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March 4, 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 write further to Mr. Smith's responding correspondence of yesterday's date.

We do not agree that the good faith efforts of our clients to deal with circumstances beyond their control prejudice Dufferin Wind Power Inc. ("DWPI"), or create an unfairness to DWPI. In any event, there is a reasonable solution to the problem that Mr. Smith perceives with our clients' inability to secure an expert report from Mr. Kottelenberg, that is that DWPI does not know the case it has to meet. The Board can hear from Mr. Kottelenberg, as scheduled, on March 10, 2014. If DWPI requires time to reply to the evidence that it hears from Mr. Kottelenberg, our clients will consent to an adjournment of the proceedings until DWPI is prepared to proceed. The solution is not to deprive the Board of the opportunity to hear evidence that is germane to the issues it must decide.

We write also to confirm our understanding of the conduct of these proceedings. It is our understanding that DWPI, as Applicant, will present any *viva voce* evidence it intends to call; the Interveners will then present their *viva voce* evidence; and DWPI will have the opportunity to present further evidence in reply to any new matters, that could not reasonably have been anticipated, raised during the Interveners' case. Legal submissions on the evidence will follow in the same order.

We note that if DWPI intends to call any *viva voce* evidence, we do not have notice of that intent, or of the substance of that evidence, as of the writing of this letter.

Sincerely,
DAVIS LLP
Per:

A handwritten signature in black ink, appearing to be 'LKB', written over a large, loopy flourish.

Laura K. Bisset
LKB/sxo