

August 7, 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. (the  
“Applicants”) - Applications for Leave to Construct Transmission Facilities  
(EB-2013-0040, EB-2013-0041) - Response to Middlesex County Letter**

We are counsel to the Applicants in the above-referenced proceedings. On August 7, 2013 we discovered that a letter had been filed by Middlesex County (the “County”) and posted on RESS as of August 6, 2013. Neither the Applicants nor their counsel, nor any intervenor, was served with a copy of this letter from the County. The County’s letter reiterates its preference for an oral hearing and indicates the County’s intention to file a more detailed letter with respect to its position on this issue. On behalf of the Applicants, we offer the following response to the County’s August 6, 2013 letter.

The Applicants continue to be of the view, initially expressed in their letter dated April 2, 2013, that the reasons given by the County and other parties for an oral hearing are not compelling and that the issues in this proceeding have been and can continue to be adequately considered by way of a written proceeding.

Based on its filings in the proceeding, it is the Applicants’ understanding that the County’s key concerns relate to (a) the compatibility of the proposed transmission line and the current and future use of the right-of-way, and (b) road safety. Each of these aspects has been considered thoroughly through the filing of written evidence and corresponding interrogatory processes completed to date.

Moreover, the Applications are clear that the Applicants are committed to designing and constructing the proposed transmission facilities along the proposed route so as to minimize potential impacts on existing and future utilities and public infrastructure,<sup>1</sup> as well as committed to developing, operating and maintaining the proposed transmission facilities in accordance with applicable road safety standards.<sup>2</sup> Given these commitments, it is the Applicants’ expectation that these issues could be efficiently and appropriately addressed by the Board through the imposition of conditions of approval, such as the Board would typically impose in respect of other regulatory areas that are beyond the Board’s jurisdiction (i.e. environmental and land use matters).

As Procedural Order No. 7 did not establish any steps to advance the proceeding, and given the Applicants’ in-service schedules for the projects, it is imperative that the proceeding move forward expeditiously and, for the reasons stated, an oral hearing is not warranted.

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<sup>1</sup> See Response to County IR #5, Response to County IR #11 and Response to County IR #15.

<sup>2</sup> See Exhibit E, Tab 2, Schedule 1, Response to County IR #9, Response to County IR #15 and Response to Intervenor Group IR #6.

Yours truly,

(Original Signed By)

Jonathan Myers

cc: All Intervenors  
Mr. B. Greenhouse, Applicants  
Mr. C. Keizer, Torys LLP