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BEFORE THE OHIO POWER SITING BOARD

2012 FEB 21 PM 4:06

In the Matter of the Application)
of Black Fork Wind Energy, LLC for)
a Certificate to Install Numerous)
Electricity Generating Wind Turbines in)
Crawford and Richland Counties, Ohio)

PUCO

Case No. 10-2865-EL-BGN

APPLICATION FOR REHEARING AND RECONSIDERATION OF INTERVENOR JOHN WARRINGTON

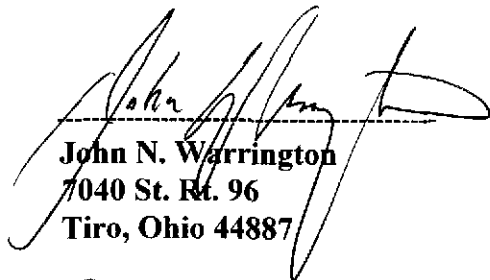
I. The Board lacks the ability to render an objective and non-bias decision in order to protect the public interest, well being and property of Ohio citizens. The OPSB acts only as enablers of industrial wind installation in Ohio with complete disregard for testimony or criteria which disagrees with their industrial wind agenda.

II. By the approval of The Blackfork Wind Energy Project, Case Number 10-2865-EL-BGN, the Ohio Power Siting Board forces a regulatory taking of property without compensation in violation of the U.S. and Ohio Constitutions, upon hundreds of Crawford and Richland county residents.

III. The Board creates an evidentiary double standard that is a violation of due process. The Board has the ability to receive and review the voluminous credible data documenting the immense negative impact that an industrial wind installation will have upon a community, but refuses to do so. The Board receives all wind industry opinion as fact while rejecting the credibility of virtually all opposing data.

The basis for this petition, including additional information about errors in the Board's opinion, is set forth in more detail in the attached Memorandum in Support.

Respectfully submitted,


John N. Warrington
7040 St. Rt. 96
Tiro, Ohio 44887

BEFORE THE OHIO POWER SITING BOARD

In the Matter of the Application)
of Black Fork Wind Energy, LLC for)
a Certificate to Install Numerous) Case No. 10-2865-EL-BGN
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MEMORANDUM IN SUPPORT OF APPLICATION FOR REHEARING OF INTERVENOR
JOHN WARRINGTON

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MEMORANDUM IN SUPPORT OF APPLICATION FOR REHEARING

I. The Board lacks the ability to render an objective and non-bias decision in order to protect the public interest, well being and property of Ohio citizens. The OPSB acts only as enablers of industrial wind installation in Ohio with complete disregard for testimony or criteria which disagrees with their industrial wind agenda.

Found on page 70 of the 75 page OPINION, ORDER AND CERTIFICATE we find “ **Any allegation presented in opposition to the Stipulation is hereby considered denied.**” This typifies the attitude and demeanor of the entire OPSB approach. OPSB made only a pretense of allowing the citizen interveners to participate as a means to make complete the miscarriage of justice. My intervention document were used by permission of Mike McCann Real Estate and should have been considered. But ALJ’s Fullin and Farkas ruled with great speed to strike the property value information provided. (found on the online docket 08/30/2011) Fullin and Farkas allowed the BlackFork Wind Energy LLC representatives David Stoner and Scott Hawken to seal the record by stating that NO evidence exists that can sustanstiate an opinion that an industrial wind installation can have any negative impact upon real estate values. The exact wording can be found on the transcript by Jennifer Duffer. The approval of this sentiment and the unanimous approval vote of the BlackFork Wind Project by OPSB is tantamount to the most nefarious example of blind and deaf “justice” perhaps in Ohio history.

Even the installation of a single cell phone tower has a negative impact on real estate value, yet OPSB evidently rest upon the opinion that 91 industrial wind turbines, each of which would dwarf the presence of a cell phone tower, have a neutral effect on real estate, in fact benign.

Also my request to have a real estate expert testify by a SKPE teleconference was denied by the ALJ’s with the justification that my witness could be being prompted by another off screen expert.

The citizen interveners are aware that even if we divested ourselves of our life savings bringing experts to the hearings our opinions and testimony would be met with the same contempt.

The OPSB have acted in everyway as if they are the “Wind Industry”. Furthermore, it appears evident the OPSB has not seen an application it doesn’t like, as all Ohio projects are coupled with the streamline approval process. Lastly to show the utter bias of OPSB I point to their own web home page with displaying several cartoonish images of wind turbines and links to speed up a wind project approval.

II. By the approval of The Blackfork Wind Energy Project, Case Number 10-2865-EL-BGN, the Ohio Power Siting Board forces a regulatory taking of property without compensation in violation of the U.S. and Ohio Constitutions, upon hundreds of Crawford and Richland county residents.

