

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 Dufferin Wind
Power Inc. for an Order granting leave to construct a new
transmission line and associated facilities.

FINAL SUBMISSIONS

On behalf of Lori Bryenton, an intervenor in this matter, we respectfully submit the following:

References

Applicant's Responses to Supplemental Interrogatories
Argument-In-Chief
Route Amendment #2
Application EB-2013-0102

1. There have been repeated requests from the County of Dufferin, the Township of Melancthon, and the public to bury the transmission line in its entirety. The Applicant has repeatedly rejected this request, with the only rationale being cost to the Applicant. As this reason is not of a technical nature nor does it in any way positively affect the potential quality or reliability of electricity, we ask that the Applicant comply and give written assurance to both the Board and all affected parties that it will indeed bury the transmission line in its entirety. Should the Applicant refuse, we submit that the Board should deny leave to construct.
2. The Applicant has failed to negotiate an easement agreement with the County of Dufferin for use of the rail corridor. As this portion of the transmission line represents a significant portion of the route, we submit that the Board should deny leave to construct.

3. The Applicant has threatened to file for expropriation of the rail corridor lands owned by the County. Not only is this decision not in the best interests of the residents of the County, but the expropriation process can take many months with no guarantees of success. It would be premature to grant a leave to construct with the serious issue of expropriation pending and as a result we submit that the Board should deny leave to construct.
4. The Applicant shows no regard for the requests made by the Township of Melancthon as to the locations of transmission facilities. The Applicant implies the Township enacted a by-law regarding heavy trucks for the purpose of disrupting the Applicant's proposed construction activities. This kind of statement is both unprofessional and disrespectful to those on the Township Council and disparages the decisions they have made in their attempt to protect the infrastructure of the township and the best interests of its residents. As evidenced in the Applicant's filing, the ongoing dispute between the Applicant and the Township is indicative of the Applicant's refusal to meet the criteria presented for the location of transmission facilities and once again indicates the lack of support from the community. As a result we submit that the Board should deny leave to construct.
5. In response to Ms. Bryenton's Supplemental Interrogatory Question No. 8, the Applicant admits its intention to file an additional Changes Report in the Renewable Energy Approval process, but claims it is not anticipated that such a report will include material changes related to the proposed transmission facilities. This statement indicates it is possible that material changes related to the proposed transmission facilities may be

included in an additional Changes Report. We ask that Board stay these proceedings until the additional Changes Report is filed, which stay will then provide Board staff and intervenors the opportunity to analyze additional changes.

6. With regard to Route Amendment No. 2, we submit that the Applicant's responses to supplemental interrogatories were inadequate. We ask that the Applicant provide written documented approval from all 5 affected landowners prior to the Board making a decision as to whether it should deny leave to construct.
7. In response to Ms. Bryenton's Supplemental Interrogatory No. 9, the Applicant dismissed the fact that the landowner of Lot 27, Concession 4 is affected by the amended route. The fact that this landowner was apparently spoken to on several occasions in January and February 2013 can be taken as proof of this. We ask that the Board note that this landowner does not approve of the amended route, is affected by it, and has not had his concerns addressed by the Applicant when making a decision as to whether it should deny leave to construct.
8. In response to CORE's Supplemental Interrogatory No. 5, the Applicant states that the affected landowners were not given copies of Amendment No. 2 because they are not intervenors. This is not an acceptable excuse. All affected landowners should be notified in writing of any route amendments and we submit that the Board should require this to be completed prior to the Board making a decision as to whether it should deny leave to construct.

9. The Applicant has attempted to negotiate an easement with the owner of Lot 27, Concession 3 for the 230kv transmission line. No easement has been granted by the landowner. Should the Applicant fail to obtain such an easement, another route amendment will be required. The Applicant has not submitted any information in the Changes Report or any submissions to the Board regarding this significant portion of the 230kv transmission line which extends west after crossing the 3rd Line, after the northern path out of the substation. We ask that Board stay these proceedings until the Applicant provides and detailed mapping and a description of the exact placement of this portion, which will afford Board staff and intervenors the opportunity to view this potentially lengthy route amendment.
10. In the Applicant's Argument-In-Chief, Introduction at Item No. 3, the Applicant claims that filed evidence demonstrates that the public interest test for leave to construct has been met and that the proposed routing is both appropriate and offers important advantages over other alternatives.
- These claims are not accurate as demonstrated by CORE and other intervenors who have stated within interrogatories and comments numerous reasons why the transmission route is neither appropriate nor acceptable in the public interest.
- As submitted to the Board, the County of Dufferin has requested a moratorium on all overhead transmission lines in the county that are connected to industrial wind farms.
- The Township of Melancthon has asked for a moratorium on industrial wind farms.
- The Town of Shelburne has objected to the transmission line going through the town whether buried or overhead.

These are but a few examples of how the Applicant has failed to address the issues raised by the public and those directly affected by the proposal and failed to prove the proposed routing to be appropriate. With such massive opposition, delays (either legal or otherwise) are likely, thus affecting the transmission project both pre- and post-construction, thereby having the potential to jeopardize the quality and reliability of electricity services.

In light of these issues, we ask that the Board deny the Applicant leave to construct the proposed transmission facilities.

11. In the Applicant's Argument-In-Chief at Item No. 15, the Applicant indicates it has experienced multiple ownership issues, OPA FIT Contract extensions, numerous project layout changes, and transmission route alterations. In addition, the Applicant has received notice of massive public and local government opposition as well as project participant dissatisfaction regarding the placement of project components. In light of the continued difficulties and alterations the Applicant is experiencing, we submit that the Board should deny leave to construct.

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ERIC K. GILLESPIE
PROFESSIONAL CORPORATION
Barristers & Solicitors
Suite 600, 10 King Street East
Toronto, Ontario
M5C 1C3

Eric K. Gillespie
Tel : (416) 703-6362
Fax: (416) 703-9111
Email: egillespie@gillespielaw.ca
Lawyers for Lori Bryenton, Intervenor