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Delivered via Courier and Email

Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
P.O. Box 2319, Suite 2700
Toronto, ON M4P 1E4
Fax: (416) 440-7656
Email: boardsec@ontarioenergyboard.ca

Dear Ms. Walli:

Re: EB-2013-0339 - wpd White Pines Wind Incorporated - Application for Leave to Construct an Electricity Transmission Line and Associated Facilities

We represent Mr. Al S. Warunkiw, a property owner whose property on Crowes Road will be in very close proximity to the proposed transmission line and associated facilities including the proposed substation. Mr. Warunkiw has direct and relevant concerns regarding the serious potential for damage to the buildings located on his property, both of which are located within 30 m of the proposed route. On behalf of Mr. Warunkiw we are writing to request that this case be conducted by way of an oral hearing and that Mr. Warunkiw be granted Intervenor Status in accordance with the Notice of Application (the "Application") and the Ontario Energy Board's Rules of Practice and Procedure.

As the authorized representatives of our client, we would like to receive copies of all evidence filed by the Applicant and any other communications sent in this matter. Please forward these to the attention of Graham Andrews at the address above or via email at gandrews@gillespielaw.ca.

We note that the Ontario Energy Board (the "Board") intends to proceed by way of written hearing unless there is good reason why an oral hearing is necessary. Mr. Warunkiw believes that an oral hearing is essential for the proper determination of the complex nature of the contested issues in this Application and he will wish to test the evidence presented by the Applicant in cross-examination as he believes there are significant gaps in the evidence presented at this stage.

In order that the public interest is properly served with regard to the reliability and quality of the electricity service provided by the transmission line and whether or not the transmission line construction and operation will be done in a manner consistent with the policies of the Government of Ontario, Mr. Warunkiw wishes to have the option of raising issues, of presenting his position and seeking clarification through cross-examination at an oral hearing regarding, but not limited to, the following issues on which further evidence is required:

- incomplete and/or inaccurate documentation regarding the route of the transmission line;
- incomplete and/or inaccurate documentation regarding the construction of the transmission line and whether or not the said line can/will be able to be constructed underground along its length;
- a lack of documentation regarding mitigation efforts to reduce and/or eliminate the effects of electric and magnetic fields from the proposed transmission line;
- incomplete documentation regarding the ongoing maintenance and deconstruction of the transmission line at the end of its expected utility;
- easements required from landowners along the proposed route of the transmission line;
- the land acquisition agreement that forms part of this Application;
- the lack of consultation with neighbouring property owners, including Mr. Warunkiw, and the potentially serious impact on residences and other buildings, specifically the house and garage on Mr. Warunkiw's property, along the proposed route of the transmission line including those not subject to easements;
- concerns regarding the potential impacts on the well on Mr. Warunkiw's property, which is located a mere 10 m from the proposed route;
- the proximity of the substation to residential dwellings; and
- the accuracy of the location of the 69 Kv power line as depicted in the Application.

Though not a final and binding list of those issues what may be raised, the issues noted above are clearly within the jurisdiction of the Board. For example, the impact that the incomplete documentation regarding the transmission route raises significant questions regarding, amongst others the exact easements that may be required, the answers to which will have a direct bearing on the quality and reliability of the electricity service provided such as necessitating a revised route over alternate easements. Additionally, an oral hearing is appropriate and desirable because the necessary conclusions on the above issues will require determinations of witness and evidence credibility, which will affect the outcome of the hearing. Where credibility issues are at stake, the necessity of an oral hearing in order to cross-examine witnesses becomes evident. Further, were the hearing to proceed by way of written interrogatories, the amount of written submissions required would likely cause a delay to the proceedings and would likely not be as transparent to the other members of the community who may wish to become involved as intervenors or submit letters of comment.

Mr. Warunkiw intends to seek an award of costs for the reasons discussed above.

We look forward to the response of the Ontario Energy Board to this request. If there are any questions arising from this request please do not hesitate to contact us.

Yours very truly,

**ERIC K. GILLESPIE
PROFESSIONAL CORPORATION**



Eric K. Gillespie
EKG/ga

cc I. Minott, Stikeman Elliott LLP, counsel for wpd White Pines Wind Incorporated