

From: Ginny Stewart [REDACTED]
Sent: December 2, 2010 1:54 PM
To: BoardSec
Cc: Edward Veldboom
Subject: Comments re Torys Letter November 29 2010 EB 2010-0253

December 2, 2010

Ms. Kristen Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, On M4P 1E4

Dear Ms. Walli,

I am writing to you in response to Mr. Tyson Dyck's letter to you dated November 29, 2010 regarding File number EB-2010-0253

What responsibility does Torry's LLP take for its own actions in the delay to deliver to Grey Highlands a copy of the Plateau Submission? They were clearly directed by the OEB in a letter to provide Grey Highlands with a copy of the documents by November 8, 2010. Those are pretty clear instructions.

Their excuse for not doing so was that they expected the Board to post it on the OEB web site. Mr. Dyke further states that the submission was not posted on the OEB website until November 15, 2010 and it was then realized that hard copies had not been couriered to the Municipality or its counsel. The Plateau submission was in fact posted on the OEB website by November 10, 2010.

Would not one expect a high price legal firm like Torys LLP to be able to follow instructions? Should one not expect a law firm to follow through with an order and be aware that the documents were sent by courier and to further verify whether or not the Municipality of Grey Highlands and their lawyer had indeed received the documents?

Mr. Dyck also blames technology for further delays to serve the Municipality with their submission. You would think that a large law firm would have experience with sending large electronic files so that recipients would be able to receive them.

The point about the relevance of my letter to Grey Highlands Council dated April 28, 2010 was not addressed by Torys LLP. It is one thing to have my letter posted on the Grey Highlands website when it is addressed to them and quite another to find it on the OEB web site as evidence in a hearing when it has no relevance to the case.

Mr. Dyck states that the letter was included because it forms an attachment to the Municipal Staff Report PL.10.34. Why would he include this letter if it has no bearing on

the facts in this hearing? Particularly because they made such a fuss in their September 13, 2010 letter to the Board Secretary that only matters pertaining to the RUA are to be considered. I quote, **“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.”** It was therefore Plateau Wind Inc.’s responsibility through their lawyer to remove my letter from the document since it bears no relevance to the subject of the Road Allowances.

To date Plateau and Torys LLP have not acknowledge the concerns of any of the exposed persons in their October 14, 2010 letter to the Board. If I was concerned with that exposure imagine how I feel about this one.

If in fact Plateau and Torys LLP did not in anyway mean to disregard The Board, Grey Highlands or its counsel, then certainly it amounts to incompetence and an inability to meet deadlines. If there is no intention of malice or misconduct regarding the exposure of property owners in the area of the proposed development then again I say it amounts to incompetence. Torys LLP does not take responsibility for their actions they simply blame everyone else. Why should we believe anything that they have to say?

Sincerely,

Virginia Stewart Love

Cc Mr. Edward B. Veldboom, Russell, Christie, LLP

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