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April 24, 2013

VIA EMAIL (boardsec@ontarioenergyboard.ca)

Kristen Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor,
Toronto ON, M5P 1E4

Dear Ms. Walli;

RE: Ritzema responses to interrogatories of Applicant in EB-2012-0442

The following are the Ritzema's responses to interrogatories forwarded by the Applicant in its submission of April 10th, 2013.

1. Please provide the source of the "map" referred to in respect of the assertion that the Applicant has planned to place a pole at the location indicated in Exhibit 4 of the Ritzema evidence. Please also provide the map itself. If the map cannot be produced, please provide the basis for the proposition that there will be a pole at the location indicated.

The map referred to was made available for the Ritzemas to view at the office of the Municipality of Huron East. When a request was made by the Ritzemas to print the map which indicated pole placements, they were not allowed to do so. This map was mentioned to Community Relations Consultant, Derek Dudek, who promised to have a copy of it forwarded to the Ritzemas, however it has never been produced.

Further evidencing the basis for the proposition that a pole will be located in the Deviation Area is the fact that Mr. Ritzema was presented with an Easement Option Agreement by NextEra relating to the "Deviation Area".

The Ritzemas find it quite troubling to know that a map is in existence relating to pole placement, which is being kept from the residents who are at risk of being affected by the proposed route.

2. Please advise how the land claimed to be Ritzema property located south of Centennial Road and east of Division Line (that is, the land which is "cross hatched" in pink at Exhibit 4 of the evidence) is used and who is using it.

The land referred to in the Ritzema evidence, the "Deviation Area", is partially farmed by the neighboring owners South of Centennial Rd, the Coopers.

3. Please provide a chronology indicating how long the land has been used in this or any other manner to the extent that the Ritzemas are aware.

The Coopers have farmed the portion of the Deviation Area pursuant to a verbal agreement with the predecessor of the Ritzema property. It has always been acknowledged by the Coopers that the Deviation Area and their portion of farmed land on same belongs to the Ritzemas.

4. Please advise whether the Ritzemas agree with the contents of the map at Exhibit A.

The Ritzemas agree that the map at Exhibit A is an accurate reflection of how Centennial Rd. lies both to the East and West of Division Line.

5. Did the Ritzemas or the predecessor to Mr. Ritzema in title to PIN 41280-0037(LT), being Lot 26, Concession 5, London Road Survey Tuckersmith; and part Lot 27, Concession 5, London road Survey Tuckersmith as in R331779; Huron East; open the Deviation Road in the place of the original road allowance that is in the Deviation Area?

The Ritzemas did not open the Deviation Road in place of the original road allowance. To their knowledge, nor did the predecessor to Ritzema. There is no evidence that a road ever existed in the original road allowance.

6. Did the Ritzemas or the predecessor to Mr. Ritzema in title ever receive compensation for the land comprising the Deviation Road?

No they have not.

7. Is Mr. Ritzema now the person in possession of the portion of the original road

allowance that is in the Deviation Area, particularly having regard to Exhibit A, which shows that a significant portion of the Deviation Area is farmed contiguously with land to the south of the Deviation Area owned by the neighbours to the south? If not Mr. Ritzema, then who is in possession of that land?

As stated in the answer to #3, the Coopers farm a portion of the Deviation Area pursuant to a verbal agreement that predates the Ritzemas tenure.

8. Has Mr. Ritzema received a signed and delivered, but unregistered, conveyance of the portion of original road allowance within the Deviation Area?

No he has not.

9. Are the Ritzemas aware of any claim for possession, compensation or otherwise from any other person, including without limitation, the neighbours to the south or their tenants, in regard to all or part of the Deviation Area?

There have been no claims for possession or compensation by any other person. The Coopers (neighbours to the South) have always acknowledged the Ritzemas ownership of the Deviation Area.

10. Please make the following enquiries of the Municipality of Huron East:

a. Did the Deviation Road exist as a highway on December 31, 2002?

b. On the basis that the Deviation Road is a highway, does Huron East have plans, surveys and specifications as to the such highway?

c. If the Deviation Road did not exist as a highway on December 31, 2002, has a by-law of Huron East or a predecessor municipality been passed on or after January 1, 2003, dedicating the Deviation Road as a highway?

d. Did the predecessor of Mr. Ritzema in title to PIN 41280-0037(LT), being Lot 26, Concession 5, London Road Survey Tuckersmith; and part Lot 27, Concession 5, London road Survey Tuckersmith as in R331779; Huron East; open the Deviation Road in the place of the original road allowance that is in the Deviation Area? If

so, did Huron East or any predecessor municipality assume such Deviation Road by, amongst other things, expenditure of public money on it?

e. Did Huron East or any predecessor municipality open the Deviation Road in place of the original road allowance that is in the Deviation Area?

f. Did Huron East or any predecessor municipality ever give compensation for the land comprising the Deviation Road to Mr. Ritzema, any predecessor in title to the Deviation Road, any person currently in possession of all or part of the Deviation Area or any other person?

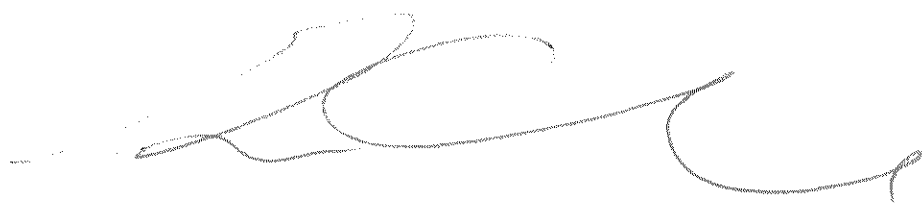
g. Did Huron East or any predecessor municipality ever pass a by-law stopping up and closing the portion of the original road allowance within the Deviation Area?

h. Did Huron East or any predecessor municipality ever convey all or any portion of the original road allowance within the Deviation Area to Mr. Ritzema, a predecessor in title or any other person? If so, was the consent of the Ministry of Natural Resources obtained as such original road allowance runs over the Left Tributary of the Broadfoot Drain?

The Ritzemas have made the above enquiries of the Municipality of Huron East but have not yet received responses to same. As such, they have insufficient information to answer questions 10 (a-h). However, it is the Ritzemas position that answers to questions 10 (a-h) should be sought by the Applicant as part of its own due diligence.

Yours very truly,

COHEN HIGHLEY LLP

A handwritten signature in dark ink, appearing to read 'Gene Chiarello', with a long, sweeping horizontal stroke extending to the right.

Gene Chiarello

Email: chiarello@cohenhighley.com