

December 3, 2012

Our File No. 123188

Via Sameday Courier and Email

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

Dear Ms. Walli:

**Re: OEB File EB-2012-0358
RE Orillia 3 ULC**

We are counsel to RE Orillia 3 ULC ("RE Orillia 3"), the applicant for an electricity generation licence under the feed-in tariff program. This letter is RE Orillia 3's response to the materials submitted by Mr. Bernard Pope with respect to our client's Application, delivered pursuant to Procedural Order No. 1.

We make only three submissions in response to Mr. Pope's materials. First, Mr. Pope does not allege that any part of RE Orillia 3's Application is inaccurate or incomplete. RE Orillia 3 has provided to the Board what the Board requires in order to grant a generation licence and has complied with the Board's applicable process. Second, almost all the matters raised by Mr. Pope are not matters within the ambit of the Board on an application for a generation licence under the feed-in tariff program. Mr. Pope's concerns centre around government policy and perhaps the activities of the Ontario Power Authority ("OPA"), which has reviewed the RE Orillia 3 project and issued a Notice to Proceed. Third, the only matter raised by Mr. Pope that may be of interest to the Board is his allegation about insufficient consultation with respect to the project. RE Orillia 3 strongly rejects this allegation and attaches a Consultation Report and Addendum, many of hundreds of pages long, that amply demonstrates the consultation process with respect to the project.

For these reasons, RE Orillia 3 requests that the Board grant its Application without further process.

The Application is Accurate and Complete

The Application is in the form mandated by the Board. It is straightforward, complete and accurate. No allegation has been made to the contrary.

There is no basis in fact or law for denying this Application, particularly since RE Orillia 3 has received a Notice to Proceed from the OPA, which is indicative that a fulsome review of the project has already been conducted and the OPA is satisfied. One condition precedent to the Notice to Proceed is issuance of the Renewable Energy Approval ("REA") by the Ministry of Environment ("MOE"). The REA process includes the review of documentation by the Ministry of Natural Resources and Ministry of Tourism, Culture, and Sport, as well as consultation by RE Orillia 3 with local conservation authorities and municipalities. Although Mr. Pope raised many of the issues raised here during the REA process, the MOE nonetheless granted the approval. The OEB should not retread the same ground.

The Complaint Concerns Matters Not Relevant to the Application

While Mr. Pope and others mentioned in his materials had concerns about the project, it is clear from Mr. Pope's materials that their concerns are not relevant to an application for a generation licence. For example, Mr. Pope mentions in his letter that "the Act may have been designed too quickly and as such, many flaws have surfaced" and asks "that the Green Energy Act be reviewed and revamped to encompass the values that are important and fair to the citizens of Ontario".

His few concerns with RE Orillia 3 in particular appear to be focussed on his assertion that RE Orillia 3 does not "understand" its obligations and he appears to be troubled about the ownership of RE Orillia 3. Neither concern is supported by any evidence or prove that these concerns should disentitle RE Orillia 3 to a generation licence.

Mr. Pope also showed a concern about RE Orillia 3's consultation efforts, which is addressed below.

RE Orillia 3 Has Engaged in Extensive Consultations Concerning the Project

The OPA does not grant a Notice to Proceed just for the asking and as a proponent of a solar project RE Orillia 3 has engaged in extensive consultations. Those consultations are well documented.

Attached are the RE Orillia Solar Project Consultation Report dated August 3, 2011 and RE Orillia Solar Project Consultation Report Addendum dated November 5, 2012. These two documents clearly and at length detail consultations with the public, with various agencies, and with aboriginal communities, that we submit are more than sufficient to give comfort to the Board that RE Orillia 3 has developed the project with appropriate consultation.

Conclusion

We respectfully request that the Board grant RE Orillia 3 the licence for which it has applied.

If the Board has any questions we would be pleased to be of assistance.

Yours truly,

Goodmans LLP

A handwritten signature in black ink, appearing to read 'Peter Ruby', written over a horizontal line.

Peter Ruby
PDR/umr
Encl.

Copy: Mitchell Randall (by email)
Bernard Pope (by email)

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