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January 20, 2014

Edward B. Veldboom  
Russell, Christie, LLP  
505 Memorial Avenue  
P.O. Box 158  
Orillia, ON L3V 6J3

Dear Mr. Veldboom:

**Re: East Durham Wind, Inc.  
Application to Determine the Location of Distribution Facilities within Road  
Allowances  
Board File No. EB-2013-0233**

The Board has received your letter dated January 14, 2014 with respect to the Revised Decision and Order ("Revised Decision") and covering letter issued December 23, 2013. As your letter correctly points out, there was an erroneous reference in the Board's letter to section 43.03 of the Board's *Rules of Practice and Procedure* ("Rules"). The Board's letter should have referenced section 43.02 which states:

*"The board may at any time, without notice or a hearing of any kind, correct a typographical error, error of calculation or similar error made in its order or decisions". (emphasis added)*

On December 9, 2013 the Board received notice that the Corporation of the Municipality of West Grey ("Municipality") had filed a Notice of Appeal of the Board's decision in the above-noted matter issued November 7, 2013 ("Decision"). The Notice of Appeal seeks an order deleting paragraph 1c) from the Decision on the basis that the paragraph purports to specify construction standards which is a matter outside of the Board's jurisdiction. It would appear that the Municipality was confused by the reference in the subject paragraph to certain diagrams contained in the pre-filed evidence (Exhibit B, Tab 6, Schedule 1, Appendices C and D) and concluded that the Board was thereby purporting to give directions with respect to construction standards. The Board notes

that, if the Municipality was concerned about a lack of clarity in any part of the original Decision the Municipality could have made a motion requesting that the Board review and vary the Decision, but the Municipality chose not to do so.

Reading the Decision as a whole it is clear that the application before the Board was to determine the location of the distribution facilities (pages 1-2) and that the Board is well aware that its jurisdiction is limited to determining the location of the facilities (page 4). The Board's findings and conclusions are limited to the location of the distribution line (page 8) and contain no discussion or findings with respect to construction standards.

While the Board believes that the Decision clearly deals only with the location of the distribution facilities, it appears that the wording of paragraph 1 c) could cause confusion for a reader. The Board therefore decided to correct the subject paragraph by adding the words "*The Distribution System location aspects*" before the word "diagrams" to make clearer in the Order section of the Decision what is clearly set out in the body of the Decision.

The Board was of the view that the change was in the nature of "*typographical error, error of calculation or similar error*" and did not affect the substantive Decision or involve a substantive 'review' such that giving notice and conducting a hearing were not required in this circumstance. Accordingly, the Board made the correction pursuant to s.43.02 of the Rules which, unlike section 43.01 of the Rules, does not require the Board to give notice or a conduct a hearing.

Yours truly,

Original Signed by

Kirsten Walli  
Board Secretary

c. All Parties