

**Before
THE SUPREME COURT OF OHIO**

Gary J. Biglin, Brett A. Heffner, Alan Price,
Catherine Price, and John Warrington

Appellants,

VS

The Public Utilities Commission
of Ohio

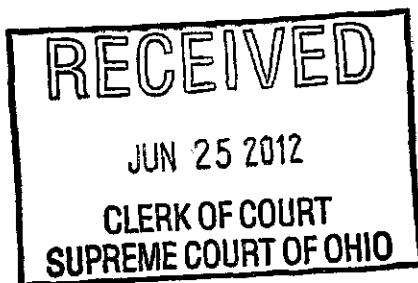
Appellee.

Supreme Court No. 12-0900

**Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the matter of the application of the Black
Fork Wind Energy, LLC for a certificate
To install numerous electricity generating
Wind turbines in Crawford and Richland
Counties.

Case No. 10-2865-EL-BGN



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<u>9/19/2011</u>	Testimony in opposition of the Black Fork Wind project filed by Gary Biglin.	110
<u>9/19/2011</u>	Correspondence stating that on 3/25/11 Brett Heffner 9/16/11 Pam Lauer 9/16/11 Peter Rietchlin are opposed of the Black Fork Wind project.	111
<u>9/19/2011</u>	Testimony filed on behalf of Thomas Allen Karbula Sr. concerning opposition to Black Fork Wind Energy, LLC project.	112
<u>9/19/2011</u>	Testimony filed on behalf of Catherine K. Price concerning opposition to Black Fork Wind Energy, LLC project.	113
<u>9/19/2011</u>	Testimony filed on behalf of Alan K Price concerning opposition to Black Fork Wind Energy, LLC project.	114
<u>9/19/2011</u>	Testimony filed on behalf of Brett Heffner concerning opposition to Black Fork Wind Energy, LLC project.	115

<u>9/19/2011</u>	Proof of publication, Crawford County, Ohio filed by S. Howard on behalf of Black Fork Wind Energy, LLC.	POP
<u>9/20/2011</u>	Black Fork Wind Energy LLC response to the Discovery questions served by J. Warrington, filed by Michael Settineri on behalf of Black Fork Wind Energy LLC.	116
<u>9/21/2011</u>	Entry ordering that the evidentiary hearing be continued to October 11, 2011 at 10:00 a.m. (SF)	117
<u>9/21/2011</u>	Letter opposing the Black Fork Wind Project filed by Jayme Kilgore.	Corres.
<u>9/21/2011</u>	Transcript to the testimony of the Public Hearing Shelby, Ohio. (part 1 of 2).	Trans.
<u>9/21/2011</u>	Transcript to the testimony of the Public Hearing Shelby, Ohio. (part 2 of 2).	Trans.
<u>9/21/2011</u>	Public comment in support of the Black Fork Wind Farm project filed by consumers, Eileen and James Givirtz.	Corres.
<u>9/21/2011</u>	Public comment in support of the Black Fork Wind Farm project filed by consumers, Joe and Maxine Niese.	Corres.
<u>9/21/2011</u>	Public comment in support of the Black Fork Wind Farm project filed by consumer, H. Wiley.	Corres.
<u>9/21/2011</u>	Public comment in support of the Black Fork Wind Farm project filed by consumer, K. Nutter.	Corres.
<u>9/21/2011</u>	Public comment in support of the Black Fork Wind Farm project filed by consumer, H. Wiley.	Corres.
<u>9/21/2011</u>	Public comment in favor of the Black Fork Wind project filed on behalf of consumer, M. Culp.	Corres.

<u>9/26/2011</u>	Response letter sent to: Mary A. Struder filed by K. Wissman on behalf of OPSB.	Corres.
<u>9/26/2011</u>	Response letter sent to: Mr. & Mrs. Tom Clabaugh filed by K. Wissman on behalf of OPSB.	Corres.
<u>9/28/2011</u>	Joint Stipulation and Recommendation finding of fact and Conclusion of Law filed by M. Petricoff on behalf of Black Fork Wind Energy LLC, John Jones on behalf of OPSB Staff, Chad Endsley on behalf of Ohio Farm Bureau Federation, and Christina Grasseschi on behalf of OPSB Staff.	118
<u>10/3/2011</u>	Letter requesting the stipulation be rejected filed by intervenor, B. Heffner.	119
<u>10/4/2011</u>	Letter requesting the stipulation be rejected filed by intervenor, B. Heffner. (original)	120
<u>10/5/2011</u>	Supplemental Direct Testimony of Tim Wert filed by Orla E. Collier.	121
<u>10/5/2011</u>	Supplemental Direct testimony of Thomas E. Beck P.E, P.S filed by Orla E. Collier.	122
<u>10/5/2011</u>	Supplemental Direct Testimony of Edward W. Olson filed by Orla E. Collier.	123
<u>10/5/2011</u>	Supplemental Testimony of Jon C. Pawley on behalf of the staff of the Ohio Power Siting Board Energy & Environment Department filed by Stephen A. Reilly on behalf of the Staff.	124
<u>10/5/2011</u>	Notice of witness presentation by Black Fork Wind Energy, LLC filed by M. Settineri.	125

