



## Legal Services

**Wayne P. Meagher, H.B.A., LL. B., J.D.**  
County Solicitor/Director of Legal Services

September 16, 2013

**TO:**

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

**Attn: Ms. Kirsten Walli**  
**Board Secretary**

via e-mail ([boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)) and courier

**AND TO:**

Parties to EB-2013-0040/EB-2013-0041

via email

Dear Ms. Walli:

**RE: EB-2013-0040/EB-2013-0041 – Road Use Agreements**

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Please be advised that the County and the Applicants have been able to reach forms of road use agreements with respect to the projects described in each of EB-2013-0040 and EB-2013-0041, subject to approval of the Board.

As the Board is aware, the County's concerns in these leave to construct transmission infrastructure proceedings have been that in the opinion of the County:

- 1) the route as originally proposed did not adequately address certain incompatibilities associated with the use of County road allowances;
- 2) the route as originally proposed did not adequately address MTO Road Safety Guidelines and/or provide adequate mitigation measures thereunder;
- 3) the route as originally proposed unnecessarily increased the difficulty of road allowance maintenance for the County and future construction costs within the road allowances;
- 4) the process of seeking relevant permits from the County and providing detailed particulars of the route and construction details for that purpose was not being followed; and
- 5) it was uncertain as to whether or not the Applicants would assume adequate responsibility for the electrical infrastructure.

The road use agreements referred to above (which will be filed in updated evidence by the Applicants prior to September 18, 2013) provide for: an adjusted route and mitigation measures which address MTO Road Safety Guidelines and/or mitigation measures thereunder; detailed route and construction particulars, including but not limited to location of poles, engineering details of poles (type, material, size, foundation, construction methods, guying details), line arrangement (height of cables, vertical clearances, expected cable sag/sway), and exact alterations to the road allowance (ditch grading and guardrails); the obtaining of necessary permits for entranceways, private roads, access to and work on County roads and the movement of oversized loads; and responsibility by the Applicants for the proposed



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infrastructure (the aforementioned updates will collectively be referred to as the "Updated Route").

As a result of the Updated Route, the County is of the view that its issues in these leave to construct transmission infrastructure proceedings have been addressed and the County does not object to the applications, so long as they are based on the Updated Route. With its issues having being addressed, the County no longer intends to participate actively in the hearing or in the filing of submissions, except to the extent of filing submissions in support of the agreed upon Updated Route, as specified in the Form of Co-owners Agreement and Form of Kerwood Agreement.

Yours Truly,

**Wayne P. Meagher, H.B.A., LL.B., J.D.**  
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