

Case # 05-1740-E-CS Liberty Gap Wind Force, LLC

DATE: 4 August 2006

RE: A Protest to Liberty Gap's Petition to Reconsider the Commission's Order

FROM: Arthur Hooton via fax

Dear Ms. Squire:

It is tempting to speculate that Liberty Gap's expressions of concern over the welfare and safety of FOBPC's hydrology survey team is a bogus excuse for their earlier denial of access to the project site. A suggestion that Jack Mountain is "crawling with rattlesnakes" is also at odds with the Endangered and Threatened Species Report submitted with their application. It reported finding only three rattlesnakes along 6 ½ miles of the 44 proposed turbine sites and a fourth rattlesnake on an access road. Either their wildlife survey was not very thorough, thus raising doubts as to its overall validity, or if valid, then raising doubts as to the sincerity of their expressions of safety concerns about rattlesnakes as stated in the Petition to Reconsider the Commission's Order.

As a resident landowner in Pendleton County, I am of the opinion that the Public Service Commission made a reasonable and correct decision to dismiss Liberty Gap's application by its Order of July 24, 2006. I am also of the opinion that Liberty Gap's request to the PSC to reconsider that decision, based on Liberty Gap's newly found cooperative attitude and its supposedly misunderstood motives, is without merit.

Liberty Gap's proposed remedy comes too late to salvage its dismissed application. Even with a deadline extension and expense payments to FOBPC's hydrology expert, it is clear from Liberty Gap's own testimony that Jack Mountain is simply too dangerous a place to conduct a hydrology survey until the numerous resident bears and timber rattlesnakes have gone into hibernation — a process that usually occurs by mid-November.

However, at that time weather would become a major factor in limiting access for the FOBPC hydrologist, particularly in light of the highly unsafe logging roads described in Liberty Gap's request for reconsideration. Also, because AWP has retained the hunting rights and fully intends to do so for the current season, it would not be "safe" for that reason to enter the property until the hunting season ends in January 2007. I believe April or May of 2007 would be the earliest reasonable and safe time period for the FOBPC hydrology team to survey the proposed site should Liberty Gap decide to file another siting certificate application.

As to the faxed letter from Mr. Grimm on behalf of the Pendleton County Commission, its financial arrangements with Liberty Gap are not germane to Liberty Gap's petition to reverse the dismissal and should have no bearing on the outcome. Also, there are questions about the durability of the payment agreement between Liberty Gap and the County Commission. Public opinion is overwhelmingly against the County Commission's endorsement of Liberty Gap, and the Commissioners have mistakenly accepted short-term monetary promises from Liberty Gap without any comprehension of the long-term negative consequences on the tourism, outdoor recreation, vacation homebuilding and real estate businesses currently thriving in the county.

Arthur Hooton

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