



McCarthy Tétrault LLP  
PO Box 48, Suite 5300  
Toronto-Dominion Bank Tower  
Toronto ON M5K 1E6  
Canada  
Tel: 416-362-1812  
Fax: 416-868-0673

**George Vegh**  
Counsel  
Direct Line: (416) 601-7709  
Direct Fax: (416) 868-0673  
Email: gvegh@mccarthy.ca

January 16, 2013

**Via RESS and Courier**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
P.O. Box 2319  
Suite 2700  
Toronto, ON M4P 1E4

Dear Ms. Walli:

**Re: EB-2012-0442 – Varna Wind Inc. Leave to Construct Application**

We are counsel to Varna Wind Inc. (the "Applicant"). We write regarding a number of issues raised in the requests for intervenor status filed with the Board in this proceeding. Intervenor status was applied for by:

- The Municipality of Bluewater;
- The Historic Saugeen Métis;
- Ritzema Dairy;
- Brian and Helen Oldfield;
- J.R. McLachlan;
- The IESO;
- Jeff Allan; and
- A Group intervention by Jeff and Stephanie Allan, Beth Cooper, Matt and Elaine Haney, Chris and Angela Maloney, Darin and Julie McKenzie, Jack McLachlan, Tom Nolan, Brian and Helen Oldfield, Gerry and Heather Ritzema, Bill and Carol Stephenson, Ron and Ann Thompson, Arnold Van Miltenburg, Ben and Rose Van Miltenburg, Ed and Sueanne Van Miltenburg, John and Mary Van Miltenburg, Tony Van Miltenburg, and Al and Francis Wynja.

The Applicant does not object to any of these parties being granted intervenor status at this time.

However, the Applicant notes the following.

First, several requests for intervenor status raise issues that are outside the scope of this proceeding. For example, the fact that the Applicant has not yet received a Renewable Energy Approval, a point raised by the Municipality of Bluewater, is not relevant to this proceeding, nor are the character attacks on the Applicant which form part of the request for intervenor status filed by Ritzema Dairy. Also not relevant is the Municipality of Bluewater's request that the transmission line be buried, an issue the municipality has indicated it intends to raise in this proceeding by way of comments reported in an article attached hereto as Exhibit "A." The Applicant asks that the Board please clarify the scope of this proceeding and that it request that parties limit their participation to matters within the Board's criteria for considering leave to construct applications.

Second, with respect to requests for an oral hearing, the Applicant notes that the Board's Notice of Application and Written Hearing dated December 12, 2012 indicates that the Board intends to proceed by way of a written hearing "unless a party satisfies the Board that there is a good reason for not holding a written hearing." The Municipality of Bluewater, Ritzema Dairy and J.R. McLachlan have requested that the Board proceed by way of oral hearing. With respect, the Applicant submits that the reasons provided in support of an oral hearing do not demonstrate that an oral hearing is necessary in this proceeding. The Board has indicated that written hearings allow participants to adequately and fully express their concerns to the Board.<sup>1</sup> Moreover, the Applicant submits that a written hearing is both appropriate and consistent with OEB practice in leave to construct applications by non-rate regulated companies. In the alternative, the Applicant submits that the requests for an oral hearing are premature until the record is further developed.

Regarding the request for costs made by the Municipality of Bluewater, the Applicant notes that section 3.05(i) of the Board's *Practice Direction on Cost Awards* provides that municipalities are excluded from eligibility for cost awards. The Applicant therefore submits that the Municipality of Bluewater is not eligible to receive costs in this proceeding.

Finally, the Applicant reserves its right to respond to the request for intervenor status filed by the Historic Saugeen Métis ("HSM"). The Applicant will respond to HSM's request for intervenor status once HSM has re-filed its letter of intervention in accordance with Rule 23.04(b) of the Board's *Rules of Practice and Procedure*.

Please contact the undersigned if you have any questions in regards to the foregoing.

Sincerely,

McCarthy Tétrault LLP

*Signed in the Original*

George Vegh

GV/djk

---

<sup>1</sup> See Ontario Energy Board Decision dated May 22, 2009 regarding an order or orders authorizing certain distributors to conduct specific discretionary metering activities under section 53.18 of the *Electricity Act* (EB-2009-0111), pg. 2.

**Exhibit "A"**

"Bluewater Wants Hearing on Varna Wind," CKNX AM 920, Tuesday January 8, 2013.

**(see attached)**



Tuesday, January 08, 2013 9:31AM

- [Home](#)
- [News](#)
  - [Local News](#)
  - [Sports](#)
  - [AgBiz](#)
  - [Weather](#)
  - [Farm Advisory Board](#)
  - [Local Gas Prices](#)
  - [The CKNX Community Champion Award](#)
  - [RTDNA Award Winners 2012](#)
- [Program Schedule](#)
  - [View Schedule](#)
  - [Phil Main](#)
  - [The 8:00 Magazine](#)
  - [The Talk Show](#)
  - [Midday Magazine](#)
  - [Gerry Richardson](#)
  - [John Marshall](#)
  - [The 5:00 Magazine](#)
  - [Focus On The Family](#)
  - [Prime Time Sports](#)
  - [Jeff Norgate](#)
  - [Bluegrass Rules](#)
  - [The Motts](#)
  - [Cherrey Bus Lines OHA Hockey](#)
  - [NFL on CKNX AM920](#)
- [Contests](#)
  - [E-Newsletter Sign-Up](#)
  - [Rules and Regulations](#)
- [Events](#)
  - [CONCERTS](#)
  - [Spotlight Events](#)



- [Event Calendar](#)
- [Submit An Event](#)
- [Obituaries](#)
- [Downloads](#)
  - [Blackburn Radio app](#)
  - [Audio/Video](#)
  - [Photos](#)
- [Contact us](#)

## Local News

0

**Search Articles****Contact News****Days****Current Day**

<a href="#">Previous</a>	<a href="#">Next</a>
<a href="#">Jan 8, 2013</a>	
<a href="#">Jan 7, 2013</a>	
<a href="#">Jan 6, 2013</a>	
<a href="#">Jan 5, 2013</a>	
<a href="#">Jan 4, 2013</a>	
<a href="#">Jan 3, 2013</a>	
<a href="#">Jan 2, 2013</a>	

**Categories**[All Categories](#)[Local News](#)[Sports](#)[AgBiz](#)

## Bluewater Wants Hearing on Varna Wind

[View All News](#) | [Return To Previous Page](#)**Tuesday, January 8, 2013 5:26 am**

The Municipality of Bluewater has requested intervenor status in an Ontario Energy Board Hearing regarding the Varna Wind Inc. Project.

Bluewater C-A-O Steve McAuley explains the issue is transmission lines that run from the project along Centennial Road. The municipality has asked that those transmission lines be buried.

McAuley says Nextera Energy has said they're looking at the request but at this point have not said they would bury the cables. The municipality wants to be able to present its case to the Board, and has asked for an oral, rather than a written submission.

McAuley adds the municipality also feels Nextera's application to construct is premature because they haven't been given approval to construct at this point.

[Home](#) | [About Us](#) | [Contact Us](#) | [Advertising](#) | [Privacy Policy](#) | [Terms of Use](#)

©2005 - 2013 CKNX Radio. All rights reserved.  
 Site design and development by [Atomic North New Media](#)