

August 26, 2013

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EMAIL & COURIER

Ontario Energy Board
P.O. Box 2319
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2300 Yonge Street
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Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Dufferin Wind Power Inc. - Application for Authority to Expropriate
(EB-2013-0268)**

We are counsel to the applicant, Dufferin Wind Power Inc. ("Dufferin Wind") in the above-referenced proceeding.

Dufferin Wind filed its application on July 19, 2013 (the "Expropriation Application"). In response to a request from Board counsel the applicant filed a letter with the Board on August 21, 2013 for the purpose of setting out its views on the procedural implications for the Expropriation Application of Conserve Our Rural Environment (CORE) Inc. having served a Notice of Appeal to the Divisional Court from the Board's Decision and Order in Dufferin Wind's leave to construct proceeding (EB-2012-0365).

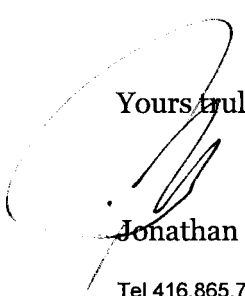
On August 26, 2013 we received a copy of a letter filed by CORE with the Board in which CORE expressed its view that the Board should not regard Dufferin Wind as having obtained leave to construct until the appeal is determined. CORE nevertheless confirmed that it has not sought a stay of the Board's Decision and Order in EB-2012-0365. CORE also took issue with the manner in which Dufferin Wind filed its letter of August 21, 2013.

In Dufferin Wind's view, CORE's letter of August 26 should be given no weight by the Board and should not form part of the record in the proceeding. The Board has not yet issued a Notice of Application or invited interested parties to intervene or otherwise participate in the proceeding. Notwithstanding its interest in the leave to construct proceeding, CORE has not been granted intervenor status in and has no standing to file submissions or comments concerning the Expropriation Application.

Accordingly, the Board should not give any weight to the August 26 letter from CORE and, for the reasons set out in the applicant's August 21 letter, Dufferin Wind reiterates its request that the Board proceed expeditiously to issue the Notice of Application and Letter of Direction and proceed to carry out the expropriation proceeding without further delay. Those reasons include that leave to construct has been obtained by Dufferin Wind; the Decision and Order granting

leave to construct has neither been stayed nor overturned; the Board's practice has been to allow related proceedings to move forward in the normal course notwithstanding a pending appeal of an underlying Board decision; it is expected that the appeal will be determined prior to the Board being in a position to make a decision on the Expropriation Application; and if necessary the Board could make the granting of expropriation authority conditional on the leave to construct being upheld.

Yours truly,



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cc: Mr. J. Hammond, Dufferin Wind
Mr. C. Smith, Torys LLP