

FROM THE OFFICE OF Laura K. Bisset
DIRECT LINE 416.941.5400
DIRECT FAX 416.777.7432
E-MAIL lbisset@davis.ca

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March 3, 2014

DELIVERED BY EMAIL

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto, ON M4P 1E2

Dear Ms. Walli:

**Re: Dufferin Wind Power Inc. - Application for Authority to Expropriate
(EB-2013-0268)**

We are in receipt of Mr. Smith's correspondence (the "**Correspondence**") dated March 3, 2014. It is our position that our clients have complied with Procedural Order No. 4 and the Board's *Rules of Practice and Procedure*.

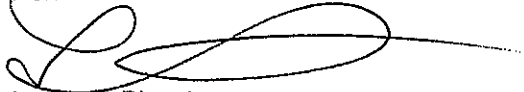
The facts and law set out in the Correspondence are of no assistance in resolving the practical issues facing our client and the Board in respect of the evidence of Jack Kottelenberg. The excerpts of Procedural Order No. 4, the *Rules of Practice and Procedure* and the *Rules of Civil Procedure* cited in the Correspondence all contemplate that the expert evidence referred to therein is to be given voluntarily. Mr. Kottelenberg declined our invitation to testify voluntarily at the Board.

In our view, Mr. Kottelenberg's evidence is necessary to assist the Board in determining Issues 3.1 and 4.1 on the Board-approved Issues List. Our clients have no choice but to summons him, and even with a summons in hand, they cannot compel Mr. Kottelenberg to prepare an expert report. Nor can they compel Mr. Kottelenberg to respond to their questions in advance of the hearing of these matters.

Our clients have exhausted all available means, in the circumstances, to give the Applicant notice of the evidence upon which they intend to rely at the hearing of this matter. There is no reason not to permit Mr. Kottelenberg to testify.

Sincerely,
DAVIS LLP

Per:

A handwritten signature in black ink, appearing to read 'Laura K. Bisset', with a long horizontal flourish extending to the right.

Laura K. Bisset
LKB/sxo