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December 23, 2013

By email and regular mail

Ontario Energy Board
2300 Yonge Street
27th Floor. Box 2329
Toronto, Ontario M4P 1E4

Attention: Ms. Kirsten Walli, Board Secretary

Dear Ms. Walli,

Re: Interrogatories of James and Marian Black
Pursuant to Procedural Order No. 2
File no. EB-2013-0268

I act for the interveners, James Daniel Black and Marian Arlene Black, in this proceeding and submit herewith interrogatories to Dufferin Wind Power Inc. on their behalf in accordance with Procedural Order No. 2.

Dufferin Wind Power Inc. has been represented by Torys LLP throughout, and specifically by Jonathon Myers in these proceedings and by John Terry and Sarah Shody in the arbitration proceedings before Arbitrator W.G. Horton where the evidence was completed this past Friday, December 20, 2013 (the "Arbitration").

Written submissions have been directed to be delivered by both parties by Friday, January 3, 2014 and oral argument will be on January 7, 2014. Arbitrator W.G. Horton has indicated that it is his intention to deliver his decision shortly thereafter which in all likelihood will be prior January 30, 2014.

It is possible the Arbitrator's decision may have an impact on these expropriation proceedings having regard to the alternative relief sought by DWPI as set out in Torys' letter dated October 9, 2013 that forms part of the pleadings and particulars in the Arbitration and also to the Responses provided by Torys on December 19, 2013 to an information request submitted by my clients dated December 19, 2013. Mr. Myers will have access to these documents.

It is also at least conceivable that the decision (which is expected in the very near future) of the Environmental Review Tribunal on the hearing of an appeal of the Renewable Energy Approval may have a bearing in this issue. My clients request that the Board consider permitting them to submit further interrogatories at that time.

The term "collector lines" was used on the Arbitration to describe generally all buried electrical cables that are proposed to be located on the Blacks' East and West farms including buried Electrical Supply Cables as defined in the lease and is used here to describe all such electrical cables as well as those described on some plans as "Underground Collector System Feeder Lines" or similar wording.

1. Having regard to the various site plan layouts produced by DWPI in connection with the Arbitration, in the electronic documents submitted October 10, 2013 and in Tabs 13 to 33 of the Hammond affidavit dated October 29, 2013, please identify by specific reference to the documents referred to above which site plan layout on each of the Blacks' East and West farms DWPI intends to proceed with in the event it is successful in the arbitration or alternatively, in the event that the Arbitrator makes a decision that is made subject to an amendment to the Renewable Energy Approval dated June 10, 2013 as referred to in paragraphs 11 and 12 of the DWPI Responses to the information request.
2. Please advise which of the various site plan layouts referred to above DWPI in these expropriation proceedings considers to be the "current site plan layout" for each of the Blacks' East and West farms, are these different from the lands proposed to be expropriated in these proceedings and if so the explanation for such difference.
3. What is the date on which DWPI first began to prepare the site plan layouts that now show (a) in reference to the Blacks' East farm, no collector line running diagonally across the tile drainage system at the west part of the East farm and instead locating a collector line along the south property line, and (b) in reference to the Blacks' West farm, no collector line running diagonally from turbine T26 to toward the northeast corner of the West farm and instead locating a collector line under the turbine access road, and does DWPI propose to amend its application to expropriate to correspond with these layouts.
4. Please provide full particulars of all alternate locations for collector lines that would avoid having them cross in whole or in part the Blacks' East and West farms and that are available on other privately owned lands in respect of which DWPI has obtained signed leases that permit collector lines to be located thereon, including the location of such lands, the name of the landowner, a draft site layout of such alternate locations and the estimated costs thereof.
5. Please provide full particulars of all alternate locations for such collector lines that are available on publicly owned lands or roads, a draft site layout of such alternate locations and the estimated costs thereof and what if anything prevents DWPI from relocating the collector lines in whole or in part from their proposed locations to public lands, other than cost if cost is an issue.
6. Please provide full particulars of the costs of locating the collector lines on the Blacks' East and West farms as shown in these proceedings.

7. Please provide full particulars of all studies, reports or analyses that DWPI has obtained or has in its possession dealing with the impact of the location of collector lines on the Blacks' East and West farms including their impacts on the Blacks' farming operation and tile drainage systems other than those referred to on the Arbitration.
8. Please advise if DWPI conducted or obtained any such studies, reports or analyses before submitting its REA application in 2012.
9. Please provide the authority pursuant to which DWPI may proceed contemporaneously with expropriation and arbitration proceedings having regard to the provisions of section 15.07 Arbitration of the Leases for the East and West farms dated April 15, 2011 that provide, inter alia, as follows:

"Whenever there is an unresolved dispute between the Landlord and the Tenant involving any of the terms of this Lease then such dispute shall be resolved by arbitration referred to ...

Yours very truly,
(signed original to follow)
 Stephen Thom

/tm

cc. Jonathan Myers, Torys LLP, Applicant's Counsel
 Scott Stoll, Aird and Berlis LLP, Counsel for the County of Dufferin
 David Crocker, Davis LLP, Counsel for other intervenors