



Fraser Milner Casgrain LLP

77 King Street West, Suite 400
Toronto-Dominion Centre
Toronto, ON, Canada M5K 0A1

MAIN 416 863 4511

FAX 416 863 4592

Helen Newland

helen.newland@fmc-law.com

DIRECT 416 863 4471

VIA EMAIL AND COURIER

April 20, 2012

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

Dear Ms. Walli:

**Re: EWT LP Application for Electricity Transmission Licence;
Final Submissions of RES Canada Transmission LP;
Board File No: EB-2011-0350**

We write on behalf of RES Canada Transmission LP ("**RES Canada**") and in accordance with Procedural Order No. 3 to provide submissions on the merits of EWT LP's ("**EWT**") application for a transmission licence.

In an earlier submission in this proceeding in support of motions filed in respect of EWT's responses to interrogatories, RES Transmission expressed the view that EWT's application raised issues not raised by other applicants because two of its three limited partners own Ontario's transmission network. RES Transmission expressed concern about EWT's ability to rely upon the combined expertise, experience and resources of its limited partners and their respective affiliates to provide it with the technical capability, expertise and experience required to qualify for a transmission licence and for its participation in the Board's Designation Proceeding (EB-2011-0140). No other participant in the Designation Proceeding has the same ability to leverage a relationship with the incumbent transmitters who are most familiar with the East-West Tie Line, possibly at the expense of ratepayers and, most certainly, at the expense of taxpayers. RES Transmission suggested that the way to level the playing field was to require EWT, as a condition of its licence, to comply with the provisions of the *Affiliate Relationship Code for Electricity Distributors and Transmitters* and, in particular, those provisions that govern the conduct of a utility *vis-à-vis* its energy service provider affiliates.

Subsequently, the Board issued its Decision on the motions ("**Decision**"), limiting the scope of its assessment of EWT's applications to issues of technical capability, financial viability and conduct and deferring, to the Designation Proceeding, consideration of any issues related to EWT's unique relationship with the incumbent transmitters. Concurrent with the release of the

Decision, the Board issued Procedural Order 2 in the Designation Hearing, which confirmed that the issue of regulatory oversight of the relationship between EWT and the incumbent transmitters would be considered in the Designation Proceeding.

In light of these events, RES Canada will address the issues it has raised in this licensing proceeding in the context of the Designation Proceeding.

Yours very truly,

(signed) Helen T. Newland

HTN/ko