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BY EMAIL

October 1, 2010

Mr. James Yeats

Dear Mr. Yeats:

**Re: Plateau Wind Inc. ("Plateau")
Application for Determination of Location of
Distribution Facilities Within Road Allowances of the
Municipality of Grey Highlands ("Grey Highlands")
Board File No. EB-2010-0253**

Thank you for your e-mail to the Board dated September 9, 2010 in which you expressed concerns related to health and environmental impacts of Plateau's proposed facilities as well as the impact of the development on the value of your property.

Your e-mail did not indicate the extent to which you would like to participate in this proceeding, i.e. whether you were filing a letter of comment, requesting observer status or requesting intervenor status. As per the Board's letter to you dated September 16, 2010, the Board has considered your September 9, 2010 e-mail to be a request for intervenor status, since you have not advised otherwise.

The Board has reviewed your request for intervenor status. After careful consideration of all the information provided, the Board has determined that the issues which you are concerned about are beyond the Board's jurisdiction in its review of the subject application.

The Board's authority in this proceeding is derived from section 41 of the *Electricity Act*. Subsections 41. (1) and 41. (9) read as follows:

Subsection 41. (1)

A transmitter or distributor may, over, under or on any public street or highway, construct or install such structures, equipment and other facilities as it considers necessary for the purpose of its transmission or distribution system, including poles and lines. 1998, c. 15, Sched. A, s. 41 (1).

Subsection 41. (9)

The location of any structures, equipment or facilities constructed or installed under subsection (1) shall be agreed on by the transmitter or distributor and the owner of the street or highway, and in case of disagreement shall be determined by the Board. 1998, c. 15, Sched. A, s. 41 (9).

In its pre-filed evidence, Plateau submitted that it had not been able to reach an agreement with Grey Highlands with respect to the location of Plateau's proposed distribution facilities and has therefore requested, pursuant to section 41(9) of the *Electricity Act*, that the Board determine the location of Plateau's distribution facilities within certain road allowances owned by Grey Highlands.

The above-noted legislation limits the Board's role in this proceeding to determination of the location of Plateau's proposed distribution facilities within the prescribed road allowances owned by Grey Highlands. Based on this, it is not the Board's role in this proceeding to approve or deny the project, to consider its merits, prudence or any environmental, health or economic impacts associated with it or to consider alternatives to the project such as routes for the distribution facilities that are outside of the prescribed road allowances. Also, it is not within the Board's jurisdiction in this proceeding to consider any aspect of Plateau's proposed wind generation facilities. In summary, the Board's authority in this proceeding is limited by the legislation to determination of the location of the proposed distribution facilities within the prescribed road allowances and the Board can only consider evidence related to that.

The simple fact is that the legislature has not made provision for the Board to conduct the kind of review you are seeking. As a matter of law the Board has no authority to do so.

While the Board has decided that you do not qualify for intervenor status in this proceeding, the correspondence you have sent will nonetheless be placed on the public record for this proceeding. Furthermore, if you are interested in being an observer in this

proceeding, please send a letter to the Board Secretary requesting observer status. As an Observer you will automatically receive all Board issued documents. If you would like to receive any documents issued by any other party to the proceeding, including the Applicant and intervenors, you will be required to contact that party directly in order to request such documents. Please note that you may be required to pay for the cost of the duplication and delivery of these documents to you.

Most documents filed in this application will also be available on the Board's website under Case Number EB-2010-0253.

All letters requesting observer status will become part of the public record in the proceeding. This means that it will be available for viewing at the Board's offices and it will be placed on the Board's website and available to anyone with internet access.

Before placing the request for observer status on the public record, the Board will sever from the request any contact information for the individual making the request. This includes the address, fax number, phone number, and e-mail address of the individual. However, the name of the individual and anything written in the request for observer status will become part of the public record.

Thank you for your interest in this proceeding.

Yours truly,

Original signed by

Kirsten Walli
Board Secretary

cc. Mr. David Timm, Plateau Wind Inc.
Mr. Charles Keizer, Torys LLP
Mr. Tyson Dyck, Torys LLP
Mr. Dan Best, Municipality of Grey Highlands
Mr. Edward B. Veldboom, Russel, Christie, LLP
Observers