

June 10, 2013

EMAIL & COURIER

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

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli

Re: Bornish Wind, LP, Kerwood Wind, Inc. and Jericho Wind, Inc. Applications for Leave to Construct Transmission Facilities Board File no. (EB-2013-0040 and EB-2013-0041) - Treatment of Confidential Filings

We are counsel to the Applicants in the above-referenced proceedings. Today we received a copy of a letter, along with a signed Declaration and Undertaking, from Mr. Wayne Meagher, Director of Legal Services for Middlesex County (the "County"), which is an intervenor in the combined proceedings. As acknowledged in the letter, Mr. Meagher has modified the Board's approved form of Declaration and Undertaking so as to remove that portion of the declaration which provides that "I am not a director or employee of a party to this proceeding for which I act or of any other person known by me to be a party in this proceeding." Mr. Meagher has explained that he is an employee of the County.

Section 6 of the Board's *Practice Direction on Confidential Filings* states that, as a general rule, the Board will not accept a Declaration and Undertaking from counsel for a party where such counsel is a director or employee of a party. Section 6 also states that parties to a proceeding will be notified when the Board has accepted a Declaration and Undertaking from a person. Accordingly, the Applicants do not intend to furnish Mr. Meagher with a copy of the confidential filings unless and until such time as the Board determines that it has accepted Mr. Meagher's Declaration and Undertaking in its modified form.

In the Applicant's view, the relevant concerns for the Board will relate to Mr. Meagher's ability to protect the confidential filings from unauthorized access, in both hard copy and electronic form, notwithstanding his employment with County, and whether Mr. Meagher can, in his personal capacity as solicitor to the County maintain control over the confidential documents. Unless the Board can be satisfied that appropriate measures are in place to ensure the necessary physical and electronic separation to protect the confidential documents, and as to Mr. Meagher's personal capacity to retain control over the documents, Mr. Meagher's Declaration and Undertaking should not be accepted.

Yours truly,



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cc: Charles Keizer, Torys
Ben Greenhouse, Applicants
Wayne Meagher, Middlesex County