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November 3, 2014

Via email boardsec@ontarioenergyboard.ca

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

Attention: Board Secretary

Dear Ms. Walli:

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 – Response to Interrogatories

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

The City has reviewed the Applicant's Response to Interrogatories and offers the following:

- The photos taken on Wild Turkey Road and Gray Road are not accurate as they do not represent the unopened, unassumed portions of the road. See photos attached.
- The OEB can't rule on access to a municipal road. Council adopted the following resolution on March 25, 2014:

RESOLVED THAT Report ENG2014-004, **Sumac Ridge Wind Turbine Project Impact on Infrastructure (Wild Turkey Road)**, be received;
THAT any request by wpd Canada and/or future successors for use of the unopened portion of Wild Turkey Road for property access and/or other vehicular traffic to support proposed wind turbine development be refused; and
THAT Report ENG2014-004 and a copy of Council's decision be forwarded to wpd Canada, the Premier, the Minister of Environment, the Minister of Energy, the Environmental Review Tribunal, and the Ministry of Transportation, Regional Office.

Resolution # CR2014-279

The City met with the applicant on March 19, 2014, when it was understood that the following conditions to OEB approval/Order were agreed to by all parties:

1. OEB approval will be conditional upon the issuance of Ministry of Transportation approval;
2. OEB approval will be held until the Environmental Review Tribunal issues its final Order in ERT File No. 13-140/13-141/13-142, which process may re-establish the location of some of the towers; and
3. OEB approval will be conditional upon the parties executing an access agreement similar to those the City has signed with other utility companies for urban roadways, with modifications being made to account for the fact that these are rural roadways.

The City notes that the applicant has changed their position, as outlined in response to Interrogatory 3.

The City reiterates that granting OEB approval in advance of finalized detail being determined through the REA process and through the MTO approvals process, would render the approvals of the OEB to be putting the "cart before the horse". In other words, changes to the locations of the towers, through the REA or MTO processes, would affect the applicant's requirements to access municipal roads pursuant to the OEB process. The City acknowledges the correspondence from the applicant, dated October 7, 2014, requesting a deferral to prepare detailed engineered drawings. The City requests a copy of same. The City acknowledges the correspondence from the OEB, dated October 23, 2014, granting an extension and agreeing to hold the application in abeyance.

The City requests that it continue to be copied on all Board Orders and Notices, responding submission of WPC to this letter, and detailed design of the project as submitted by WPC to the Board.

Yours truly,



Ron Taylor
Director

RT/lr

Attach:



