

From: Crocker, David

Sent: January-21-2014 5:05 PM

To: Leila Azaiez; BoardSec

Cc: 'sstoll@airdberlis.com'; 'Regulatory@hydroone.com'; 'thomsd@sympatico.ca'; 'jmyers@torys.com'; 'csmith@torys.com'; michael.millar@ontarioenergyboard.ca; Bisset, Laura K.; Palmer, Samantha

Subject: RE: EB-2013-0268 Dufferin Wind Power Inc.

We are counsel to David Coe, Marc Atkinson, Atkinson Farms and David Vander Zaag. We have reviewed the draft issues list and my colleague Laura Bisset who is working with me on this file will be circulating our suggestions for the changes to it which we propose.

In addition, we feel there is an issue which has arisen as a result of the exchange of interrogatories and responses which might be best considered at a preliminary hearing on Friday. We asked, why Dufferin Wind Power Inc.(DWPI) couldn't or wouldn't bury the transmission cable impacting our clients property. Counsel for DWPI responded, in part, that the Board had already approved the transmission facilities and proceeding in any other than the approved way would be contrary to the Board Order and, therefore, couldn't happen. I am paraphrasing.

We don't believe that position is valid or recognizes the issues the Board should consider in dealing with the expropriation applications.

DAVID CROCKER

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T 416.941.5415