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FILE NUMBER:              81310-00002

April 25, 2013

**DELIVERED BY EMAIL**

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
2300 Yonge Street  
P.O. Box 2319, Suite 2700  
Toronto ON M4P 1E4

**Re:      EB-2012-0365 - Dufferin Wind Power Inc.**

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Please find enclosed the Responding Submissions of Conserve Our Rural Environment ("**CORE**") in connection with the above-noted proceeding.

We also take this opportunity to respond to Dufferin Wind Power Inc.'s ("**DWPI**") April 18, 2013 correspondence ("**DWPI's Correspondence**") which disproportionately reacted to our attempt to keep the Board apprised of matters relevant to its Application for Leave to Construct (the "**Application**"), in our correspondence dated April 17, 2013 ("**Our Correspondence**"). This overreaction, in our view, underscores the importance of securing the easement over the rail corridor lands to the success of the Application.

DWPI wrongly and unnecessarily implies an intent to mislead and mischaracterize, when there was no such intent in Our Correspondence. DWPI's Correspondence is, frankly, offensive.

DWPI enclosed, with its correspondence, a copy of the Minutes (the "**Minutes**") of the April 11, 2013 meeting of Dufferin County Council ("**Council**"). It correctly points out that the report of the Chief Administrative Officer dated April 11, 2013, with respect to the request for an easement along the former rail corridor from DWPI, was received. In fact, no further action was taken, notwithstanding that Council had before it the option to direct staff to resume negotiations for an agreement to grant an easement. The content of the Minutes is not inconsistent with the advice that our office provided to the Board in Our Correspondence. Admittedly, the choice of the word "resolved" in the first sentence of Our Correspondence was perhaps the wrong choice, but was, as DWPI suggests, based on our understanding of the e-mail correspondence received from the Deputy-Clerk of the County.

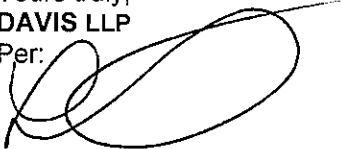
The Minutes and the County's actions speak for themselves. DWPI and the County are not now negotiating an agreement for an easement, nor have County staff been directed to resume negotiations. There is no evidence before the Board that Council discussed the County resuming negotiations with DWPI after DWPI was granted leave to construct, only DWPI's Correspondence, which amounts effectively to submissions from its counsel. Moreover, DWPI's submissions as to what Council discussed are entirely speculative, since Council dealt with this matter *in camera*. Finally any potential future negotiations are entirely speculative, as leave to construct has not been, and may not be, granted.

We trust that this correspondence resolves any concern that the Board may have had with our earlier correspondence, but would be pleased to discuss these matters further should the Board wish.

Yours truly,

**DAVIS LLP**

Per:

A handwritten signature in black ink, appearing to be 'Laura K. Bisset', written over the 'Per:' text.

Laura K. Bisset

LKB/

cc: Applicant and Intervenors  
Harvey Lyon (*by fax only*)