

September 13, 2010

RESS & COURIER

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

Re: Objection to Request for Intervenor Status -- Application by Plateau Wind Inc. ("Plateau") (EB-2010-0253)

We are counsel to Plateau. On September 3, 2010, Plateau was served with Mr. Kevin O'Brien's request for intervention in the above noted proceeding. Pursuant to Rule 23.07 of the Board's *Rules of Practice and Procedure*, this letter is an objection to Mr. O'Brien's request.

As part of its wind generation project, Plateau will be constructing an overhead and underground electricity distribution system (the "Distribution System") to transport the electricity generated from the Plateau turbines to the existing distribution system of Hydro One Networks Inc. and ultimately to the IESO-controlled grid. Plateau has chosen to locate certain power lines, poles and other facilities associated with the Distribution System within public rights-of-way, highways and streets (the "Road Allowances") owned by the Municipality of Grey Highlands ("Grey Highlands") pursuant to the statutory right of distributors under subsections 41(1) and 41(5) of the *Electricity Act, 1998* (the "Electricity Act"). These subsections, among other things, allow distributors to construct or install distribution facilities over, under or on any public streets or highways without the consent of the owner of or any other person having an interest in such streets or highways.

The only subject of the current proceeding is the precise location of the Distribution System within the chosen Road Allowances. Indeed, section 41(9) of the *Electricity Act*, under which Plateau brought its Application, requires the Board to determine the location of the Distribution System within the Road Allowances, in the event that Plateau and the Municipality cannot do so.

This is the issue before the Board, but it is not among the issues raised by Mr. O'Brien. In his Request for Intervention, Mr. O'Brien discusses potential health effects of wind turbines generally. He also discusses the potential aesthetic impact of the Plateau wind turbines and their potential impact on local property values. However, Mr. O'Brien does not discuss any issues of relevance to the proceeding, which is with respect to the precise location of the Distribution System within the Road Allowances, not with respect to the merits of wind turbines. As such, Mr. O'Brien has not provided any evidence of his interest in the subject matter of the current

proceeding; and he has not fulfilled the requirements for a Request for Intervention under Rules 23.03 and 23.03(a) of the Board's *Rules of Practice and Procedure*. The current proceeding is not the proper forum for Mr. O'Brien's concerns.

On behalf of Plateau, we therefore object to Mr. O'Brien's intervention -- including any submission of evidence, arguments or interrogatories, any cross-examination, or any other participation -- in the current proceeding on any grounds other than those directly relevant to the precise location of the Distribution System within the Road Allowances. We further request that the Board premise any intervenor status granted to Mr. O'Brien on the express acknowledgement that Plateau has a statutory right to construct or install distribution facilities in the Road Allowances without the consent of Grey Highlands or any other person having an interest in such streets or highways. Finally, we object to any intention to seek a cost award for issues that are not directly relevant to the subject matter of the proceeding.

Thank you for considering this letter. Please do not hesitate to contact me with any questions.

Yours truly,

A handwritten signature in black ink, appearing to read "Tyson Dyck", with a stylized flourish at the end.

Tyson Dyck

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cc: D. Timm, Plateau
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