#1 Gray Rd..jpg



#2 Gray Rd..jpg



#3 GrayRd..jpg



#4 GrayRd..jpg



#5 GrayRd..jpg



#1 Wild Turkey
Rd..jpg



#2 WildTurkey
Rd..jpg



#3 WildTurkey
Rd..jpg

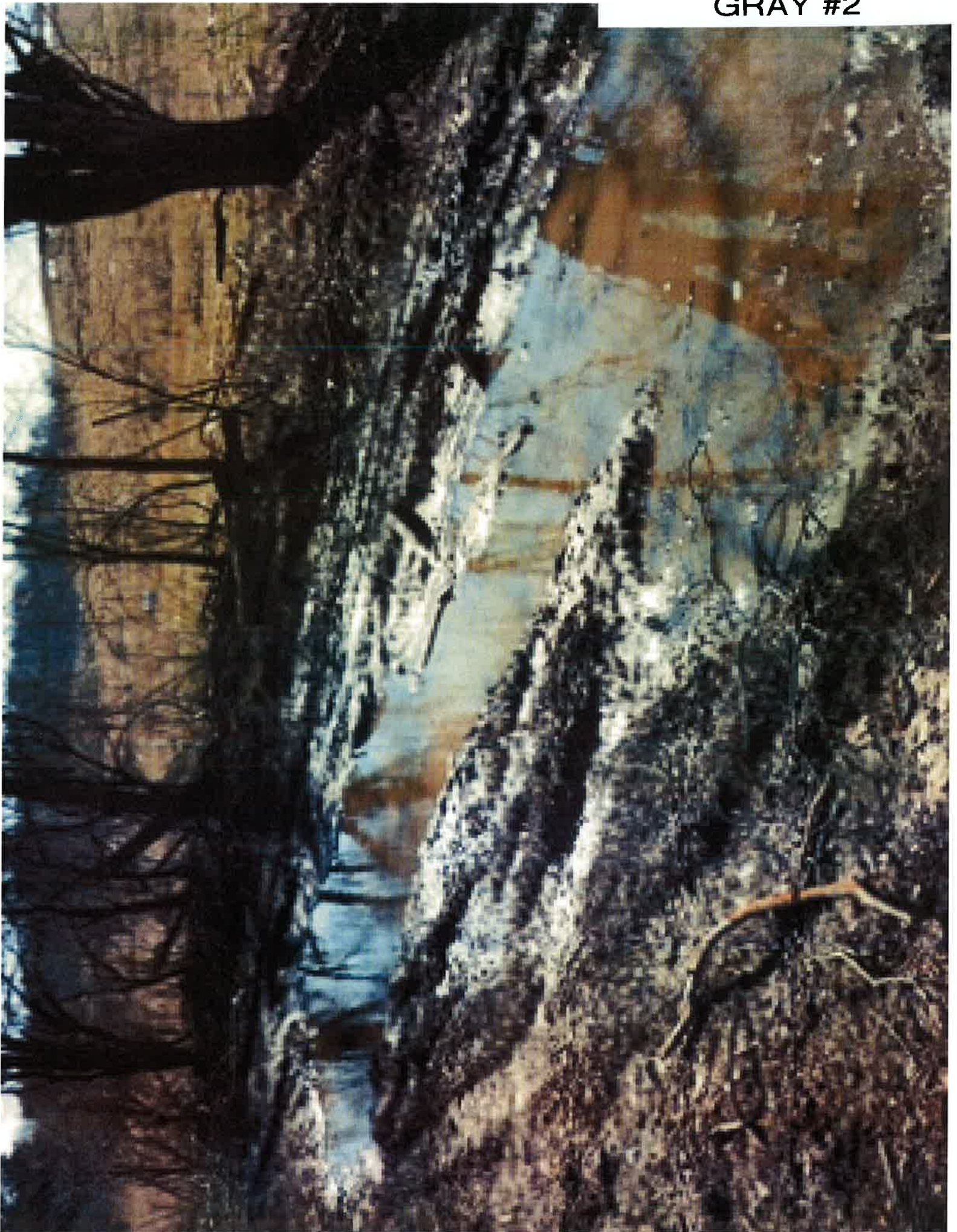


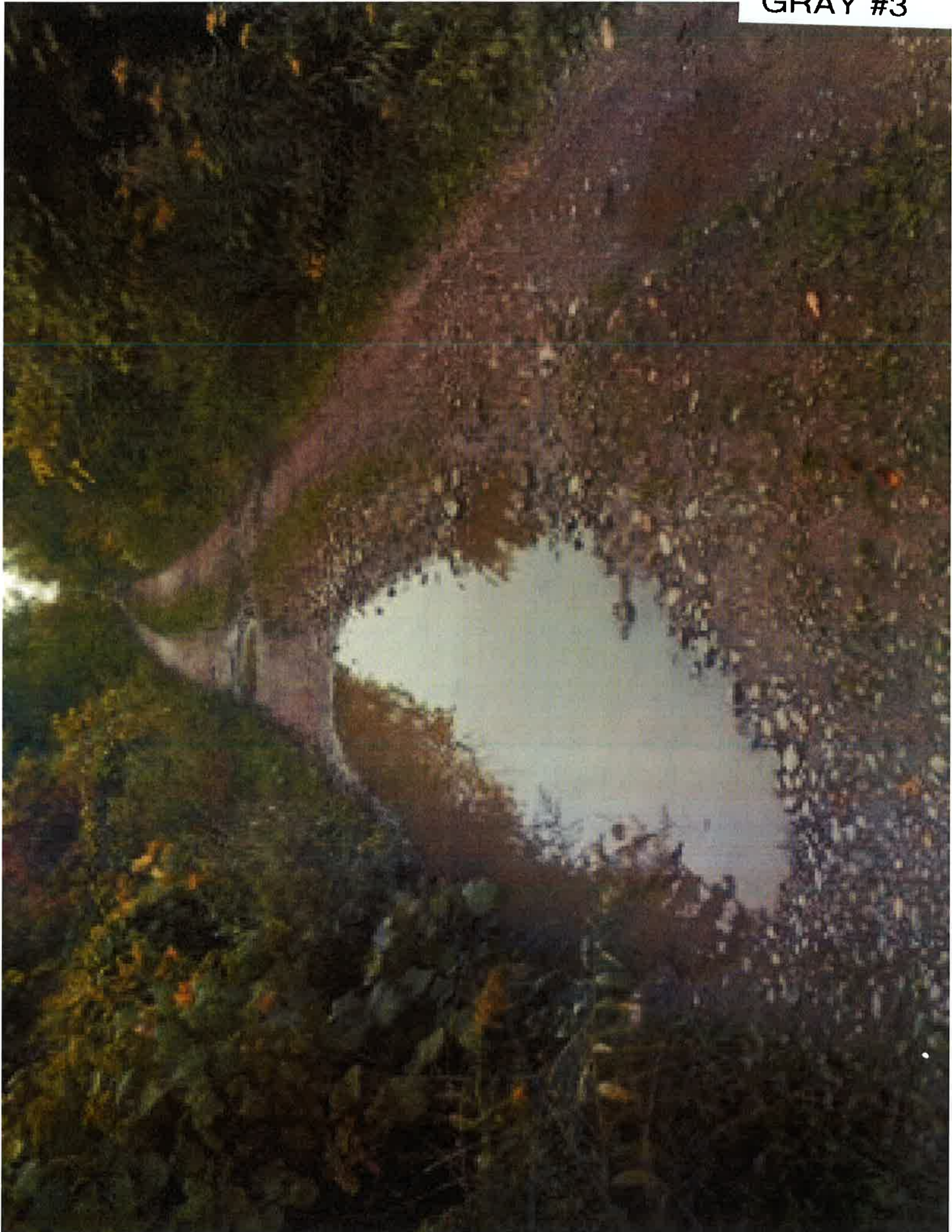
#4 WildTurkey
Rd..jpg

c.c.: Mary-Anne Dempster, Director of Corporate Services
