



Wilfrid Menninga, B.A.(Hons.), LL.B.\*  
Rolf M. Renz, B.A., LL.B.  
Maureen A. Houston, B.A.(Hons.), LL.B.  
Christopher J. Edwards, B.A.(Hons.), LL.B.  
Kristin A. Muszynski, B.A., LL.B.  
Catherine A. Temple B.Sc.N., R.N., LL.B.  
Vayia Ellsworth, B.A.(Hons.), M.B.A., J.D.  
Suzanne E. Hunt, B.A., M.P.A., J.D.  
Scott E.B. Harwardt, B.A., J.D.

Ian B. Sullivan, B.A., J.D.  
Harold Van Winssen, LL.B.  
Terrence A. F. Whyte, B.A., LL.B., LL.M., CHRP  
Mary Jean McFall, B.A.(Hons.), LL.B.  
Melissa Seal, B.A.(Hons.), LL.B.  
Jeffrey D. Paine, M.Sc., LL.B., P. Eng.  
Stephen Ellsworth, B.A.(Hons.), LL.B.  
Michael D. Swindley, B.A.(Hons.), J.D.

D. Wayne Fairbrother, LL.B.  
David W. DeMille, B.A., LL.B.  
Nammara Dokken George, B.Comm.(Hons.), LL.B.  
Angela K. Brown, B.A., M.B.A., LL.B.  
William P. H. Procter LL.B.  
Todd D. Storms, B.A., M.A., LL.B.  
Jennifer Savini, B.Sc.(Hons.), J.D.  
Hugh R. Hammond, B.A.(Hons.), LL.B.

\*certified by the Law Society as a Specialist in Civil Litigation

(from the office of **D. Wayne Fairbrother, BELLEVILLE**; e-mail:  
[wfairbrother@tmlegal.ca](mailto:wfairbrother@tmlegal.ca))

January 10, 2014

Ms. Kirsten Walli  
Board Secretary  
Ontario Energy Board  
PO Box 2319  
2300 Yonge Street, 27<sup>th</sup> floor  
Toronto Ontario  
M4P 1E4

**By Email: [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)**

Dear Ms. Walli:

**Re: White Pines Wind Incorporated OEB File: EB-2013-0339**

Further to our letter of January 6, 2014, we are the solicitors for the Corporation of the County of Prince Edward with respect to the above noted matter.

White Pines Wind Incorporated [herein referred to as "the Applicant"] has applied to the Ontario Energy Board [the "Board"] for an order pursuant to Sections 92 and 96 of the Ontario Energy Board Act, 1998 [the "OEB Act"] granting leave to construct transmission facilities including a single underground transmission line approximately 28 km long to be built within, inter alia, municipal road allowances in Prince Edward County.

The Applicant states in its Application Materials that it is "engaged in ongoing discussions with Prince Edward County to negotiate a lease or license agreement delineating the terms surrounding the construction of the portion of the Transmission Project that will be located within the municipal right-of-way" [Summary of the Application page 5 of 6, commencing at line 1]. This is not entirely correct. As described below, discussions between the Applicant and the County are not "ongoing".

The County of Prince Edward advised the Board by letter dated November 21, 2013 that the Applicant met with County staff but presented only preliminary and rudimentary technical drawings lacking sufficient detail with respect to the use of certain public roads and bridges under the jurisdiction of the County of Prince Edward. There have been no further meetings with the Applicant notwithstanding the fact that the County remains willing to meet with the Applicant.

As stated in the November 21, 2013 letter to the Board the County has a number of concerns and the Applicant has not provided to the County sufficient or any additional information as requested in the initial meeting. Consequently, the County advised the Board in the November 21, 2013 letter that it was unable to agree to the proposed work or approval of the OEB application as the County has not agreed to grant the use of County roads for the proposed work. For your convenience, we attach the aforementioned letter setting out in more detail the County's concerns.

Section 41(9) of the Electricity Act provides that where there is a disagreement between a transmitter or distributor such as the Applicant and the owner of the street or highway [in this case the County], the disagreement shall be determined by the Board. The Board has the statutory jurisdiction to determine any disagreement between the Applicant and the County regarding the location of any structures, equipment or facilities to be constructed or installed on any street or highway. The County hereby requests that the panel of the Board assigned to hear the Application also receive relevant evidence and make a determination as provided for in Section 41(9) of the Electricity Act.

We look forward to hearing from you at your earliest opportunity

Yours very truly,  
**Templeman Menninga LLP**



**D. Wayne Fairbrother**

DWF:pjo

cc. Patrick Duffy Email: [pduffy@stikeman.com](mailto:pduffy@stikeman.com)  
Robert McAuley Email: [rmcauley@pecounty.on.ca](mailto:rmcauley@pecounty.on.ca)