<u>10/5/2011</u>	Amendment to joint stipulation and recommendation filed by H. Petricoff on behalf of Black Fork Wind Energy, LLC, S. Reilly on behalf of OPSB Staff, C. Endsley on behalf of the Ohio Farm Bureau Federation, C. Grasseschi on behalf of OPSB Staff, and O. Collier on behalf of the Board of County Commissioners of Crawford County.	126
<u>10/5/2011</u>	Supplemental testimony of Jay Haley filed by M. Settineri.	127
<u>10/5/2011</u>	Supplemental testimony of Kenneth Kaliski filed by M. Settineri.	128
<u>10/5/2011</u>	Supplemental testimony of David A. Stoner filed by M. Settineri.	129
<u>10/5/2011</u>	Direct testimony of Barry Yurtis filed by M. Sittineri.	130
<u>10/5/2011</u>	Supplemental testimony of Scott Hawken filed by M. Settineri.	131
<u>10/5/2011</u>	Supplemental testimony of James Mawhorr filed by M. Settineri.	132
<u>10/6/2011</u>	Transcript of Black Fork Wind Energy, LLC hearing held on 09/19/11 electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.	Trans.
<u>10/21/2011</u>	Notice of withdrawal filed by T.A.Karbula on behalf of Black Fork Wind Energy, LLC.	133
<u>10/28/2011</u>	Transcript of Black Fork Wind Energy, LLC hearing held on 10/11/11 - Vol II electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.	Trans.
<u>10/31/2011</u>	Transcript of Black Fork Wind Energy, LLC hearing held on 10/12/11 - Vol III electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.	Trans.

<u>11/2/2011</u>	Transcript of Black Fork Wind Energy, LLC hearing held on 10/13/11 - Vol IV electronically filed by Mrs. Jennifer Duffer on behalf of Armstrong & Okey, Inc. and Anderson, Rosemary Foster Mrs.	Trans.
<u>11/17/2011</u>	Exhibit 21-Red-line copy of Crawford County Road Agreement and K. Davis Exhibit C- Picture Macho Springs, NM, Wind Farm, for hearing held on 10/13/11, before S. Farkas and D. Fullin.	Exh.
<u>1/23/2012</u>	Opinion and Order, that the stipulation, as amended, be approved and adopted; that a certificate be issued to Black Fork pursuant to Chapter 4906, Revised Code, for the construction, operation, and maintenance of the wind-powered electric generation facility, subject to the conditions set forth in the Stipulation, as amended; that the certificate contain the conditions set forth in the stipulation, as amended; that Black fork take all necessary steps to carry out the terms of the stipulation, as amended and this order.	134
<u>2/17/2012</u>	Application for rehearing and memorandum in support filed on behalf of Intervenor, Gary J. Biglin.	135
<u>2/17/2012</u>	Application for rehearing and memorandum in support filed on behalf of Intervenor, Catherine A. Price.	136
<u>2/17/2012</u>	Application for rehearing and memorandum in support filed on behalf of Intervenor, Alan K. Price.	137
<u>2/21/2012</u>	Application for Rehearing and reconsideration and memorandum in support of the intervenor John Warrington.	138
<u>2/21/2012</u>	Application for Rehearing filed by Brett A. Heffner.	139
<u>2/22/2012</u>	Application for a rehearing of intervener and memorandum in support filed by Loren A. Gledhill.	140
<u>2/22/2012</u>	Application for a rehearing of intervener Carol A. Gledhill filed by C. Gledhill.	141

