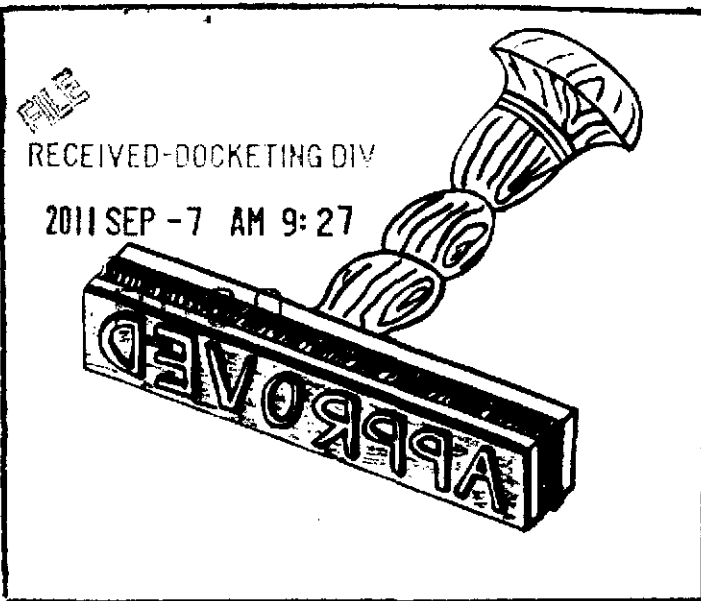


6
AUGUST 17, 2011
BRETT A HEFFNER
3429 STEIN ROAD
SHELBY, OHIO 44875
419 632 3845

TO: DOCKETING DIVISION
PUCO-OPSB
180 EAST BROAD STREET
COLUMBUS, OHIO 43215

RE: CASE# 10-2865-EL-BGN
RESPONSE TO MEMORANDUM
CONTRA FILED 2011 AUG 12



GREETINGS,

THE FOLLOWING IS FOR THE PURPOSE OF ADDRESSING THE APPLICANT'S MEMORANDUM CONTRA RECEIVED BY THE DOCKETING DIVISION AUGUST 12, 2011.

IN THE MEMORANDUM CONTRA BLACK FORK WIND ENERGY LLC MISCHARACTERIZED MY REASONS FOR SHOWING OF GOOD CAUSE FOR INTERVENOR STATUS, THEN ATTEMPTED TO SHOOT DOWN THEIR MISCHARACTERIZATIONS, LEAVING MY REASONS WHOLLY UNADDRESSED. MAY I CITE SOME EXAMPLES:

{ BRETT - PETITION FOR LEAVE, "I LIVE ONE AND ONE TENTH MILE FROM LEASED PROPERTY"
BFW E LLC - MEMO CONTRA, "MR. HEFFNER'S RESIDENCE ... 3.9 MILES FROM PROJECT BOUNDARY"

BRETT - PETITION FOR LEAVE "I LIVE TWO AND TWO TENTHS MILE FROM A METEOROLOGICAL TOWER UTILIZED IN THE COMPILATION OF DATA FOR THE APPLICATION"

BFW E LLC - MEMO CONTRA, "RESIDENCE IS OVER FOUR MILES FROM ANY PROPOSED TURBINE"

AUGUST 17, 2011

IN THE MEMORANDUM CONTRA II P TWO BLACK FORK WIND ENERGY LLC INACCURATELY STATES THAT I ARGUE THE OHIO RENEWABLE MANDATES. IN MY PETITION FOR LEAVE TO INTERVENE OF JULY 25, 2011, P ONE AND TWO, I DO NOT ARGUE THE PROPRIETY OR LEGALITY OF THE MANDATES, ONLY THAT THEY PLACE ME CLEARLY AS A PERSON OF STANDING, AND THAT OTHER PARTIES DO NOT REPRESENT ME.

IN THE LAST PARAGRAPH OF MY PETITION, I ARGUE NOT AGAINST PROVISIONS OF THE RPS, BUT FOR THE PROVISIONS FOR OTHER METHODS GENERALLY AND OTHER PROJECTS SPECIFICALLY TO MEET THESE MANDATES. I AM NOT ARGUING THE MERITS OF THE RPS, BUT RATHER THE COMPANY'S INFERENCE THAT THIS PROJECT ALONE CAN FULFILL THOSE REQUIREMENTS.

