

October 4, 2013

Jonathan Myers
Tel 416.865.7532
jmyers@torys.com

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: Dufferin Wind Power Inc. - Application for Authority to Expropriate (EB-2013-0268) - Affidavit of Service - CONFIDENTIAL FILING

We are counsel to Dufferin Wind Power Inc. ("Dufferin Wind"), applicant in the above referenced proceeding. Further to the Letter of Direction issued by the Board on September 17, 2013, please find enclosed the Affidavit of Service of Ms. Rebecca Crump.

Please note that the Affidavit of Service contains personal information, consisting of the names and addresses of individuals that have been served. As such, in accordance with Rule 9A of the Board's *Rules of Practice and Procedure*, a non-confidential version of the Affidavit of Service is being filed on RESS and a confidential version will be filed by courier with the Board in accordance with its established procedures. Exhibits 'D' and 'E' of the Affidavit, which contain names and addresses of individuals that have been served will therefore be excluded in their entirety from the non-confidential version in order to protect the personal information of those individuals.

Yours truly,



Jonathan Myers

Tel 416.865.7532
jmyers@torys.com

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

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Sched. B);

AND IN THE MATTER OF an application by Dufferin Wind Power Inc. ("DWPI") for an Order or Orders pursuant to Section 99(5) of the *Ontario Energy Board Act, 1998* (as amended) granting authority to expropriate land for the purposes of constructing, operating and maintaining transmission and distribution facilities that will connect DWPI's planned Dufferin Wind Farm to the IESO-controlled grid.

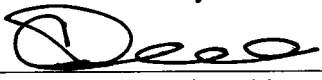
AFFIDAVIT OF SERVICE

I, Rebecca Crump, of the City of Toronto, in the Province of Ontario, **MAKE OATH AND SAY:**

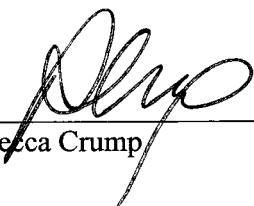
1. I am an employee of Dufferin Wind Power Inc. (the "Applicant"). In my role as Director of Development with the Applicant, I have been responsible for overseeing delivery and service of the Notice of Application and related matters in respect of the Applicant's application for authority to expropriate and as such have personal knowledge of the matters herein disposed.
2. In accordance with Section 1 of the Ontario Energy Board's (the "Board") letter of direction dated September 17, 2013 (the "Letter"), a title search was conducted to determine the current registered property owners, those who hold encumbrances and those with interests in the lands directly affected by the expropriation application, as such lands are described in the application for expropriation authority filed with the Board in EB-2013-0268, including as updated in correspondence filed with the Board by the Applicant's counsel on September 23, 2013.
3. In accordance with Section 2 of the Letter, I oversaw and arranged for service as follows:
 - (a) by registered mail sent on September 20, 2013 to the persons referred to in Subsection 2(a) of the Letter, with the exception of Dufferin County which was served personally on September 20, 2013, each of which was provided with copies of Version 1 of the Notice of Application (a copy of which is attached hereto as **Exhibit 'A'**) and the Application (a copy of which is attached hereto as **Exhibit 'B'**), as well as legal descriptions, aerial maps and survey plans showing details of the proposed expropriations specific to such directly affected landowner;

