**VIA ELECTRONIC FILING & XPRESSPOST**

February 19, 2013

Ms. Kirsten Walli

Board Secretary

Ontario Energy Board

2300 Yonge Street

PO Box 2319, 27th Floor

Toronto, ON

M4P 1E4

Dear Ms. Walli:

**RE: Board File Number: EB-2012-0458**

 **K2 Wind Ontario Limited Partnership;**

 **Application for Leave to Construct (the “Application”)**

We (the **“ACW Group”**) are writing in response to the letter to you from Ms. Helen T. Newland of Fraser Milner Casgrain LLP, written on behalf of K2 Wind Ontario Limited Partnerhip (**“K2 Wind”**).

Our request for intervenor status and awarding of our costs to participate was received by the OEB on January 31, 2013, within the required time frame.

At the February 5, 2013 Ashfield Colborne Wawanosh (ACW) Council Meeting, a member of our group informed our municipal council that we had requested intervenor status. Mr. Sandy Fleming, a K2 Wind employee, was in attendance at that meeting. Enclosed is a copy of the agenda for the ACW Council Meeting to be held this evening, February 19, 2013. Item 6.5.2 is a follow-up from our discussion with council at the February 5, 2013 meeting. Furthermore, Council correspondence arising from that discussion was posted to your site on Thursday, February 7, 2013.

We believe that it is reasonable for us to anticipate an open Hearing which welcomes all relevant information. We have something worthwhile to contribute to this process and we are respectfully requesting the opportunity to do so.

**1. Request for Intervenor Status**

The ACW Group does have a “substantial interest” in this proceeding. We do not and cannot define ourselves so narrowly as our own individual property boundaries. Among other things, we would like the opportunity to elaborate on and clarify what we mean by “significant safety considerations that need to be addressed” with respect to the Facilities which are the subject of this application.

Ms. Newland states in her letter that “…there is no doubt that the ACW Group’s real objective is stopping the construction wind project. Seeking intervenor status in this proceeding is simply another strategy in this regard”. This Hearing is to address specific matters with respect to a part in a much bigger whole. We will all be profoundly impacted by “the whole” if the project proceeds. We do therefore have a “substantial interest” in the sum of the parts and are making every effort to participate at all points as this process unfolds. We are not alone in this endeavour. There is strong community support for our efforts and involvement. As mentioned in our letter to you of January 31, 2013, over 800 residents and landowners have signed a petition opposing this project in its entirety. Ms. Newland’s letter speaks to that in her comments regarding the distribution of “Guidelines for Letters of Comment to the OEB K2 Wind Power Project”. The Guidelines were sent by personal email to individuals who gave their personal email addresses to members of our group so that they could be kept informed with respect to developments in the K2 Wind project and have the opportunity to be involved. These are busy people. Their lives do not necessarily afford the time to participate more actively in an OEB Hearing. They should be allowed a Letter of Comment if they so choose to send one without it being insinuated to be a mark against anyone.

While it is true that the Board’s public interest mandate in respect of applications under section 92 of the *Ontario Energy Board Act,* 1998 is limited, we would strongly state that the ACW Group has legitimate and valid comment to be made within those limitations on behalf of not just our group, but also the broader ACW community and all consumers in Ontario. We are a group with limited financial resources when compared to K2 Wind. That does not mean that we do not have pertinent and valid information to bring to the table to share.

Over the years K2 Wind has repeatedly stated its desire for an open, consultative process. We are confident that they would publicly state that sentiment to this day. Why then would they wish to deny residents of the proposed host community a further opportunity to engage in the process?

Proximity to the Facilities is precisely one of the reasons our group should be considered for intervenor status. Enclosed is a copy of a letter dated January 21, 2013 to Frayne Farms Inc. (Anita and Paul Frayne) from K2 Wind Ontario. In the second paragraph of the letter, Mr. Wendelgass states, “pursuant to the Ontario Energy Board’s direction, we are required to provide you and other parties with certain documents pertaining to the application.” The same letter and enclosures were delivered to George Alton and Jim and Sharon Nivins. Our group understands this to be an invitation to participate.

**2. Eligibility for Costs**

Section 4.02 of the Board’s *Practice Direction on Costs Award* states that, an applicant in a process will have 10 calendar days from the filing of the letter of intervention or request for cost eligibility, as applicable, to submit its objections to the Board, after which time the Board will rule on the request for eligibility.”

Section 3.03 of the Board’s *Practice Direction on Costs Award* states that, “a party in a Board process is eligible to apply for a cost award where the party: (a) primarily represents the direct interests of consumers (e.g. ratepayers) in relation to services that are regulated by the Board; (b) primarily represents a public interest relevant to the Board’s mandate; or (c) is a person with an interest in land that is affected by the process.”

As previously stated, as ratepayers and landowners in ACW, we do not and cannot define ourselves so narrowly as our own individual property boundaries. As consumers, we have a desire to comment with respect to how the Facilities will impact prices and the reliability and quality of electricity service in our province. As residents of ACW, we are impacted by the parts which make the whole. We represent the public interest. Therefore, we do need costs. We have limited financial resources. It takes time to carefully examine and address all matters related to this Application. It is an overwhelming, time consuming commitment. It is also a very worthwhile and valid commitment.

In conclusion, our ongoing involvement and interest in this proposed development in our municipality should not be trivialized as nuisance or implied to be frivolous in nature. The members of our group have collectively committed many hours and a great deal of energy to coming to an understanding of all matters related to this project. We therefore respectfully request that we be granted intervenor status at this Hearing and be awarded our costs of participation.

Thank you for your consideration.

Respectfully,

Michael Leitch

Marianne & Paul Bollinger

Jim & Sharon Nivins

George Alton

Anita & Paul Frayne

Encls.

Copy to Helen T. Newland

 Fraser Milner Casgrain LLP