

DATE: Sept. 14, 2012

FAX: 1-416-440-7656

TO: Ontario Energy Board

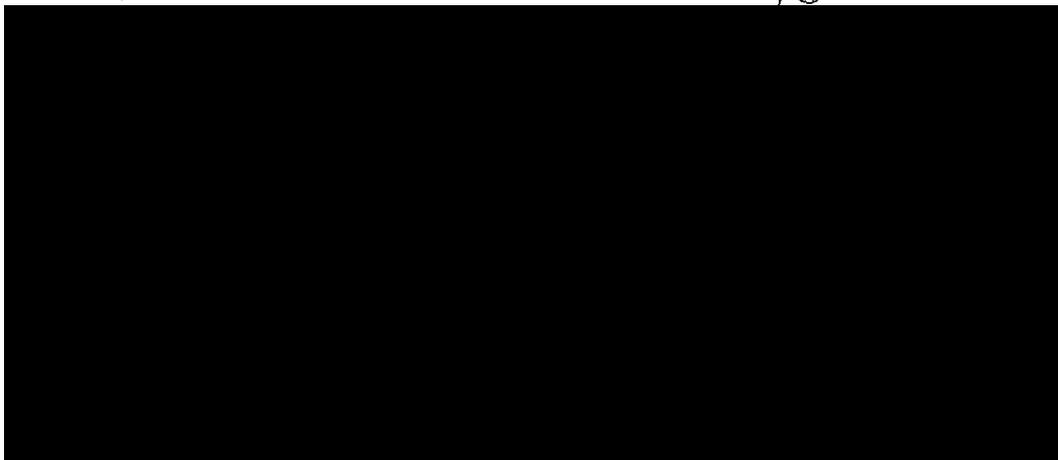
Attention: Kirsten Walli
Board Secretary

RE: Application for Feed in Tariff
Licences.

EB-2012-0312 Conestogo Wind LP.

EB-2012-0311 Next Era Energy
Canadian Operating Services
Inc.

FROM: DONNA WEAVER



10 Number of pages including cover
page

Sept. 13, 2012.

VIA FAX

Ontario Energy Board,

2300 Yonge St.

P.O. Box 2319,

Suite 2700,

Toronto, Ont.

M4P 1E4.

Attention: Ms. Kristen Walli
Board Sec'y.

Dear Ms. Walli:

Re: NextEra Energy Canadian
Operating Services, Inc.,
Conestogo Wind h.p. (Conestogo)
Application for Feed In
Tariff Program Licences
EB 2012-0311 and EB 2012-0312

Due to a malfunction in Ms.
Kruel's FAX machine, we did not
receive the letter dated Aug. 31,
2012 to you from Mr. George

Vegh on behalf of Conestogo
Wind LP. in a timely fashion.

That letter refutes any standing
that Mr. Vegh thinks Preserve
Mapleton Inc. (PMI) might have.

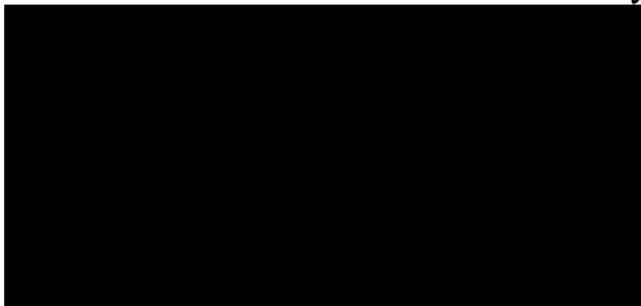
Please find enclosed an
affidavit I filed on behalf of
P.M.I. Can this ^{be} part of our
submission that, not only are
we "people who will be affected
by the wind turbines," but indeed
as a group, do have status to
speak out? Mapleton also had status
throughout the ERT hearings. ^(see letter)
We were also misled that
there would be pre-evidence
accompanying their application.
There was none. How then can
an "intervenor" argue against
evidence that doesn't exist?

"The Proposed Intervenor's have not identified any reason why these issues could not be addressed in a written hearing. PMI feels that this is a cumbersome way to proceed & to be fair, these issues should be argued in an oral hearing in order to be transparent.

Do we now have status with the OEB to continue with our request for an oral hearing?

Sincerely,

Donna Weamer



September 13, 2012 Via Fax

Ontario Energy Board,
2300 Yonge St.,
P.O.Box 2319,
Suite 2700, Toronto, Ontario,
M4P 1E4

Attention: Ms. Kirsten Walli
Board secretary

Dear Ms. Walli:

Re: NextEra Energy Canadian Operating Services, Inc., Conestogo Wind L.P.
(Conestogo) application for Feed In Tariff Licences
EB 2012-0311 and EB 2012 – 0312

Due to a malfunction in Ms. Drul's Fax machine, we did not receive the letter dated August 31, 2012 to you from Mr. George Vegh on behalf of Conestogo Wind LP etc. in a timely fashion.

That letter refutes any standing that Mr. Vegh thinks Preserve Mapleton (PMI) might have. Please find enclosed an affidavit I filed on behalf of PMI showing standing. Can this be part of our submission that, not only are we "people who will be affected by the wind turbines", but also indeed as a group do have status to speak out for an oral hearing? I would like to also mention that PMI had standing throughout the ERT hearings.

We were also misled that there would be pre-evidence accompanying their application. There was none. How then can an "intervener" argue against evidence that doesn't exist?

According to Mr. Vegh, "The proposed Interveners have not identified any reason why these issues could not be addressed in a written hearing." PMI feels that because they will be challenging the three prerequisites Mr. Vegh mentions in his letter that a written appeal would be a cumbersome way to proceed and to be fair these issues should be argued in an oral hearing for accuracy of the facts and transparency.

