUBLIC MEETING. IN THE ABSENCE OF A GOOD CROSS SECTION OF THE PUBLIC DURING ADJUDICATION, AND COGNIZANT THAT THE TOWNSHIPS AND COUNTIES ARE LIMITED TO THE SUBJECTS OF ROADS AND BRIDGES, THIS PROCEDURE LEAVES THE STAFF ALONE TO EVALUATE THE ACCURACY OF THE APPLICATION. THE STAFF MAY NOT POSSESS SPECIAL INTERPRETATIVE SKILLS. THE ENVIRONMENTAL STUDIES MAKE NO SUGGESTIONS AND VOICE NO CONCERNS, THE STUDIES JUST FULFILL A REQUIREMENT. IT IS UP TO US, THE RESIDENTS, TO BRING UP AND CONTEST ANY ERRORS OF FACT. EXPERT STATUS IS NOT NEEDED TO COMPILE ACTUARIAL DATA. SPECIAL SKILLS ARE NOT REQUIRED TO MISCOUNT BIRDS. TO THE EXTENT THAT SUCH STUDIES HAVE ANY VALIDITY, ANALYSIS CAN ONLY BE MADE IN NUMERIC OR STATISTICAL PROTECTION, WHICH BOTH THE COMPANY AND THE BOARD POSSESS NO UNIQUE QUALIFICATIONS OF ASSESSMENT. THE RESIDENT BIRD ENTHUSIAST, CONVERSELY, HAS EXPERIENCED THE EBB AND FLOW OF LOCAL BIRD POPULATIONS AND MIGRATIONS OVER A LONG PERIOD OF

JULY 25, 2011

TIME, WITH GREAT ENTHUSIASM, AND IS OFTEN MORE QUALIFIED THAN THE "EXPERT FROM AFAR", WHO ROLLS INTO THE AREA TO FULFILL A REQUIREMENT ON THE SITING BOARD CHECKLIST. AGAIN, WHEN HAS THE COMPANY DOING THE STUDY EVER RECOMMENDED A WIND FARM NOT BE BUILT; SUCH BEING THE CASE, WHY ARE SUCH STUDIES REQUIRED, OR SUCH COMPANIES GIVEN CREDENCE? PUBLIC INPUT IS ESSENTIAL.

I LIVE ONE AND ONE TENTH MILE FROM LEASED PROPERTY, LABELED PARTICIPANTS. I LIVE TWO AND TWO TENTHS OF A MILE FROM A METEOROLOGICAL TOWER UTILIZED IN THE COMPILATION OF DATA FOR THE APPLICATION. SOME OF MY NEIGHBORS WERE OFFERED BUT DECLINED LEASES, LEAVING SOME POTENTIAL THAT I MAY BE SURROUNDED BY PHASE TWO, THREE, FOUR, ET CETERA, TIL THE WELL OF GOVERNMENT MONEY RUNS DRY.

DURING THE LAST ROUND OF INTERVENTION REQUESTS, THE COMPANY LAWYER PETITIONED THE BOARD TO DENY INTERVENOR STATUS TO ME ON SEVERAL GROUNDS. THE BOARD CONCURRED WITH THE COMPANY ATTORNEY WITHOUT AFFORDING ME THE OPPORTUNITY TO ADDRESS THOSE ISSUES RAISED. THAT SHOULD NOT BE REPEATED.

STAFF HAS NOT YET SENT INTEROGATORIES TO THE COMPANY. THE FIELD OF SUBJECTS FOR INTERVENTION HAS NOT YET BEEN DEFINED.

WHEN WE APPROACHED THE BOARD BEFORE THE APPLICATION, WE WERE TOLD THAT THE PROJECT COULD NOT BE DISCUSSED UNTIL THERE WAS AN APPLICATION. ONCE THE APPLICATION WAS SUBMITTED,

JULY 25, 2011

4906-7-02 PROHIBITED EX PARTE DISCUSSION, AND THE BOARD CHAIRMAN REFUSED TO DISCUSS THE TOPIC AT A RICHLAND COUNTY PARTY MEETING. THERE IS NO REAL OR MEANINGFUL OPPORTUNITY FOR PUBLIC INPUT.

IN THE LAW, WHEN OUR PROPERTY IS WRONGLY TAKEN BY OUR NEIGHBOR, WE CAN RECOVER IT. THESE FUND MANAGERS, THREE TIERS OF LIMITED LIABILITY CORPORATIONS, BOARDS OF QUESTIONABLE CONSTITUTIONALITY, AND LEASE SIGNERS WILL TAKE BY FORCE THAT WHICH THEY CANNOT AFFORD TO BUY. THE LAW WILL PROTECT US, WE WILL BE MADE WHOLE.

BEST REGARDS,

BRETT ~~X~~

BA 7/25/11 JULY 25, 2011

ONE FURTHER ARGUMENT ON MY BEHALF PLEASE. I AM A MEMBER OF THE PUBLIC! THE RENEWABLE PORTFOLIO STANDARD IS CITED TO JUSTIFY THE PUBLIC NEED REQUIREMENT. THERE ARE OTHER METHODS GIVEN IN THE RPS THAN WIND ENERGY GENERALLY AND THIS PROJECT SPECIFICALLY TO MEET THESE REQUIREMENTS. WHY IS THE PUBLIC ALWAYS SOMEONE ELSE, NEVER US?! I DO NOT NEED THIS INDUSTRIAL INTRUSION! MY NON-PARTICIPATING NEIGHBORS, ALSO THE PUBLIC, DO NOT NEED THIS!

BH 7-25-11

JULY 25, 2011

COPIES SENT BY REGULAR MAIL TO:

BLACK FORK WIND LLC
52 EAST GAY STREET PO BOX 1008
COLUMBUS OH 43216-1008

MICHAEL J SETTNER
VORYS SATER SEYMOUR AND PEASE LLC
52 EAST GAY STREET PO BOX 1008
COLUMBUS, OH 43216-1008

CAROL GLEDHILL
7256 REMLINGER ROAD
CRESTLINE OHIO 44827

LOREN GLEDHILL
7256 REMLINGER ROAD
CRESTLINE OH 44827

OHIO FARM BUREAU FEDERATION
CHAD A. ENDSLEY PO BOX 182383
280 NORTH HIGH STREET
COLUMBUS, OH 43218-2383

SANDUSKY TOWNSHIP TRUSTEES
5201 HOOK ROAD
CRESTLINE, OHIO 44827

ORLA E COLLIER III
BENESCH, FRIEDLANDER COPLAN
AND ARONOFF LLP
41 SOUTH HIGH STREET 26TH FLOOR
COLUMBUS, OHIO 43215

MARY STUDER
6716 REMLINGER ROAD
CRESTLINE OHIO 44827

JOHN WARRINGTON
7040 STATE ROUTE 96
TIRO, OHIO 44887

CRAWFORD COUNTY COMMISSIONERS
STANLEY E FLEGM
112 E MANSFIELD ST SUITE 305
BUCYRUS, OHIO 44820

ELEMENT POWER
SCOTT HAWKEN
421 SW SIXTH AVE SUITE 1000
PORTLAND, OR 97204

GARY UTT, CHAIRMAN
RICHLAND COUNTY COMMISSIONERS
50 PARK AVE EAST
MANSFIELD, OHIO 44902

RICHLAND COUNTY ENGINEER
THOMAS E. BECIC
77 NORTH MULBERRY ST
MANSFIELD, OHIO 44902