

September 18, 2013

**RESS, 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. Applications for Leave to Construct Transmission Facilities Board File no. (EB-2013-0040 and EB-2013-0041) - Request to Amend and Vary Procedural Order No. 8**

This letter is in response to the correspondence of Mr. Eric Gillespie, counsel for the Intervenor Group, dated September 16, 2013 and also in response to his letter dated September 17, 2013 both filed in response to the Applicants' September 16, 2013 letter in which the Applicant requested that the Board complete the proceedings in writing rather than by way of an oral hearing. In Mr. Gillespie's letter of September 16, 2013, he indicated that he would cross-examine the Applicants' witnesses but he did not set out specific areas on which he intended to cross-examine. These areas have now been specifically identified in his letter of September 17, 2013.

The updated evidence of the Applicants filed with the Board on September 18, 2013 resolves many of the issues raised by Mr. Gillespie. We will deal with each of these in turn:

1. Independent Legal Advice to Property Owners – as indicated in the updated evidence (Exhibit B, Tab 1, Schedule 4 for each of EB-2013-0040 and EB-2013-0041) the Applicants have now acquired all necessary rights to build the proposed transmission line on the basis of the routes set out in the updated evidence. As a result, because no further land interests will be required, the subject of independent legal advice to property owners is no longer at issue.
2. Expropriation of Lands – as indicated in Exhibit F, Tab 1, Schedule 2 for each of EB-2013-0040 and EB-2013-0041, the securing of the appropriate land rights and the specific delineation of the routing in conjunction with those lands resolves the issue of whether there will be a need for any expropriation of lands for the purposes of construction of the proposed transmission facilities.

3. Issues Relating to Jericho – Mr. Gillespie intends to cross-examine on issues relating to the Jericho Wind, Inc. (“Jericho”) portion of the current application. Jericho is a separate wind project with its own separate connection facilities. Although Jericho is a co-owner of certain facilities, including the transmission line under consideration in EB-2013-0040, no portion of the Jericho project or its transmission line forms part of the applications that are currently before the Board. As a result, any cross-examination in this regard would be irrelevant.
4. Stray Voltage – the Applicants evidence with respect to stray voltage has been clearly set out in response to Board Staff Interrogatory #10.

Taking into account the correspondence of the Applicants dated September 16, 2013, the correspondence from the County of Middlesex of September 16 2013, the updated evidence of the Applicants and submissions stated above, the Applicants believe that there would be limited probative value in conducting an oral proceeding and reiterate their request that the proceeding should be completed by way of written hearing.

In the event that the Board decides to continue with the oral hearing, the Applicants do not intend to cross-examine the witnesses for the Intervenor Group given the group’s current evidence.

Yours truly,



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CK/ed  
cc: Jonathan Myers, Torys  
Ben Greenhouse, Applicants  
Intervenors