- (b) by registered mail sent on September 20, 2013 to the persons referred to in Subsection 2(b) of the Letter, each of which was provided with copies of Version 2 of the Notice of Application (a copy of which is attached hereto as **Exhibit 'C'**) and the Application (a copy of which is attached hereto as **Exhibit 'B'**), as well as a legal description of the property of all lands in which such encumbrancer has interests that may be directly affected by the Application; and
 - (c) by registered mail sent on September 20, 2013 to the Aboriginal groups referred to in Subsection 2(c), namely the Aboriginal groups identified by the Ministry of the Environment in its Director's Aboriginal Communities List, which list was the basis for service of Aboriginal groups by the Applicant in EB-2012-0365, each of which was provided with a copy of Version 2 of the Notice of Application (a copy of which is attached hereto as **Exhibit 'C'**).
4. The persons described in paragraphs 3(a) and (b), above, as having been served are all those identified as having a direct or registered interest in the lands directly affected by the expropriation application.
 5. All of the packages referred to in paragraphs 3(a) and (b) have been successfully delivered as of September 30, 2013. Although one of the packages referred to in paragraph 3(b) was returned due to an incorrect address, it was immediately re-sent successfully to the correct address. All of the packages referred to in paragraph 3(c) have been successfully delivered with the exception of three packages that have to date not been picked up from the post office by the intended recipients. It is my understanding from information provided by Canada Post that final notices for these items were issued on September 29 and 30, ten days after which the items will be returned to the Applicant if not collected by such time. The foregoing is evidenced by the Transmittal Record provided in **Exhibit 'D'** and the Delivery Confirmations provided in **Exhibit 'E'**.
 6. In accordance with Section 4 of the Letter, I have arranged for copies of the non-confidential portions of the Application to be made available for convenient public perusal at the Applicant's offices, including at its head office in downtown Toronto and at its local project office in the Town of Shelburne, each as of September 20, 2013.
 7. In accordance with Section 5 of the Letter, I oversaw and arranged for a copy of the non-confidential portions of the Application to be posted on the Applicant's website at www.dufferinwindpower.ca as of September 26, 2013.

SWORN BEFORE ME at the City of
Toronto this 4th day of October, 2013.


A Commissioner for taking Affidavits

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Rebecca Crump

Gelesse Tara Dove,
A Commissioner, etc., Province of
Ontario, for Torys LLP, Barristers and
Solicitors. Expires December 19, 2013.

Exhibit "A"

Notice of Application (Version 1)

Dufferin Wind Power Inc.

This Exhibit "A" referred to in the affidavit of Rebecca Crump sworn before me this 4th day of October, 2013.

A handwritten signature in black ink, consisting of a large loop followed by several smaller loops and a horizontal line.

A Commissioner for taking Affidavits

Gelesse Tara Dove,
A Commissioner, etc., Province of
Ontario, for Torys LLP, Barristers and
Solicitors. Expires December 19, 2013.

ONTARIO ENERGY BOARD NOTICE

Dufferin Wind Power Inc. has applied to the Ontario Energy Board to expropriate interest in certain lands.
[Learn More.](#)

Dufferin Wind Power Inc. (DWPI) is asking the Ontario Energy Board (OEB) for permission to expropriate lands for the purposes of constructing, operating and maintaining new transmission infrastructure and distribution facilities that will connect DWPI's planned Dufferin Wind Farm to the provincial power grid. DWPI has negotiated land agreements with some affected landowners, but was not able to do so with all landowners along the entire route.

DWPI was granted permission to construct the new transmission infrastructure which consists of approximately 47 km of single circuit 230 kilovolt ("kV") electricity transmission line and certain associated facilities on July 5, 2013 pursuant to the OEB Decision EB-2012-0365.

DWPI has identified you as an owner of lands of which DWPI is seeking approval to expropriate an interest. A copy of the property description, survey, and aerial map describing the expropriation sought for your property through this application is attached to this notice.

A map of the proposed route for the new transmission infrastructure is also printed below.

DWPI's application to the OEB hearing concerns the expropriation of certain specific lands only. It does not concern issues related to compensation.

THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The OEB will hold a public hearing to consider DWPI's requests. During this hearing, the OEB will consider evidence and arguments by DWPI and by individuals, municipalities and others whose interests would be affected.

The OEB hearing will consider specific issues required by law.

The *Ontario Energy Board Act* specifies the issues the OEB is to consider in making its decision. If you wish to participate in the OEB hearing, it is important for you to understand what these issues are.

- As required by the *Ontario Energy Board Act*, the OEB will consider the public interest when making any order under section 99(5) of the *Ontario Energy Board Act* authorizing DWPI to expropriate land;
- However, the OEB does not have the authority to determine the amount of compensation payable; and
- If the authority to expropriate is granted and the parties do not agree upon compensation, section 100 of the *Ontario Energy Board Act* requires the compensation be determined under the *Expropriations Act* or by the Ontario Municipal Board.

BE INFORMED

You have the right to information regarding DWPI's application. You can:

- Read DWPI's application on the OEB's website (See below under "Learn More").
- Sign up to be an observer, who will automatically receive documents for the hearing.

