



**Daniel & Partners LLP**  
LAWYERS

Friday, April 5, 2013

**SENT VIA E-MAIL TO: boardsec@ontarioenergyboard.ca**

The Ontario Energy Board  
P.O. Box 2319  
27<sup>th</sup> Floor, 2300 Yonge Street  
Toronto, ON M4P 1E4

**Attention: Board Secretary - Kirsten Walli**

Dear Ms. Walli:

**RE: Wainfleet Wind Energy Inc. ("Wainfleet Wind")**  
**Letter of Comment**  
**Our File No.: 44127                      Reference File No.: EB-2013-0031**

We confirm we are the lawyers for the Corporation of the Township of Wainfleet. The facts outlined below provide an explanation of the Township's deferral of the issue of municipal consent in the timeline requested by Wainfleet Wind.

As referred to in paragraph 4 of the Notice of Application, Wainfleet Wind submitted an application for municipal consent on September 12 and 13, 2012. A renewable energy approval had not been granted and to date, has not been obtained. At the time of Wainfleet Wind's request to the Township, a Court case was pending concerning the validity of a health and safety by-law enacted by the Township which imposed a 2km setback for industrial wind turbines. The matter of municipal consent was deferred.

On December 21, 2012, a hearing date for the Court case was set for March 11, 2013.

In correspondence dated January 3, 2012 from the law firm representing Wainfleet Wind in the Court case, counsel advised the Township that Wainfleet Wind required the Township's approval by January 31, 2013.

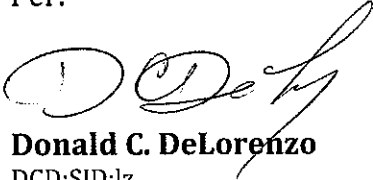
In these circumstances, the Township did not enter into an agreement with Wainfleet Wind for placement of the proposed distribution system because the Township did not want to take any action which could be construed or portrayed in a manner prejudicial to its position before the Court hearing scheduled for March 11, 2013. Further, the Township was concerned that the request was premature, as the determination of the legality of the Township's by-law had not been rendered and a renewable energy approval had not yet been issued to Wainfleet Wind.

The Township, however, recognizes the authority of the Ontario Energy Board in this matter.

We kindly request that a copy of all documentation filed with, or issued by the Board, be served on our office as counsel for the Township.

Sincerely,  
**Daniel & Partners LLP**

Per:



**Donald C. DeLorenzo**

DCD:SJD:lz

CC: Wainfleet Wind, c/o Harold Loeffen - loeffenfarms@sympatico.ca  
Scott Stoll, counsel for Wainfleet Wind - sstoll@airdberlis.com