Mark Fisher, CAO
Mayor and Council
Robyn Carlson, City Solicitor
Michelle Hendry, Director of Public Works
Juan Rojas, Manager of Engineering
Diane McFarlane, Land Management Co-ordinator
wpd Canada Corporation

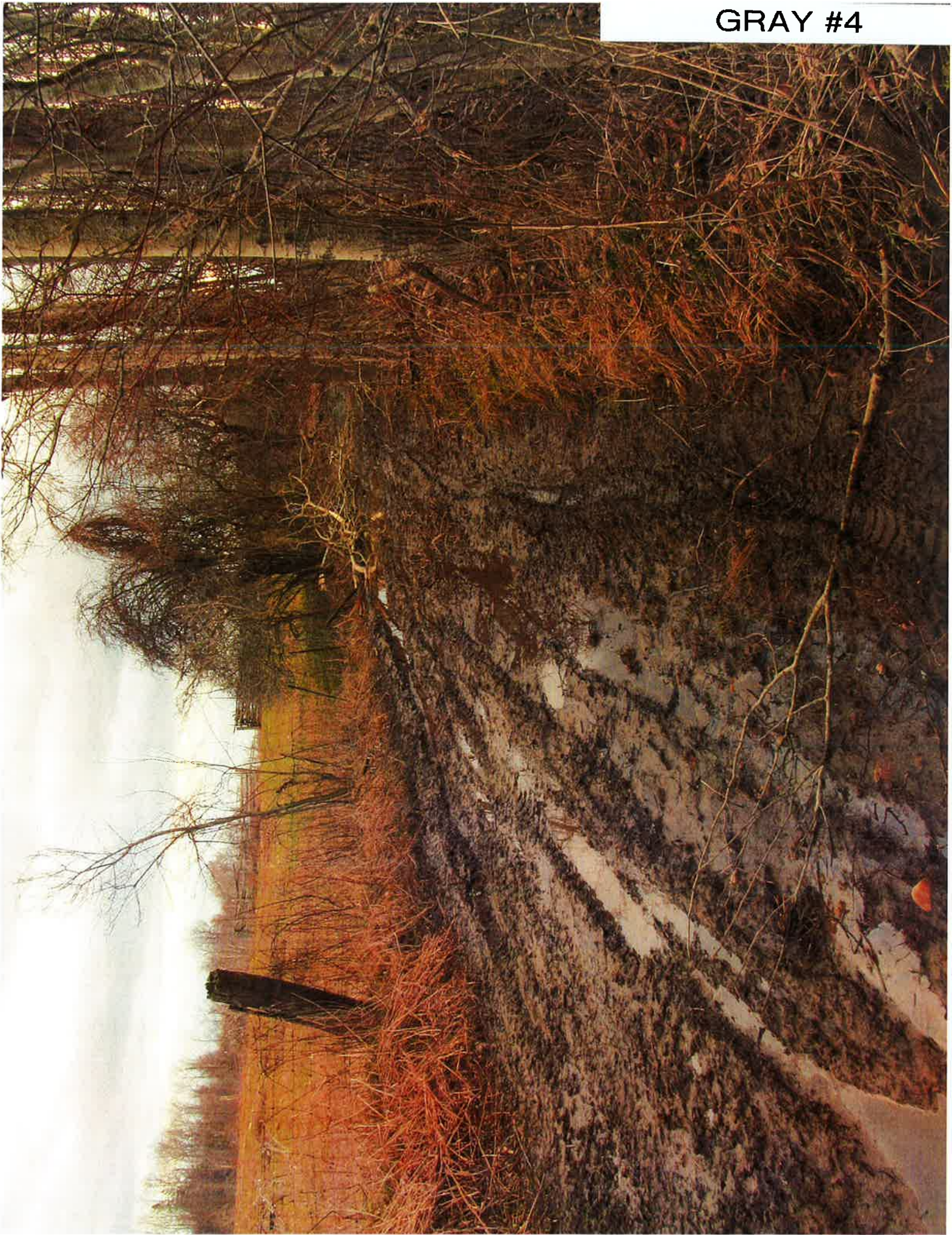


GRAY #2





GRAY #4



GRAY #5







WILD TURKEY RD #3



WILD TURKEY RD #4