BLACK FORK WIND ENERGY LLC FURTHER STATES IN ITS' MEMORANDUM CONTRA " "ERRORS OF FACT" IN THE APPLICATION CAN BE ADRESSED BY OTHER INTERVENORS". THEY CAN BE, BUT IF WE ARE EXCLUDED, WILL THEY BE? IF THE BOARD EXCLUDES ALL WHOSE INTEREST CAN OR MIGHT BE CONTAINED IN ANOTHER'S INTERVENTION, WHO IS LEFT? WHEN THE LIST OF ISSUES IS FRAMED AFTER THE SUBMITTAL OF THE STAFF'S REPORT OF INVESTIGATION, THAT IS THE TIME TO MAKE ARGUMENTS OF REDUNDANCY OR EXPEDIENCY.

(2)

CONT'D →

AUGUST 17, 2011

4906-7-04 (B) (1) " THE BOARD OR THE ADMINISTRATIVE LAW JUDGE MAY (EMPHASIS MINE) CONSIDER:

- (a) THE NATURE AND EXTENT OF THE PERSONS INTEREST
- (b) THE EXTENT TO WHICH THE PERSONS INTEREST IS REPRESENTED BY EXISTING PARTIES
- (c) THE PERSONS POTENTIAL CONTRIBUTION TO A JUST AND EXPEDITIOUS RESOLUTION OF THE ISSUES INVOLVED IN THE PROCEEDING
- (d) WHETHER GRANTING THE REQUESTED INTERVENTION WOULD UNDULY DELAY THE PROCEEDING OR UNJUSTLY PREJUDICE ANY EXISTING PARTY.

I DO NOT READ IN THE OAC THAT MY SHOWING OF GOOD CAUSE IN MY PETITION FOR LEAVE TO INTERVENE IS EQUAL TO STATING MY FUTURE LIST OF ISSUES TO BE ADDRESSED AT THE ADJUDICATORY HEARING. IT WOULD BE DIFFICULT TO PROPERLY FRAME A LIST OF ISSUES IN THE ABSENCE OF THE STAFF REPORT AND CLARIFICATIONS. THESE ARE TWO SEPERATE ISSUES IN THE OAC, WITH TWO SEPERATE TIMELINES.

- (a) NATURE AND EXTENT OF MY INTEREST IS SATISFIED BY GOOD CAUSE ONE AND TWO CONTAINED ON PAGE ONE OF MY PETITION, AND BY THE POST-SCRIPTED PARAGRAPH ON PAGE FOUR.
- (b) THE EXTENT TO WHICH MY INTEREST IS REPRESENTED IS FOUND IN THE CLOSING SENTENCES OF THE ABOVE REFERENCED PARAGRAPHS, IT MAY ALSO BE FOUND IN MY LETTER FEBRUARY 10, 2010 CASE # 09-546-EL-BGN, WHEN I ADDRESSED THE MEMORANDUM CONTRA FROM THE PREVIOUS WIND FARM HASTILY FORMED

AUGUST 17, 2011

LIMITED LIABILITY CORPORATION ON A PROJECT WHICH INCLUDED THE SOME LEASEHOLDERS.

WHEN I ASK ALL THOSE FOLKS THAT THE COMPANY CLAIMS REPRESENT ME, THE ANSWER IS A "NO".

(c) THERE IS PLENTY OF CONTRIBUTION TOWARD THE GOAL OF EXPEDIENCY FROM THE COMPANY'S SIDE AND THE BOARDS SIDE. WE NEED TO HAVE SOME EMPHASIS ON THE "JUST" ASPECT OF THIS ADMINISTRATIVE RULE. WE HAVE A POUND OF EXPEDIENCY, WITH ONLY AN OUNCE OF JUSTICE. OR, TO MIMIC THE COMPANY'S ERRATIC SWITCHING OF UNITS OF MEASURE IN THE APPLICATION, THERE ARE 454 GRAMS OF EXPEDIENCY FOR OUR 28 GRAMS OF JUSTICE.

(d) I HAVE READ EVERY SCRAP OF PAPER INVOLVED IN THIS CASE, LOGGED COUNTLESS MILES, ENDURED NUMEROUS MEETINGS. ANY REQUESTS FOR MORE TIME MADE BY ME OR ANY IN OPPOSITION HAVE BEEN DENIED. EVERY REQUEST FOR CONTINUANCE MADE BY THE COMPANY HAS BEEN GRANTED. I ASK THAT THE WORDS "UNDULY" AND "UNJUSTLY" USED IN THIS SECTION OF THE OAC NOT BE UNDULY OR UNJUSTLY PREJUDICIAL AGAINST WE CITIZENS WHO ARE MOST AFFECTED. I AM EXPECTING TO MAKE A SMALL BUT MEANINGFUL CONTRIBUTION TO THIS ADJUDICATION.

BZ77effman 8-17-11

BEST REGARDS

BRETT ~~JA~~

(4)

AUGUST 17, 2011

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(a)

CONT'D →

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(b)

BA Neffman

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