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***Delivered via Email and Courier***

Kirsten Walli  
Board Secretary  
Ontario Energy Board  
Suite 2700, 2300 Yonge Street  
P.O. Box 2319  
Toronto, ON  
M4P 1E4  
[boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)

Dear Ms. Walli:

**Re: EB-2013-0339 - wpd White Pines Wind Incorporated Application for Leave to Construct Transmission Facilities – Response to Objection to Cost Claim**

We are the solicitors for the intervenors in this matter, the Alliance to Protect Prince Edward County (“APPEC”), Mr. G. Gibbins and Mr. A.S. Warunkiw, collectively the “Intervenors”. We write in response to the Applicant’s Objection to the Cost Claim of our clients, dated April 2, 2015.

The Intervenors respectfully request that the Ontario Energy Board (the “Board”) disregard the objections made by the Applicant on this issue of the Cost Claim submitted by the Intervenors. While the Board’s decision ultimately ruled that a number of the issues raised by the Intervenors were beyond its jurisdiction, these were, on the whole, issues that were novel as they related to this Application and were worthy of the Board’s determination. As such, these issues were ones that were validly raised by the Intervenors in an effort to fully engage with the Board and the Applicant within the context of the Application.

The complexity of the Application and the fact that aspects of it were unclear were noted and appreciated by the Board, especially when it required further documentation to be filed by the Applicant in addition to the original Application, including the SIA Documents. Furthermore, while it did not ultimately factor in the Board’s Decision, the issues raised by APPEC relating to

the transmission line were issues that had not been raised previously and related directly to the need for the public to have a clear understanding of the manner in which these issues are viewed by the Board.

In its Response, the Applicant states that a number of the Interrogatories filed by the Intervenor were outside the jurisdiction of the Board. The Intervenor submit that this characterisation was never ruled on by the Board and is solely the opinion of the Applicant. In the Intervenor's respectful submission, it would be unfair for the Board to rely on this opinion in deciding the issue of costs when it was never directly ruled on by the Board.

The Intervenor submit that the costs claimed by them represent those costs incurred by their Counsel on their behalf. These costs do not include any disbursements. Nor do these costs represent any of the time spent by the Intervenor personally, for which they cannot be compensated. Further, the rates for Counsel specified by the Board do not necessarily reflect the actual rate paid by the Intervenor. To reduce the costs awarded to the Intervenor, as requested by the Applicant, would amount to a punishment that would not be reasonable in the circumstances.

The Intervenor's participation in this Hearing was framed by the Board's jurisdiction as noted in Procedural Order No. 1, was neither frivolous nor vexatious and at all times sought to advance the understanding of the Board and those persons impacted by the Application of the issues involved. As a result, the Intervenor submit that their costs are reasonable and request that the Board grant them the full costs claimed in their respective Cost Submissions.

Thank you for your attention to this matter.

Yours very truly,

**ERIC K. GILLESPIE**  
**PROFESSIONAL CORPORATION**



**Eric K. Gillespie**  
EKG/ga

cc I. Minott, Stikeman Elliott LLP, Lawyers for wpd White Pines Wind Inc.