<u>2/27/2012</u>	Memorandum Contra of Black Fork Wind Energy, LLC to the applications for rehearing of Gary Biglin, Alan Price, and Catherine Price filed by M. J. Settineri.	142
<u>2/28/2012</u>	Entry ordered that the applications for rehearing filed by Alan Price, Catherine Price, Gary Biglin, Brett Heffner, John Warrington, Carol Gledhill, and Loren Gledhill are granted for the purpose of affording the Board additional time to consider the issues raised therein. (SF)	143
<u>3/2/2012</u>	Memorandum contra of Black Fork Wind Energy, LLC to the applications for rehearing of B. Heffner and J. Warrington filed by M Settineri.	144
<u>3/2/2012</u>	Motion to strike portions of the application for rehearing and memorandum contra his request to enter recordings of the 9/9/11 pre-hearing telephone conference filed by B. Heffner.	145
<u>3/5/2012</u>	Memorandum contra of Black Fork Wind Energy, LLC to the applications for rehearing be Carol A. Gledhill and Loren A. Gledhill filed by M. Settineri.	146
<u>3/9/2012</u>	Response to the motion to strike and memorandum contra filed by Brett A. Heffner. (FAX)	147
<u>3/9/2012</u>	Memorandum contra of Black Fork Wind Energy, LLC to the application for rehearing by Gary J. Biglin. (FAX)	148
<u>3/9/2012</u>	Motion to strike Gary Biglin's March 5, 2012 reply and memorandum in support filed by M. Settineri on behalf of Black Fork Wind Energy, LLC.	149
<u>3/12/2012</u>	Response to the memorandum contra of Black fork Wind Energy LLC filed by Brett A. Heffner. (FAX)	150
<u>3/12/2012</u>	Reply of Black Fork Wind Energy LLC to Brett A. Heffner's March 9, 2012 response to Black Fork Wind Energy LLC's Motion to strike Filed by Michael J. Settineri on behalf of Black Fork Wind Energy LLC.	151

<u>3/13/2012</u>	Objection in regards to applications for rehearing filed Brett A. Heffner.	152
<u>3/13/2012</u>	Black Fork Wind Energy, LLC memorandum contra to Mr. Brett Heffner's March 13, 2012 objection filed by M. Settineri.	153
<u>3/13/2012</u>	Letter that the applicant, Black Fork Wind Energy, LLC, will not file a reply to Mr. Heffner's reply filed by M. Settineri.	154
<u>3/22/2012</u>	Entry ordered, that the interlocutory appeal filed by Brett Heffner not be certified to the board. (SF)	155
<u>3/26/2012</u>	Entry ordering Mr. Heffner's request to have the CD admitted into the record be denied, the Applicant's motion to strike be dismissed as moot; the rehearing applications filed by Alan Price, Cathreine Price, Gary Biglin, Brett Heffner, John Warrington, Carol Gledhill, and Lorren Gledhill are all denied in their entirety and dismissed of record.	156
<u>5/1/2012</u>	Correspondence addressing if the stipulation should be revisited in regard to the safety set backs of 494 foot tall wind turbines from non-participating property lines and public roadways filed by G. Biglin.	157
<u>5/4/2012</u>	OPSB Public comment response mailed to G. Biglin from T. Snitchler, Chairman.	Corres.
<u>5/24/2012</u>	Notice of Appeal of Appellants Intervenors, Gary J. Biglin, Brett A. Heffner, Alan Price, Catherine Price and John Warrington filed by P. Murphy and Z. Tidaback.	158

**Before
THE SUPREME COURT OF OHIO**

Gary J. Biglin, Brett A. Heffner, Alan Price, Catherine Price, and John Warrington)	
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)	
)	
Appellants,)	
)	
VS)	Supreme Court No. 12-0900
)	
)	
The Public Utilities Commission of Ohio)	
)	
)	
)	
)	
Appellee.)	

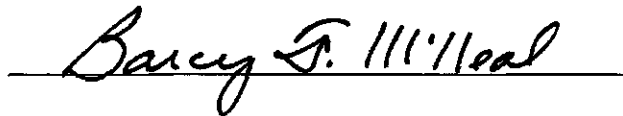
**Being Before
THE PUBLIC UTILITIES COMMISSION OF OHIO**

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)	
In the matter of the application of the Black Fork Wind Energy, LLC for a certificate To install numerous electricity generating Wind turbines in Crawford and Richland Counties.)	
)	Case No. 10-2865-EL-BGN
)	
)	
)	

CERTIFICATION

I, Barcy F. McNeal, the duly appointed and qualified Secretary of The Public Utilities Commission of Ohio, in whose custody the books, records, and files of said Commission are kept, do hereby certify there is transmitted herewith the docket entries of the Commission, ICN No. **1-158**, the **Opinion and Order dated 1/23/2012** and the **Entry on Rehearing dated 2/28/2012** inclusive; and the Certification of the record in Case No. **10-2865-EL-BGN**

IN WITNESS THEREOF, I have thereunto set my hand
and affixed the official seal of The Public Utilities Commission
of Ohio this 25th day of JUNE, 2012.

A handwritten signature in cursive script, reading "Barcy F. McNeal", is written over a horizontal line.

Barcy F. McNeal, Secretary
Betty McCauley, Acting Secretary
Tanowa M. Troupe, Acting Secretary

THE PUBLIC UTILITIES COMMISSION OF OHIO