HAVE YOUR SAY

If you would be directly affected by the proposed expropriation, you may want to take a more active role in the hearing. You can:

- Send the OEB a letter with your comments, which will be considered during the hearing; or

- Ask the OEB for permission to be an active participant in the hearing (an intervenor). Intervenors can provide evidence, argue their positions and submit relevant questions to be answered by DWPI (interrogatories). To be an intervenor, a party must be affected by the expropriation in a way that relates directly to the issues the OEB will consider. If you wish to be an intervenor, the OEB must receive your request by October 14, 2013.
- Note that if you are an affected landowner whose lands are proposed to be expropriated, the Board will grant you leave to intervene in this proceeding. If you wish to take advantage of intervenor status and make submissions you should notify the Board that you will be actively participating in this proceeding by October 14, 2013. You will receive copies of relevant documents issued by the Board.

LEARN MORE

To read the documents concerning this hearing please go to the OEB website www.ontarioenergyboard.ca/, click on "Consumers" and enter file number **EB-2013-0268** in the "Find an Application" box. You can also phone Leila Azaiez at **1-888-632-6273** extension 151.

Oral and Written Hearings

There are two types of OEB hearings – oral and written. The Board intends to use an oral hearing for this case unless the landowner whose lands are proposed to be expropriated consents to a written process. If you are the landowner whose lands are proposed to be expropriated and you believe that an oral hearing is unnecessary please advise the Board that you prefer a written hearing by October 14, 2013. A date for an oral hearing will be established after October 14, 2013 if the Board does not receive a request for a written hearing from a directly affected landowner.

Privacy

If you write a letter with your comments, your name and the content of your letter will be put on the OEB's public record and the OEB website. However, your personal telephone number, address and email address will be removed. If you are a business, all your information will be public. If you apply to become an intervenor, all your information will be public.

The OEB is an independent and impartial public agency. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

This application was filed under section 99(5) of the *Ontario Energy Board Act*, 1998 S.O. 1998, c.15, Schedule B.

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
Filings: <https://pes.ontarioenergyboard.ca/eservice/>
E-mail: boardsec@ontarioenergyboard.ca
Fax: 416-440-7656