My intervention documents while procedurally stricken present the opinion of non wind industry real estate studies that display the **inevitable loss of residential value ranging from 25% to 40% of pre wind farm value**. And much worse than this the very real possibility of the total loss of marketability of a home. But this matters not one whit to the OPSB. Here is what matter in Columbus in the early 21st century.

<http://www.opsb.ohio.gov/opsb/?LinkServID=895FE98C-C363-FCF9-6BFDC7DF3A3F7AA2>

The OPSB Wind Stats Map gives displays a goal of 937 industrial turbines planted across Ohio and both you know and I know that you the OPSB have no intention of “mitigating” anything to protect the citizens of Ohio from any negative aspects.

Tens of millions of dollars of property devaluation will most certainly be realized. Conservatively 40 to 50 million dollars of loss will be suffered by the 1000 plus non participating receptors of BlackFork Wind’s noise, shadow, strobe lights and visual offense. No totals are considered by OPSB. Perhaps approaching a half a billion dollar loss depending on population. These losses negate all job revenue and all tax benefit to counties. While simultaneously sending monies to China for turbines and electricity revenue to European energy companies. And thus creating a dependence of foreign electricity.

A Regulatory Taking of Private Property without Compensation. A reverse condemnation of real estate. Solely for to fervent fulfillment of SB221 and Renewable Portfolio Standards.

Thus violating R.C. 4906.10(A)(2),(3), and (6) and the U.S and Ohio Constitutions.

III. The Board creates an evidentiary double standard that is a violation of due process. The Board has the ability to receive and review the voluminous credible data documenting the immense negative impact that an industrial wind installation will have upon a community, but refuses to do so. The Board receives all wind industry opinion as fact while rejecting the credibility of virtually all opposing data.

From the inception of the BlackFork Wind project hosted by the original applicant Gary Energitics the Board has permitted and facilitated a severe marginalization of non-participating residents within the project area. Numerous letters of opposition containing

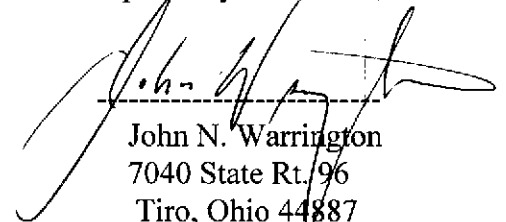
pointed and serious questions to the Board were habitually met with form letter obfuscation. Residents were told to await a Public Meeting where all answers were forthcoming. In fact the original BlackFork meeting was a very controlled event that wasted time and sidestepped all difficult questions. Offers to answer questions by Gary Energetics web site web never fulfilled. The OPSB were silent and tolerated this problem. When the project was sold to Blackfork Wind Energy Project LLC./ Element Power LLC again all questions were pointed to a public meeting. Public meeting number one hosted a science fair atmosphere where the applicant could huddle with participants and avoid direct statements. All difficult questions to the applicant were avoided and dodged. OPSB allowed this. Continuing the questions to the docketing division at PUCO all questions were again directed to the 2nd Public Meeting. At this meeting no questions were accepted by staff or developer. Moving ahead continued appeals to the Board docketing division including document questions, and data, all opposition residents were told to anticipate the Adjudicatory hearing. During the hearing my attempt to ask one question of Scott Pauley was objected to by BlackFork council and sustained by Judge Farkas. In effect ending a three year quest to receive an answer to any question about the project. OPSB staff permitted by habit this type of sidelining of interveners as the proceeding went through the motions.

The applicant BlackFork presented a collection of opinions for hire who systematically recited the opinion that minimal to no impact would be realized to effect wild life, health, residents, aviation, shadow flicker, and noise. All Board members validated this counterfactual testimony by voting unanimous approval of the project.

The Board presented NO evidence of research of preparation. In my opinion and by my first hand experience with the hearing The Board and ALJ's Farkas and Fullin accepted all pro wind opinion at face value as fact, while heavily scrutinizing all opposition questioning and testimony. In violation of R.C. 4906.10 the Board improperly delegated its authority to the Administrative Law Judges.

MOTION FOR REHEARING AND RECONSIDERION

Respectfully Submitted,



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February 18th 2012

CERTIFICATE OF SERVICE

I certify that a copy of the forgoing document was served upon the following persons via U.S. Mail this 18th day of February 2012 :

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I certify that a copy of this document was served upon the following persons by hand delivery this day February 18th 2012.

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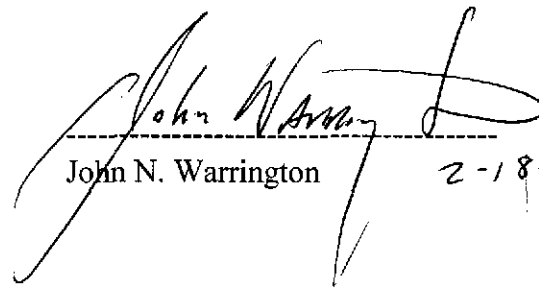
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John N. Warrington 2-18-12