



**EB-2012-0458**

**IN THE MATTER OF** the *Ontario Energy Board Act*, 1998,  
S. O. 1998, c.15, Schedule B;

**AND IN THE MATTER OF** an application by K2 Wind  
Ontario Limited Partnership for an Order granting leave to  
construct a new transmission line and associated facilities.

**PROCEDURAL ORDER NO. 3**  
**April 4, 2013**

K2 Wind Ontario Limited Partnership ("K2 Wind") filed an application with the Board dated December 5, 2012 under sections 92 and 97 of the *Ontario Energy Board Act*, 1998 (the "Act"). K2 Wind has applied for an order of the Board for leave to construct approximately 5.1 km of underground single circuit 230 kilovolt ("kV") electricity transmission line and associated facilities (the "Proposal"), and for an order approving the form of agreements that have been or will be offered to landowners affected by the Proposal. The Board has assigned File No. EB-2012-0458 to this application.

**Residents Group Request for Further Answers to Interrogatories**

By way of letter dated March 23, 2013 the Residents Group has requested that the Board order K2 Wind to answer more fully a number of the interrogatories they submitted on March 4, 2013. The Board's process for responses to interrogatories is outlined in Section 29 of the Board's *Rules of Practice and Procedure*. In particular, Rule 29.03 states that:

Where a party is not satisfied with the response provided, the party may bring a motion seeking direction from the Board.

While the Residents Group has not filed a formal motion, The Board will accept its letter of March 23, 2013 as a “motion”. Accordingly, the Board will make provision for K2 Wind to respond to the request set out in the motion.

### **Evidence filed by the Residents Group**

On March 24, 2013 the Residents Group filed evidence with the Board consisting of three affidavits: affidavit of Michael Leitch; affidavit of Ross and Darlene Brindley; and an affidavit of Marianne and Paul Bollinger.

On April 1, 2013, K2 Wind filed a Notice of Motion seeking an Order of the Board striking out the three affidavits filed on behalf of the Residents Group. The Board will hear this motion in writing.

### **THE BOARD ORDERS THAT:**

1. K2 Wind shall file with the Board and deliver to all parties any submission it wishes to make in response to the Motion for further answers to interrogatories on or before **April 11, 2013**.
2. The Residents Group shall file any reply submission with the Board and deliver it to all parties by **April 19, 2013**.
3. If the Residents Group, any other intervenor or Board staff wishes to make a submission on the motion for an order striking out the affidavits filed by the Residents Group, such submissions shall be filed with the Board and delivered to all other parties, by **April 11, 2013**.
4. K2 Wind shall file any reply submission with the Board and deliver it to all parties by **April 19, 2013**.

All filings to the Board must quote file number EB-2012-0458, be made through the Board’s web portal at <https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of

two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax

number and e-mail address. Parties shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.ontarioenergyboard.ca](http://www.ontarioenergyboard.ca).

If the web portal is not available, parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

### **ADDRESS**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27th Floor  
Toronto ON M4P 1E4  
Attention: Board Secretary  
E-mail: [Boardsec@ontarioenergyboard.ca](mailto:Boardsec@ontarioenergyboard.ca)  
Tel: 1-888-632-6273 (toll free)  
Fax: 416-440-7656

**DATED** at Toronto, April 4, 2013

### **ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary