



FRASER MILNER CASGRAIN LLP

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VIA E-MAIL

September 18, 2009

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
PO Box 2319, 27th Floor
Toronto, ON
M4P 1E4

Dear Ms. Walli:

RE: Talbot Windfarm, LP
Application for Leave to Construct
Board File No. EB-2009-0290

We are writing on behalf of Talbot Windfarm, LP ("Talbot") and in connection with issues raised by a Melvin B. McLean, President of Melvin McLean Farms Ltd. We are in receipt of correspondence from Mr. McLean dated September 9th and 14th, 2009. We have also spoken with Mr. McLean on the telephone.

Mr. McLean disputes Talbot's allegation that it has obtained all of the land rights that are required to accommodate its proposed transmission facilities. The basis for this allegation is Mr. McLean's assertion are shown that he (or his company) is the sole owner of all lands in the municipality of Chatham-Kent and that Talbot has not obtained any land rights from him (or his company).

There does not appear to be any legal basis for Mr. McLean's allegation. We have reviewed the title information for all the lands for which rights are required to accommodate the proposed transmission facilities. Neither Mr. McLean nor Melvin McLean Farms Ltd. are shown in the land registry as being the owner of any parts thereof.

Mr. McLean advises that the basis of his ownership claim is a Crown Patent received by his ancestors. Using information provided by Mr. McLean, we have obtained a copy of a Crown Patent in favour of an "Angus McLean," dated August 30, 1848, for the west half of Lot 27, in the 7th Concession, in the Township of Zone (which later became known as the Township of Euphemia and which is now in the Municipality of Chatham-Kent). While these lands were the subject of a Crown grant to Angus McLean and may, indeed, still be owned by his descendants,

we note that this grant does not include all the lands in the Municipality of Chatham-Kent and does not include any of the lands for which rights are required to accommodate Talbot's proposed transmission facilities. The lands granted to Angus McLean in 1848 are in an entirely different geographic township within the municipality Chatham-Kent.

We are including a copy of the Crown Patent in favour of Angus McLean for ease of reference. Please contact us should you have questions in this regard.

Yours truly,

Helen T. Newland.

HTN/ko

Encl.

cc: Edik Zwarenstein
Ontario Energy Board

Peter Clibbon
RES Canada Inc.

Nicolas Muszynski
RES Canada Inc.

Mr. M. B. McLean

Victoria, by the Grace of GOD, of the United Kingdom of Great Britain and Ireland,
QUEEN, Defender of the Faith.

TO ALL TO WHOM THESE PRESENTS SHALL COME,

Greeting :

Know Ye, That We, of our special Grace, certain Knowledge, and mere Motion, have given and GRANTED, and by these Presents do give and GRANT, unto *Angus McLean, of the Township of Zone in the Western District, Geoman, the assignee of John McLean a settler located by Colonel Talbot, his*

Heirs and assigns for ever : ALL that Parcel or Tract of Land, situate in the Township of Zone in the County of Kent in the Western District in Our said Province, containing by admeasurement *one hundred acres* be the same more or less being composed of

The West half of Lot number Twenty seven in the Seventh Concession of the said Township of Zone.

Recorded, 30th August, 1848.

[Signature]
Registrar

TOGETHER with all the Woods and Waters thereon lying and being, under the reservations, limitations, and conditions hereinafter expressed ; TO HAVE AND TO HOLD, the said parcel or tract of land, hereby given and granted to *Angus McLean, his* heirs and assigns for ever ; saving, nevertheless, to Us, Our Heirs and Successors, all Mines of Gold and Silver that shall or may be hereafter found on any part of the said parcel or tract of Land, hereby given and granted as aforesaid ; and saving and reserving to Us, Our Heirs and Successors, all White Pine Trees, that shall or may now or hereafter grow or be growing on any part of the said parcel or tract of Land hereby granted as aforesaid ; PROVIDED ALWAYS, that no part of the parcel or tract of Land hereby given and granted to the said *Angus McLean* and *his* heirs, be within any reservation heretofore made and marked for Us, Our Heirs and Successors, by Our Surveyor General of Woods, or his lawful Deputy, in which case, this Our grant for such part of the Land hereby given and granted to the said *Angus McLean* and *his* heirs for ever as aforesaid ; and which shall, upon a survey thereof being made, be found within any such reservation, shall be null and void and of none effect, any thing herein contained to the contrary notwithstanding.

GIVEN under the Great Seal of Our Province of Canada ; WITNESS, Our Right Trusty and Right Well Beloved Cousin James Earl of Elgin and Hincardine, Knight of the Most Ancient and Most Noble Order of the Thistle ; Governor General of British North America and Captain General and Governor in Chief in and over our Province of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward and Vice Admiral of the same, &c. &c. &c. At Montreal

this twenty fifth day of July
and in the twelfth year of Our Reign.

in the year of our Lord, one thousand eight hundred and forty-eight

By Command of His Excellency in Council.

C. 6 15 April 1848.

R. B. Sullivan
Secy