

March 3, 2014

EMAIL

Kirsten Walli
Board Secretary
Ontario Energy Board
P.O. Box 2319
2300 Yonge Street, 27th Floor
Toronto, Ontario
M4P 1E4

Dear Ms. Walli:

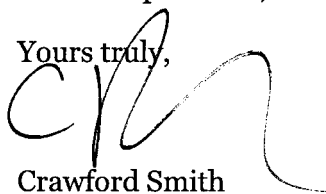
Re: EB-2013-0268

We are counsel for Dufferin Wind Power Inc., the applicant, in the above-noted matter.

We write in reply to Ms. Bisset's letter which responds to our letter of earlier today.

In substance, Ms. Bisset's concedes that Coe and Atkinson have not delivered an expert report as contemplated by the Board's *Rules of Practice and Procedure* and that no such report will ever be forthcoming. In other words, that Dufferin will have no ability to know the case that is being put against it prior to hearing from Mr. Kottelenberg in the witness stand. That is the definition of unfair and the circumstance the law, the Board's *Rules* and the *Rules of Civil Procedure* all protect against. It is irrelevant that Mr. Kottelenberg has refused to provide Coe and Atkinson with a written report. That is a situation entirely of their own making. Dufferin should not be prejudiced because, at the eleventh hour, months after this case was started and after they sought and obtained an adjournment on the express representation that a report would be provided, Coe and Atkinson selected an unwilling witness.

Yours truly,



Crawford Smith

CS
Enclosure