

March 7, 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:

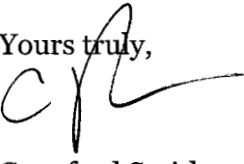
Re: EB-2013-0268

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

We write in reply to Ms. Bisset's letter of today's date which asks the Board to make arrangements for Mr. Kottelenberg to be able to testify via Skype. Dufferin opposes the request. We will not repeat our earlier objections to Mr. Kottelenberg's testimony. We understand the Board will hear further submissions at the outset of the hearing. We do offer two brief comments now.

First, the fact that Mr. Kottelenberg will not be attendance at the hearing on March 10 only heightens Dufferin's concerns regarding its ability to properly cross-examine him on that day, or on some future day. It is also now apparent, contrary to Ms. Bisset's letter of March 4, 2014 that securing his attendance may not be a simple matter of asking him to re-attend at a later date.

Second, Coe and Atkinson are responsible for their failure to secure Mr. Kottelenberg's attendance in person. In counsel's letter dated February 21, 2014 they advised the Board that a summons would be necessary. Despite this, steps appear not to have been taken to summons Mr. Kottelenberg until this week, at least two weeks after the issue arose. In fact, it is unclear from Ms. Bisset's letter whether Mr. Kottelenberg has ever been served. In either case, no explanation has been offered for the delay.

Yours truly,

Crawford Smith

CS
Enclosure

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