Map of Approved Transmission Line and Facilities

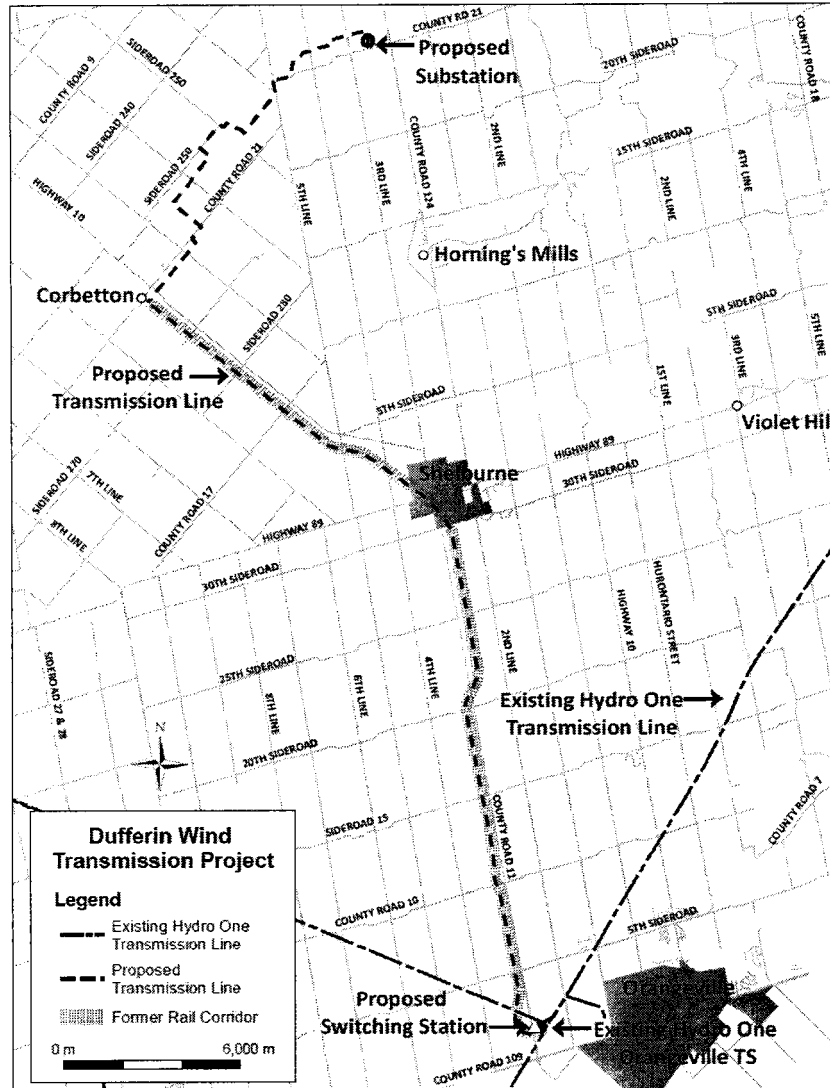


Exhibit "B"

Application

Dufferin Wind Power Inc.

This Exhibit "B" referred to in the affidavit of Rebecca Crump sworn before me this 4th day of October, 2013.

A handwritten signature in black ink, appearing to read 'Tara Dove', is written over a horizontal line.

A Commissioner for taking Affidavits

Celesse Tara Dove,
A Commissioner, etc., Province of
Ontario, for Torys LLP, Barristers and
Solicitors. Expires December 19, 2013.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Sched. B) (as amended (the “**Act**”);

AND IN THE MATTER OF and application by Dufferin Wind Power Inc. (“**DWPI**”) for an Order pursuant to section 99(5) of the Act granting authority to expropriate land for the purposes of constructing, operating and maintaining transmission and distribution facilities that will connect DWPI’s planned Dufferin Wind Farm to the IESO-controlled grid.

APPLICATION

1. Dufferin Wind Power Inc. (the “**Applicant**” or “**DWPI**”) is a corporation, headquartered in Toronto, that was formed on May 17, 2011 pursuant to the laws of the Province of New Brunswick. The Applicant’s majority shareholder is Longyuan Canada Renewables Ltd. (“**Longyuan Canada**”), a New Brunswick corporation which is a wholly owned subsidiary of China Longyuan Power Group Corporation Limited (“**Longyuan**”). Longyuan constructs, manages and operates wind generation facilities and, with over 8,900 MW of wind power (installed capacity), is the second largest wind energy owner and operator in the world. The Applicant’s minority shareholder is Farm Owned Power (Melancthon) Ltd. (“**FOPM**”), a corporation formed pursuant to the laws of Canada by a group of local landowners in the vicinity of the Dufferin Wind Farm site in the Township of Melancthon.
2. The Applicant hereby applies to the Ontario Energy Board (the “**Board**”) pursuant to Section 99(1) of the *Ontario Energy Board Act, 1998* (the “**Act**”) for an order or orders under Section 99(5) of the Act granting authority to expropriate certain interests in land, as more particularly described herein, for the purposes of constructing, operating and maintaining (a) certain 34.5 kV distribution lines associated with its wind farm collector system, and (b) a 230 kV single circuit transmission line and related facilities, all of

which are required to connect the Applicant's planned Dufferin Wind Farm to the IESO-controlled grid in Dufferin County, Ontario.

