



EB-2013-0040
EB-2013-0041

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 Bornish Wind, LP, Kerwood Wind, Inc. and Jericho Wind, Inc. for an order or orders granting leave to construct a transmission line and transmission facilities;

AND IN THE MATTER OF an application by Kerwood Wind, Inc. for an order or orders granting leave to construct a transmission line and transmission facilities.

PROCEDURAL ORDER NO. 6

June 28, 2013

Bornish Wind, LP, Kerwood Wind, Inc. and Jericho Wind, Inc. (the “Co-owners”) filed an application with the Ontario Energy Board (the “Board”), dated February 8, 2013, under sections 92, 97 and 101 of the *Ontario Energy Board Act, 1998*, S.O. 1998, c.15, (Schedule B) (the “Act”). The Co-owners have applied for an order of the Board granting leave to construct an electricity transmission line and related facilities. The Board assigned file number EB-2013-0040 to this application. A separate application under sections 92, 97 and 101 of the Act was filed by Kerwood Wind, Inc. (“Kerwood”) on February 8, 2013. Kerwood has applied for an order of the Board granting leave to construct an electricity transmission line and related facilities. The Board assigned file number EB-2013-0041 to this application. In the interest of efficiency, the Board combined the EB-2013-0040 and EB-2013-0041 applications pursuant to the Board’s power under section 21(5) of the Act.

In accordance with Procedural Order No. 4, issued on May 29, 2013, Hydro One Networks Inc. (“Hydro One”), the Corporation of the County of Middlesex (the “County”) and the Group of Intervenor (the “Group”) filed intervenor evidence on June 3, 2013.

On June 17, 2013, interrogatories on Hydro One's evidence were filed by Board staff and the County. The Co-owners and Kerwood (the "Applicants") filed interrogatories on the County's evidence and the Group's evidence. Procedural Order No. 4 set out a response date of July 2, 2013.

On June 26, 2013, the Group filed correspondence requesting an extension to July 15, 2013 to file the response to interrogatories on the Group's evidence. The correspondence stated that counsel for the Group, Mr. Andrews, was currently out of the country and would be returning to the office on July 8, 2013.

The Applicants filed a letter on June 27, 2013 opposing the Group's request for an extension to file response to interrogatories on the Group's evidence. It is the Applicants' understanding that Mr. Andrews has been away since June 15, 2013. The Applicants state that Mr. Andrews had ample opportunity between the May 29, 2013 issuance of Procedural Order No. 4 and the beginning of his absence to make arrangements for responding to the interrogatories. The Applicants also state that it is unreasonable to delay the proceeding by two weeks on account of Mr. Andrews' failure to make arrangements for the response to two short interrogatories. Further, the Applicants noted that Mr. Gillespie is listed as counsel of record for the Group and that Mr. Andrews' absence should not be a critical factor in the Group's ability to respond to interrogatories.

The Board denies the Group's request for an extension to file the response to the interrogatories on the Group's evidence. The filing date of July 2, 2013 has been known for many weeks and counsel for the Group had sufficient time to make arrangements for maintenance of these files in his absence and completion of the responses to the interrogatories. The request for extension would result in a delay in the process which may disadvantage the Applicants.

The Board considers it necessary to make provision for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

THE BOARD ORDERS THAT:

1. The filing dates established in Procedural Order No. 4 are unchanged. Parties shall file with the Board and deliver to all other parties a complete response to

each of the interrogatories relating to evidence filed on or before **July 2, 2013**.

All filings to the Board must quote the file numbers, EB-2013-0040 and EB-2013-0041, be made through the Board's web portal at

<https://www.pes.ontarioenergyboard.ca/eservice/>, and consist of two paper copies and one electronic copy in searchable / unrestricted PDF format. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <http://www.ontarioenergyboard.ca/OEB/Industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a CD in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

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

E-mail: boardsec@ontarioenergyboard.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **June 28, 2013**

ONTARIO ENERGY BOARD

Original signed by:

Kirsten Walli
Board Secretary