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**Via Email: [boardsec@ontarioenergyboard.ca](mailto:boardsec@ontarioenergyboard.ca)**

January 20, 2016

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, Ontario  
M4P 1E4  
**Attn: Board Secretary**

Dear Sir/Madam:

**RE: wpd White Pines Wind Incorporated**  
**Application to establish the location of distribution lines within road**  
**allowances in Prince Edward County**  
**OEB File No. EB-2015-0346**

We are the solicitors for the Corporation of the County of Prince Edward. Please ensure that all correspondence to and from the OEB relating to the above noted matter is copied to our Belleville office to the attention of the undersigned.

In your letter dated January 8 addressed to the Chief Administrative Officer of Prince Edward County you required that "the Municipality, by no later than January 28, 2016 file with the OEB a letter which clearly indicates whether the Municipality disagrees with the proposed location of the distribution line along municipal streets and highways

owned by the Municipality as described in WPWI's application". This letter is being sent to you in compliance with the foregoing requirement.

While discussions are now ongoing, the Municipality and WPWI have not yet, as of the date of this letter, reached an agreement with respect to the proposed location of the WPWI Distribution System along municipal streets and highways owned by the Municipality as described in the WPWI's application. For purposes of complying with the requirements of your letter of January 8 2016, we are obliged to characterize this as a "disagreement" existing between the Municipality and WPWI.

## BACKGROUND

However, in order to accurately characterize the present status of matters, we will briefly summarize communications between the Municipality and WPWI in recent months relating to the matter of the Distribution System.

WPWI first met with the Municipality on August 26, 2015 for the purposes of discussing the process of obtaining a Road Users Agreement (RUA), as required by the WPWI Renewable Energy Approval [REA], and various permits and fees. The Distribution System was not discussed in any detail at that meeting.

On November 4, 2015 WPWI submitted a first draft RUA to the Municipality for consideration. Unfortunately, the RUA did not provide any details or information to the Municipality with respect to the proposed location of the Distribution System.

On December 2, 2015 a telephone conference call was held between representatives of the Municipality and WPWI with a view to finalizing a Development Reimbursement Agreement [DRA] in order to establish a process for the development of an RUA. The Municipality wanted the DRA and the RUA to address several matters including the provision of information to the Municipality to enable it to review and approve the proposed location of the WPWI Distribution System within municipal roads and road allowances. WPWI declined to include provisions regarding the Distribution System in the DRA. However, in order to get negotiations moving with WPWI, on or about December 15, 2015, the elected Council of Municipality approved the DRA.

A series of meetings has been scheduled between representatives of the Municipality and WPWI to attempt to negotiate the terms of an RUA which must include the proposed location of WPWI's distribution system within municipal roads and road allowances.

The first meeting was held in person on January 11 2016. The meetings are, of course, on a without prejudice basis so we will not disclose the content thereof but we believe it accurate to state that the meeting was productive and both parties were encouraged by the progress made.

Work is being undertaken by WPWI as a follow-up to that meeting and the Municipality expects to receive additional information and documentation in due course including information regarding the proposed location of the Distribution System.

The next in person meeting is scheduled for Monday, February 1 and an additional meeting has been scheduled for February 8. Following the meeting on February 8, municipal staff will need to prepare a report to Council to seek instructions regarding a potential resolution/agreement or alternatively the need to prepare for hearing. The next available Council meeting (after February 8) is not until March 8, 2016. If an agreement cannot be reached, the Municipality would require a reasonable time after March 8 to prepare evidence in compliance with the OEB requirements in Paragraph 1 of Procedural Order #1.

In view of the foregoing and since the parties are now actively attempting to reach an agreement that could eliminate the need for a hearing, it is respectfully requested that the OEB modify Procedural Order #1 by deferring each of the dates in Paragraphs 1 to 5 inclusive of the Procedural Order as follows: Paragraph 1 amended to March 22, 2016; Paragraph 2 amended to April 5, 2016; Paragraph 3 amended to April 5, 2016; Paragraph 4 amended to April 12, 2016; Paragraph 5 amended to April 19, 2016).

Please note that we are sending a copy of this letter directly to the solicitor for WPWI.

Yours very truly,  
**Templeman Menninga LLP**

A handwritten signature in cursive script that reads "Wayne Fairbrother /pjo".

**D. WAYNE FAIRBROTHER**  
DWF:pjo

cc. Jennifer Li, Legal Counsel, wpd Canada Corporation