3. The Dufferin Wind Farm is a planned 99.1 MW wind energy generation facility in the Township of Melancthon, in Dufferin County consisting of 49 wind turbines (the "**Wind Farm**"). The Applicant has a 20-year contract with the Ontario Power Authority in respect of the Wind Farm pursuant to the OPA's Feed-in Tariff Program (the "**FIT Contract**"). The output of the Wind Farm will run along a 34.5 kV underground collection system (the "**Distribution Facilities**") that links the turbines to a project substation. From the project substation, at which the voltage will be stepped up to 230 kV, an approximately 47 km long single circuit transmission line will connect the Wind Farm to the IESO-controlled grid at Hydro One Networks Inc.'s ("**Hydro One**") existing Orangeville TS.
4. DWPI applied to the Board on September 21, 2012 under Section 92 of the Act seeking leave to construct the transmission facilities that are required to connect the Dufferin Wind Farm to the IESO-controlled grid, consisting primarily of the project substation, the transmission line and a switching station adjacent to Hydro One's existing Orangeville TS (the "**Transmission Facilities**"). In its Decision and Order dated July 5, 2013 in EB-2012-0365 (the "**LTC Decision**"), the Board found the Transmission Facilities to be in the public interest in accordance with Section 92 of the Act and, on this basis, the Board granted DWPI leave to construct the Transmission Facilities subject to the conditions set out therein. The Board also granted approval for the proposed forms of land agreements pursuant to section 97 of the Act and approved the construction of the transmission line and other intersecting facilities upon, under or over highways, utility lines and ditches pursuant to section 101 of the Act.
5. Although Section 92 of the Act also requires a person to obtain leave of the Board in order to construct electricity distribution lines, Section 6.2 of the Definitions and Exemptions Regulation (O. Reg. 161/99) provides that Section 92 of the Act does not

apply to the construction of electricity distribution lines. As such, the Applicant's Distribution Facilities are exempt from the requirement to obtain leave to construct from the Board. An application for authority to expropriate may nevertheless be brought in respect of such distribution lines pursuant to paragraph 99(1)2 of the Act.

6. In order to construct the Transmission Facilities in accordance with the route approved in the LTC Decision, and to construct the Distribution Facilities that connect the wind turbines to the Transmission Facilities, DWPI requires various transmission/distribution easements and, in certain areas, access and maintenance easements. Both the transmission/distribution easements and the access and maintenance easements are required for a term of 45 years. The access and maintenance easements are required to provide access to additional lands along certain portions of the route so as to allow for maintenance and operational activities associated with the Transmission Facilities. In addition, in certain locations the Applicant requires temporary easements to facilitate construction of the Distribution Facilities.
7. Despite DWPI's preference for acquiring the necessary transmission/distribution easements and access and maintenance easements on a voluntary basis through negotiations with the directly affected landowners, and despite DWPI's ongoing efforts in this respect, DWPI has been unable to conclude agreements with all such landowners and its project schedule and construction timing now require it to secure certain of the outstanding interests in land that are necessary for the Transmission Facilities and the Distribution Facilities through expropriation.
8. Therefore, to enable DWPI to construct, operate and maintain the Transmission Facilities and the Distribution Facilities, the Applicant requests that the Board make an order granting DWPI authority to expropriate the following interests in land, which are more particularly described in Appendix 'C' attached hereto:

- (a) transmission easements across 30 meter-wide portions of three properties in the Township of Melancthon, owned by (i) [REDACTED], (ii) [REDACTED], and (iii) [REDACTED];
 - (b) transmission easements and access and maintenance easements along various parcels owned or to be owned by The Corporation of the County of Dufferin and consisting of approximately 31.2 km of former rail corridor lands in Dufferin County, including any interests of the Canadian Pacific Railway Company (“CPR”), [REDACTED] or [REDACTED] in three such parcels for which the registered owner would have been the County but for historical defects in title, which title defects are currently the subject of dispute resolution processes with the relevant land title office or are in the process of being transferred to Dufferin County;
 - (c) two transmission easements and two access and maintenance easements across a portion of the former rail corridor lands owned by The Corporation of the County of Dufferin running from DWPI’s planned switching station to Hydro One Networks Inc.’s Orangeville TS in the Township of Amaranth in Dufferin County, with one such transmission easement and one such access and maintenance easement to be subsequently assigned by DWPI to Hydro One in accordance with DWPI’s obligations under its Generator Connection and Cost Recovery Agreement with Hydro One; and
 - (d) distribution easements across certain 16 meter-wide portions of two properties owned by [REDACTED] in the Township of Melancthon, as well as certain temporary easements required for construction purposes in a total of four areas on these same properties.
9. The Applicant requests that copies of all documents filed with or issued by the Board in connection with this Application be served on the Applicant and the Applicant’s counsel as follows:
- (a) The Applicant:

Dufferin Wind Power Inc.
Suite 4550
TD Canada Trust Tower
161 Bay Street, P.O. Box 203
Toronto, ON M5J 2S1