Do we now have the status with the OEB to continue with our request for an oral hearing?

Sincerely,

Donna Weaver Box 10,


**ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT**

BETWEEN:

PRESERVE MAPLETON INCORPORATED

Applicant

- and -

**DIRECTOR, MINISTRY OF THE ENVIRONMENT,
AS REPRESENTED BY
THE ATTORNEY GENERAL OF ONTARIO**

Respondent

APPLICATION UNDER the *Judicial Review Procedure Act*,
R.S.O. 1990, c. J.1 and Rule 68 of the Rules of Civil Procedure

**AFFIDAVIT OF DONNA WEAVER
(Sworn May 14, 2012)**

I, Donna Weaver, of the Township of Mapleton, in the County of Wellington, MAKE OATH
AND SAY:

1. My name is Donna Weaver, I am a member of Preserve Mapleton Incorporated (“PMI”) and have knowledge of the matters to which I herein depose, save and except where I have been advised of the same, in which case I believe such information to be true.

2. PMI is a corporation organized under the laws of Ontario. Although PMI was incorporated in December of 2011, many of its members have worked together since 2009 on the issue of the proposed Conestogo Wind Energy Centre (the “Project”), and on the issue of the responsible development of wind power in Ontario more generally.

3. This initially informal group of concerned citizens adopted the name Stop Mapleton Wind Farms in early 2010. The members of Stop Mapleton Wind Farms form what is now PMI.

4. Stop Mapleton Wind Farms was engaged in a number of activities in relation to the Project and in relation to wind power in Ontario, including organizing public rallies, appearing before municipal council as a delegation, distributing materials to raise public awareness, and canvassing local neighbourhoods and beyond to raise awareness.

5. In addition, Stop Mapleton Wind Farms corresponded with many provincial and federal ministries, including the Ministry of the Environment, Ministry of Health and Long-Term Care, Health Canada and Natural Resources Canada. It also corresponded and met with the Member of Parliament and Member of Provincial Parliament representing the Mapleton area.

6. Stop Mapleton Wind Farms was also a member of larger coalition groups including Wind Resistance and Wind Concerns Ontario.

7. After incorporating as PMI, the group has continued to engage in the same activities.

8. PMI continues to meet at least three times per month to discuss the Project, and often attends municipal council meetings as a delegation or as observers.

9. PMI also continues to act as a source of information for concerned members of the Mapleton community and the public at large. It maintains a website as well, which is frequently updated with information regarding the Project and other industrial wind power issues.

10. PMI's current members include approximately seventeen concerned citizens living in the general vicinity of the proposed Project.

11. Several of PMI's members live more than two kilometers from the Project, and are concerned more generally with issues of how the Project will impact the Mapleton community, and how industrial wind power is being developed in the Province of Ontario as a whole.

12. It brought the application for judicial review in respect of the Director's decision to issue

the REA to the Project based on genuine concern for the impacts of the Project on the Mapleton community, on individual citizens, and on livestock and the environment.

13. PMI has no personal, pecuniary or proprietary interest in the outcome of the proceeding beyond that shared by all residents impacted by the Project in the Mapleton community.

SWORN BEFORE ME at the)
City of Toronto)
in the Province of Ontario, this)
14th day of May, 2012)

DONNA WEAVER

A commissioner etc.

ERIC K. GILLESPIE PROFESSIONAL CORPORATION

Barristers & Solicitors

Suite 600
10 King Street East
Toronto, Ontario
M5C 1C3

ERIC K. GILLESPIE, LL.B.
Telephone No.: (416) 703-5400
Direct Line: (416) 703-6362
Facsimile No.: (416) 703-9111
Email: egillespie@gillespielaw.ca

July 13, 2012

Delivered by Email

Eva Pietrzyk and Tracee Wessam
Environmental Review Tribunal
655 Bay Street, Floor 15
Toronto, Ontario M5G 1E5

Frederika Rotter and Kathryn Chung
Ministry of the Environment
Legal Services Branch
135 St. Clair Avenue West, 10th Floor
Toronto, Ontario M4V 1P5

Dennis Mahoney and John Terry
Torys LLP
Barristers & Solicitors
79 Wellington Street West,
Suite 3000, TD Centre
Toronto, Ontario M5K 1N2

Dear Tribunal Panel and Parties:

**RE: Preserve Mapleton Inc. v. Director, Ministry of the Environment,
ERT Case No. 11-228
Our File No.: 00607**

Further to our telephone and email correspondence with the Tribunal and Parties yesterday, we hereby confirm the Appellant's intention to withdraw from these proceedings pursuant to Rule 198 of the Tribunal's Rules.

As the Tribunal and Parties are aware, this withdrawal is based on the unavailability of expert witnesses who, through no fault of their own or the Appellant, have been unable to continue due to medical reasons.

Throughout this process the Appellant has attempted to keep the Tribunal and Parties informed. The Appellant was advised of the situation in relation to the last of these experts, Dr. Robert McMurtry, on July 11, 2012. The Appellant was able to convene on July 12, 2012 as planned, and to advise the Tribunal and Parties that it will not be proceeding.

Given that other Renewable Energy Approval projects have been announced for Mapleton, the Appellant also wishes to expressly reserve its rights of appeal in relation to any further approvals that may be granted.

Should the Tribunal or Parties have any questions or concerns please advise.

Yours very truly,

**ERIC K. GILLESPIE
PROFESSIONAL CORPORATION**



Eric K. Gillespie
EKG/ga