

Earl Gordon McArthur



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

18 September 2014

Attn: Ms. Kirsten Walli
Board Secretary

Dear Ms. Walli,

Supplementary Comments

RE: EB-2014-0226 – wpd Fairview Wind Incorporated (wpd FWI)

Please accept this letter as supplementary to my letter, **attached**, sent 2 weeks ago, on Sept.2.2014, containing our request for Intervenor status and extension of deadline for a full Intervenor submission re EB-2014-0226.

To date, I have not received from OEB any acknowledgement or response to my request of Sept.2, 2014. Also I understand OEB's website does not contain any posting respecting my submission.

Also I reiterate my request for clarification of the deadlines for our full Intervenor submission and for any other comments on this application.

Required Information:

The application file number is EB-2014-0226.

My contact name and address are as per this letterhead.

We are affected by the outcome of this proceeding, including the following:

- We are located immediately adjacent to, and will be directly impacted by and negatively affected by the proposal contained in EB-2014-0226 to locate collector/ distribution lines under road allowances in Clearview Twp., including Fairgrounds Rd, County Rd.91, and Sideroad 21/22, among other things.
- We are prejudiced that wpdFWI's Application EB-2014-0226 is for a proposal that has not received regulatory approval and therefore the **scope, and even the very existence, of the Project is uncertain at this time.**
- wpd FWI provided out of date, incomplete, inaccurate and illegible information in their OEB submission and on their website in their July 21, 2014 application and in their Affidavit of Notice of Service. **These documents should not be accepted for processing. The application should be returned to wpd FWI**, as per OEB's letter of July 3.14 which states wpd FWI's June 24.14 application contained errors and omissions and was returned to them.

- Lack of clarification of the Notice "service date" and therefore the "start date" for determining the "expiry of 60 days" for public comments and by the fact that the actual date that Notice were delivered to us, stated in Purolator Tracking Record, contained in the Affidavit of Service, on your website, did not occur as stated in the Affidavit of Service by Jaclyn D'Angelo, dated by hand as Sworn "Sept.8, 2014", but dated on OEB's website as Sept 10, 2014. **This Affidavit should be rejected as false.**

- We are prejudiced that Clearview Township was not provided complete and accurate information, required for completion of a Municipal Consultation Form, including the lack of any detailed, legible, plans and specifications being provided to us or to Clearview Township, its CAO or Planning Director. We are prejudiced by the acceptance and processing of Application #EB-2014-0226 by OEB prematurely, notwithstanding submissions to this effect by Clearview Twp.

- We are prejudiced that no hard copies of posted information have been provided to us in spite of our requests to you that such be required, a necessity for providing informed comments

- We are prejudiced that No Environmental Impact Assessment was made available for public review and comment on the identification of any negative effects that may result from engaging in this proposal or any alternative proposals, although required by various regulations. We are further prejudiced that neither wpd Canada Corporation nor wpd FWI has submitted or published any such assessment, and that wpd Canada Corporation's reports on the records, state erroneously that this has been done or will be addressed. It has not been.

- We are prejudiced by the fact that wpd FWI is not mentioned in any documentation, required by for approvals under applicable regulations, which was submitted for the applicant and proponent for the Project, wpd Canada Corporation, by Stantec Consulting Ltd. The Project Description Report, August 2012 states "The lead consultant for the preparation of the Renewable Energy Approval (REA) application is Stantec Consulting Ltd."

The nature and scope of my intended participation in the hearing cannot be stated in any further detail, in the absence of information and approvals required under regulations for this proposal for a **renewable energy generation facility**, including those listed above.

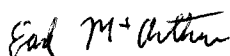
I do not represent any group. I represent myself and my family and McArthur Farm.

I intend to seek an award of cost on the basis that Application EB-2014-0226 submitted by wpd FWI is premature and vexatious, not in compliance with the applicable regulations, and contains an untruthful and inaccurate Affidavit of Service., among other things.

I reiterate my request for Intervenor Status and an extension of the deadline for a full and complete submission, pending my receipt of the hard copy and details I have requested above.

I respectfully submit that OEB return application EB-2014-0226 to wpd FWI on the basis that it is incomplete, inaccurate and is for a proposal **for which the scope and very existence is uncertain**, in the absence of approvals required by regulations.

