

FILE

Oct. 21. 2014 3:51PM

IS IT REALLY No. 3023 P. 1

OCTOBER 21, 2014 ALREADY?

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FAX

BA HEFFNER
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BEFORE THE OHIO POWER SITING BOARD
IN THE MATTER OF THE APPLICATION
OF BLACKFORK WIND ENERGY LLC
TO AMEND ITS CERTIFICATE ISSUED
IN CASE # 10-2865-ELBGN
CASE # 14-1591-EL-BGA
PETITION TO INTERVENE BY
BRETT A HEFFNER

RECEIVED-DOCKETING DIV
2014 OCT 21 PM 4:03
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GATSBY TOOK UP HIS DRINK...
"THEY CERTAINLY LOOK COOL," HE
SAID WITH VISIBLE TENSION. WE
DRANK IN LONG GREEDY SWALLWS.
"I READ SOMEWHERE THAT THE
SUN'S GETTING HOTTER EVERY
YEAR," SAID TOM GENIALLY. "IT
SEEMS PRETTY SOON THE EARTH'S
GOING TO FALL INTO THE SUN -
OR WAIT A MINUTE - IT'S JUST
THE OPPOSITE - THE SUN'S
GETTING COLDER EVERY YEAR."
I WENT WITH THEM OUT TO
THE VERANDA. ON THE GREEN
SOUND, STAGNANT IN THE HEAT,
ONE SMALL SAIL CRAWLED SLOWLY
TOWARD THE FRESHER SEA. GATSBY'S
EYES FOLLOWED IT MOMENTARILY;
HE RAISED HIS HAND AND POINTED
ACROSS THE BAY.
"I'M RIGHT ACROSS FROM YOU."
"SO YOU ARE."

F. SCOTT FITZGERALD

GREETINGS,

I AM AN INTERVENOR IN THE ABOVE CAPTIONED CASE BECAUSE
THE PROPOSED AMENDMENT IS NOT A SIGNIFICANT OR MATERIAL
CHANGE TO THE ORIGINAL CASE # 10-2865-EL-BGN, OF WHICH
I AM A PARTY. OR, THIS IS A SIGNIFICANT OR MATERIAL
CHANGE REQUIRING AN APPLICATION FOR AMENDMENT CASE
14-1591-EL-BGA, AND THUS THE NEW SETBACK RULES APPLY.

IF THE COMPANY HAS SPENT ONE MILLION ONE HUNDRED
THOUSAND DOLLARS ON INTERCONNECTION, THAT EXPENDITURE
WOULD MAKE LESS CREDIBLE THE COMPANY'S ARGUMENT THAT
CITIZEN INPUT HAS PREVENTED THE PROJECT FROM COMMENCING.
THAT WORK FITS NEITHER THE INTERNAL REVENUE SERVICE
NOR THE OHIO REVISED CODE DEFINITION OF COMMENCEMENT,
BUT SUCH AN INVESTMENT WOULD NOT HAVE BEEN MADE
IF PUBLIC INVOLVEMENT WERE THE DEFINITIVE LIMITING
CONDITION TO COMMENCEMENT, OR EVEN A SIGNIFICANT
FACTOR.

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CONT'D

IT BRINGS TO MIND A FRANKLINISM INVOLVING SOMETHING AND A POT... IT'S TIME TO DO THE ONE OR GET OFF THE OTHER. THE BOARD HAS CHOSEN TO IGNORE LEGITIMATE NON-PARTICIPANT (IS THERE SUCH A THING... REALLY?) CONCERNS; THESE CONCERNS HAVE BEEN WELL STATED AND THOROUGHLY DOCUMENTED... THE COMPANY DAWDLES, YET BLAMES LEGITIMATE CITIZEN INVOLVEMENT FOR THE DELAY OF IMPLEMENTATION.

IF I WERE TO SPEND SCANT FIVE MINUTES ON EACH PAGE OF THE AMENDMENT, IT WOULD CONSUME TWO FULL MONTHS WORKING FULL TIME.

I EXPECT TO FIND AS I SHOVEL THE TONS OF ORE TO FIND THE HIDDEN NUGGET THAT THE NEGATIVE IMPACTS TO NON-PARTICIPATING LANDOWNERS ARE LARGELY THE SAME OR VERY SLIGHTLY LESS THAN THE TURBINE MODELS SPECIFIED IN THE CERTIFICATE. THOUGH WE WERE PROMISED IN THE ADJUDICATORY HEARING THAT NEW TURBINE MODELS WOULD NECESSITATE A NEW APPLICATION AND A NEW PUBLIC HEARING, I SEE NO BENEFIT IN REHASHING WITH THE BOARD THE ARGUMENTS TO WHICH THEY HAVE REPEATEDLY DEMONSTRATED INSENSITIVITY.

THE COURTS OF COMMON PLEAS HAVE A MORE RIGID STANDARD WITH REGARD TO INJURY TO AN OADR CITIZEN OR HIS PROPERTY, AND DO NOT POSSESS THE BOARD'S ANTI-BUMPRIN BIAS. A SLIGHT HOME TEAM ADVANTAGE MAY EXIST.

I AGREE THAT INTERVENORS SHOULD BE LIMITED TO DISCUSSION OF THE AMENDMENT, BUT TO LIMIT DISCUSSION TO TOPICS CONTAINED IN REQUEST FOR LEAVE TO INTERVENE CREATES A CONDITION AFTER THE FACT, IS PREJUDICIAL TO INTERVENORS, AND CREATES A HUMANLY UNWORKABLE TIMELINE.

EXPEDITIOUSLY GRANT THE APPLICANTS REQUEST TO UTILIZE THE NEW TURBINE MODELS. LET THE COMPANY, CONCENTRATE THEIR EFFORTS ON GETTING PURCHASE POWER AGREEMENTS, NEW MODIFIED LANDOWNER LEASE AGREEMENTS, ROAD USE AGREEMENTS, AND OTHER NECESSITIES WHICH HAVE BEEN LARGELY IGNORED SINCE CERTIFICATION.

(2)

BEST REGARDS, BRETT
Brett 10/21/14

Certificate of Service

Copies of the forgoing document sent to the following parties of record

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