

April 23, 2014

To the Ontario Energy Board,

I, Martin Schoeley, a landowner, taxpayer and resident of Lambton County am writing in response to the application from Jerico Wind, Inc. dated March 18, 2014, referencing file number: EB-2014-0139.

The application references that “the only person directly affected by this application is the [Lambton] County as the sole owner of the Road Allowances..”. However, the applicant, Jerico Wind, Inc., and its request within the application as presented before the Ontario Energy Board, in fact, affects a larger scope of persons beyond only the interests of Lambton County.

Road Allowances have been developed by the appropriate bureaucratic bodies to ensure that the safety and welfare of all persons, whether local or afar, is protected. A road allowance ensures that the safe travel of day-to-day commutes of any resident is not impeded in any way, whether by hindering a travel obstruction within the road allowance, or ensuring a safe work environment for the road maintenance crew to continue maintaining the roads within the expectations of the Ministry of Transportation. The complete authority of the road allowances ensures that Lambton County and its’ appropriate authorities maintain these standards and protect the welfare of its users. Any variation in the County’s authority to protect the road allowances will lead to an unsafe environment of its use and availability to the community, thereby jeopardizing the welfare of its existence as a critical component of the community’s infrastructure to its’ users. For example, the County has rightfully removed dangerous obstacles, such as trees, within the road allowance to protect the safety of its users. Furthermore, in the past, the County has exercised this right to ensure the safety of a road’s user is not jeopardized by verifying hydro pole locations, drainage culverts or laneway accesses to field entrances. By undermining the County’s sole authority to exercise and protect this road allowance, and by providing an ungoverned party, namely Jerico Wind, Inc. the right to exercise their interest in which they as a distributor would “not require the consent of the owner of or any other person having interest in the street or highway” to be deemed excessive and completely ignore the ability of long-term infrastructure planning as mandated by the governing bodies and authorities to maintain the growth of the community and the welfare of its people. Ultimately, how can the authority of a governed authority be withdrawn and surpassed by an independent business, yet still protect and maintain the expectations, safety, welfare of the community, its users and protect the safety or misuse of the government’s asset for long-term development?

Furthermore, the existing infrastructure system, as developed by the province, county or the municipalities, is sensitive to any dramatic changes. The complete consequence of any road allowance alteration must be reviewed completely to ensure that every function and requirement of a road allowance is protected. No example is more obvious and important than the road allowance right of way coexistence with the Drainage Act. A road allowance has always provided a safe and inexpensive manner to outlet drainage issues within agricultural lands and residential areas. Any transmission lines as deemed necessary by the applicant would again impede this road allowance coexistence with drainage. As is evident in other transmission line installations for similar projects, a complete disregard

for the road allowance and its function as a drainage outlet is experienced. By providing the applicant with the ultimate authority over the installation of transmission towers within the road allowance regardless of location, impact or consequence to other infrastructure items that rely heavily on the road allowance ability to function, dramatically affects the profitability and sustainability of the community's most important business partner, agriculture. Lambton Shores and other surrounding municipalities are rich in agriculture and one of the most important revenue sources for the municipality and other businesses. Lambton Shores, for example, is home to the Thedford Bog, which is known for its high valued vegetable produce and its notorious spring and fall floods. Any alteration to an already sensitive drainage infrastructure which relies heavily on its effectiveness through existing road allowances will impact local businesses and farming operations negatively.

Finally, the nature of agriculture and how it conducts its day to day operations has changed significantly over the last decade. The size of agricultural equipment used during the growing season has become so large, that existing road sizes and allowances have become incredibly small and dangerous for the operators. Any further obstacles within the road allowances will escalate the number of accidents and the severity of those accidents for the operators or any other user of the roads.

I trust that the Ontario Energy Board will carefully consider the impact of their decision as it relates to the request of Jerico Wind, Inc. in File No. EB-2014-0139 which would grant superceding authority over Lambton County's ability to ensure the safety and welfare of its daily users, ensure that the road allowance maintains its dual function as a drainage outlet, to minimize the impact of traffic hazards or obstacles as they can be avoided through the road allowance for the safety of the community and to ensure continued strategic planning for further infrastructure plans as required by the County, by not losing jurisdiction over their existing road allowance authority.

Regards,

Martin Schoeley

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