

**Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
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**Chris Aristides Pappas
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Dear. Ms Walli:

**RE: APPLICATION FOR LEAVE TO CONSTRUCT - BRUCE-MILTON PROJECT
EB-2007-0050**

Consider the issue of Government Policy. Firstly, policy does not mean law. Government policy is neither sacrosanct nor carved in stone. In fact, it is neither law nor legislation. It is not handed down from on high. In fact, it may not even be appropriate, ethical or even in any way correct. Generally it is based on the philosophies, or at the very least, the whims, of the party in "power". It also stems from the personal philosophies, beliefs and agendas of the that party's main players, including the Premier and his Ministers. It is supported by advice from the appropriate Ministries and their departments/bureaus, and of course their own personal directions. But where does their advice originate? In the case of the OPA this is hard to envision. It appears that advice flows from the OPA to Hydro One and not the reverse. From what I understand, their policy and the advice that supports it does not appear to arise from globally accepted and supported professional expertise. It appears that they are simply pulling it out of the air, or perhaps from somewhere more inappropriate. Now, throughout the Technical Conference, the applicant would cite Government Policy, and claim that this was the ultimate answer to many of our queries. But, in my consideration, that is tantamount to claiming that "voices" convinced you to do it, or God delivered the Message unto thee, or even " the Devil made me do it !!!" If, in fact, the latter is the case, then I say that we must demand that the Devil come to the table and explain himself!!! The OPA is, in fact, the author of this application. Hydro One is merely their agent, their sub-contractor. Perhaps, they are really just their pawn. Nevertheless, if government policy is the ultimate source and inspiration of Hydro One's application, of their approach to producing studies and reports and even their tactics and strategies regarding motions, testimony at hearings, responses or lack of, at the Technical Conference and, no doubt, more of the same during the Interrogatories, then OPA must attend as an Intervenor. Thus, they would be responsible for providing the answers that Hydro One keeps deferring to a higher power. I submit that without their attendance, or else a complete wind-change in Hydro One's approach, that the application be dismissed. Period.

Please understand that this project is definitely not an individual and isolated consideration. It is a part of wider agendas which, I fear, do not favour the domestic consumers and taxpayers. I suggest to you that this process is now a matter of precedent and not, merely, about an isolated transmission build. I further suggest that the Intervenors, therefore, have a greater consideration of the outcome than those that were initially considered. I submit that the Intervenors and their counsels have the opportunity

to generate precedents and recommendations for future applications. Perhaps, this will not be considered as the forum for such, but it is still worth consideration. Of course, counsel are only directly responsible for their clients and the case before them. But the fact is that compensation alone or even the dismissing of this particular application at this time is no guarantee of future protection for the landowners. There is nothing to stop the revisiting of this application. "Refined" government policy, greater power for the OPA, and worse, consider that legislation, supported by more than one party, could hobble or even eliminate the OEB. Then there would be no recourse. Applications could be rubber stamped by the OPA, with absolutely no recourse for landowners.

As regards legislation, consider the following. As policy stands, more reactors mean more transmission builds. Premier McGuinty did not initiate the agreement or contacts to refurbish the Bruce reactors. He simply "honoured" the previous PC government's arrangements with Bruce Power. Recall John Tory's Nuclear promises during the election. So we have two parties who may pursue such legislation. Who will oppose them? Well, not the NDP who has remained silent throughout. Why? Their union base is also the financial base for OMERS, who hold a part of one third ownership of Bruce Power, through their investment group. All these union pension funds and, therefore union pension profits will probably ensure at least an abstention from the NDP.

Remember that, presently, the OEB is free of political influence. Only the courts can effect your decisions. But an act of legislature can change all that. Now is the time to act. Otherwise, the Intervenor, and almost everyone else, including the Intervenor's counsels, will be on the bad side of an inappropriate future.

Earlier, in this process, I shared my following concern with others involved. I felt that we should not have too many side issues being pursued equally. I felt that the Applicant could utilize these to detract from the issues most dangerous to their application. In my mind, the most successful argument was the issue of an alternate solution, which involves due diligence studies and, therefore, the invalidity of bringing an incomplete application before the Board. I suggested that be the focus. I suggested that we avoid arguments involving, for example, nuclear power and other generation, While relevant, these might serve to detract from the focus and application of the best single argument, to the advantage of the applicant. While I still feel the same about this focus, the strategy, tactics and approach of the Applicant at the Technical Conference has made me consider some revision. While they cite matters of generation as being outside of this application, it is clear that this is not necessarily so. Some of these are directly enmeshed with transmission build, and particularly with this projected Transmission Build. It also means the Intervenor have to consider all the above, regarding government policy, etc., even if it cannot be directly employed in our arguments.

Forewarned, and forethought, is forearmed.

Respectfully,

Chris Aristides Pappas

cc. Glen MacDonald, Hydro One Networks Inc.
Gord Nettleton, Osler, Hoskin and Harcourt LLP