Attention: Mr. Jeff Hammond
Tel: 416-551-2578
Fax: 416-551-3617
Email: jeff.hammond@clypg.com.cn

(b) The Applicant's Counsel:

Torys LLP
Suite 3000
79 Wellington St. W.
Box 270, TD Centre
Toronto, ON M5K 1N2

Attention: Mr. Jonathan Myers
Tel: 416-865-7532
Fax: 416-865-7380
Email: jmyers@torys.com

and

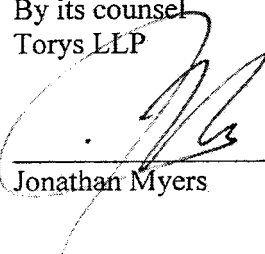
Mr. Crawford Smith
Tel: 416-865-8209
Fax: 416-865-7380
Email: csmith@torys.com

10. The Applicant requests that the Board proceed by way of written hearing, pursuant to Section 34.01 of the Board's *Rules of Practice and Procedure*.

Dated at Toronto, Ontario, this 19th day of July, 2013.

DUFFERIN WIND POWER INC.

By its counsel
Torys LLP



Jonathan Myers

Exhibit "C"

Notice of Application (Version 2)

Dufferin Wind Power Inc.

This Exhibit "C" referred to in the affidavit of Rebecca Crump sworn before me this ^{4th} day of October, 2013.

A handwritten signature in black ink, appearing to read 'Celesse', written over a horizontal line.

A Commissioner for taking Affidavits

Celesse Tara Dove,
A Commissioner, etc., Province of
Ontario, for Torys LLP, Barristers and
Solicitors. Expires December 19, 2013.

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DWPI was granted permission to construct the new transmission infrastructure which consists of approximately 47 km of single circuit 230 kilovolt ("kV") electricity transmission line and certain associated facilities on July 5, 2013 pursuant to the OEB Decision EB-2012-0365.

A map of the proposed route for the new transmission infrastructure is printed below.

DWPI's application to the OEB hearing concerns the expropriation of certain specific lands only. It does not concern issues related to compensation.

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The OEB will hold a public hearing to consider DWPI's requests. During this hearing, the OEB will consider evidence and arguments by DWPI and by individuals, municipalities and others whose interests would be affected.

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- As required by the *Ontario Energy Board Act*, the OEB will consider the public interest when making any order under section 99(5) of the *Ontario Energy Board Act* authorizing DWPI to expropriate land;
- However, the OEB does not have the authority to determine the amount of compensation payable; and
- If the authority to expropriate is granted and the parties do not agree upon compensation, section 100 of the *Ontario Energy Board Act* requires the compensation be determined under the *Expropriations Act* or by the Ontario Municipal Board.

BE INFORMED

You have the right to information regarding DWPI's application. You can:

- Read DWPI's application on the OEB's website (See below under "Learn More").
- Sign up to be an observer, who will automatically receive documents for the hearing.

HAVE YOUR SAY

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LEARN MORE

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The OEB is an independent and impartial public agency. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

This application was filed under section 99(5) of the *Ontario Energy Board Act*, 1998 S.O. 1998, c.15, Schedule B.

Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Attention: Board Secretary
Filings: <https://www.pes.ontarioenergyboard.ca/eservice/>
E-mail: boardsec@ontarioenergyboard.ca
Fax: 416-440-7656



Exhibit "D"

Transmittal Record

Dufferin Wind Power Inc.

This Exhibit "D" referred to in the affidavit of Rebecca Crump sworn before me this 4th day of October, 2013.

A handwritten signature in black ink, consisting of a large loop followed by several smaller loops and a final flourish.

A Commissioner for taking Affidavits

**Celesse Tara Dove,
A Commissioner, etc., Province of
Ontario, for Torys LLP, Barristers and
Solicitors. Expires December 19, 2013.**

[Intentionally Omitted]

- Filed Confidentially in Accordance with

OEB Practice Direction on Confidential Filings]

Exhibit "E"

Delivery Confirmations

Dufferin Wind Power Inc.

This Exhibit "E" referred to in the affidavit of Rebecca Crump sworn before me this *4th* day of October, 2013.

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[Intentionally Omitted]

- Filed Confidentially in Accordance with

OEB *Practice Direction on Confidential Filings*]