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**John Lawrence Hargrove**  
H.C. 71, Box 10 D  
Franklin, WV 26807

August 9, 2006

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W.V. PUBLIC SERVICE  
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John Squire, Executive Secretary  
West Virginia Public Service Commission  
1000 12th Street, N.W.  
Martinsburg, West Virginia 25323

RE: Case No. 05-1740-E-CS, application now dismissed  
Petition of Liberty Gap Wind Force, LLC for Reconsideration

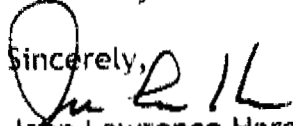
Mr. Squire:

As an Intervenor in the above-styled case, I express my opposition to the petition of Liberty Gap for reconsideration of the Commission's Order of July 14, 2006, denying Liberty Gap's application without prejudice.

I find Liberty Gap's argument in attempted justification of the pattern of behavior that led to the Commission's sanction order unpersuasive and in some respects spurious. To pick only one example: It is clear that the imposition, as a condition of access by another party's consultant's to the project site, of a waiver of liability for injuries resulting from Liberty Gap's gross negligence was an unreasonable and total obstruction to such access, and quite unrelated to any risks of injury from snakes, rattlesnakes, or uneven terrain. This condition had been accompanied by other additional conditions imposed by Liberty Gap that seem to go well beyond the normal practice as well as the practical requirements of the circumstances of this case for access, and which collectively are properly adjudged as obstructionist and not in any effect if not intent.

The stark contrast between Liberty Gap's treatment of private consultants, on the one hand, and the Commission staff, on the other, confirms this judgment on the Commission's part. Liberty Gap's explanation - that it is legally required to allow staff access - is inadequate. If the natural dangers were as great as described by Liberty Gap, prudent conduct would have dictated seeking a reasonably drafted waiver from the State of West Virginia, if individual staff members were not legally in a position to do so. Yet it appears from Liberty Gap's account that no such effort was made.

I urge the Commission to deny the above-mentioned petition.

Sincerely,  
  
John Lawrence Hargrove

**CERTIFICATE OF SERVICE**

One original and twelve copies of the foregoing instrument were sent to Ms. Sandra  
Hargrove, Executive Secretary, and a copy of the foregoing instrument was served upon  
her on August 9, 2006, this 9th day of August, 2006, by United States mail, postage prepaid:

Ms. Catherine Couvette  
c/o The McDavid Graff & Love LLP  
600 Market Street  
Post Office Box 1386  
Martinsburg, WV 25325-1386

Ms. Patricia A. Clair, Esq.  
Post Office Box 138  
Martinsburg, WV 24963

Dr. Robert A. Jaenfeld, Ph.D.  
The Virginia Highlands Conservancy  
Post Office Box 653  
Martinsburg, WV 26260

Ms. Elizabeth and Rebecca K. Thomas  
Post Office Box 1394  
Martinsburg, WV 26804

Ms. Elizabeth J. Cavelli, Esq.  
The Cavelli Practice, PLLC  
500 University Row  
Martinsburg, WV 26501

Ms. Jennifer R. Gregory  
Post Office Box 118  
Martinsburg, WV 26816

Ms. Elizabeth Vandevander  
Post Office Box 210A  
Martinsburg, WV 26807

Ms. Jennifer Anderson, Staff Attorney  
The Justice Commission of West Virginia  
1000 Market Street  
Martinsburg, WV 26212  
Martinsburg, WV 24323

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**John Lawrence Hargrove**

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