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August 26, 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

Dear Ms. Walli:

Re: Dufferin Wind Power Inc. - Application for authority to expropriate - EB-2013-0268

We are counsel to Conserve our Rural Environment ("CORE").

CORE was made a party to the Dufferin Wind Power Inc. ("DWPI") Application for Leave to Construct; EB-2012-0365.

The Ontario Energy Board ("OEB") approved that application and CORE has appealed that decision to the Divisional Court. An Amended Amended Notice of Appeal which added the Board as a party was served and filed on August 22, 2013.

CORE does not believe the Board should consider that DWPI has leave to construct until that appeal is determined. At present, it is scheduled to be heard by the Divisional Court on November 25, 2013.

CORE has not sought a stay in its application because such a stay has been sought as part of an appeal of the Renewable Energy Approval ("REA") which DWPI obtained from the Director, Ministry of the Environment, and which is being appealed by CORE. As such, it was felt that to seek a stay as part of the appeal of the decision of the Board to grant leave to construct was unnecessary.

As you can see from CORE's Notice of Appeal, the issue of the way DWPI acquired leases to the land necessary for the transmission line is at issue in the appeal. As such, the appeal bears on the same issue as does the expropriation hearing which is described in the letter Jonathan Myers has written the Board on behalf of DWPI on August 21, 2013. We were made aware of that letter on August 23, 2013.

For all of these reasons it is CORE's submission that the Board should not proceed with DWPI's expropriation application until the decision of the Divisional Court in the appeal described herein has been decided.

As an aside, since counsel for DWPI was well aware of CORE's interest in all aspects of DWPI's Wind Farm project, we would have expected to be copied on the August 21, 2013 letter mentioned herein, if for no other reasons than fairness and common courtesy.

Thank you for your attention to this matter.

Sincerely,
DAVIS LLP
Per:

David Crocker
DDC/szp

cc: Jonathan Myers, Torys LLP (via email)
Laura Bisset, Davis LLP (via email)