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April 14, 2014
File No.: 129316.1026

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
Yonge-Eglinton Centre
P.O. Box 2319
2300 Yonge Street, Suite 2700
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: wpd Sumac Ridge Incorporated
Application under section 41(9) of the *Electricity Act, 1998*
EB-2013-0442

We are the solicitors for wpd Sumac Ridge Incorporated ("wpd") with respect to the above-noted application. We write on behalf of wpd to express wpd's concerns regarding the various intervenor requests received by the Board for participation in this proceeding.

wpd's Concern's About the Intervenor Requests

wpd has been notified of requests to intervene from Elizabeth Salmon, Whetung Brent and Rob and Sherry-Anne Foster.

In prior proceedings, the Board confirmed that its jurisdiction in respect of an application under section 41(9) of the *Electricity Act, 1998* is limited to determining the location of the proposed distribution facilities within the road allowance and does not involve any consideration of the environmental, health or economic impacts of the distribution facilities proposed. The Board has also confirmed that the *Electricity Act, 1998* does not require that renewable energy approval be obtained prior to granting an application under 41(9).

The intervention requests are all premised on issues that are outside the scope of the Board's jurisdiction, including concerns about the impact of the distribution facilities on property values and human health, and wpd's purported failure to consult with the Curve Lake First Nation. These issues are properly considered as part of the Renewable Energy Approval ("REA") process administered

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by the Ministry of the Environment and should play no role in an application under section 41. Although wpd has obtained a REA approval and the REA approval is now the subject of appeal proceedings before the Environmental Review Tribunal ("ERT"), Ms. Salmon's concerns that wpd's application is premature due to the adjournment of the appeal proceedings should also play no role in an application under section 41. As noted by the Board, the *Electricity Act, 1998* does not require prior REA approval.

wpd also has additional concerns regarding the proposed intervention of Mr. Whetung, as a representative of the Curve Lake First Nation. To the extent Mr. Whetung proposes to participate in the proceedings on behalf of the Curve Lake First Nation, Mr. Whetung has not established that he has the authority to do so. In addition, in requesting intervenor status on behalf of the Curve Lake First Nation, Mr. Whetung has not complied with Rule 23.03 of the Board's *Rules of Practice and Procedure*, which requires every letter of intervention to contain a description of the intervenor (in this case, the Curve Lake First Nation) and its members. Additionally, Mr. Whetung has not expressed any interest that falls within the scope of the Board's jurisdiction under section 41(9). Given the deficiency of Mr. Whetung's request, the Board should deny his request for intervenor status, or require Mr. Whetung to provide further information, including his standing to act on behalf of the Curve Lake First Nation, to satisfy the requirements of Rule 23.03. Alternatively, the Board should limit Mr. Whetung's request and restrict the scope of his participation to that of an individual intervenor.

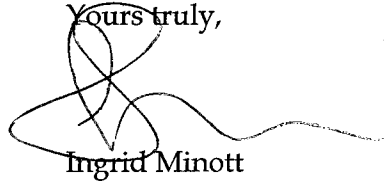
Costs Awards

Should the Board determine that any intervenors are eligible for a costs award, it should explicitly remind the intervenors that costs incurred pursuing issues outside the scope of subsection 41(9) of the *Electricity Act, 1998* are not recoverable.

Request for an Oral Hearing

wpd reiterates its preference for a written hearing, consistent with the Board's standard practice for electricity facility applications. Mr. Whetung has not provided any reason for the Board to depart from its standard practice and proceed by way of an oral hearing on the Curve Lake First Nation. The Board should determine that an oral hearing is unnecessary in this case; alternatively, the Board's determination of whether to hold a written or oral hearing should be made after the interrogatory process has been completed.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ingrid Minott'. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail that extends to the right.

Ingrid Minott

IM/dl

c.c.: Patrick Duffy
Jesse Long