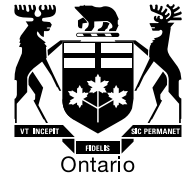


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**BY E-MAIL**

February 19, 2015

Ms. France McCabe

Dear Ms. McCabe:

Thank you for submitting a letter of comment to the Board regarding **Niagara Region Wind Corporation's (NRWC)** application EB-2014-0298 under section 41(9) of the Electricity Act.

The application will be decided through a public hearing. Your letter will become part of the public record, but your personal contact information will be removed.

Your letter will also be provided directly to the panel of the Board members who will be deciding whether the application is approved. The panel will consider your comments in reaching their decision. If you want the applicant to respond to your letter of comment, you should send a copy of your comments to the applicant as the Board's practice is to remove your contact information before publicly posting the letter of comment for privacy reasons. You will receive a copy of the Board's decision when it is released.

In reaching its decision, the panel will only be able to consider comments which relate to issues which are within the authority of the Board and relevant to the issues being considered by the panel.

In your letter of comment you asked two questions.

1. I have contacted my alderman for the Township of Wainfleet who has confirmed with the Township lawyer that the Township of Wainfleet is currently in negotiations with NRWC for a road use agreement and that they have not received any notification that the negotiations have terminated. Why is this application coming forward to the OEB, if the parties are in negotiations? If NRWC has decided to terminate the negotiations, why were the lawyers for the Township not notified first? Is this, in fact, cause for the case to be put on hold until all appropriate notifications have been given?

2. The posting of notice on the website of NRWC, according to the attached letter from NRWC's lawyer, was dated January 15, 2015. Why has the 60 calendar days been shortened to 11? Will the Township still be allowed to present their arguments as indicated in the notice? Will any other residents be allowed to be intervenors or participants if they have not already entered their submissions?

In response to your first question, NRWC's application before the OEB can proceed concurrently with the negotiations to which you refer in your question. NRWC's application to the OEB is not precluded because discussions are ongoing with the Township.

In answer to your second question, there are two different deadlines for two different ways of participating in the OEB's process.

The 11 day period that you reference relates to the deadline for asking the OEB for permission to become an active participant (intervenor) in the OEB's hearing process. For this case, the deadline to ask for intervenor status, which allows parties to ask questions and to present their arguments, among other things, was January 26, 2015.

Filing a letter of comment is a different and less active way of providing input into the hearing process. A person has up to 60 days from the date of the OEB's Notice to file a letter with the OEB.

Because the Township of Wainfleet is the owner of the road allowance which is the subject of the alleged disagreement in this case, they will be accepted as a party to the proceeding and be permitted to file evidence regardless of whether they formally request intervenor status. Other parties that have a direct interest in the location of the distribution line within the road allowance (for example, telecom companies, railway lines or other users of the road allowance) may apply to the OEB to become intervenors in the process even if they have missed the January 26<sup>th</sup> deadline. If they are accepted as intervenors it will be on the basis that the request was late and that any steps in the hearing process that have already happened will not be revisited.

Yours truly,

*Original signed by*

John Pickernell  
Manager (Acting)  
Application Administration

c. Héloïse Apestéguy-Reux and George Vegh, McCarthy Tétrault LLP