

January 27, 2015

RESS, EMAIL & COURIER

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

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Windlectric Inc. - Application for Leave to Construct (EB-2014-0300) -
Response to APAI's Request for Cost Eligibility**

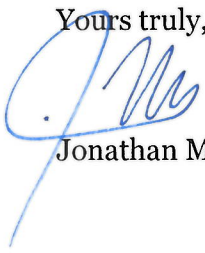
We are counsel to Windlectric Inc. ("Windlectric"), applicant in the above-referenced proceeding. We are writing in response to the request for cost eligibility filed by the Association to Protect Amherst Island ("APAI") on January 21, 2015. Subject to the following direction that we ask the Board to issue, we have no objection to APAI's request for cost eligibility so long as its allowance at this late stage in the proceeding does not delay the hearing process.

In its request for cost eligibility, the APAI notes its lack of experience in hearings and legal processes. Recognizing this, we suggest that the Board exercise its discretion under Section 4.03 of the *Practice Direction on Cost Awards* by providing direction to APAI in respect of the determination of cost awards in this proceeding. In our view, such direction should include the following points of clarification so as to ensure a clear understanding of issues relating to costs and to prevent any unnecessary delays in the process.

1. Counsel, paralegal, and analyst/consultant fees may be claimed only in accordance with the Board's Tariff.
2. APAI will not be entitled to claim costs for time spent by its members, or any officers or employees it may have, in preparing for or attending at Board processes.
3. Reasonable disbursements, such as photocopying, travel and accommodation, directly related to APAI's participation in the process will be allowed in accordance with the Board's Tariff. APAI may be compensated for reasonable disbursements which are necessarily and directly incurred as a result of their participation in the proceeding, provided that itemized receipts are submitted with the cost claim.
4. If APAI's participation in the process is later found by the Board to have been unduly repetitive or related to matters that are not relevant to issues in the proceeding, the Board may deny all or part of APAI's cost claims. In connection with this point of clarification, we ask the Board to reiterate to APAI the limitations on the Board's

jurisdiction in this proceeding as set out in the Notice of Application and Procedural Order No. 1.

Yours truly,

A handwritten signature in blue ink, appearing to read 'J. Myers', is written over the text 'Yours truly,'.

Jonathan Myers

cc: Mr. A. Tsopelas, Windlectric Inc.
Intervenors