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April 29, 2011

BY COURIER, EMAIL AND RESS

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

Dear Ms. Walli:

**Re: Haldimand County Hydro Inc.
Procedural Order No. 3
Board File No.: EB-2011-0027**

We are counsel to Haldimand County Hydro Inc. in this matter.

We are in receipt of Procedural Order No. 3 in the above mentioned proceeding that establishes an accelerated schedule for the submissions in this proceeding without the opportunity for intervenors to ask further questions to clarify the limited responses to the information requests, or submit evidence. HCHI requests a delay from the schedule for submissions in Procedural Order no. 3 so that HCHI may ask follow up questions and further investigate the issues raised during the interrogatory process.

This information is needed by HCHI's consultant, Kinectrics, in order that HCHI can characterize the potential impact on HCHI, its facilities and ratepayers. Our consultant has informed HCHI that if certain conditions exist, grounding issues and stray voltage problems could arise. Further, if HCHI were to be required to enter a joint use arrangement with the Applicant issues of liability for any damages would most certainly be raised. Neither HCHI nor its ratepayers should have any legal exposure as the result of the Applicant's project.

HCHI made several requests in its interrogatories pertaining to the potential joint use of poles and the technical design of the Applicant (HCHI #2 and #3). In essence, the Applicant's response was "we do not have such information at this time" as the design has not been completed. Further, the Applicant acknowledges co-location within rights-of-way but not within a limited municipal right-of-way as proposed in this Application. Without such information HCHI can't provide evidence nor can it properly make detailed submissions and the Board will not have the proper evidentiary foundation to conclude the

proposal is in the public interest. Service quality and reliability are statutory requirements for the Board to consider in leave to construct proceedings and the questions posed by HCHI and the information requested go directly to ensuring a proper evidentiary record exists to ensure the proposed transmission line will not have a detrimental impact.

Further, the Applicant indicated that it may opt to use a different route solely on privately owned lands. As such, the Board is left to decide the leave to construct issue in the absence of a defined route and therefore HCHI would submit a decision at this time is premature.

The Board should be aware that HCHI is in the process of filing a motion to defer a decision in this proceeding until the Board has conducted a generic proceeding to deal with locating transmission lines within municipal rights-of-way. That Notice of Motion is to going to be filed by April 29, 2011.

Therefore, HCHI formally request the Board to amend the Procedural Order to provide the opportunity to obtain the information from the Applicant so our consultant can file evidence regarding the nature of the impact on HCHI.

Given the abbreviated schedule provided for in Procedural Order No. 1, HCHI has filed its concern at the earliest opportunity. HCHI would welcome the opportunity to discuss with the Board, the Applicant and the intervenors a proper schedule for the continuation of this proceeding.

Yours truly,

AIRD & BERLIS LLP

A handwritten signature in black ink, appearing to read "Scott Stoll".

Scott A. Stoll
SS/ct

cc Case Manager, Nabih Mikhail nabih.mikhail@ontarioenergyboard.ca
cc: Board Counsel, Kristi Sebalj kristi.sebalj@ontarioenergyboard.ca
cc Intervenors