Yours truly,



Earl G. McArthur
McArthur Farm

Earl Gordon McArthur

[REDACTED]

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P.O. Box 2319
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Toronto ON M4P 1E4

02 September 2014

Attn: Ms. Kirsten Walli
Board Secretary

Dear Ms. Walli,

Letter of Intervention
RE: EB-2014-0226 – wpd Fairview Wind Incorporated

I, **Earl Gordon McArthur**, own and operate McArthur Farm, a Heritage Farm, [REDACTED]
[REDACTED]

I am submitting this Letter of Intervention via my neighbor's email (and they typed it for me) because I do not have a computer. I was taken aback to receive the OEB Notice in combination with a CD that I was not able to view. To this date I have not been able to view the CD provided to me by wpd Fairview Wind Inc.

Please inform me where and when I may access and review a hard copy of all documents, particularly the revised Application and proposed Road Agreement.

The Notice does not state where hard copy of the eight items comprising the Application may be found. The Map attached to the Notice is not legible, and appears to contain significant errors and omissions. It is not appropriate as a basis for an Intervenor submission. I request a large scale, legible copy of this map, and any others illustrations that depict application details.

The distribution facilities run through rural Ontario farmlands. I am currently harvesting apples and working from dawn to dusk to feed our cities. It is unreasonable to put the burden of such quickly required response on working people under the pressure of seasonal operations.

McArthur Farm, established 1818 by Gilbert McArthur, has been in the McArthur family continuously for almost 200 years. For 96 years, McArthur Farm has been known for growing high quality heritage apples, including the fruit from many trees that are over 100 years old. The orchards comprise more than 600 trees. For over 50 years, McArthur Farm has raised commercial polled Herefords. This past year 30 calves were born and bred on the farm, sired by pure bred polled Hereford bulls.

I am formally requesting Intervenor Status on the following grounds:

Distribution lines are proposed along the eastern boundary of 1000 ft of my property, within the Municipal road allowance, that will necessitate the removal of more than 50 Heritage Sugar Maples.

We revel in the splendor of the magnificent old sugar maples that line many of the sideroads in Clearview Township. They are glorious and bring a certain peacefulness in all four seasons. The Sugar Maple, which can live to well over 200 years, is an important species to the ecology of many forests in North America. They are among the most shade tolerant of large deciduous trees. The sugar maple is considered Canada's national tree, as its leaf is featured on our flag. Sugar maples are valued for their wood and their syrup. "Sugaring off" was an important part of pioneer culture, and continues to be a Canadian spring tradition. Sap is collected in buckets and boiled down to make syrup. It is said Canada produces 80% of the world's maple syrup.

The many maples along our roads were likely planted in the late 1800s. In the latter part of the century, there was considerable concern about the large tracts of forests that had been cleared to make way for agricultural land. This deforestation contributed to erosion and the decline of water volume in many streams. As a result, some areas of Ontario were referred to as 'dust bowls'. Some mills that relied on water for power found they could no longer efficiently operate.

The provincial government established a department known as the 'Clerk of Forestry' and reforestation initiatives such as 'Arbor Day', *The Tree Act of 1871* and the *Ontario Tree Planting Act of 1883* (which superseded the 1871 Act) were put in place. These Acts paid landowners twenty-five cents for each tree planted along a highway or on boundary lines between farms.

The 1883 Act protected the trees from injury or removal except where approval was given by Council. This Act was repealed just before the turn of the century as it was found that less than 10% of the money had been spent and few municipalities availed themselves of the provisions. We are fortunate in Clearview Township that a number of landowners took advantage of the above Acts. Many travelers and their horses along the side roads must have been appreciative of the wind breaks, shade and other benefits that these trees provided.

The Fairview Wind Project will severely alter the natural Heritage Landscape of our neighborhood roads as it proposes to remove in excess of 50 Century Heritage Sugar Maples lining Fairgrounds Rd, that were established under the Clerk of Forestry's Act of 1871.

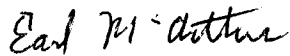
In addition to my concerns regarding the threat to the Heritage Maple Trees, I am worried that the proposed underground trenching will affect and/or pollute the water courses which are critical to the irrigation needs of my cattle, my orchard and my farm crops.

I am told that wpd Fairview Wind Inc.'s proposed underground boring is to run underneath a portion of Fairgrounds Rd, and including a portion through the intersection of 21/22 Sideroad in close proximity to the 'Lamont Creek' thereby exposing a risk of toxic drill muds being discharged in the environmentally protected MNR fresh water course.

Oral Hearing

Because I do not have internet, a computer or a fax machine, I am requesting the Ontario Energy Board undertake an Oral Hearing for File EB-2014-0226. As one of the single most affected heritage farming operations by the outcome of this Hearing, my participation will be compromised and limited by a Written Hearing process.

Yours truly,

A handwritten signature in cursive script that reads "Earl G. McArthur".

Earl G. McArthur
McArthur Farms