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April 30, 2014

Via email [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)

Ontario Energy Board  
P.O. Box 2319  
27<sup>th</sup> Floor  
2300 Yonge Street  
Toronto, ON M4P 1E4

Attention: Board Secretary

Dear Sir or Madam:

Re: Sumac Ridge Wind Project (wpd Canada Corporation), City of Kawartha Lakes  
EB-2013-0442 for Determination of Location of Distribution Facilities within Road  
Allowances owned by the City of Kawartha Lakes

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The City of Kawartha Lakes (CKL) is requesting that application EB-2013-0442 be set aside by the Board.

In March of 2014, the CKL met with wpd Canada Corporation (wpd) to discuss this matter. At that meeting, the City identified the appropriate municipal consent application process, and required supporting information, to initiate consideration and approval of the installation of distribution lines within City road allowances. We understand that wpd has committed to gathering the required information to make application to the City.

CKL is committed to processing wpd's request upon receipt of the required application and supporting information. The parties agreed that while the complete municipal consent application would be processed, final approval would not be granted until:

- The Ministry of Transportation (MTO) has approved the proposed utility alignment and placement;
- The appeals of wpd's application to the Environmental Review Tribunal (ERT) have been resolved; and
- An appropriate implementing agreement (similar to a typical utility Franchise Agreement) is executed.

Legal advice to CKL suggests that an energy project proponent cannot be considered a distributor under the *Electricity Act, 1998 (Ontario)* until Renewable Energy Approval (REA) is issued for the project. Wpd received REA approval for the Sumac Ridge Wind Project in December of 2013. There was no obligation on the part of the City to process wpd's request prior to this approval date as they were not recognized as a distributor or recognized utility.

I trust this information is satisfactory. Please direct any correspondence or notice respecting this file to me.

Yours truly,



Ron Taylor  
Director of Development Services

Copy: Mayor and Council  
M. Hendry, Director of Public Works  
wpd Canada Corporation